

ISSN 2278-4039

Journal of
POLITICAL STUDIES

Volume 8

October 2013

Bi-Annual Journal of the Department of Political Science

University of North Bengal

ISSN 2278-4039

JOURNAL OF POLITICAL STUDIES

Editor

Arun K.Jana

Bi- Annual Journal of the Department of Political Science

University of North Bengal

The Journal of Political Studies is an Annual Journal of the Department of Political Science, University of North Bengal published every year in the month of March.

For any query regarding contribution of Article/ Book Review/Commentary an author can contact the Editor at polnbu@redifmail.com .

ISSN 2278-4039

JOURNAL OF POLITICAL STUDIES

Volume 8

October 2013

JOURNAL OF POLITICAL STUDIES

An annual Journal of the Department of Political Science

University of North Bengal

Editor

Arun K. Jana

Board of Editors

P.K.Sengupta

A.K.Datta

M.Chakraborty

M.Yasin

S.De

D.Chakraborty

M.Ghosh

R.Chakraborty

R.Dural

UNIVERSITY OF NORTH BENGAL

Views expressed in the articles are the personal opinions of the contributors and are in no sense official. Neither the Journal of Political Studies nor the editor is responsible for them.

CONTENTS

From Editor's Desk.....

Commentary

Current Rehabilitation Status over the Issues of Displacement at Sanjay Gandhi National Park, Mumbai: Some Observations

Sarmistha Pattanaik, and

Amrita Sen

Articles

Maoists of Nepal: Their use of Nationalism

Mukunds Giri

Peace and Reconciliation in Afghanistan: The Way Forward

Reyaz Ahmad Ganaie

The escalating Chinese dominance in Nepal: a byproduct of India's diplomatic failure?

Saurav Bhaumik

The Role of Maulana Abul Kalam Azad in Reconstruction and Inclusion of National Education in India.

Tabesum Begam, and
Tirthankar Chakraborty

Behind Closed Doors: Is The 'Personal' Political?

Trijita Gonsalves, and

Sushmita Gonsalves

Review Essay

Changing Scenario of Common Property Resources and the Role of Community in the Management of Common Property Resource

Rajni Bala

CONTRIBUTORS

Amrita Sen, Research Scholar (Sociology), Department of Humanities and Social Sciences, Indian Institute of Technology, Bombay. Email: amrita.sen@iitb.ac.in, sen.amrita1988@gmail.com Phone: 91 8879426327

Mukunds Giri, Associate Professor, Department of Political Science, Sikkim Government College, Tadong. Email: Mukunds4@yahoo.co.in

Rajni Bala, Ph.D. Research Scholar (UGC/JRF), Department of Political Science, Panjab University, Chandigarh.

Reyaz Ahmad Ganaie, Reyaz Ahmad Ganaie, Doctoral Research Scholar, Dept. of Political Science, Jamia Millia Islamia, New Delhi. E-mail: reyazganaiejmi@gmail.com

Sarmistha Pattanaik, Assistant Professor (Sociology), Department of Humanities and Social Sciences, Indian Institute of Technology, Bombay. E mail: spattanaik@iitb.ac.in, Phone: 91 22 25767353 (o)

Saurav Bhaumik, 4th Year B.A.(Hons) LL.B.(Hons), National University of Study & Research in Law, Ranchi, Jharkhand, India. Phone No: 09534190810, Postal Address: 55D, A Road, 1st Lane, Anandapuri, Barrackpore, Kolkata: 700122.

Sushmita Gonsalves, Assistant Professor, Dept. of Political Science, Dr. B.R. Ambedkar College, Betai, Dist – Nadia, West Bengal. Email sushmita_7@rediffmail.com, Ph – 09830802946

Tabesum Begam, Research Scholar, Department of Political Science, University of North Bengal, Cell No: 9614408316/9475632173. Email: tabesumbegam@gmail.com, tabesumbegam@ymail.com

Tirthankar Chakraborty, Assistant Professor (Government Approved Part – Time). Department of Political Science, Parimal Mitra Smriti Mahavidyalaya, Malbazar. Email tirthankarko@gmail.com, tirthankarc@rocketmail.com Cell No: 9434985813/ 9933115953.

Trijita Gonsalves, Assistant Professor, Dept. of Political Science, Lady Brabourne College Park Circus, Kolkata, West Bengal. Email: trijita07@rediffmail.com, Ph – 09051919123

From Editor's Desk.....

As the editor of the 'Journal of POLITICAL STUDIES' it is a matter of great pleasure to me to place before the readers the eighth issue of the journal which is now published bi-annually from the financial year 2013-2014 by the Department of Political Science, University of North Bengal. Contribution for the volumes was invited through advertisements in the 'Economic and Political Weekly' and the 'Mainstream'. All together 33 articles were received in response to the advertisements out of which 7 articles were selected for publication in the March 2013 issue of the Journal and 7 for the October 2013 issue.

This issue contains a commentary, review essay and 5 research articles. The articles in the volume are the most interesting one and form the bulk of the reading. Most of the articles come from young Indian scholars. In future I am sure that the scholars will contribute more to the journal. The articles are on diverse political issues. Mukunds Giri in his article entitled 'Maoists of Nepal: Their use of Nationalism' analyses how the Communist Party of Nepal (Maoist) used nationalism to mobilise the masses. Reyaz Ahmad Ganaie in an interesting article 'Peace and Reconciliation in Afghanistan: The Way Forward' looks at the possibility of lasting peace in the country after the withdrawal of foreign forces. Sarmistha Pattanaik & Amrita Sen's commentary on 'Current Rehabilitation Status over the Issues of Displacement at Sanjay Gandhi National Park, Mumbai: Some Observations' is on the basis of a survey conducted during March-May 2013 in Sanjay Gandhi National Park (SGNP), Mumbai is a comment on a official report published, which intends to state that the proposed stages of rehabilitation are truly derisory and insufficient.

In the article 'The Escalating Chinese Dominance in Nepal: A By product of India's Diplomatic Failure? Saurav Bhaumik makes a critical analysis of India's foreign policy in Nepal. The paper presents a comprehensive forecast of the impending strategic threats which India might confront from China in the long-run. Trijita Gonsalves and Sushmita Gonsalves' article 'Behind Closed Doors: Is The 'Personal' Political?' argues that the Indian State has dismally failed to protect women - female foeticide and marital rape. They constitute two of the most intimate concerns of a married woman's life, through which a husband assumes power over the most private part of her life – her body and it becomes a site of violence. They conclude by arguing that laws in themselves are not enough and women must fight their own battle.

Tabesum Begam & Tirthankar Chakraborty in their joint article 'The Role of Maulana Abul Kalam Azad in Reconstruction and Inclusion of National Education in India' argue that education is a potent force of systematized change. To them education actually in turn, transforms humans into human resource. In the present paper he provides an analytical overview of Maulana Abul Kalam Azad's role in reconstruction and inclusion of national education in India, in a way where every citizen of the country 'finding their way of life'. In

a review essay entitled 'Changing Scenario of Common Property Resources and the Role of Community in the Management of Common Property Resource' Rajni Bala presents an overview of the present condition of common property resources in India and the role of the community in the management of these resources.

I am sure that given the quality of the articles the volume will provide some interesting and thoughtful reading.

Arun K. Jana

Editor

Current Rehabilitation Status over the Issues of Displacement at Sanjay Gandhi National Park, Mumbai: Some Observations

Sarmistha Pattanaik
Amrita Sen

ABSTRACT

The Present Status Report published by the Forest Department, Maharashtra in June, 2011 reveals the stages of resettlement to be provided to the slum dwellers settled within Sanjay Gandhi National Park (SGNP) Mumbai in two different phases and also reveals the number of pending rehabilitations to be made, in addition to the park conservation measures taken therein. The present study, on the basis of a survey conducted during March-May 2013 in SGNP, is a comment on the Report published, which intends to state that the proposed stages of rehabilitation are truly derisory and insufficient. The final comments represent the overall picture of the current issues of acute marginalization, alienation of livelihood and future uncertainty of the migrant population settled therein resulting from the fictitious rehabilitation measures and depleting livelihood opportunities of which they are doomed victims.

Keywords: Protected Areas (PAs), communities, conservation and conflict, urban environment, displacement and rehabilitation

1. Introduction

This article is a comment on the Status Report published by the Forest Department (FD) of Maharashtra in June 2011 which intends to reveal the stages in which the slum inmates settled within Sanjay Gandhi National Park (SGNP), Mumbai have been relocated or is still to be relocated¹. The prime objective is to represent the actual state of resettlement herein, a picture which provides a stark contrast and is derisory to what was proposed by the FD. A primary survey was being undertaken in between the months of February, March and April, 2013 within selected forest areas of SGNP. The survey was carried out with the help of a focused group interview method. The analysis of the Status Report on the whole highlights the post judgment implementation of the Court Order of 1997 following the Public Interest Litigation (PIL) which was filed in the year 1995 by the Bombay Environmental Action Group (BEAG). The study argues in its final analysis that though several orders have been passed, very little has been done regarding the implementation of the orders. It has also been observed that the Court from time to time has changed and extended the deadline of the removal of encroachments. But till now, almost more than half of the total population staying within the park premises are still to be rehabilitated and they are living in worst and deplorable conditions. This article is a representation of the politics of conservation and conflict in the urban areas of India in general and

SGNP in particular and the social consequences of such conservationist paradigm upon the local community's livelihood in a metropolitan city like Mumbai.

2. The Present Status Report by the Forest Department as per the Directions of the Honourable High Court, Mumbai, (available in June, 2011)

According to the report, 61000 people were occupying the forest land of Sanjay Gandhi National Park (SGNP) in the year 1995, out of which 33000 people were staying since/ prior to 01/01/1995 and were eligible for rehabilitation as per state policy. But after much scrutiny, it was found that 11, 658 people were eligible for rehabilitation and accordingly arrangements were made for their accommodation at Chandivali by Slum Rehabilitation Authority (SRA). However till May 2010, 8711 people were provided with permanent accommodation while 2947 are still awaiting rehabilitation. Allotments of the remaining were supposed to be made by 31st July, 2011, following verification and authentication of the dwellers.

After the joint inspection on 26th May 2011 by Forest Department, Bombay Municipal Corporation (BMC) and Slum Rehabilitation Authority (SRA), it was being found that only 955 flats have got proper water connection. 1338 flats did not have proper water facilities, and thus they were considered to be non habitable. According to the Forest Department, as soon as these flats are given water connection, the remaining slum dwellers will be shifted here. In the first slot, 11,658 encroachers and in the second slot, 13,486 encroachers were eligible for rehabilitation, but for the want of tenements, barring 8711 encroachers, remaining eligible encroachers are awaiting their turn. As stated above till today, only 8711 encroachers have been actually rehabilitated and 955 encroachers will be rehabilitated by 31st July, 2011.

The present scenario is that 12. 76 Ha has been made encroachment free by removing the 8711 eligible encroachers who have been given alternative housing arrangements at Chandivali. Before that, since 1997-1998 and 2003-2004, about an area of 121.11 Ha was made encroachment free. At present there are about 8000 structures which are unauthorized and require to be moved. In this context, it is important to mention that during the last three months, sixteen new encroachments have been located and removed by the forest staff in Malas round of Tulsi range of Sanjay Gandhi National Park. In the year 2006, fifty posts were specially created for encroachment removal in which there was one post for the Assistant Conservator of Forests, two posts for Range Forest Officers and 42 forest guards for field work who are constantly patrolling the area to detect and remove any new encroachments found in the area. In addition to these, there are 35 permanent watchmen and 125 temporary watchmen to patrol the forest

intensively and to take necessary action against any new encroachments if they are located somewhere within the periphery of the forest. The outer boundary of Sanjay Gandhi National Park is 92.470 kilometres, which needs to be protected intensively. Out of this 92.470 kilometres boundary, it is proposed to build a wall on 70 kilometres and for the 22.470 kilometres; cement concrete pillars will be erected. Sanction has so far been given to construct 40 kilometres of boundary wall, out of which 25 kilometres has been completed. For the remaining 15 kilometres wall, an amount of Rs 16.17 crores has been sought by the authorities. The remaining 30 kilometres wall will be constructed in due course of time. Regarding the rehabilitation of the remaining 13486 eligible encroachers in phase II, SRA has conveyed that by December 2013, 10096 flats at Chandivali and the remaining flats at Mankhurd will be constructed. The authorities are pledging for the construction of these homes to the earliest with all the required facilities given to these people at the earliest. The authorities in their report have also clearly stated that along with the rehabilitation of the eligible encroachers, the removal of the ineligible encroachers is a complex process². In that case it happens that the interference of the different politico social agencies have made the task a bit complex. The authorities had requested the Court for issuing appropriate directions keeping in respect of the time frame for the total compliance of the orders of the High Court, Mumbai.

Table 1: Status on June 2012, PHASE-I

A	B	C	D	E	F	G	H	I
Total encroachments prior to 1995; before scrutiny	Total encroachments prior to 1995; after scrutiny	Document submitted by the encroachers for eligibility.	Rs 7000 paid by the encroachers	Total eligible encroachers after payment	Rehabilitation done up to June 2012	Pending for rehabilitation	Tenements ready for rehabilitation	Now as the time limit for document verification is over, Phase I rehabilitation will be complete once this 1700 flats will be given by July end.
61000	33000	25972	12849	11658	9346	2312	1700	

Source: Present Status Report as per directions of the Honourable High Court, Mumbai.

Table 2: AFTER ORDER DATED 10TH JANUARY, 2008, PHASE II

J	K	L	M	N	O
Rs 7000 deposited	Eligible encroachers (approximately)	E+K Total eligible encroachers (approximately)	No. of encroachments removed (approximately)	No of existing eligible encroachments (G+K)	No of ineligible encroachments
16651	13486	25144	58649	15798	8000

Source: Present Status Report as per directions of the Honourable High Court, Mumbai.

According to the official sources, there was a strict instruction on behalf of the High Court, Mumbai to arrange for adequate rehabilitation of all the eligible encroachers before their eviction. Regarding the rehabilitation in Chandivali, Mumbai, it was proposed that facilities like construction of proper roads and sewage system, school market place, playgrounds and medical centres will be established immediately in Sangharshnagar (the “village of the struggle”) colony³ through SRA and BMC. Further, SRA has stated that the allocation of flats is expected to be completed by 2013. Representative bodies like “Sangharash Nagar Housing and Development Federation” were to be registered as cooperative bodies for the collection of maintenance charges like water, electricity etc (Vaquier, 2010: 53, 54).⁴

3. Displacement and Rehabilitation: The Ongoing and Unresolved Issues

Several counterfeit promises have been made by the state regarding relocation of the concerned slum dwellers. In spite of remitting Rs 7000, there was not a single household in course of the survey who was relocated according to the deadline prescribed above. The proposed construction of 10096 flats at Chandivali and at Mankhurd by 2013 which were supposed to be built by December 2013 for rehabilitating the remaining 13486 eligible encroachers in Phase II remains a highly utopian situation. In the year 2003, only 7500 people received their respective allotment letters which amounts to less than one fourth of the total 33,000 persons that were entitled to resettlement (Zerah, 2007). But the actual allotment has till now remained bleak as the survey unfolds. Several hutment dwellers keep coming to the Tulsi Range Forest office to enquire about their room allotment in Chandivali, but are met with despair. The statement of the Conservator and Director of the Forest goes like this, “I am in no position to give a timeline because it involves SRA as well and they are yet to decide on where to build flats for eligible encroachers”.⁵

The requisite amount of money which was to be remitted by the slum dwellers to get alternative accommodation, that is Rs 7000, was collected in two phases, once in 2000 and then in 2008. Still, problems exist regarding the allocation of houses to these people. These problems are manifold. Jaykunesha Sheikh, one of the residents of Lauhugad, who is settled here with her mother and brother since 1989, has admitted that the flat which was assigned to them in Chandivali

complex is being presently occupied by someone else, due to some confusions regarding the allotment list, presently in the hands of the SRA. This is the reason for which they are still not able to move to Chandivali, even after making the payment. In Dahisar, the area surveyed known as Ketkipada, has nearly 6000 settlements, out of which 3280 houses have remitted the money within 2000 to 2008. But only 200 houses have been given relocation in Chandivali till now. Thus an unfortunate part of this resettlement process is that, even after more than almost 15 years that the Bombay High Court has passed relocation orders of legal settlements, Forest Authorities have failed to provide housing to even half of the eligible encroachers. More than a half of the total settlement over there is still left to be relocated to Chandivali. One point of serious concern needs to be addressed here. Allotting alternative accommodation to the slum dwellers does not cease further concerns of habitability and livelihood on the part of the state. Although some residents are really looking forward to the new settlement provided at Chandivali, but some are still wary regarding the new site. Several objections have been raised from the slum inmates regarding cost of transport, setting up new business structure in a completely new place, distance of workplace from home; these are some of the issues raised by them. Many of the encroachers who have been rehabilitated are coming back to the park owing to improper living conditions therein like irregular water and power supply and lack of proper bathrooms. Such a situation demands a very complex understanding of the entire rehabilitation process, since a host of factors is being involved herein.

Considering their resettlement of the families in Chandivali, a few things have been noted. Though better physical infrastructure is provided, the cost involved in it has increased since they have to pay for basic utilities as well as common maintenance of the building. Costs of transport and education have also increased. Similarly, health dispensaries, primary schools, extension of bus routes have not been included in the resettlement plan and needs further discussions with the municipal bodies for improvement. This leads to worsened access of children to schools as well as longer time to reach workplace from home. Regarding the structure of resettlement within the households, those who are a little better off are seen residing at the ground floor apartments which they can use for making shops to derive additional income and those who are still struggling for employment are among the worse off. The rate of unemployment is seen to be higher within the resettlement colony as compared to that of the slums. This is partly due to the factor that it is difficult to get employment in a new place. In addition to the above controversies regarding resettlement, another major issue around which conflicts occur is that the residents are not in a stable tenure position and their place in the city does not have a recognition by the public authorities. Thus their urban citizenship is largely consolidated (Zerah, 2007). Besides, there are some households which are evicted without any

compensation and had also to face brutal force by the state. Forced eviction has created a category of people who were relocated in the suburbs of Mumbai, in a place known as Nalasopara, situated about 40 kilometres north of the previous location. The people living here are poor to the extent that they survive on little earnings like daily labourers, earning a day's income only. On the contrary, high income residential areas and shopping complexes thrive in the vicinity of the national park. Thus, this entire exclusionary conservationist paradigm operates on the basis of fake relocation assurance to the marginalized slum dwellers and patronizing political involvement and inconsistent judicial orders.

4. Conclusion: The Politics of Conservation and the Social Exclusion of the Marginalized

In the case of SGNP, relocating the slum dwellers in an area without any urban functions and employment opportunities reveals the existing stories of social exclusion. Although the state promises resettlement, in most of the cases such resettlement is haphazard and undemocratic. Secondly, regarding the entire resettlement process, no consideration was made of the opinions of the slum dwellers regarding their affordability in terms of maintenance costs as well as security of tenure, and the availability of services in the new complex where they are rehabilitated. This shows a kind of bureaucratic control over the entire decision making process from which the poor people are alienated as always. Thirdly, their dependence on the area has also suffered in terms of huge losses in the local business which they had adjacent to or within the park premises. Since many joint families have a single working member, such unemployment can be severe for their economic condition. Fourthly, it was noted in course of the study that while the elitist group has consolidated their claims on the land, it is the local people who have suffered marginalization and eviction threats. The unauthorized structures in the vicinity of the forest which belong to moneyed people and never face demolition threats, exemplify these claims. Finally, the goal of preserving the environment is built upon in opposition to the slums, since the mechanisms used did not lend an equal voice to everyone involved, which is evident from the absence of collective decision making in the relocation process. The Indian Forest Policy for the first hundred odd years of its existence was primarily premised on the maximization of timber production and revenue generation within Indian Forests. Thus any human presence in those areas was considered to be a hindrance in the functioning of the forest department (Rangarajan and Saberwal, 2005). Recent scholarly works have shed some light on the politics behind forest conservation. According to Baviskar (2002), bourgeoisie environmentalism forces us to rethink the assumption that ecology and equity are always intertwined with each other in the Indian case. In the present conditions of our urban life, the policies are designed in ways keeping majority of the city dwellers out of their purview, denying them the basic rights of livelihood and imposing on them the brunt of environmental destruction.

Shahabuddin in the context of Sariska Tiger Reserve, Rajasthan, asserts, 'instead of shifting the local villagers from in and around the villages an equitable compensatory mechanism and positive interaction between the villagers and the reserve management would be more useful in improving the effectiveness of wildlife conservation in the reserve' (Shahabuddin, 2007). This is true in the sense that based on the belief that human activities are incompatible within the ecosystem conservation of the protected areas; the forest department often prioritize keeping the local people out. In urban areas too, Protected Areas (PAs) are increasingly governed by such an exclusionary conservationist paradigm, which nevertheless supports commercial interests in certain cases. Real estate developers as well as Urban Development Authorities like MMRDA are highly interested in the land of SGNP, either to build around the fringes of the park or to construct water pipes. Politicians and locally elected officials have a significant role to play in the said situation. Another issue which draws serious attention is that there is less documentation of the clashes between environmental versus social justice agenda centring the presence of a large number of flats near SGNP. It is also observed that forest land houses many slum areas as well as apartment buildings. Baviskar has rightfully suggested 'by ignoring the absence of low income housing, the judiciary has criminalized the very presence of the poor in the city, and the Courts have not only brushed aside representations from "basti"-dwellers, but they have also penalized government officials for failing to demolish fast enough'(Baviskar, 2002). The state in almost all cases has successfully planned out strategies in determining their eligibility for resettlement. In the context of the Status Report which has so many flaws in its declarations regarding the provision of proper housing to the poor, the study shows once again the top down approach of the government and trade offs in the commitment where the slum dwellers are legally and socially marginalized for creating inviolate spaces.

Notes:

- ¹ This resettlement process commenced because in the year 1995, the Bombay Environmental Action Group filed a writ petition no 305/1995 before Bombay High Court for the removal of encroachers from the periphery of Sanjay Gandhi National Park, Mumbai. Consequently on 7th May, 1997, the Bombay High Court passed a detailed order demanding that all slum dwellers whose names have been present on the election roll of 1995 should be relocated outside the boundaries of the park within 18 months of passing this order.
- ² This is an assertion made by the Conservator and Director of the national park, Mr Sunil Limaye, in the Status Report itself.
- ³ Sangharshnagar colony is the slum rehabilitation area in Chandivali, Mumbai, where the evicted residents of SGNP are relocated.

- ⁴ Vaquier, Damien (2010). *The Impact of Slum Resettlement on Urban Integration in Mumbai: The Case of the Chandivali Project*. New Delhi. Centre De Sciences Humaines.
- ⁵ Statement by the Conservator and Director of the national park, Mr Sunil Limaye in his interview with Hindustan Times, Mumbai, dated 01/06/2011. Retrieved : <http://www.hindustantimes.com/StoryPage/Print/704279.aspx?s=p.>, accessed on 22/12/2012.

Bibliography

- Baviskar, A. (2011) "Cows, Cars and Cycle-rickshaws: Bourgeois Environmentalism and the Battle for Delhi's Streets". Amita Baviskar and Raka Ray (eds), *Elite and Everyman: The Cultural Politics of the Indian Middle Classes*, pp. 391-418. New Delhi: Routledge.
- Baviskar, A. (2002). The Politics of the City. *Shades of Green: A symposium on the changing colours of Indian Environmentalism*.
- Saberwal, V. K., Kothari, A., & Rangarajan, M. (2001). *People, Parks and Wildlife: Towards Coexistence*. Hyderabad. Orient Longman Private Ltd.
- Saberwal, V. K., & Rangarajan, M. (2003). *Battles over Nature: Science and the Politics of Conservation*. Delhi. Permanent Black.
- Shahabuddin, G., & Rangarajan, M. (2007). *Making Conservation Work: Securing Biodiversity in this New Century*. Delhi. Permanent Black.
- Shahabuddin, G. (2010). *Conservation at the Crossroads: Science, Society and the Future of Indian Wildlife*. Delhi. Permanent Black.
- Shahabuddin, G., Kumar, R., & Srivastava, M. (2007). "Creation of "Inviolable Space": Lives, Livelihood and Conflict in Sariksha Tiger Reserve". *Economic and Political Weekly*, 42 (20), pp. 1855-1862.
- Vaquier, D. (2010). *The Impact of Slum Resettlement on Urban Integration in Mumbai: The Case of the Chandivali Project*. New Delhi. Centre de Sciences Humaines (Centre for Social Sciences and Humanities)
- Zerah, M.H. (2007). "Conflict between Green Space Preservation and Housing Needs: the Case of Sanjay Gandhi National Park, Mumbai". *Cities*. 24. (7). pp. 122-132. Retrieved January 7, 2013 from <http://www.sciencedirect.com/science/article/pii/S0264275106000990>

Maoists of Nepal: Their use of Nationalism

Mukunds Giri

Abstract

Nationalism is not an ideology, yet Communist Party of Nepal (Maoist) used it to mobilise the masses. In using it they joined it with the programme of Mao's New Democratic Strategy, raising the stature of Nepalese nationalism near ideology if not to full-fledged ideology. This perhaps explained their success in leading the decade-long movement which started in 1996. Such tactics; however, lights up another area of research. If nationalism can be so changed, can ethnic movements similarly claim in their mobilising ability the presence of some form of programmes?

Key Words: Nationalism, ideology, democracy, strategy

1. Introduction:

From its beginning in February 1996, the Maoist movement of Nepal was analysed by researchers and academicians alike. In trying to understand the movement, they identified all conceivable causes. To name a few, poverty and regional developmental disparity (Thapa & Sijapati, A Kingdom Under Siege: Nepal's Maoist Insurgency, 1996 to 2004, 2012, pp. 58-64), failure to carry out land reforms (Joshi M. , 2010), the unitary structure of the Nepalese state (Pahari, 2010), tribal mobilisation (Sales, 2013; Lawoti, 2010), Indian support (Thapa, 2007; Lal, 2007), social, political and economic disparity between the Khas, (Brahmin-Chettri)- Newar combine, and the indigenous people of the kingdom (Thapa & Sijapati, A Kingdom Under Siege: Nepal's Maoist Insurgency, 1996 to 2004, 2012, p. 74), similarity in geographical, economic and political situation in Peru and Nepal (Mikesell, 2007; Nickson, 2007), the unique method of Maoist recruitment (Eck, 2010; Motin, 2010), and the role of the student body (Snellinger, 2010), but they missed one. They did not analyse how the Maoists wove nationalism in their tactics. However, for such understanding one has to analyse the ideas of democracy and nationalism current among earlier communists of Nepal, because those ideas provide the basis on which later communists of Nepal developed their tactics. These later communists, mainly the ones whose ideas the Maoists inherited, developed the ideas and realised them as pairs to turn nationalism into a weapon of mobilisation. Since the birth and the evolution of these ideas are rooted in their documents and in the communist leaders' views, which were expressed in different periods of Nepalese political history, the course of this paper is anchored in historical contexts. There are two such contexts: one focuses on events related to 1950 revolt in Nepal; other, on events after 1960. The former explains when and why national consciousness grew among the communists of Nepal, and the latter helps to understand the facets of such consciousness bringing to life the implied

perceptions in the documents of the forerunners of the Maoists. These perceptions explain the nature of nationalism used by them as consciousness lifted near ideology. This paper intends to clarify how such change of nationalism to near ideology was achieved besides arguing that the Maoists inherited such nationalism to mobilise the masses implying, thereby, that their success was perhaps owing to the use of such nationalism.

2. Nepal's Past and the 1950 Revolt

Until 1950, Nepal was under dual rule. The Shah Kings were the legal rulers, but actual powers were in the hands of their Rana prime ministers. As Hindus, the Ranas ruled the kingdom under dated principles of Hindu Shastras codified as *Mulki Ain* (literarily the law of the land). They helped them in the upkeep of a traditional, orthodox Hindu society which revered authority. So to maintain the orthodoxy, they entertained minimum external relation. During their regime, the kingdom was linked in a mutually beneficial relation with only Britain. Nepal supplied soldiers to Britain and the latter propped Rana regime both actually and symbolically (Sever, 1993, p. 192 and 197). However, from the 1st half of the 20th century the Ranas faced challenges against their rule both within and outside Nepal. Outside Nepal the challenge emerged in the birth of the Nepal Rastriya Congress in Calcutta in January 1947. The following year saw the birth of Nepali Democratic Congress in Patna. Head quartered in Calcutta, it advocated the end of the Rana regime by any means even by violent insurrection (Singh, 1985, pp. 95-6). So, it organised “a private Army which later evolved into the *Mukti Sena* (‘Liberation Army’) of the 1950 revolution” (Joshi & Rose, 1966, p. 68). Following these, Pushpalal and his friends formed the Nepal Communist Party (from now on NCP) in Calcutta in September 1949.

As 50s dawned various interests became active there. At one end the then Rana Prime Minister, Mohan Shamsher, to keep his power intact, was proving himself intolerant of liberal reforms, on the other, the parties in exile were all for the end of the Rana regime. Besides, Gupta observes that during the period one of the stated policies of India in her engagement with Nepal was “to strengthen her northern border against communist China’s expansionist policy in Tibet” (Gupta, 1964, p. 47). The coming together of these interests, as it becomes apparent later, paved the way towards the 1950 revolt. And the first sign towards such convergence of interests was visible in the coming together of the Nepali Democratic Congress and the Nepali Rastriya Congress in Calcutta in April 1950 to form the Nepali Congress. In September, it declared its objective: it decided to lead a liberation campaign in Nepal. But, before it could fix the date for such campaign events swayed its actions. On 6 November, King Tribhuvan along with his two sons took refuge in the Indian embassy only to be flown to Delhi on the 10th. So, from 11 November, it started its armed revolt mobilising its forces — the *Mukti Sena*. Within weeks, the *Sena* spread throughout the

western, southern and eastern part of the kingdom. Meanwhile, on 6 of December, the government of India made its intent clear: without bringing drastic changes it wanted to introduce democracy there. In line with its intent, on the December 1950, India put in a memorandum to the government of Nepal suggesting constitutional reforms. However, it did not go well with the Ranas. Nevertheless, after initial dithering, they agreed to negotiate with India. In the negotiations, they agreed to recognise Tribhuvan as the King of Nepal; to form a 14 member interim Cabinet, to hold an election for a Constituent Assembly by 1952, and to legalise the functioning of political parties both within and outside Nepal (Gupta, 1964, p. 48). Nevertheless, when the Congress rejected the settlement, India arranged a 3rd round of talks in Delhi in the 1st week of February 1951. Considering the political situation in Western Tarai, the talk hastily concluded on 12 February in the Delhi Accord. On 18 February, a Royal proclamation installed a new government in Nepal. And a week later, when the *Mukti Sena* refused to surrender in the Western Tarai their intransigence was quelled by the joint action of “Indian armed constabulary and Nepal state troops” (Gupta, 1964, p. 54).

3. Communist Perceptions:

To the leaders involved in the revolt, the Accord carried different meanings. In Koirala’s understanding, it provided Nehru an opportunity to increase Indian influence in Nepal, when China had captured Tibet (Sharma, 2000, p. 138). But, Pushpalal’s assessments of the Accord or ‘compromise’, as he called it, had something more to say. His assessments viewed the accord as an instrument in Indian hand to extend her control and to establish her interests in Nepal using the Congress. These interests were: 1) to protect the interest of Indian monopoly capitalists, 2) to support anti-Chinese campaign in collusion with the Anglo-American imperialists to isolate Nepal from the socialist camp and 3) to check the progress of democracy in Nepal. For him the Accord was a compromise against Nepalese nationalism, independence and democracy for he stated:

The compromise placed the representatives of the capitalist class, the Nepali Congress in a rewarding position. This changed the political environment Nepal. In this changed environment ... The Indian government could protect its monopoly capitalists, attract anti-Communist forces towards it using anti-Chinese slogans, and keep Nepal under its political, economic and military influence. To support them are the Anglo-American imperialist. By the compromise these three forces ... have tried to keep Nepal away from the socialist camp, contain the growth of democracy, and to stymie people’s movement in Nepal. Thus, through the Delhi compromise they have countered Nepalese nationalism, independence and democracy (Gurung, nd, pp. 27-8).

In dubbing the Accord “a compromise between ... The King, the Rana Prime Minister’s family and the Nepali Congress” against Nepali nationalism, independence and democracy Pushpalal was influenced by the experiences of the communists in the 1950 revolt (Gurung M. D., nd, p. 8). According to him “Communists ... had participated in the revolt to ... convert the revolt into an anti-feudal and anti-imperialist movement”. So, when the movement began he says, “the peasants, the radical wings of the Nepali Congress and the communists made common cause to distribute the land to the peasants and punish the landlords and culprits through People’s courts”. This according to him was fuelled by the ruling Ranas, the King and the Nepali Congress as a sign of “rising tide of anti-feudal movement” in Nepal (Gurung M. , p. 10). So, “the feudal forces organised under the King decided to end the revolt into a compromise ... Hence Nepali Congress leaders, King Tribhuvan and Rana rulers entered into an agreement to stall the movement” (Pushpalal, 1997, p. 63). And since India was interested in checking “the growth of communism in Nepal because of the rise of communist China” (Pushpalal, 1997, p. 60) Indian government in the course of the movement “collaborated with the Nepali Congress and terrorised and jailed them” (Pushpalal, 1997, p. 61) and later “managed the Accord” (Pushpalal, 1997, p. 63). Then he says, “after the accord the communists raised their voices against it, but Indian police and Army, suppressed their voices” (Pushpalal, 1997, p. 63). These incidents, according to Pushpalal, changed the perception of political activists in Nepal. It changed their views regarding the class character of the King and the Indian leaders’ policies towards Nepal. Besides, it revealed to Nepalese revolutionaries and communists, in particular, that in the politics of Nepal the issues of nationalism and democracy are closely linked for he stated:

The hated Delhi accord introduced to the political activists of the nation the policy of compromise of the Nepali Congress leaders and the class character of the King. Besides, it also revealed that ... The policies of Indian leaders towards Nepal were in no way different from the imperialist Britain and were only in the interest of Indian bourgeoisie. If yesterday, the Nepalese revolutionaries considered Indian leaders as their own, today it dawned on them that for the liberation of Nepal they should depend only upon their own strength and a struggle ... From then onwards, there developed in Nepal the consciousness that the issues of Nepalese nationalism and democracy are closely linked. In developing it, in the forefront, was Communist Party of Nepal (Pushpalal, 1997, p. 64).

Explicitly, the statements made only two suggestions. First, they suggested when national consciousness and democracy became a part of the Nepal Communist Party vocabulary. Second, they suggested that the communists noticed a relation between democracy and nationalism in Nepal. But, there are implied suggestions

which need to be exposed for appreciating the communists' views on democracy and nationalism. And for such expositions three questions need to be answered. First, what did Pushpalal mean when he said the event changed communist's perceptions regarding the class character of the King? Second, how did the events mould communist perceptions about Indian leaders? And third, what did Pushpalal intend to convey by the use of the word 'liberation' in his statements? Were answers to these questions in any way related to their idea of nationalism? Considering the statements, if one infers that the communists perceived in the King and ordinary feudal then it would be at the cost of the analytical progress this work. For such understanding does not fully clarify the nature of feudal forces of Nepal in the perceptions of the NCP. The NCP in its 1st document had already perceived the feudal forces of Nepal as an ally of Nehru and of the Anglo-American imperialist by stating, "the Ranas can meet their Lord the Anglo-American imperialists ... and the Indian big business houses, the Tatas, the Birlas, the Singhanias whenever they wish ... They can meet Nehru to supply our youths to protect their wealth" (NCP., VS 2053 [1996], p. 47). Thus, the communists' changed perception regarding the class character of the King implied that before the Accord they had not classed the King among the Ranas, but after the Accord they began viewing him in the same category, feudal forces allied to external exploiters. As for understanding their changed view concerning Indian leaders the account must begin with communist's perceptions regarding the Anglo-American imperialist, because they noted an intimate relation between the two. For them the Anglo-American imperialists represented forces interested in "warding off capitalist crisis within their system by countering democratic and anticolonial movements raging in different parts of the world ... while inciting Third World war against Soviet Union and freedom loving socialist countries" (NCP., VS 2053 [1996], p. 57). In such design of the imperialist they noticed Nehru as their supporter. He supported them by allowing "Gorkha recruitment centres to operate in Ghoom [a Cantonment near Darjeeling] and Gorakhpur [an Indian town to the South of Nepal] after signing to 9 November 1947 treaty where the parties were India, Nepal and Britain" (Ibid., 58). Besides they perceived Nehru, as a leader of the Indian big business houses, which exploited Nepal while supporting feudal exploitation within for its first manifesto read:

Under the direction and protection of New Delhi government the Indian big industrial houses — Birlas, Singhanias and Chaudharias ... have opened jute, cloth and sugar Mills in Nepal. The Nehru government by itself has captured Kosi project. Today the major share in the capital invested in Nepal is of the Indian capitalists. These Indian looters are involved in looting cheap labour and natural resources of Nepal without any intention of industrialising Nepal. The Nepalese are under dual exploitation, the capitalist exploiters support feudal exploiters (Ibid. 58-9).

In sum, their arguments created a political configuration where the feudal forces of Nepal were aligned with Nehru, the leader of the Indian bourgeoisie, and with the Anglo-American imperialist. In this relation the feudal forces of Nepal received support from the external forces for their existence. In extending such support Nehru's intent was to exploit the Nepalese resources. And the aims of the imperialist were: a) to check the growth of democratic movement, b) to incite war against freedom loving socialist countries, and c) to recruit youths for their Army. So, Nehru's interest in checking the Democratic movement in Nepal, by implication, was guided by two considerations: 1) to ensure the continuity of Indian exploitation by keeping intact the feudal allies, and 2) to serve the imperialists who were interested in checking the rise of Democratic movement in Nepal, which perhaps included their concern stemming from the rise of communist China. Thus, after the Delhi Accord the communists began perceiving Indian leaders not only as exploiters, but also as enemies in their struggle against democracy—their changed view regarding the nature of Indian policies towards Nepal. But, the democracy which they advocated was not liberal democracy. Following new Democratic strategy they advocated 'complete democracy' or 'true democracy' which meant "a government representing Nepalese *Majdoor* (working class), peasants, middle class and national bourgeoisie, the true representative of the people" (Samyukta Morcha, VS 2008/3/23 [7 July 1951], p. 64). Therefore, when they perceived the external exploiters as enemy of democracy then they perceived them as enemies of four-class democracy. Plainly, this meant that they perceived them as enemies of the communists for whom liberal democracy was an anathema. However, concerning the use of the word liberation nothing can be guessed with certainty. Considering the nature of their perceptions, it may mean either the establishment of four-class democracy or the freeing of Nepal from the maze of feudal and the imperialist relations. And this leaves one guessing as to what nationalism meant to the communists of Nepal. However, this unanswered question, the use of nationalism and its relation with four-class democracy comes to life in the documents of the forerunners of the CPN (Maoist). Therefore, the next section is devoted to describing the political context where their documents were expressed. However, before passing on to the section it would be worthwhile here to mention that since the days of its formation the NCP perceived China favourably while denigrating Britain, America and India, in particular, for having imposed upon Nepal treaties with unequal terms. In case of India, such denigration gained momentum after 31 July 1950 when Mohan Shamsher, presumably to gain Indian support for his tottering regime, signed two treaties with India. These treaties were the Treaty of Peace and Friendship and the Treaty of Trade and Commerce and a Letter of Exchange, which formed an integral part of the treaties. In these treaties what seems to have irked the communists most were the "security relations and obligations" (Panday, 2000, p. 308), which the Letter of Exchange imposed upon Nepal. If Section II of the

letter barred Nepal from importing arms through the territory of India without her approval, Section IV bound Nepal into accepting Indian support in her developmental projects till such support from other countries proved more favourable in terms which they offered (Srivastava, 1996, pp. 151-2). According to Panday, in these treaties India took “the position that as far as the security line was concerned Nepal’s northern border was its frontier” (Panday, 2000, p. 309), a legacy of British perception. Further he writes, “it defined the relation as special relation ... and [expected Nepal] to show an unfailing understanding to this Indian interest” (Panday, 2000, p. 310). Time and again, Nepal has raised its objections against these provisions, but whenever it has asserted its position, as in 1989, it has suffered economic blockade. The provisions of the treaties are, therefore, a burning sore in the relation between the two countries.

3. Post-1960 political context: birth of NCP (Kendriya Nucleus)

After the Delhi Accord, King Tribhuvan continued violating the provisions of the Accord: he repeatedly deferred the formation of a Constituent Assembly and managed the kingdom under hand-picked Ministries. After his death in 1955, his son, King Mahendra, followed suit. However, when political parties pressurised him for election he initiated the drafting of the 1959 Constitution of Nepal and slated general election on 18 February 1959. The election brought Nepali Congress to power with a 74 seat win in the hundred and 9 seated *Pratinidhi Sabha* (the Lower House). BP Koirala became the first elected Prime Minister of Nepal. However, the parliamentary experiment ended suddenly when, on 15 December 1960, Mahendra dismissed BP Koirala Ministry and jailed Koirala and other political activists. Then, on Friday, January 1961, he banned political parties within Nepal. From October 1961, the month when the King signed an agreement with the Chinese for the construction of Kathmandu-Kodar (gateway to Tibet) road, Congress activists, stationed in India, began cross-border raids to harass the King into reverting to parliamentary practices. These activities of the Congress, according to Joshi and rose, were probably supported by Nehru (Joshi & Rose, 1966, p. 432). They peaked in September 1962 when India imposed an unofficial economic blockade on Nepal. However, it died down with the start of Sino-Indian border conflict in October 1962, when Nehru asked them to suspend their activities (Whelpton, 2005, p. 99). After the end of the conflict the King established Panchayat democracy or party-less democracy which, in name, hid his intent of centralising power in himself. Operating under such system, the NCP suffered numerous factions. In its Third Congress, held in April 1962, in Varanasi, the party “expelled 10 moderate members of Central committee — including Rayamajhi, Sambhuram Shrestha, Kamar Shah, DP Adhikari and PB Malla...” (Joshi & Rose, 1966, p. 453) In these expulsions the party arraigned Sambhuram Shrestha and DP Adhikari for supporting the King’s nationalist stance that is his tilt towards China, expressed in his understanding for the construction of the Kathmandu-Kodar road (Antar Zone Samanjasya Samiti, VS

2018 Falgun 25 [7/2/1962], p. 22). Then General Secretary of the party, Tulsilal Amatya, rejected Pushpalal's line, which was for the "re-establishment of parliamentary democracy" (Rawal, VS Paus 2047 [Dec/Jan. 1990/91, p. 59) with the support of the Nepali Congress and adopted a new strategy — the "National Democratic Strategy"¹. The strategy aimed at "destroying the institution of the monarchy" (NCP, 1962, p. 49). The expulsions and the adoption of the new strategy triggered NCP's fragmentation throughout the 60s. In 1964/65, NCP (Rayamajhi) faction was born. It advocated national Democratic strategy, peaceful change, and reformed Panchayat without destroying the institution of the monarchy (NCP (Rayamajhi), VS 2021 [1965/66], pp. 1-3). This was followed by the birth of NCP under Pushpalal. It stuck to the New Democratic strategy condemning National Democratic strategy as Soviet sponsored and revisionists and advocated destruction of Panchayat system with the help of Nepali Congress. However, Tulsilal Amatya, the general secretary of the Third Congress continued as NCP (Tulsilal) holding fast onto the National Democratic strategy while rejecting Nepali Congress as fellow traveller in its march against the monarchy. Meanwhile, Khampa guerrilla raids into Tibet from Nepal's northern border, which had begun since 1967, remained unattended. And according to Whelpton the incident was rumoured to have been "supported by India and ... the CIA". Amid these circumstances, by the end of 1960s, King Mahendra released jailed communist activists Man Mohan Adhikari and Sambhuram Shrestha. Later, in 1971 he released Mohanbikram Singh and Nirmal Lama. In the open these leaders created Kendriya Nucleus in 6 December 1971 in Kathmandu (NCP (Masal), VS 2059 Srawan [June/July 2002], p. 196). The document explained that the Nucleus was needed to end disunity among the communist forces; and to create a centre, and to combat the strategies of other factions (NCP (Kendriya Nucleus), VS 2059 Srawan [June/July 2002], p. 35). However, even this faction split in 1974. From then onwards NCP (Kendriya Nucleus) continued as "NCP (Chautho Mahadhiwayshun [Fourth Congress]) and the other faction emerged as NCP (Man Mohan Adhikari) in 1979" (K. C, VS 2060 [2003/4], p. 113). Subsequently, fighting over minor tactical and organisational issues NCP (Fourth Congress) split into two factions. One faction "NCP (Mahsal) came into existence in Kartik 2040 [October/November 1983]" (K. C, VS 2060 [2003/4], p. 117) and the other continued as "NCP (Fourth Congress) from 10 Mangshir 2040 [26 November 1983]" (NCP., VS 2041 [1984/85], p. 1). Still later, probably in November/December 1985 NCP (Mahsal) split into NCP (Mahsal) and NCP (Masal)². The former was a new faction and the latter, a continuation of NCP (Mahsal). These factions, barring the NCP (Man Mohan Adhikari) faction, were the forerunners of the Communist Party of Nepal (Maoist). Out of these, two factions, namely "NCP (Mahsal) and NCP (Fourth Congress), along with Sarvaharabadi Shramik Sangathan came together in November 1990 and formed the Communist Party of Nepal (Ekta Kendra [Unity Centre]) announcing "similarity in their thinking" (NCP (Ekta

Kendra [Unity Centre]), VS 2051/2/15 [25 June 1994], p. 1). However, the Centre is split in “May 1994” when the majority of the Central committee members forcibly pass the political proposal of the party. The majority group then evolved as the CPN (Maoist) and initiated People’s War in February 13, 1996 (CPN (Maoist), 1996, p. 2). Since, the parties which came together had similarity in their thinking, and since both the parties stood by the decisions of the NCP (Fourth Congress) (NCP (Mashal), VS 2047 Kartik [Oct/Nov. 1990], p. 13), which was a continuation of the NCP (Kendriya Nucleus), in the section that follows, their documents will be taken together in understanding the nature of nationalism which the Maoists inherited.

4. Factions’ views on nationalism:

After its formation, the Kendriya Nucleus picked up earlier communists’ concept of democracy and their perceptions regarding India, but with a difference. It viewed her as “the follower of British policy, which had sought economic exploitation of Nepal to turn it into its secure market”, while categorising as an “expansionist” (NCP (Kendriya Nucleus), VS 2059 Srawan [June/July 2002], p. 1). Since such categorisation denigrated Indo-Nepal economic relations the reference was clear: it denigrated the relation fashioned by the 1950 treaties. In denigrating the relation, the Nucleus perceived India as a nation interested in a stunting Nepal’s economic growth and by that, the growth of Nepalese ‘national bourgeoisie’. This implied that by perpetuating such relation India ensured the non-development of the class which raised voices against the relation (p. 18). This served Indian interest, because it meant that for Nepal’s economic development she was constrained to look up to India for capital. So, in Nepal, the Nucleus perceived the influences of foreign capital, tout capital and tout bureaucrats helping India continue the economic exploitation of Nepal for it stated:

India has foisted upon Nepal unequal treaties, which have balked independent growth of Nepalese industries and the economy. She follows an expansionist policy towards Nepal as a result there is no growth of national bourgeoisie here. In today’s Nepal there are the influences of foreign capital, tout capital and tout bureaucratic class so Nepal is in semi-colonial stage. To keep Nepal in this state is in India’s interest. The interest is to exploit Nepal (Ibid.).

The other aspect which the Nucleus focused on while denigrating the expansionist character of India was the security relation that the treaties had shaped between the two nations. And its condemnation came to light when it accepted the King’s renewal of the treaties in 1971 by observing, “... the King has surrendered Nepalese sovereignty and independence by accepting the special relation ... and is in the process of selling Western Kosi channel to the Indian expansionist by renewing the 1950 treaties” (NCP (Kendriya Nucleus), VS 2059

Srawan [June/July 2002], p. 7). Thus, India was an expansionist on two counts: it sought the extension of both her economic and political interests within Nepal. And in her expansive design the Nucleus identified two external allies — one America and the other the Soviet socialist imperialist³. The former supported Indian exploitation in Nepal to fulfil “its goal of encircling China” (NCP (Kendriya Nucleus), VS 2059 Srawan [June/July 2002], p. 7) and the latter “supported Indian political interest and the interest of her monopoly capitalists in Nepal to keep Soviet influence intact in the Indian subcontinent” (NCP (Kendriya Nucleus), VS 2059 Srawan [June/July 2002], p. 1). In the design, the King and his Panchayat system supported them. The relation was identified as mutual: the external exploiters supported the feudal regime and its paraphernalia within, and for it the feudal regime either strengthened the hold of the foreign capital, or extended its political support to the exploiters (NCP (Kendriya Nucleus), VS 2059 Srawan [June/July 2002], p. 16). In line with such perceptions the Nucleus, therefore, viewed the King’s inaction against Khampa revolt as his “help to the CIA ... to increase American influence” there, a support to the American design to encircle China (NCP (Kendriya Nucleus), VS 2059 Srawan [June/July 2002], p. 7). Finally, the Nepali Congress fit in the web of the exploiters as a party representing the interest of both “the feudal forces [and the forces of] the tout bureaucratic bourgeois class, foreign capitalists and imperialists” (NCP (Kendriya Nucleus), VS 2059 Srawan [June/July 2002], p. 18). It was, therefore, not a representative of the national bourgeoisie championing the cause of Nepal, but a class representing the interest of the Indian monopoly capitalists for the Nucleus noted:

National bourgeoisie in our country is in infancy. Even then this class is often found advocating the rights of an underdeveloped, landlocked state. It raises demands for unrestricted transit rights; objects against Indian tactics of economic pressure and its policy of considering Nepal as its common market. But, the Nepali Congress, far from supporting these causes of the national bourgeoisie, supports the interest of Indian monopoly capitalists. Hence, it is hilarious to count the Nepali Congress as the representative of the national bourgeoisie (Ibid.,).

However, what the Nucleus viewed as nationalism still remained elusive in all the above formulations except in its allusions to the events of October 1961. Alluding to the event, King’s agreement with China for the construction of Kathmandu-Kodar road, its document observed: “there is a contradiction between the Nepali Congress and the King. When the Congress raises demands for democracy, then the King raises issues of nationalism to protect his Crown. He opposes Indian expansionism ... for his own interest” (Ibid, 24). When this comment is read with its characterisation of China as “the dependable friend of Nepal ... ever ready to support Nepal in her struggle for economic independence

and democracy” (Ibid, 23), then its views on nationalism comes to the fore. It implies that for the Nucleus nationalism meant actions, which were opposed to Indian expansionism and on the flip side actions which were pro-Chinese. By extrapolation, nationalism, therefore, meant opposing Indian expansionist and all forces, which collaborated with her in her bid to expand within Nepal. These forces, by its logic, included the King when he supported the exploiters, and the Nepali Congress whose “demand for democracy, was only for increasing the influence of Indian expansionist in Nepal” (Ibid, 25). Thus, for the faction, nationalism essentially signified an anti-imperialist and anti-feudal stance with a penchant for serving the interest of the people. But, in its advocacy of nationalism there were no elements which it could invoke to reflect its pro-people orientation. Hence, time and again, the documents of these factions sought to bring together the ideas of nationalism and democracy. Initially, they pointed out that they should go hand-in-hand as campaign tools for mobilising the masses and for the party to emerge as an independent political force for it stated:

We have to struggle for both democracy and nationalism and while campaigning for democracy we must outperform Nepali Congress, and while campaigning for nationalism we must outperform the King’s campaign for nationalism... Usually, in the past when we struggled against either the King or the Nepali Congress we applied our main force against one of them while neglecting our struggle against the other as a result we could not evolve as an independent political force (Ibid, 28).

And later by arguing that if the party did not consider democracy and nationalism as ‘inalienable principles of revolution’ then Nepal will turn into another Sikkim for it stated:

Regarding nationalism there appeared two types of mistaken views. One type accepted the King’s leadership for the protection of nationalism; stressed on bolstering his status, thereby, strengthening nationalism the cost of democracy [four-class democracy]. The other type went on embracing the Nepali Congress’s position: it careened towards democracy [parliamentary democracy] little realising the threat to which the independence and sovereignty of the nation was exposed to as a result of such tactics. The advocates of the first type of views were all those who were expelled on account of their pro-King policies in the third Congress. The victims of the second type of view were all those who had ... In the third Congress put forward the proposal for the re-establishment of the dissolved Parliament, while nakedly towing the line of the Nepali Congress. However, the majority of the third Congress ...

took both democracy and nationalism as inalienable principles of revolution ... And the same has been the foundation of the second Congress. The political scenario of Sikkim help us to understand the danger underlying the tactics which seeks to segregate nationalism from democracy ... If one tows their line of Nepali Congress, then Nepal will turn into another Sikkim (NCP (Chautho Mahadhiwayshun [Fourth Congress]), VS 2059 Srawan [June/July 2002]) (NCP (Chautho Mahadhiwayshun [Fourth Congress]), VS 2059 Srawan [June/July 2002], p. 42).

Though the above statements proved confusing owing to the semantic confusion which they indulged in, yet it served their purpose of bringing together democracy and nationalism while invoking fear of Nepal's southern neighbour. It was the very fear which they had, in the name of nationalism, been using to mobilise the masses for such conclusion flows from its statements where it said: "in the past two decades India has repeatedly tried to limit our sovereignty and independence, but for our constant struggle against Indian reactionaries since the days of the Delhi accord there has not been an open attack on Nepal" (NCP (Kendriya Nucleus), VS 2059 Srawan [June/July 2002], p. 23). Later, in June/July 1974 the NCP (Kendriya Nucleus) turned into NCP (Chautho Mahadhiwayshun [Fourth Congress]). As heir to the principles of the Nucleus it subscribed to the strategy of New Democratic revolution. This revolution was expected "... to transfer land to the tillers ... nationalise the capital and industries which were in the possession of tout bureaucratic bourgeoisie ... annul all unequal treaties, and ... Equalise women's status with that of men, and give freedom and equal rights to ... the deprived sections of the society" (NCP (Chautho Mahadhiwayshun [Fourth Congress]), VS 2059 Srawan [June/July 2002], p. 58). And the party felt that the above goals could be fulfilled only by "a government representing the interest of the people" (Ibid). This meant that the four-class democracy was sufficient to extricate Nepal from the clutches of imperialism and feudalism and help her realise her nationalism. However, nowhere the factions adopt this logic: logic which proceeds from democracy towards nationalism. On the contrary, they adopt the logic which proceeds from nationalism towards democracy. As an illustration of such logic let us take how another faction of this line, the NCP (Masal) explains the problem of *Janajatis* (nationalities) of Nepal. In explaining the problem, the faction states, "the problems of the various *Janajatis* are, in fact, problems falling within the ambit of nationalism" meaning, thereby, that the solution to the problem of *Janajatis* lay in the resolution of the problems of nationalism (NCP (Masal), VS 2059 Srawan [June/July 2002], p. 287). On this aspect their argument when paraphrased runs as follows: there are two types of nationalism. The first type advocates the interest of the ruling class; rationalises inequality and keeps the economy underdeveloped. It is therefore divisive. The other type advocates the

cause of the majority; of the exploited lot and is characterised by a developed economy where there is equality of opportunity. Therefore, economic development is necessary to move from the first type of nationalism to the second type. Such nationalism is cohesive, because it is based on equality of opportunity (Ibid 287-88). Read closely, their argument boils down to one variable, that is, economic development as a necessary condition for resolving the problems of the nationalities. However, given their understanding of nationalism, economic development of Nepal is possible only when Nepal is free from the clutches of the imperialists and their associates. This means, that even here, the line of argument proceeds from nationalism towards democracy. The question is why were they interested in connecting nationalism with democracy? The answer in their version is stated thus: “the question of nationalism should be connected with wider economic and political rights of the people, that is, with democracy; otherwise, nationalism would not receive the support of the people” (NCP (Chautho Mahadhiwayshun [Fourth Congress]), VS 2059 Srawan [June/July 2002], p. 74). This means that for them, as tools for mobilising the masses, nationalism was more important than democracy. Hence, had they used the logic which proceeded from democracy towards nationalism then they would have turned nationalism into a function of democracy, and in its demoted state it would have lost importance as their tool of mobilisation. But, the question is why, at all, their idea of nationalism needed to be welded with economic and political rights of the people? This was because their nationalism already had the three attributes of ideology. It explained Nepal’s condition; it supplied them with tools to evaluate the condition, and it provided them, in its ‘orientative’ capacity, the tools to convince the masses that they were the exploited lot. However, it lacked the fourth element of an ideology, a political program. So they connected their idea of nationalism with democracy and elevated it to near ideology⁴. It was this form of nationalism which the CPN (Maoist), as the majority of the CPN (unity Centre), inherited and used as a powerful tool for mobilising the masses. A reflection of their idea on nationalism and democracy is implied in their leaflet which they distributed while initiating the People’s War in February 1996. The leaflet clearly indicated what their idea of nationalism meant. Besides, its content which castigated the nature of Nepalese state implied a call for the creation of an egalitarian society, indicating the intimate relation that they viewed in between nationalism and democracy for the leaflet said:

To maintain hegemony of one religion (i.e., Hinduism) language (i.e., nationalism) & nationality, (i.e., Khas) this state has for centuries exercised discrimination, exploitation and oppression against other religion, languages & nationalities and has conspired to fragment the forces of national unity that is vital for proper development and security of the country. On the contrary, it has been prostrating (sic) before the foreign imperialist and expansionists and repeatedly mortgaging (sic) Nepal’s honor &

sovereignty to them. The present state has been shamelessly permitting the foreign plunderer to grab the natural resources of Nepal and to trample upon our motherland. If this process is let to (sic) continue for some time to come it is no doubt to the patriotic, conscious and self-esteemed Nepalese that the very existence of Nepal will be in jeopardy (CPN (Maoist), 1996, p. 12)

Since, during that time the Maoists were leading the People's War their documents of the period, 1996-2004, do not elaborate their ideas, but an article brought out in their organ by one of their leaders, Com. Biswas argues about the inalienability of the idea of democracy and nationalism (Biswas, 1998). This proves that the CPN (Maoist) were using the same form of nationalism, nationalism welded with democracy and raised near to the level of ideology, to win the support of the masses.

Conclusion:

The use of nationalism by communists is not an unreported fact, because it was used even in the context of China (Johnson, 1962). However, what is interesting is to note that when the use of ideology as a tool for mobilising the masses was on the wane worldwide (Schwarzmantel, 2008), the Maoists were using nationalism by transforming it near to ideology. This raises a question and opens up a new area of research. Do ethnic movements, in their capacity to mobilise masses, have in them similar program structure embedded in their appeal?

Notes:

- ¹ This strategy comes from the 1960 Statements of 81 Communist and Workers Parties meeting held in Moscow. It was recommended for Asian, African and Latin American countries, which had freed themselves from imperialism, but were still fighting against American imperialism and had remnants of feudalism to deal with. See Juan Fajardo, trans., *Statement of 81 Communist and Workers Parties Meeting in Moscow, USSR, 1960* (New York: New Century Publishers, 1961), Sec. IV, Web<http://www.marxist.org/history/international/comintern/sino-soviet-split/other/1960_statement.htm>Marxist.org: Sino-Soviet Split Document Archive. 29-5-2010.
- ² The month is an approximation based on the reading of their documents.
- ³ After Soviet Union invasion of Czechoslovakia in 1968 the Communists of Nepal began characterising Soviet Union as Soviet Socialist Imperialist. And after the Indo-Soviet Treaty of 1971 they began viewing the USSR as an ally of expansionist India.
- ⁴ See, (Ball & Dagger, 2009, pp. 4-9). An ideology performs four functions, namely, explanatory, evaluatory, orientative and programmatic.

Bibliography

- Antar Zone Samanjasya Samiti. (VS 2018 Falgun 25 [7/2/1962]). Nepal Communist Partyko Tamam Party Sadasyaharulai Appeal [Keval Party Sadasyaharuko Lagimatra]. Np: Antar Zonal Committee.
- Ball, T., & Dagger, R. (2009). *Political Ideologies and the Democratic Ideal*. New York: Pearson Longman.
- Biswas, C. (1998, May). People's War and the Problem of Development of United Front. *The Worker: organ of the Communist Party of Nepal (Maoist)*, 45-7. Publication Department, Central Committee, Communist Party of Nepal (Maoist).
- CPN (Maoist). (1996, June). March Along the Path of People's War to Smash the Reactionary State and Establish a New Democratic State! *The Worker: Organ of the Communist Party of Nepal (Maoist)*, 11-15. Np: Publication Department Central Committee, CPN (Maoist).
- CPN (Maoist). (1996, June). Red Salute to the Immortal Martyrs of the People's War! *The Worker: Organ of the Communist Party of Nepal (Maoist)*, 1-3.
- Eck, K. (2010). Recruiting Rebels: Indoctrination and Political Education in Nepal. In M. Lawoti, & A. K. Pahari, *The Maoist insurgency in Nepal: Revolution in the Twenty-First Century* (pp. 33 – 51). London: Routledge.
- Gupta, A. (1964). *Politics in Nepal 1950 – 60*. Delhi: Kalinga Publications.
- Gurung. (nd). *Hamro Mul Bato*. Np: Np.
- Gurung, M. D. (nd). *Notes on the Communist Movement of Nepal*. Varanasi: Nepal Sahitya Kendra.
- Gurung, M. *Notes of the Communist Movement in Nepal*. Varanasi: Nepal Sahitya Kendra.
- Johnson, C. (1962). *Peasant Nationalism and Communist Power: the Emergence of Revolutionary China*. California: Stanford University Press.
- Joshi, B. L., & Rose, L. E. (1966). *Democratic Innovations in Nepal: A Case Study Of Political Acculturation*. California, Berkeley: University of California Press.
- Joshi, M. (2010). Between Clientelistic Dependency and Liberal Market Economy: Rural Support for Maoist Insurgency in Nepal. In M. Lawoti, & A. K. Pahari, *The Maoist Insurgency in Nepal: Revolution in the Twenty-First Century* (pp. 92-111). London: Routledge.
- K. C, S. (VS 2060 [2003/4]). *Nepalma Communist Andolanko Itihas: Bhag 2*. Kathmandu: Vidyarthi Pustak Bhandar.
- Lal, C. K. (2007). Nepal's Maobadi. In D. Thapa, *Understanding the Maoist Movement of Nepal* (pp. 135-48). Kathmandu: Martin Chautari and Centre for Social Research and Development.
- Lawoti, M. (2010). Ethnic Dimensions of the Maoist Insurgencies: Indigenous Groups' Participation and Insurgency Trajectories in Nepal, Peru and India. In M. Lawoti, & A.

K. Pahari, *The Maoist Insurgency in Nepal: Revolution in the Twenty-First Century* (pp. 135-55). London: Routledge.

Mikesell, S. L. (2007). The Paradoxical Support of Nepal's Left for Comrade Gonzalo. In D. Thapa, *Understanding the Maoist Movement of Nepal* (pp. 35-41). Kathmandu: Martin Chautari and Centre for Social Research and Development.

Motin, M. (2010). Catchy Melodies and Clenched Fists: Performance As Politics in Maoist Cultural Programs. In M. Lawoti, & A. K. Pahari, *The Maoist Insurgency in Nepal: chosen in the Twenty-First Century* (pp. 52 – 72). London: Routledge.

NCP (Chautho Mahadhiwayshun [Fourth Congress]). (2059 Srawan [June/July 2002]). Chautho Mahadhiwayshunbhitra Dekhapareyko Dakshinpanthi Avsarbado Singhawalokan: (2040 Salma [1983/84] Gorakhapurma Sampanna Teshro Rastriya Sammelan-Chautho Mahadhiwayshunpachiko Pratham Rastriya Sammelandwara Parit). *Rato Tarwar*, 183-94. Kathmandu: Kendriya Karyalaya, NCP (Masal).

NCP (Chautho Mahadhiwayshun [Fourth Congress]). (VS 2059 Srawan [June/July 2002]). Kranti Ra Partyka Tatkalik Samasyaharu: (2031 Salma Asadma [June/July 1974] Varanasima Sampanna Chautho Mahadhiwayshunma Kendriya Nucleuska Secretary Com. Mohan Bikram Singhdwara Prastut Ra Parit Rajnitik Pratibedanko Rajnitik Khandu). *Rato Tarwar*, 36-80. Kathmandu: Nepal Communist Party (Masal), Kendriya Karyalaya.

NCP (Ekta Kendra [Unity Centre]). (VS 2051/2/15 [25 June 1994]). Nepal Communist Party (Ekta Kendra) Ko Ekta Mahadhiwayshundwara Nirwachit "Bhinnamat" Ka. Ke. Sa. Sa. Haru Tatha Rastriya Sallahakar Parishadka Adyakshadwara Sampurna Party Sadasyaharulai Appeal. Np: Rastriya Sammelan Ayojak Samiti, NCP (Ekta Kendra).

NCP (Kendriya Nucleus). (VS 2059 Srawan [June/July 2002]). Bartaman Antarastriya Ra Rastriya Paristhitika Bisestaharu: (2028 Sal Mangshirma [Nov/Dec 1971] Gathit Nepal Communist Partyko Kendriya Nucleusdwara Parit). *Rato Tarwar*, 12-17. Kathmandu: Nepal Communist Party (Masal), Kendriya Karyalaya.

NCP (Kendriya Nucleus). (VS 2059 Srawan [June/July 2002]). Deshka Rajnitik Shaktiharuko Bishlayshun: (2028 Sal Mangshirma [Nov/Dec 1971] Communist Partyko Kendriya Nucleusdwara Parit). *Rato Tarwar*, 18-29. Kathmandu: Nepal Communist Party (Masal), Kendriya Karyalaya.

NCP (Kendriya Nucleus). (VS 2059 Srawan [June/July 2002]). Karyakramsambandhi Rajnitik Prastao: (2028 Sal Mangshirma [Nov/Dec 1971] Gathit Nepal Communist Partyko Kendriya Nucleusdwara Parit). *Rato Tarwar*, 1-5. Kathmandu: Nepal Communist Party (Masal), Kendriya Karyalaya.

NCP (Kendriya Nucleus). (VS 2059 Srawan [June/July 2002]). Nepal Communist Partybhitra Dekha Pareka Bhadrakawharu: VS 2028 Mangshir [Nov/December 1971]. *Rato Tarwar*, 30-5. Kathmandu: Nepal Communist Party (Masal), Kendriya Karyalaya.

NCP (Kendriya Nucleus). (VS 2059 Srawan [June/July 2002]). Tatkalik Rajnitik Prastao: (2028 Sal Mnangshirma [Nov/Dec 1971] Gathit Nepal Communist Partyko Kendriya Nucleusdwara Parit). *Rato Tarwar*, 6-11. Kathmandu: Nepal Communist Party (Masal), Kendriya Karyalaya.

- NCP (Masal). (VS 2059 Srawan [June/July 2002]). Rajnaitik Pratibedan: (2041 [1984/85] Salma Ayodhyama Sampanna Ne. Ka. Pa (Masal) Ko Pachau Mahadhiwayshunma Kendriya Sangathan Samitika Mahamantri Com. Chitrabhadur K. C Dwara Prastut Tatha Parit). *Rato Tarwar: Dastabeja Biseshanka, Anka 2*, 196-219. Kathmandu: Nepal Communist Party (Masal) Kendriya Karyalaya.
- NCP (Masal),. (VS 2059 Srawan [June/July 2002]). Janajati Tatha Dalit Jatisambandhi Prastao: (2041 [1984] Sal Mangshirma [Nov/Dec] Ayodhyama Sampanna Ne. Ka. Pa (Masal) Ko Pachau Mahadhiwayshun Dwara Swikrit). *Rato Tarwar*. Kathmandu: Nepal Communist Party (Masal) Kendriya Karyalaya.
- NCP (Mashal). (VS 2047 Kartik [Oct/Nov. 1990]). Rajnaitik Pratibedan: (Pachau Mahadhiwayshun Pachiko Pahilo Rastriya Sammelanma Parit). Np: Kendriya Karyalaya, NCP (Mashal).
- NCP (Pushpalal). (nd). Nepal Communist Partyko Atharaha Barshako Krantikari Sangharshako Singhawalokan Awam Siksha (2025 Jestha [May/June 1968] Gorakhpurma Sampanna Bhayeko Teshro Aitihasik Sammelanma Com. Pushpalaldwara Preshit Tatha Ukta Sammelendwara Parit). *Pushpalal: Chaniyeka Rachana Bhag 3*, 1-98. Kathmandu: Pushpalal Smriti Pratisthan.
- NCP (Rayamajhi). (VS 2021 [1965/66]). Tesro Sammelanma Pesh Gariyeko Report. Np: Np.
- NCP. (1962). Rajnaitik Prastao: (Com. Tulsi Lal Amatya, Mantri, Antar Zone Samanjasya Samiti Dwara Praysit Ra Tritiya Mahadhiwayshundwara Parit) VS 2019 Baisakh 4 Gatay Dekhi 15 Gataysamma [16-27 April 1962]. Varanasi: Np.
- NCP., (VS 2041 [1984/85]). Hamra Mukhaya Matbhedharu Ra Party Phutka Karanharu (Pratham Rastriya Sammelandwara Parit Pratibedan), Nirmal Lama Paksha. Np: Kendriya Karyalaya.
- NCP., (VS 2053 [1996], Jeth [May/June]). Nagarik Swatantrata Sampurna Bargalal Awasykta Ataha Krantikari Nagarik Swatantra Samiti Banaw! [22/4/1949]. *Pushpalal: Chaniyeka Rachanaharu Bhag 1, 1*, 46-51. (M.-A. S. Pratisthan, Compiler) Kathmandu: Madan-Asrit Smriti Pratisthan.
- NCP., (VS 2053 [1996], May/June). Nepal Communist Partyko Pahilo Ghoshnapatra: 15 September 1949. *Pushpalal: Chaniyeka Rachanaharu Bhag 1, 1*, 53-66. (M.- A. S. Pratisthan, Compiler) Kathmandu: Madan-Asrit Smriti Pratisthan.
- NCP., (1962). Rajnaitik Prastao: (Com. Tulsi Lal Amatya, Mantri, Antar Zone Samanjasya Samiti Dwara Praysit Ra Tritiya Mahadhiwayshundwara Parit) VS 2019/1/4-15[16-27 April 1962]. Varanasi: Np.
- Nickson, A. R. (2007). Democratisation and the Growth of Communism in Nepal: A Peruvian Scenario in the Making. In D. Thapa, *Understanding the Maoist Movement of Nepal* (pp. 3-33). Kathmandu: Martin Chautari and Centre for Social Research and Development.
- Pahari, A. K. (2010). Unequal Rebellion: The Continuum of 'People's War' in Nepal and India. In L. Mahendra, & A. K. Pahari, *The Maoist Insurgency in Nepal: Revolution in the Twenty-First Century* (pp. 195-215). London: Routledge.

- Panday, D. R. (2000). *Nepal's Failed Development: Reflections on the Mission and the Maladies*. Kathmandu: Nepal South Asia Centre.
- Pushpalal, C. (1997). *Nepalma communist Aandolanko Sangchipta Itihas*. Kathmandu: Pushpalal Smriti Pratisthan.
- Rawal, B. (VS Paus 2047 [Dec/Jan. 1990/91]). *Nepalma Samyabadi Andolan: Udbhav Ra Bikas*. Kathmandu: Pairavi Prakashan.
- Sales, A. d. (2013). The Kham Magar Country, Nepal: Between Ethnic Claims and Maoism. In D. Thapa, *Understanding the Maoist Movement in Nepal* (pp. 59-88). Kathmandu: Martin Chautari and Centre for Social Research and Development.
- Samyukta Morcha. (VS 2008/3/23 [7 July 1951]). Jatiya Janatantrik Samyukta Morchako Ghoshna Patra. *Pushpalal Caniyeka Rachanaharu Bhag 4* (pp. 61-71). Kathmandu: Puhshpalal Smriti Pratisthan.
- Schwarzmantel, J. (2008). *Ideologies and Politics*. Los Angeles: Sage.
- Sever, A. (1993). *Nepal under the Ranas*. New Delhi: Oxford and IBH.
- Sharma, G. (2000). *Bisheshwar Prasad Koiralako Aatmabritanta*. Kathmandu: Jagadamba Prakashan.
- Shrestha, P. (1973). Nepali Jana Andolan Ek Samiksha. In *Pushpalal: Chaneaka Rachanaharu Bhag 1*. Kathmandu: Madan-Asrit Smriti Pratisthan.
- Singh, S. B. (1985). *Impact of the Indian National Movement on the Political Development of Nepal*. Delhi: Marwah publication.
- Snellinger, A. (2010). The repertoire of scientific organisation: Ideology, Identity and the Maoist Student Union. In M. Lawoti, & A. K. Pahari, *The Maoist Insurgency in Nepal: Revolution in the Twenty-First Century* (pp. 73 – 90). London: Routledge.
- Srivastava, L. P. (1996). *Nepal at the Crossroads*. New Delhi: Allied Publishers.
- Thapa, D. (2007). Erosion of the Nepali World. In D. Thapa, *Understanding the Maoist Movement of Nepal* (pp. 237-59). Kathmandu: Martin Chautari and Centre for Social Research and Development.
- Thapa, D., & Sijapati, B. (2012). *A Kingdom Under Siege: Nepal's Maoist Insurgency, 1996 to 2004*. Kathmandu: The Printhouse.
- USSR,. (1961). *Statement of 81 Communist and Workers Parties Meeting in Moscow, USSR, 1960*, Trans. (New Century Publishers) Retrieved 05 29, 2010, from marxist.org: Sino-Soviet Split Document Archive: <<http://www.marxist.org/history/international/comintern/sino-soviet-split/other/1960-statement.htm>>
- Whelpton, J. (2005). *A History of Nepal*. Cambridge: Cambridge University press.

Peace and Reconciliation in Afghanistan: The Way Forward

Reyaz Ahmad Ganaie

Abstract

As the date for the complete withdrawal of the foreign combat mission approaches, Afghanistan is all set to witness the 'transition' (Inteqal) phase, wherein the local security apparatus will have shoulder the responsibility of maintaining security in the entire country, and at the same time, take forward the counterinsurgency exercise. While protagonists of the anticipated withdrawal of the foreign forces assert the preparedness of the Afghan National security Forces (ANSF), the continuing violence suggests otherwise. The withdrawal of the foreign troops will mean the absence of an efficient security cover within which the ANSF used to operate. Absent that, the local security apparatus will be handicapped in maintaining, let alone improving, the security scenario in Afghanistan. The security unpreparedness therefore necessitates the implementation of a broad-based reconciliation strategy that can act as the sole guarantor of peace and stability in Afghanistan. If the Kabul government or the US-led coalition fails to enter into negotiations with the Taliban, the insurgency is only going to take a vicious form once the foreign troops withdraw. In this backdrop, reconciliation with the insurgents remains the only viable policy option that can be instrumental in ensuring lasting peace in Afghanistan.

Keywords: Security Transition, Taliban, Peace and Reconciliation, HPC, Reintegration.

1. Introduction:

The withdrawal of the NATO-led foreign combat mission from Afghanistan shall in many ways mark an important and crucial phases in Afghanistan's modern history. The security transition and the effects emanating from the process will be decisive as far as Afghanistan's future is concerned. Not only shall the transition (*inteqal*) put to test the ability of the Afghan security forces in containing the insurgency; post-2014 scenario will be a litmus test for Afghanistan itself to sustain as a democratic state amidst a host of potential challenges. However, international assistance in the form of aid will continue to be a major determinant of Afghanistan's long-term socio-political and economic stability. The withdrawal of the foreign troops does not entail the abandoning of Afghanistan by the international community *per se*. Instead, the transition embodies an opportunity for Afghanistan to resurrect itself as a sovereign, democratic and pluralistic nation-state with a renewed importance – both at the regional and as well as at the international level. In this regard a lot will depend on the Afghans themselves to unite and take their country forward as far as the state and nation-building process is concerned.

The positive achievements made in the last twelve years notwithstanding, Afghanistan is still faced with a plethora of challenges which collectively render the state and nation-building process a difficult enterprise. These challenges if left unaddressed can collectively undermine the nascent state structures and reverse the hard-fought gains made so far. These obstacles and impediments have either been tacitly left unattended by the international community or the US-led alliance has not really been in position to negate them in a comprehensive manner. Among the major problems that Afghanistan faces today are drug trafficking, unabated countrywide warlordism, illicit opium economy, deplorable economic growth, social and ethnic divide, and most importantly, the mounting Taliban-led insurgency which unambiguously challenges the writ of the Afghan government. It is worth mentioning here that some of the social and economic problems in Afghanistan are not just associated with the insurgency, but the insurgency itself acts a major cause and reason for these problems to persist; for, these challenges either help the Taliban in gaining a modicum of legitimacy inside Afghanistan or act as a source of revenue for their armed campaign. For instance, the Pashtun-non-Pashtun divide provides the Taliban a platform to gain sympathy and support in provinces which collectively resent a non-Pashtun dominated regime in Kabul. Similarly, the illicit opium trade, which adversely affects the state economy, acts as a major source of finance for the Taliban movement. Thus the challenges faced by the Afghan government and the international community in Afghanistan are not mutually exclusive; rather, they intersect each other at different levels making it more difficult for the Kabul government and the US-led alliance to address them effectively. Although each of these problems hinder the socio-economic and political development in Afghanistan yet the armed insurgency remains the biggest challenge that harbours the potential to push Afghanistan into the lap of chaos and a renewed civil war. Far important and critical than other challenges remains the need to chart out a way-forward for a peace and reconciliation agreement with the insurgents so that levels of violence can be brought down and security of Afghans ensured. Of late, there has been an overriding emphasis on the need for a political solution to the conflict in Afghanistan. However, the lack of commitment from the international community and the absence of a coherent reconciliation strategy have effectively negated any chances of peace talks with the Taliban. Reconciliation and peace talks as a US policy in Afghanistan actually emerged only as the second-best option while the emphasis at least until 2010 was solely on winning the war by military means. The increasing emphasis on peace and reconciliation was commensurate with the diminishing hopes of an outright victory against the Taliban.

At a time when the transition is just a year away and the Afghan National security Forces (ANSF) are not in position to thwart and contain the insurgency, the need for talks and reconciliation assume paramount importance. The

withdrawal of the foreign troops will mean the absence of an efficient security cover within which the ANSF used to operate. Absent that, the local security apparatus will be handicapped in maintaining, let alone improving, the security scenario in Afghanistan. The security unpreparedness therefore necessitates the implementation of a broad-based reconciliation strategy which can act the sole guarantor of peace and stability in Afghanistan. If the Kabul government aided by the US-led coalition fail to enter into negotiations with the Taliban, the insurgency is only going to take a vicious form once the foreign troops withdraw. In this backdrop, reconciliation with the insurgents remains the only viable policy option that can be instrumental in ensuring lasting peace in Afghanistan. A productive reconciliation process will not only mean the cessation of armed conflict, but can also provide an impetus for the consolidation of democracy and lay the platform for social cohesiveness in Afghanistan. However, any effort aimed at reconciling with the insurgents needs to be a popularly-backed exercise and must not in any way endanger and jeopardise the gains that have been made in the last decade. Women and non-Pashtun factions need to be taken into confidence while seeking reconciliation with the insurgent groups. Securing Afghanistan from continuing armed conflict, therefore, makes it imperative for the Karzai administration and the US-led international alliance to pursue reconciliation so as to negate the chances of Afghanistan falling back into pre-9/11 situation marked by statelessness, chaos and ethnic frenzy.

This paper is an attempt at tracing the history of peace and reconciliation with the Taliban and analyses the pros and cons associated with the process. While the paper argues in support of the idea of peace talks and reconciliation, it highlights the drawbacks and shortcomings in the earlier efforts aimed at pacifying the insurgency. The limitations of the earlier efforts point towards the need for a more comprehensive peace plan wherein reconciliation with not only one section of the insurgency or only with the ground fighters is sought but the scope is expanded to include the prospects of talking and reintegrating the leadership as well. Further, the paper underscores the fact that for any peace and reconciliation process to succeed Afghan government must be put in the lead of the process without any undue arm-twisting from outside. Foreign interference in the process for their own strategic interests can jeopardise the entire effort resulting in an escalation of violence and deepening of mistrust between the insurgents and the Kabul administration. Karzai government or for that matter the succeeding democratic regime in Afghanistan should take on the role of principal negotiator with the Taliban. The paper in the last sections analyses the role of Pakistan in facilitating the peace and reconciliation process. It argues that Pakistan enjoys considerable leverage over the Taliban and allied insurgent groups, and as such, Islamabad can actually play a prominent role in bringing the Taliban leadership on the negotiating table. In disregard for Islamabad's strategic

interests within Afghanistan, however, Pakistan can equally play the role of a spoiler in derailing any peace efforts. Therefore, Pakistan's role as it always has been remains crucial in deciding the outcome of talking to the Taliban.

2. History of Talks: A study of Failed Reintegration Efforts in Afghanistan:

The idea of talking to the insurgents is not entirely novel or unheard of within the corpus of literature pertaining to the post 9/11 state-rebuilding process in Afghanistan. Efforts aiming at mainstreaming ex-combatants or fighters who abandoned the Taliban were put in place soon after the Taliban were driven out of power in late 2001. These efforts were, however, episodic at best and represented a piecemeal endeavour with limited objectives and scope. The quick splendid victory against the Taliban made the US complacent in as far as devising a comprehensive strategy that could have effectively reintegrated those individuals (including even some of the Taliban leadership) who were willing to support the new political process in Afghanistan. Having been defeated in a debilitating manner by the US-led military campaign, the Taliban had reportedly manifested a desire in negotiating a power-sharing agreement with the Interim Administration in Afghanistan. The US, however, was never lured into accepting Taliban's proposals and therefore forced Karzai to drop the idea of reconciling with the Taliban who was very much in favour of an early negotiated political settlement with the ousted regime¹. Lakhdar Brahimi, the UN mediator who negotiated the Bonn Agreement in 2001, is said to have admitted that the 'biggest mistake had been omitting the Taliban from the table at Bonn'. 'Including them might well have achieved a peace that avoided the revival of the Taliban', argues Ahmed Rashid (Rashid, 2012, p. 124). The US "failed to provide those Taliban fighters who did not want to defend al-Qaeda with a way to return to Afghanistan peacefully.... [making] refuge in Pakistan, often with al-Qaeda, a more attractive option" (Rubin, 2007, p. 53). However, in the backdrop of the resurgence of the armed insurgency since 2006, the idea of talking to the Taliban gained wide currency even in the strategic circles in the US. The US came to realise its mistake of not negotiating with the Taliban in as early as 2003 when violence began to erupt in Afghanistan once the Bush Administration had diverted its attention towards the Iraq conundrum. Since then the international community and the Karzai government have come up with a number of initiatives, financially supported by the international donors and aimed at mainstreaming and reintegrating the local militias and former combatants, for their presence was a continuous checkmate to Karzai administration trying to wield control over provinces other than Kabul. Ironically, the process of demobilisation of these armed militias was undertaken in order to cement the authority of the civilian administration in Kabul rather than to contain the Taliban-led insurgency.

Initiatives including Disarmament, Demobilisation and Reintegration (DDR), Disbandment of Illegal Armed Groups (DIAG) and, Program Tahkim-e-Soleh (PTS) etc were floated by the Karzai government with international support in order to reintegrate former combatants. However, these initiatives were never really implemented under an international oversight and thus were prone to be misused by government officials and local commanders for accruing monetary gains. Economic incentives which were provided to the disarmed and reintegrated individuals, more often than not, became the reason the government officials produced forged lists of such individuals so as to get more money. Moreover, these initiatives had limited scope because they aimed at reintegrating the rank and file members without ever trying to seek negotiations with the top brass of the armed factions. These initiatives came largely as a reaction to the increasing insecurity and violence; and through these efforts the Karzai government and the US sought to disrupt the Taliban insurgency by cutting deals with active and former Taliban rank and file combatants. Rather than dealing with the Taliban as a collective force, these efforts sought to weaken the insurgency by inducing individual Taliban combatants to switch allegiances. The move was aimed at wooing the so-called ‘moderate’ Taliban to join the political mainstream and support Karzai administration. President Karzai, delineating the logic of who comprised the ‘moderate’ Taliban remarked: “a clear line has to be drawn between the ordinary Taliban who are the real and honest sons of this country, and those who still use the Taliban cover to disturb peace and security in the country...No one has the right to harass or persecute any one under the name of Taliban” (Stanekzai M. M., 2008, p. 10). The policy of reintegrating the moderate Taliban was endorsed by the US and voiced by the US commander in Afghanistan, General David Barno, when he remarked that “if you are a rank and file Taliban member and you reject your past...then you can become part of the future of Afghanistan” (Burnett, 2003). These initiatives signalled the interest on the part of the US and the Karzai administration to disrupt the Taliban insurgency, however, the focus was still, undeniably and unambiguously, on winning the war militarily rather than through talks and reconciliation.

The inflated figures of the reintegrated combatants under the DDR and ANBP² notwithstanding, the insurgency and the ensuing violence were witnessing new heights towards the end of 2004. To add to this problem was the diversion of US interest towards Iraq which in turn provided the Taliban with a space within Afghanistan to bolster their campaign from a tenuous insurgency to a full-blown one. The Bush Administration became so preoccupied with the Iraq issue that he withdrew 3,000 US troops from Afghanistan leaving the Karzai administration ill-equipped with a nascent army to contain the escalating violence and mounting insurgency. The diversion of strategic oversight and troops to Iraq left Afghanistan vulnerable and the vacuum created thereby was effectively used by the Taliban to gain ascendance in the areas in south and south-east. It was

against the backdrop of a rising insurgent campaign by the Taliban that President Karzai created the Independent Peace and Reconciliation Commission known in Dari as Program Tahkim-e-Soleh (PTS) in 2005. The commission was officially launched as the centrepiece of the first national reconciliation policy. The objective of the commission was to reinvigorate the process of reintegration of Taliban rank and file members and in return offer them general amnesty. PTS chairman Sibgatullah Mojadeddi went to the extent of offering amnesty to Taliban supremo Mullah Omar and Hizb-e-Islami chief Gulbuddin Hekmatyar noting that “our terms are if they lay down their weapons, respect the constitution and obey the government, we don’t have big conditions for them” (Taliban Leader Rejects Ammnesty, BBC, 2005). Although, the US initially supported the Karzai initiative and viewed the effort as an ‘alternative to a heavy military footprint in Afghanistan’, Mojadeddi’s generous offer to Mullah Omar, however, turned the US into its critic. Mojadeddi’s offer, moreover, stood in direct contradiction to two UNSC resolutions – UNSCR 1267 (1999) and 1735 (2006) which collectively sanctioned the Taliban leadership (Stanekzai M. M., 2008). The lack of clarity of goals, inconsistency of efforts, and divergence of approaches resulted in these initiatives producing very little outcome. Contradictory positions taken by the US and the Karzai government quashed the chances of an early breakthrough in talking to the Taliban.

Moreover, talking to the Taliban as a ‘strategy’ was never really agreed upon by all in Afghanistan. Instead, important stakeholders implemented their own self-devised strategies with least commensurability with approaches and policies employed by the Karzai administration. For instance, in the wake of intensifying conflict in the south in 2006, the British commanders entered into a localised truce with the Taliban. Even though the deal helped in attenuating the violence, the British move was criticised by the US as amounting to a partial surrender (Baldwin, 2008). There was enough disagreement even among the western allies over the means and ways of tackling the Taliban insurgency. The differences potentially reduced the chances of converting these local gains into a broad-based reconciliation strategy. Further, peace deals orchestrated by the US allies were equally resented by Karzai, for he believed, and rightly so, that cutting deals with the insurgents outside the purview of Kabul administration limited his government’s legitimacy and reach (John Bew, 2013)³.

From the above discussion it becomes clear that the presence of recurrent flaws in each of these initiatives reduced their efficacy. These shortcomings need to be corrected and effectively kept under check, if and when, any peace and reconciliation talks with the Taliban are on the cards. First, any attempt at reconciliation must not target a specific section of the insurgency. Instead, the strategy ought to be comprehensive and inclusive in character, taking the insurgency as a ‘whole’ and focussing on overall integration of the Taliban –

from top to bottom. Regardless of whether the strategy is a top-down or a bottom-up mechanism, its scope should be expanded to include both the rank and file members as well as the top leadership of the insurgency. Second, the international community has so far relegated Karzai administration in taking any major steps towards reconciliation, what is really of utmost importance in Afghanistan is that international community should project Karzai and his government as the rightful entity entitled to enter into reconciliation with the Taliban. Attempts aimed at undermining the Kabul government will not only prove short-lived as far as negotiations are concerned, but would also, in the long run, prove counterproductive in the process of consolidation of central authority in Afghanistan. Third, and perhaps the most important factor is that peace and reconciliation, as a strategy of ending the conflict in Afghanistan, must be accepted by all and that a comprehensive roadmap be put in place so that the effort is implemented harmoniously and divergence of interests minimized. Difference of opinion among major stakeholders is bound to produce unfavourable results and therefore, it is necessary for the international community and the Afghan government to chart out a peace plan which is reflective of the concerns of all – the Afghans, Kabul government, the and the international community at large.

2.1. Peace and Reconciliation Process since 2009: Gearing up for the Security Transition

Barack Obama's inception as the new President of the US in 2009 was seen as a positive development so far as the US policy towards Afghanistan is concerned. It was widely believed that the new administration would focus more on the Afghanistan war and address the strategic miscalculations done during the Bush era. By ordering as many as 17,000 additional troops to Afghanistan in February 2009, Obama began shifting the country's military effort away from Iraq, as he had promised to do during the presidential campaign. The troop surge as Obama noted "was necessary to stabilize a deteriorating situation in Afghanistan, which had not received the strategic attention, direction and resources it urgently required" (Starr, 2012). By the end of the year The US had deployed over 45,000 additional troops in Afghanistan. The initiative was reflective of the renewed America's interest in solving the Afghan conundrum. The initiative of increasing troop presence, often referred to as 'troop surge', was aimed at reversing the momentum of the Taliban insurgency. However, the optimism surrounding Obama's intentions of proactive military engagement in Afghanistan soon faded away when he announced on 16 December 2010 that US troops would be withdrawn from Afghanistan starting from July 2011. The announcement of the withdrawal plan defeated the very purpose of the troop surge initiative. The timing and strategic wisdom behind the decision stood in sharp contradiction to the situation prevailing in Afghanistan; Obama's

announcement attracted fierce criticism for it was speculated that the move 'gave the Taliban a reason to lie low and wait out the Americans' (Karon, 2009).

The increased emphasis on the military option in Afghanistan notwithstanding, Obama Administration had come to recognize the inevitability for a reconciliation process as the lasting solution to the conflict. However, the focus still remained largely on dismantling and disrupting the insurgency through hard-power approach. The unconvincing logic of accepting the need for a political solution, yet trying to win the war through increased military presence was dubbed as the 'talk-fight' strategy which became the cornerstone of Obama's policy towards Afghanistan. The strategy aimed at eliminating the rank and file members of the insurgency through military option; while at the same time the negotiations were sought with the top leadership. The policy never really achieved either of the two objectives. "Co-opt the reconcilables, make peace with anyone willing to give up the armed struggle, but simultaneously kill or capture all those who prove themselves to be irreconcilable..." was the underlying principle of the talk-fight strategy (Packer, 2008). The talk-fight strategy, its advocates contended, represented an effective tool in coercing the Taliban leadership to negotiate a political settlement by virtue of creating dissent within the Taliban among those members who opposed talks and those who endorsed the prospects of a negotiated settlement⁴. The efficiency of the strategy was further effectively reduced by the premature announcement of the withdrawal timetable (Byman, 2009, p. 127).

Obama's decision to lay down a withdrawal timetable was not only based on the perceived futility of military option in Afghanistan but his professed eagerness in engaging more actively in Afghanistan was also circumscribed by the dwindling public support (in the US) for continued US presence in the country. These two factors became the reason the US came to openly advocate the necessity of peace and reconciliation with the Taliban. Commenting on the need to pursue negotiations with the Taliban, Obama remarked that peace in Afghanistan will remain elusive until 'reconciliation among former enemies' is sought (John Bew, 2013, p. 27). Secretary of State, Hillary Clinton publicly announced the willingness of the US to negotiate with the insurgency; the preconditions⁵ set by her for negotiations were, however, too unrealistic from the vantage point of Taliban who were at the peak of their armed campaign.

Meanwhile, Karzai himself actively advocated the need for political solution to the conflict. In fact, he outlined the issue of peace and reconciliation as the only motive for which he sought re-election as the President in 2009. Critics argue that Karzai's advocacy of reconciling with the Taliban before the elections was aimed at 'shoring up Pashtun support for Karzai's candidacy, particularly in the disturbed provinces of the country' (Tellis, 2009, p. 6). The US willingness to

talk with the Taliban, aided with Karzai's professed readiness to seek a political solution, became the platform on which the Afghan Peace and Reconciliation Programme (APRP) was launched at the January 2010 London Conference. The APRP, as a way forward in Afghan quagmire, was accepted by all major stakeholders in Afghanistan and pledged \$140 million assistance for the initiative. Later on, from June 2-4 2010, a consultative Peace Jirga endorsed the new peace plan and agreed 'that the government and all parties in the conflict should negotiate an end to the violence by working together with all stakeholders, including civil society, in the interest of peace' (Stanekzai M. M., 2012, p. 42). The endorsement of the programme by the Jirga was reflective of the aspirations of the Afghans who yearned to see an end to the conflict by entering into negotiations with the Taliban. The APRP was supposed to implement a peace process that would be Afghan-led and Afghan-owned.

For ensuring the centrality of the Karzai administration in the process, the control of the new initiative was vested in a 70-member High Peace Council (HPC) appointed by a presidential decree in October 2011. Although the composition of the HPC⁶ remained a contested issue, the initiative was far more comprehensive and strategically feasible. HPC'S mandate included, *inter alia*, the reintegration of combatants willing to renounce violence, confidence building and establishing contacts with the insurgent groups using *Ulema* and provincial officials as intermediaries (Stanekzai M. M., 2012, p. 42). The edifice of APRP stood on the twin principles of reintegration and reconciliation. While reintegration targeted the mainstreaming of rank and file members; 'reconciliation' aimed at negotiating with the senior leadership of the Taliban (Ayman, 2013, p. 8).

Karzai and the donor community were optimistic about the possibility of a breakthrough by the establishment of the HPC, however, the hopes proved short-lived when it became known that the Taliban had out-rightly rejected the idea of talks with the HPC or the Karzai government, reiterating their demand for the withdrawal of foreign troops as the precondition for any negotiations. Although, the HPC at the end of June 2012 claimed to have officially reintegrated over 5000 fighters, the US became wary of its inability to bring the top leadership on the table, and hence became increasingly involved with dealing with the Taliban outside the purview of the HPC and the Afghan government. This time around, there was little room for setting 'high-end redlines' or preconditions, and the need was felt by the US for moderating its earlier stance on reconciling with the Taliban. Thus, from 2011 onwards, the US started to propagate the idea of a political dialogue as the only viable means of ending the conflict in a pacific manner. The preconditions set earlier eventually came to be seen as the desired 'end results' of reconciliation process and this 'significant adjustment in the negotiation formed the basis of political surge' (John Bew, 2013, p. 32).

Nominally, the HPC continued to be the capstone of the peace process, yet behind the scene, it was the US which was involved in wheeling and dealing with the Taliban. The year 2011 witnessed US officials negotiate with the Taliban leadership in Qatar in a bid to ‘accelerate the process of talks’. However, the way such meetings were orchestrated by the US led some critics and analysts to argue that US was more interested in cutting deals with the Taliban so as to secure a respectable withdrawal from Afghanistan for itself unlike the one it had face in Iraq rather than working for a process of national reconciliation in Afghanistan⁷. The removal of the names of the Taliban leaders from al-Qaeda figures on the UN sanctions list was commended as a major confidence-building measure needed for productive reconciliation process (Rashid, 2012, p. 120). The move was reflective of the seriousness of the US towards pursuing a negotiated settlement with the Taliban. Intermittent meetings between the US officials and the Taliban were reported, however, none was able to produce a much needed breakthrough. The impasse in the negotiation process was primarily rooted in the Taliban’s refusal of accepting Karzai’s government as the legitimate regime and their (Taliban’s) antipathy towards the presence of foreign troops in Afghanistan.

With each day passing, as the date of International Security Assistance Forces (ISAF) drew closer, the US became more open to the idea of talks and reconciliation with the Taliban. The shift in the US policy was a cumulative effect of the increasing intensity of the insurgency; the need to find an exit strategy; and the failure of the Afghan government or the HPC to initiate a durable peace process with the Taliban (John Bew, 2013, p. 34). Renewed American interest in reconciling with the Taliban, nevertheless, culminated in rounds of negotiations between the US officials and the Taliban representatives in Qatar in early 2012. To the dismay of all, the talks were suspended without any major achievement owing to the non-implementation of the CBMs which were earlier agreed upon by the Taliban and the US⁸. The Qatar process, which was restarted in 2013, was again a failure as Taliban closed their office ostensibly for not having been allowed to name their office as The Islamic Emirate of Afghanistan or having a Taliban-era (1996-2001) flag on its top. The Qatar process mired in controversy owing to Karzai’s allegations that the ‘Taliban were using the occasion to set up a government in exile’. Taliban later blamed the US and Karzai for the breakdown in talks, accusing both of using the name and flag issue as an excuse. The suspension of talks in Qatar was a severe blow to the reconciliation process given that the Taliban under Mullah Omar had shown readiness in negotiating a political settlement.

Even though United States manifested a desire for talking to the Taliban, its overall policy in Afghanistan kept oscillating between the ‘military option’ and ‘peace talks’ – reducing the efficiency of both. While Taliban continued to gain

momentum and space within Afghanistan, the US troop withdrawal having commenced from mid-2011, gave them enough reason to be less receptive to the peace overtures made by the US or Karzai's reconciliation endeavours. Perhaps, the underlying cause for the failure of the peace and reconciliation process in Afghanistan has been the incompatible, if not entirely antithetical, interests and approaches employed by the US and the Karzai government.

3. Reconciliation with the Taliban: An Imperative in the wake of Security Transition

The Washington-Kabul Bilateral Security Agreement (BSA) which remains yet to be signed by President Karzai and the parliament shall determine the number of the US troops which will remain in Afghanistan beyond 2014. In the event of the BSA not being approved by Karzai or the parliament, the US will be forced to adopt a 'zero option' signalling the complete withdrawal of the US troops from Afghanistan. However, Karzai has shown willingness to sign the agreement by the end of 2014 and therefore Afghanistan will continue to have not only the expertise of the US troops but also the continuation of a foreign aid pipeline that is indispensable to the sustenance of the Afghan state. Even though BSA stipulates a presence of around 8000 to 12000 troops⁹ US troops in Afghanistan, they will not be a part of the counterinsurgency campaign and will mostly remain involved in the training of the ANA. The US engagement in Afghanistan in the wake of drawdown of its forces will be precisely based on a new strategy of 'advice and assist', so as to ensure a sufficient degree of stability in the country (Jalali, 2012, p. 25).

The debate on Karzai's reluctance to approve the BSA notwithstanding, the Afghan security forces are bound to shoulder the responsibility of maintaining the stability and security throughout the country, and at the same time take the lead in the counterinsurgency operations against the Taliban. Given the lack of professional expertise and the tendency among the low and mid-ranking officials to desert the armed forces and join the insurgency, the question of capitalising on the hard-fought gains made so far remains the most critical aspect of the security transition. The security issues are further compounded by the dwindling influence and control of the central government over large swaths of the country. Collectively, these issues raise concern over the capability of the Afghan state to overcome these challenges and ensure the sustenance of the state structures and the consolidation of democratic authority in Afghanistan. Although, protagonists favouring complete withdrawal of the US troops argue that ANSF are in a position to counter and contain the insurgency without any foreign support, yet the increasing levels of violence and bloodshed are hard to ignore and are a testimony to the fact that Afghan local forces are ill-equipped to deal with the Taliban-led insurgency (Boone, 2013). It is unwise on the part of the international community or the Karzai government to conflate the holding of

elections or the growing number of ANSF troops with peace, given that insurgency as a formidable force not only threatens stability of the state structures and institutions, it also jeopardises the safety and security of the common Afghans who for the better part of last forty years have suffered the most.

Therefore, these challenges call for a durable solution which can best be achieved only through a politically negotiated settlement or a reconciliation process with the Taliban. A coherent peace and reconciliation strategy, with the potential of ending the conflict in Afghanistan and providing the basis for national reconciliation which can in-turn facilitate the bridging of the ethnic divide, thus remains the most viable and desired way-forward in Afghanistan. Notwithstanding the inflexibility of the Taliban in their previous avatar during 1990s, the current insurgency and its leadership has undergone a lot of change. Even though, they still cherish the idea of resurrecting a *Shariah* State in Afghanistan once the foreign troops withdraw, their worldview concerning human rights and tolerance for other ethnic and religious factions has moderated to some extent. Moreover, Taliban have many a times stated publicly that in the wake of a successful peace plan, they will not allow the foreign terrorists to use Afghan territory to threaten other countries. This implies an explicit willingness to disassociate their campaign from al-Qaeda network.

Failures of the past efforts at reconciliation stemmed from the lack of clear objectives, commitment and resources, however, Taliban's inflexible attitude towards accepting Karzai as the legitimate head of the state also proved to be a major obstacle in reaching a mutually acceptable arrangement. Taliban are of the view that the US enjoys de-facto control over the country, and thus any agreements or peace process Taliban agrees to negotiate must be done with the US and not the Karzai, who is dubbed by the Taliban leadership as a US puppet. Further, talks have proven unproductive owing to Taliban leadership not accepting the Afghan constitution. For any successful reconciliation process, it is necessary that such fundamental differences are sorted out and differences narrowed so that parties to conflict can engage in pursuing goal-oriented negotiations.

For a significant portion of Afghan population particularly the non-Pashtuns, Taliban movement during the 1990's represented a repressive regime with least respect for women rights, ethnic diversity and religious pluralism. Despite the seemingly elusive lasting peace in Afghanistan, there is, however, a growing emphasis and consensus among the diplomats, commentators and even Afghans, that a negotiated settlement is indispensable to ending the war in Afghanistan (Bernstein, 2012, pp. 26-27). The endless strife over the last twelve years has led to a remarkable shift in the public opinion in Afghanistan. A majority of the

population in Afghanistan are now in favour of a peace and reconciliation with the Taliban. The role of the public opinion in shaping the process of negotiations with the Taliban is deemed to be of paramount importance. People must identify themselves and their aspirations with a negotiated settlement. Widespread dissent among the Afghans against the process of negotiations and reconciliation runs the risk of exacerbating the conflict. Therefore, it is necessary for the international community and the Kabul government to respect the sentiments of the people and incorporate the popular public opinion within the peace process. Otherwise, if there are too many divisions within the Afghan population or if a substantial section of Afghans is opposed to the idea of talks, reconciliation may actually end up creating more fissures and violence than any peace, stability and security. Disregard for public opinion may further serve to divorce the Afghan people from the central government. Further, Kabul government must ensure that non-Pashtuns and women in general are not left alienated from the process because it is widely believed that the idea of talking to the Taliban is mostly resented by these two sections of the Afghan society. Their sensibilities and genuine concerns need to be given due consideration, and they need to be assured that a negotiated settlement with the Taliban shall in no way jeopardise their security and rights. The 'end-state' emerging out of any peace and reconciliation plan must be acceptable to all Afghans irrespective of their ethnic, religious and regional differences (Jalali, 2012, pp. 31-32). If an agreement with the Taliban is reached upon without taking the Northern Alliance power-brokers into confidence, there is every possibility that the conflict may take the form of a fierce ethnic strife. As Seth Jones remarked in his testimony in 2011, that, 'a peaceful settlement with the Taliban runs the risk of escalating conflict with Tajik, Uzbek, Hazara, and anti-Taliban Pashtuns in Afghanistan...Such a settlement could trigger a military build-up among northern commanders a peace settlement with the Taliban runs the risk of escalating conflict with Tajik, Uzbek, Hazara, and anti-Taliban Pashtuns in Afghanistan...Such a settlement could trigger a military build-up among northern commanders, causing the war's centre of gravity to shift north. Indeed, reports indicate that northern commanders are already discussing a military build-up if there is a settlement with the Taliban' (Jones, 2011). The fear of negotiating with the Taliban resulting in an escalation of conflict, however, undermines the widespread consensus within the Afghan populace that in order to end the conflict Kabul government must start a reconciliation process with the Taliban. The acceptability of a negotiated settlement with the Taliban among the Afghans can be gauged from number of surveys conducted by various organisations. For instance, surveys conducted by ABC News found that the number of Afghans favouring reconciliation had risen from 60 percent in 2007 to 73 percent in 2009 (Gary Langer, 2010). The results were later corroborated by another survey conducted by Asia Foundation which concluded that approximately 82 percent

of Afghan population appreciated and approved central government's efforts of reconciling with the insurgents.

On the other hand, Taliban, in order to gain a legal political space within Afghanistan, must pursue peace and reconciliation with the Afghan government, because there is little chance that Afghans will accept their movement as an alternative for the current democratic set-up which has at least ensured a modicum of representation of all ethnic factions within the power corridors in Kabul. For Taliban, the armed insurgent campaign stands as a movement against the foreign occupation of Afghanistan, thereby giving their struggle a 'nationalist' touch. If the presence of the foreign troops is really the reason for the Taliban to wage the armed struggle, then the withdrawal of the foreign combat mission can be seen as an opportunity for the Taliban to enter into negotiations with the Afghan government, so as to carve out for themselves a niche and a political space within Afghanistan post 2014. However, given Taliban's stubbornness in not recognising the Afghan constitution and the Afghan government, it seems difficult for any tentative peace efforts to translate into any meaningful agreement.

In spite of the repetitive failure of the past efforts, the HPC is once again involved in high-level peace talks with the Taliban. As a result of continued requests from Afghanistan, Pakistan has freed nearly 40 Taliban prisoners as a confidence-building measure in the hope of kick-starting the peace process. More recently, Pakistan authorities released Taliban's former deputy chief, Mullah Abdul Gani Baradar, who is deemed to be capable of reviving the stalled negotiations with the Taliban. His close association with the Mullah Omar is regarded by some observers to be the key to the prospects of the current peace efforts culminating in a negotiated settlement. However, for any peace talks to take place, a go-ahead nod is always required from Pakistan, for Islamabad will never allow a peace settlement which it perceives to threaten Pakistan's strategic and security interests in the region. Reportedly, Pakistan's Prime Minister, Nawaz Sharif, recently expressed his willingness to talk with the Afghan government on Pakistan's role in the peace process. Attempts at keeping Pakistan at bay are bound to meet failure given the level of influence and leverage that Islamabad enjoys over the Afghan Taliban.

Apart from Pakistan, it also necessary to harmonise the conflicting interests of Afghanistan's regional neighbours within Afghanistan. A peace process with the Taliban is bound to create discontent in Afghanistan's relations with Iran, India and Central Asian states. However, these regional countries must acknowledge the fact that if Afghanistan remains embroiled in armed conflict, its effects and ramifications will transcend Afghanistan's borders and adversely affect the whole region. In order to preserve and forward their own security interests, and

for the sake of peace and stability in Afghanistan, it is imperative for the regional powers to support Karzai in negotiating with the Taliban, so that armed conflict and ethnic divide in Afghanistan can finally be done away with.

4. Pakistan's Role in the Peace Process: A Facilitator or Spoiler:

No country besides Pakistan has suffered more from the protracted conflict in Afghanistan. From the days of Afghan Jihad to the current Taliban-led insurgency against the US troops and their Afghan counterparts, Pakistan has endured ramifications of the Afghan conflict, ranging from the problem of massive influx of Afghan refugees, sectarian violence, ethnic intolerance and more importantly the mushroom growth of radical Islamic outfits which openly challenge the writ of the Pakistani state. Yet, Pakistan's geographical proximity with Afghanistan makes it an indispensable player in the geopolitics of Afghanistan. Moreover, Pakistan's close association with the Afghan Taliban provide it with enough leverage and bargaining power as far as deciding the course of conflict in Afghanistan.

Pakistan's unending patronage for the Taliban, even after the former's alliance with the US in launching the Operation Enduring Freedom, was viewed by analysts as a continuation of Pakistan's decades old policy of search for a pliant and pro-Pakistan regime in Kabul. A friendly political dispensation in Kabul, often referred to as 'strategic depth', is viewed by Pakistan as essential to escape the strategic dilemma of being caught between a powerful adversary in India in the east and an irredentist Afghanistan with claims on the Pashtun dominated areas in the west (Ganaie, 2014, pp. 242-243). It is against this strategic calculation that Pakistan Army and ISI still regard the Afghan Taliban as a strategic asset which can be used by Pakistan to secure its geostrategic interests within the region. The rationale behind Pakistan's unending benefaction for Taliban seems to be driven, in part, by an expanding India's influence and presence inside Afghanistan.

Pakistan remains indispensable for the Taliban to continue their insurgent activities within Afghanistan. Sanctuary and assistance from Pakistan in 2001-2002 helped the defeated and demoralised Taliban to re-group and re-arm, which laid the foundation for the renewed Taliban insurgency since 2003. Porous border with Afghanistan makes Pakistan's tribal areas a secure bastion and a safe haven for the Taliban to plan and launch their offensives within Afghanistan. Therefore, Pakistan's support and approval is pivotal to any peace process with the Taliban. Although, it is wishful thinking to expect Pakistan to out-rightly abandon the Taliban; yet, Pakistan can play a critical role in making the Taliban to enter into negotiations with the Afghan government or the HPC. As Lisa Curtis notes, 'the loss or threat of loss of sanctuary within Pakistan would also likely motivate the Taliban to seek a compromise through negotiations' (Curtis,

The U.S. Must Move Cautiously on Taliban Reconciliation, 2012). Given a significant space within the negotiations, Pakistan is likely to support a peace process between the Taliban and the Afghan government. Any peace effort with the Taliban, however, is bound to meet failure if Pakistan perceives being bypassed during the process. This tendency became evident in 2010 when Pakistani authorities arrested Mullah Abdul Ghani Baradar, when he was allegedly involved in negotiating a peace agreement with the Afghan government without Pakistan's consent. Therefore, it is prudent to give Pakistan a space within the peace process so that Islamabad perceives its interests within Afghanistan secured. Pakistan, in the event of a successful peace process, will like to see the Taliban getting a due share in political power in Afghanistan – a leverage Islamabad can use to checkmate any perceived threat within Afghanistan.

For peace to prevail in Afghanistan, Pakistan will have to alter its policy towards the Taliban. Pakistan requires a strategic reassessment of its long-term national security interests within Afghanistan that are best served by a stable, peaceful, prospering and independent Afghanistan (Weinbaum, 2013). Unending violence in Afghanistan is bound to exacerbate the problems for Pakistan itself. Playing the role of a facilitator in peace talks with the Taliban will also enable Islamabad to deal effectively with other radical outfits which collectively question the legitimacy of the Pakistani state. If Pakistan's concerns are left unaddressed, then there is little incentive for the civilian leadership in Pakistan, and more importantly, for the powerful Pakistani Army, to facilitate negotiations with the Taliban. For instance, the US policy of using drone strikes in the tribal areas in Afghanistan and Pakistan may well have helped eliminate key al-Qaeda and Taliban elements, but the strategy, besides having caused massive civilian casualties in the past, proved to be a spoiler when a drone attack killed Pakistani Taliban chief Hakimullah Mehsud on November 1, 2013. The incident gave a major setback to tenuous peace negotiations between the Pakistan government and the Tehreek-i-Taliban Pakistan and thus ended the chances of a negotiated settlement with the terrorist outfit. In the aftermath of Mehsud's killing, Pakistan voiced its criticism of the drone attacks and accused the US of scuttling the nascent peace process with the extremist group. The killing of Mehsud pushed Nawaz Sharif's plans of a negotiated settlement with Pakistani Taliban into complete disarray and instead led to the escalation of violence not only in Pakistan but its effects were manifest in Afghanistan as well (Declan Walsh, 2013). Therefore, the US and its allies must work out a strategy which gives due considerations to Pakistan's domestic predicaments and its interests within Afghanistan, and in return, demand from Islamabad the termination of its policy of providing sanctuary and assistance to the Taliban. What is needed from Pakistan is a strong political will that can put to an end the state policy of using armed non-state actors for furthering state interests. Using Taliban as a proxy in

Afghanistan may serve Pakistan's short-term interests; the policy, however, runs the risk of threatening the social and political milieu within Pakistan itself. A stable and democratic Afghanistan is an imperative for a secure South Asian region in general and Pakistan in particular.

5. Conclusion:

A study of the past peace and reconciliation efforts in Afghanistan reveal that no perceptible gains have been made so far; yet, reconciliation with the insurgents remains the only way of ending the conflict in Afghanistan. An inclusive national reconciliation process is the key to lasting peace in Afghanistan. The current peace process led by HPC is a step in that direction. The release of Mullah Baradar by Pakistani authorities and the assurance given by Nawaz Sharif that Islamabad will facilitate talks between the HPC officials and the former Taliban leaders can certainly help in reviving the peace and reconciliation process. Unlike the past efforts, the HPC and the Karzai administration must ensure that the current process does not suffer from lack of transparency and accountability. The process should be augmented by a coherent strategy, commitment, and resources from the international community. Moreover, support and assistance from regional neighbours, particularly Pakistan, will be a key to the current process culminating in a meaningful peace agreement. Regional powers, despite their differing interests within Afghanistan, must accept that a conflict-ridden Afghanistan is a threat to their own national security interests, and therefore must assist the Karzai government in his endeavour of negotiating with the Taliban, so that the causes of conflict can be addressed effectively.

Notes:

- ¹ It was reported that Taliban's senior leaders – Mullah Abdul Ghani Baradar and Mullah Agha – soon after their regime was ousted by the US military campaign had written a letter to Karzai accepting his nomination as president and expressing a willingness to surrender if they received immunity from being arrested. However, Karzai, under the pressure from the US and the Northern Alliance – which dominated the interim cabinet, was forced to ignore the offer.
- ² The ANBP was launched under the auspices of UNDP in April 2003 with an aim to reintegrate an estimated 100,000 combatants.
- ³ Hamid Karzai's resentment was manifest when he expelled Michael Semple and Mervyn Patterson on the allegations that the duo was involved in talking to the Taliban without his approval.
- ⁴ The logic of 'talk-fight' strategy is summarised by Daniel Byman who argues that 'Talks' may convince insurgent leaders and their cadre 'to reject violence or, in the event of failure, foster dissent within the insurgent group's ranks, which in turn may lead the group to explode'.

- ⁵ The preconditions or the 'redlines' set by Clinton included renouncing ties with al-Qaeda, renouncing violence and armed struggle against Kabul government and accepting the Afghan constitution.
- ⁶ The composition of the HPC was questioned on the grounds of the body being largely comprised of a predominant number of former mujahedeen, factional leaders and the inclusion of very few women. It was claimed that the members of the HPC were ill-qualified for the job.
- ⁷ The Washington-Kabul BSA (which President Karzai is yet to sign) has been seen by many analysts as a means to ensure a safe transition in Afghanistan, which also implies a respectable US withdrawal.
- ⁸ The CBMs included the transfer of Taliban prisoners from Guantanamo Bay to Qatar, and allowing the Taliban to maintain an office in Qatar.
- ⁹ This is the speculated number of US troops which shall remain in Afghanistan beyond 2014. The US has not given a specific number in this regard as of yet.

Bibliography:

- Ayman, S. G. (2013). Reconciliation with the Taliban: Challenges and Prospects. *Security Strategies*, 9 (17), 8.
- Baldwin, T. (2008, December 16). US Accuses Britain of Afghan Failings. *The Times*.
- Bernstein, J. M. (2012, March). Negotiating the Insurgency: The Case of Settling Afghanistan's War and Securing "Negative" Peace. *Yale Journal of International Affairs*, 26-27.
- Boone, J. (2013, November 17). UN report detailing Taliban fighter deaths warns of forces' illicit funding. *The Guardian*.
- Burnett, v. (2003, December 31). US Backs Afghan Proposal to Woo Moderate Taliban. *Financial Times*.
- Byman, D. (2009). Talking with the Taliban: A Guide for the Perplexed. *Washington Quarterly*, p. 127.
- Curtis, L. (2012). The U.S. Must Move Cautiously on Taliban Reconciliation. *The Heritage Foundation*.
- Curtis, L. (2012). *The U.S. Must Move Cautiously on Taliban Reconciliation*. The Heritage Foundation.
- Declan Walsh, I. K. (2013, November 1). *Drone Strikes Are Said to Kill Taliban Chief*. Retrieved from The New York Times: http://www.nytimes.com/2013/11/02/world/asia/drone-strike-hits-compound-used-by-pakistani-taliban-leader.html?_r=0
- Ganaie, R. A. (2014). India's Role in Afghanistan Since 9/11: An Analysis. In M. B. Alam, *Contours of India's Foreign Policy: Changes and Challenges* (pp. 237-249). New Delhi: Reference Press.

- Gary Langer, J. P. (2010, November 30). *Afghanistan: Where Things Stand*. Retrieved November 17, 2013, from ABC News: www.abcnews.go.com/m/story?id=12277743
- Jalali, A. A. (2012). The Challenges and Prospects of Transition in Afghanistan. In S. M. D'Souza, *Afghanistan in Transition, Beyond 2014?* (pp. 25-36). New Delhi: Pentagon Press.
- John Bew, R. E. (2013). *Talking to the Taliban: Hope over History*. The International Center for the study of Radicalisation and Political Violence.
- Jones, S. G. (2011, May 10). Transitioning to Afghan-led Counterinsurgency . *Testimony before the US Senate Foreign Relations Committee*.
- Karon, T. (2009, December 13). *Obama's Afghan Surge: A Long War With an Uncertain Outcome*. Retrieved from Time: <http://content.time.com/time/world/article/0,8599,1946990,00.html>
- Packer, G. (2008, November 14). Kilcullen on Afghanistan: It's Still Winnable, But Only Just. *The New Yorker*.
- Rashid, A. (2012). *Pakistan on the Brink: The Future of Pakistan, Afghanistan and the West*. London: Allen Lane.
- Rubin, B. R. (2007). Saving Afghanistan. *Foreign Affairs* , 86 (1), 53.
- Stanekezai, M. M. (2012). Peace, Reconciliation and Reintegration in Afghanistan: Challenges and Milestones Facing Peace Talks. In S. M. D'Souza, *Afghanistan in Transition, Beyond 2014?* (pp. 37-59). New Delhi: Pentagon Press.
- Stanekezai, M. M. (2008). *Thwarting Afghanistan's Insurgency: A Pragmatic Approach towards Peace and Reconciliation*. Washington: United States Institute of Peace.
- Starr, B. (2012, February 18). Retrieved November 18, 2013, from CNN: <http://edition.cnn.com/2009/POLITICS/02/17/obama.troops/>
- Taliban Close Qatar Office in Protest at the Flag Removal*. (2013, July 9). Retrieved from The Telegraph: <http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/10169161/Taliban-close-Qatar-office-in-protest-at-flag-removal.html>
- Taliban Leader Rejects Amnnesty*, BBC. (2005, May 10). Retrieved from BBC: http://news.bbc.co.uk/2/hi/south_asia/4533051.stm
- Tellis, A. J. (2009). *Reconciling with the Taliban: Towards and Alternative Grand Strategy in Afghanistan*. Washington: Carnegie Endowment for International Peace.
- Weinbaum, M. (2013, November 4). *Pakistan's Best Bet in Afghanistan*. Retrieved November 14, 2013, from Foreign Policy: http://afpak.foreignpolicy.com/posts/2013/11/04/pakistans_best_bet_in_afghanistan

The Escalating Chinese Dominance in Nepal: A Byproduct of India's Diplomatic Failure?

Saurav Bhaumik

Abstract

The Indo-Nepal relationship is indeed meandering through a very critical phase. The erstwhile bond which the two nations have shared is now on the verge of a fracture, largely catalyzed by India's diplomatic failure in Nepal. In other words the Indian diplomats were unable to strategize it's international policies to promote and maintain peace in the land locked country, which can be imputed to India's endogenous tactical failure in Nepal. It becomes evident from the inherent contradiction that subsists within India's foreign policy and its' failure to maintain its' internal stability vis-à-vis the Maoists. On one side India virtually waged a war against the Maoist activities within its' polity, but at the same time it grossly failed in inhibiting Nepali Maoist connections with the like minded Indian Maoist Organizations. The threat lies with the fact that the political impasse between India and Nepal can be effectively utilized by China, to serve their own strategic and diplomatic interests. This discourse will constitute a critical analysis of India's foreign policy in Nepal. In pursuance of the same the paper will strive to present a comprehensive forecast of the impending strategic threats which India might confront from China in the long-run.

Keywords: Diplomacy, Insurgency, Maoism, Reciprocity, Monarchy

1. Introduction

A set of assertions seems imperative to streamline the dialectic focus of the present discourse. Nepal's quest for stability and economic development was largely dependent on India, which to an extent can be attributed to its adverse geographical location. In this context Professor Surya P. Subedi argued that unlike islands, atolls and peninsulas, which are natural features of the earth's surface, being landlocked is the result of a political process. National borders are drawn by people and not nature (Subedi, 2005). Contrary to popular belief, the problem of being land locked is political rather than geographic; requiring strategic solutions to the problem. It can have a tremendous negative impact not only on commerce but also on other economic activities. As a result of this the political independence of the concerned state might get jeopardized. Nepal being a landlocked state is a case on this point. It is pertinent to state that the country practically bought all its consumer goods including weapons and other strategic materials from India in the past (Mihaly, 1963). Nepal shared an amicable relationship with India since time immemorial (Caroe, 1960). However, the intense bonhomie shared by the two nations gradually culminated to a potent international political conflict. The repeated failure on the part of India to mitigate the political tumult in Nepal has complicated the country's internal politics for the past two decades (Mishra, 2004). The Maoist insurgency

is one such endogenous source of dissonance. Indian diplomats have repeatedly failed in their endeavors to arrive at a stable solution to the deepening political impasse. Instead, the Indian ventures have crafted a route for serious strategic ramifications to effectuate in the long run; which can inadvertently act as a serious detriment to the relationship between the two nations.

Problem lies with the fact that on one side the Indian government strictly denounced Maoist activities and categorically termed it as an activity that comes within the realm of international terrorism. On the contrary; the porous India-Nepal Border has served as a potential Maoist route for the further establishment of Maoist activities in Nepal. Under the given situation the Maoist insurgency in Nepal has been one of the most successful insurgencies in the world (Mishra, 2004). The Maoists have seriously deterred the Indian policies towards Nepal for the last few years and are now shaking hands with China. These insurgents, who fought a long civil war against the monarchy, now control most of the important public posts in Nepal. It is evident from the phenomenal rate of inclusion of Maoists into the governing coalition, in post monarchical arrangement in 2008 (Cartwright, 2009). The continuous political turmoil has generated resource conflicts in Nepal. Research revealed that the Nepali population faces several resource related conflicts concerned with appropriation, distribution and control. These conflicts are further linked with other social and political issues that make the situation even more complex (Upreti, 2004). From a prognostic contemplation on the issues raised; it can be rationally inferred that China is tactically utilizing the degrading political fracture between India and Nepal, which is evident from the increasing Chinese influence within Nepal's political substratum over the past few years. The recent hike in the Chinese investments in Nepal manifestly substantiates the aforesaid contention. Furthermore, the growing links between the Nepalese Maoists and China can create a daunting security concern for India. The core objective of the paper will be to probe whether the increase of Chinese intervention in Nepal over the past few years is a consequence of India's diplomatic failure in the country. In pursuance of the same; the paper seeks to address the possible complexities and associated security concerns which can result out of it.

2. The Maoist Insurgencies In Nepal: The Possible Strategic Ramifications ***The Economic Backdrop***

Nepal due to its geographical location, serves as a buffer zone locked between two apparently hostile nations, i.e. India and China. The vulnerable geographical position of Nepal made it impossible for it to establish trade linkages with other nations. For this reason, the country had been economically dependent on India. Unfortunately, the aid from India did not boost its international trade linkages substantially, for which there was a severe economic meltdown in the country (Taneja & Pohit, 2001). Nepal is dependent on India as the source of access to

the sea through the major port in Calcutta; a situation creating a certain degree of vulnerability, although Nepal's exports are modest and the economy has gone from bad to worse (Shrestha, 2011). This brings us to one of the highly publicized international issues of 1980-1990. The crisis was regarding the fact that Nepal wanted to conclude a separate Treaty of transit with India, whereas India wished to conclude a separate Treaty dealing with all matters of bilateral trade and transit (Subedi, 2005). The Indian government's action on transit was in contravention of the Barcelona Statute on Freedom of Transit, 1921¹. Interestingly, both India and Nepal are parties to the Convention on Transit Trade of landlocked countries of 1965. Nepal's Bilateral Treaty had expired and India was reluctant to renew it unless Nepal undertook democratic reforms. The expiration of this Treaty isolated Nepal economically and crippled its economy at a time when the government was confronted with mounting opposition from the "panchayat" system. Soon the international communities joined India in pressurizing the king for democratic reforms and improve Nepal's human rights record (Joshi & Mason, 2007). However, it was not executed properly due to some fundamental loopholes in the structural dynamics of India's foreign policy. India's foreign policy towards its immediate neighbours came in for an overall review and re-orientation as danger to its security and national interest, after the border war with China in 1962. The danger from the side of Nepal also started causing concern in the wake of a series of virulent anti-Indian campaigns, allegedly launched with the connivance of the then Nepalese authorities (Suhrawardy, 1996).

2.1 The Tacit Cooperation between India and the Nepali Maoists in the past

The Indian democratic experience is unique, especially in the context of South Asia, where forces challenging democratic forms of government have generally triumphed (Chakravarty, 2006). But India confronted some major strategic problems regarding the democratic reforms in Nepal. The Maoist insurgents in Nepal tacitly received moral support from India for a considerable period of time. In a way, this becomes critical to the extent that; India at its policy level has persistently deterred Maoist activities both within and outside the country. And notwithstanding, the anti Maoist policy initiatives taken by the Government, the Nepalese Maoists received continued moral support from India. It must be noted that most of the terrorism and insurgency related problems in India have cross border linkages. A number of recent reports revealed that Nepal's Maoist insurgents were involved in smuggling drugs from India to raise money in order to buy arms. In addition to that the Nepalese Maoists carried out illicit cross border arms trade with India (Nayak, 2008). The Maoist insurgents also received military training on Indian soil (Gul, 2002). The open border and socio cultural similarity of the people on either side of the border made quite easy movement to acquire arms and ammunitions and other necessary materials from the Indian market. The free movement of the Maoists in the Indian territory and their

organizational activities and political coordination with Indian rebel communist groups was certainly a matter of concern for India. The porous border served as sanctuaries to the Maoists and other criminal actors for treatment, hideouts and encouraged kidnapping for ransom, human trafficking, drug trafficking, cross border robbery, smuggling of forest resourced and de-stabilizing the local labour market (Dhungna, 2006). The threat intensified with the formation of the CCOMPOSA (Co-ordination Committee of Maoist Parties and Organizations)². For the past few years the Maoist leaders have been moving freely across the border, holding meetings with senior Nepalese politicians on Indian soil, without Indian agencies apparently knowing about it (Shrestha, 2006). India has also supported the electoral process that brought the Maoists to power in early 2008.

The foregoing discussion manifestly exemplifies the gross mismanagement by India to stabilize its sensitive border relations with Nepal. India has been a passive spectator, without taking strict action against such criminal activities. It can be argued that there had been a concealed cooperation between the Indian rebels and the Nepali Maoist insurgents. India shook hands with the Nepali Maoists to overthrow the monarchic power, who had an antagonistic relationship with India. It was easy for the Indian Government because the persistent economic stagnation combined with deficiencies in political development; it became impossible for the vast majority of Nepal's people to participate in public political processes and institutions. Many of them looked for an alternative vision of political transition, which Maoist leaders provided (Czarnecka, 2005). Since 1996, India started funding Nepali Maoists to fight against the state. Most of their leaders were backed up by the Indian government. Surprisingly, India never helped the government of Nepal in arresting those leaders and extraditing them in Nepal. Interestingly, India justified it on the basis that it wanted to abolish the autocratic regime under the monarch and establish parliamentary democracy in the country (Lohani, 2011). It can be categorized as a diplomatic overture on the part of India. By ousting the monarch; with the aid of the Maoists, India wanted to establish her hegemony more firmly over Nepal's internal politics. But unfortunately, the Indian diplomats grossly failed in their attempt which ultimately culminated to severe repercussions from both the factions. Though not explicit, the cooperation which was prevalent between the Maoists and India had indirectly resulted in the gross failure in India's peace process in Nepal. The aforementioned discussion should be analyzed in the light of the 12 Point Agreement engineered by India that directly brought the Maoists into the political mainstream (Bhatta, 2012). India's mediatory role in the 12 Point Agreement has brought immense dissatisfaction among the Nepali nationals. This is because the Maoist Government had brought nothing but corruption and economic maladies. With more than 12,000 deaths in nine years, a home-grown Maoist insurgency, reinforced by ethnic and socioeconomic cleavages, has resulted in high levels of political violence and

human rights violations in Nepal (Mitchell et al., 2006). In this way the Nepali nationals have lost absolute faith in the Indian administration due to the proliferation of Maoist activities in Nepal. It is therefore evident that India will possibly face serious threats from an acute growth of Maoist insurgency within its territory. History illustrates that the Nepalese insurgents received considerable shelter and cover in India during the days of insurgency (Mishra, 2004). Quoting intelligence reports, the Times of India claimed that the People's War Group was planning to create a Compact Revolutionary Zone from Hyderabad to Kathmandu, taking Madhya Pradesh, Bihar, and Jharkhand into its area of influence with the help of other outfits (Mishra, 2001).

2.2 Failure on the part of India to establish a democratic peace process in Nepal.

As discussed earlier, India has repeatedly failed in the establishment of a stable democratic peace process in Nepal. The fundamental errors in the Indian foreign policy vis-à-vis Nepal, largely aggravated the aforesaid problem. In addition to it a major catalyst was the ongoing crisis in Nepal's relations with India. Assessments of Indian security policy was traditionally developed on the direct military threat to India from Pakistan and China, or on the indirect impact of superpower intervention in South Asia. However, since much of New Delhi's day-to-day diplomacy is preoccupied with South Asian problems, New Delhi exhibited increased willingness in the late 1980s to assert India's greater power directly and dramatically in smaller neighbouring countries (Hagerty, 1991). Therefore, the power politics played by India was erroneous. This is because the political edifice of Nepal was sensitive and the entire polity went through a phase of transition. Therefore, instead of stabilizing the situation and structuring the foreign policy to ascertain a democratic peace process within Nepal, it entered into certain fundamental conflicts with the country. Noted scholar Sudipta Kaviraj is of the opinion that, a fundamental transformation of the relations which constitutes the political world could not happen overnight. It is primarily the result of interconnecting rational decisions taken *ad hoc*, with short term objectives in mind. It happened due to the flux in the government apparatus in the general field of Indian politics (Kaviraj, 2010).

2.3 The Possible Chinese Advance and the Impending Security Threats

In the context of the foregoing discussion, it must be noted that unlike India, the Chinese leaders have valued good relations with the ASEAN states. ASEAN is even considered as one of the poles in the multi-polar power transfiguration in the Asia Pacific region (Cheng, 1999). At the level of national interest the ever expanding Chinese military presence in Tibet exercised a deep influence on India's previous policies in China (Ganguly, 2012). After the *Gurkha* conquest of Nepal in 1769, China and Nepal came into active political contact with each other for the first time in 1791. That was during the Nepal-Tibet war. However, a

Treaty was concluded in 1792 between Nepal and China because political scientists are of the opinion that the provisions of the 1792 Treaty and the subsequent Nepalese missions to China would readily give an impression as if Nepal was a vassal of China for a long period. The affable relationship between Nepal and China was inevitable post 1950 due to the changed political conditions in the north of Nepal. The Nepal-Tibet Treaty was a great achievement for China, an important step towards the fulfillment of the Nepal policy. It brought a revolutionary change along the Tibetan frontiers of China (Ramachandran, 2003). The previous anachronism of Nepal being militarily inferior but legally placed in a superior position in relation to Tibet was done away with. Not only the traders and residents of Tibet but also the leaders and nationals of China were permitted to access Nepal on the basis of reciprocity. In some cases the nationals of China and Nepal could cross the Nepal-Tibet border without any passport or visa requirements. In other words, Nepal was completely opened to China on her own terms, a situation earnestly desired by her. China later tactically followed up by profuse offers of economic aid and goodwill which proved to be a master stroke of diplomacy by China (Kumar, 1963). The Chinese interest in Nepal took a U-turn in 2008, when bloody protests erupted on the Tibetan plateau. One of China's core interests in Nepal has been to minimize the political activities of Tibetan refugees, which China views as potential threats to its own security.

Though the Chinese did make it clear that it would not want to entangle itself within Nepal's internal political theatre, its pro active participation in Nepal's politics has increased over the past few years. It is interesting to note that earlier China did not have direct contact with Nepal. This paper proposes that the gradual advancement of China is a growing strategic threat for India, the primary reason of it being that India and China share similar goals in Nepal. This can indirectly lead to conflicting interests in the long run. By conflicting interests the author wants to stress on the economic interests of China and India in Nepal. One of the reasons for the Chinese intervention in Nepal was to mitigate the Tibetan agitation which invoked the anti China sentiments in Nepal. The Chinese had no doubt been quite successful to this end. China had developed links directly with Nepali security agencies and bureaucracy. Thus, reconstructing the initial argument, two contentious issues can be raised. The sole purpose for which China ventured into Nepal was to eradicate the anti China sentiments that prevailed within its polity. This can be further considered as the first limb of China's tactical interference in Nepal. The second vested interest on the Chinese counterpart was to maintain an affable trade relationship with Nepal. From the traditional notions of political theory there are different structures of hierarchy and anarchy. These different ways of organizing political power result in different consequences for actors. Again actors will behave differently depending upon how they are organized. So for example, within a domestic

hierarchical organization, political processes can be specialized because there are different branches and levels of government, these various government sectors are all highly interdependent on each other, and their overriding goal is to maximize the welfare of the citizens of the States. Moreover, security issues are never solved within the State system (Cynthia & Weber, 2010). Hence, China extended its hand to resolve the security and economic meltdown within Nepal. The Chinese interference served as a viable mean for Nepal to achieve its political end i.e. maximization of the welfare of its citizens. According to traditional sociologists, it is implicit in the normal use that societies should possess legal and administrative unity within well defined borders. It is associated with the distinctive forms of social integration associated with the nation state (Hall & McGovern, 2007). As John Hall argued, the economic development of late medieval cities was supported by a certain type of emerging state in which ‘a limit to arbitrariness’ was combined with ‘ever increasing infrastructural power’ (Hall, 1994). If civil rights, especially the rights of the minorities are safeguarded, it is the liberal constitutional state and not the democracy which achieves this.

3. The Chinese Interference and Possible Strategic Concerns for India

The Implicit Maoist Support by China

Hitherto, China has adopted an aggressive posture to weaken India’s hold on Nepal. It can be argued that China is not only courting the Nepalese Maoists, but also rendering political and material support to the Indian Maoist militants. Historical facts suggest that the Chinese never considered the Maoist insurgents as terrorists (Mage, 2007). Information served by the Intelligence Agencies stated that many Chinese centres have been identified in the *terai* region of Nepal that serve as hubs for the dissemination of Maoist Ideology. There have been reports that Indian Maoists are also visiting these centres and indoctrinating the youth who are later to be recruited as red rebels. These centres are also used for anti-India propaganda. New Delhi was potently dissatisfied because of Kathmandu's arms purchases from China in 1988-89, including anti-aircraft weapons. These constitute evidences of the “cultural exchange” initiatives that are part of the soft power component of China’s foreign policy (Jha 2010; Schmidt 2008). India interpreted the arms acquisition as a signal that Nepal viewed India as a hostile neighbor, and argued that Nepal had violated an agreement of 1965; between the two countries (Hagerty, 1991). From the aforementioned facts it is quite clear that the ulterior intentions of China, though not explicit, can be perceived from an in depth study of its strategies. Hence, China can be termed as a “sleeping volcano”. The communist giants never known for moral principles in its foreign policy sure enough stepped into the vacuum caused by the withdrawal of arms aid by India to Gynendra’s Royal Army (Banerjee, 2006). China is tactfully using Nepal as a transit point to spread their business across to South Asia. This is another reason for India’s discomfort,

because it is already inundated by Chinese goods. Maoists have increasingly been inclined towards China because of two commonalities. First, the political ideology and second is the common resentment against India. Political volatility within Nepal has proved to be a greener pasture for China. The leaders across different parties in Nepal require money to carry out their political interest. Thus, China can exploit the situation by bribing the Nepalese leadership to get the construction and other contracts. Such allegations have already been published in Nepalese newspapers.

Another important factor is that the Maoists in Nepal often fan anti-Indian sentiments to shore up their nationalistic credentials. India regarded Maoists as a tool to overthrow the monarchy. And without the Indian aid it would not have been possible for the Maoist front to overthrow the powerful and established monarchy. Previously the monarch of Nepal had immense power. Not even the communists dared to belittle the King or advocate a republic (Levi, 1956). India believed that it could always play the Maoists against Nepal. India was successful to this end (Cailmail, 2008). But it was utterly unwise on the part of India. Since 1994, the United Communist Party of Nepal (Maoists) has gone through a number of radical transformations, shifting from a guerrilla warfare unit to a key democratizing force within Nepal politics. An expanding Chinese presence in Nepal should be alarming for India, given that India and Nepal share a fragile and porous border. This anti India sentiment can be skillfully leveraged by the Chinese, given the situation that Maoists are in power. For the true essence of the discussion it is important to note that China openly exhorted Nepali assertions of independence vis-à-vis India throughout the period till 1978. Intense anti-India propaganda was directed by China into Nepal (Ghoble, 1985). The Indians will however continue to be blamed, as their hands are tied in terms of growing China-Maoist implicit pact in Nepal. China has previously perceived monarchy as a stable, credible and dependable partner. Thus, the ousting of the monarch raised dissatisfaction within the Chinese front. China can also corner India economically by jeopardizing India's trade relations with Nepal. China has developed alternative trade routes in Nepal for its growth in trade and commerce in the Himalayas. It has been persistently aiding Nepal in building roads and investing billions of dollars in hydropower and telecommunications. It can be articulated that China's rising economic encroachment in Nepal can be a future threat to India's strategic interests. Nepal now regards China as a reliable friend, and therefore the strengthening of the bilateral ties between the two nations is quite natural. It can well be a foreign policy initiative of China to corner India in terms of security and economy.

The Maoists emerged victorious in the April 2008 elections, pursuant to which China adopted a wait and watch policy because it was not sure of their intentions. After all, the Maoists were backed by India and were catapulted to the

political centre stage only after a comprehensive peace agreement was executed, in which India had played a substantial role behind the scenes. Media reports reveal that after several interactions with Maoists leaders, China started to feel quite comfortable with the Maoist-led government. The Maoists' ideological linkages with China and their keenness to neutralize India's influence in the region have also made them an obvious choice for engagement. It has been reported that in their interactions with the Chinese, the Maoist leaders gave the impression that the future of democracy in Nepal could be guided by the example of the Communist Party of China. Indeed, there are many in Nepal who argue that the presence of the Maoist tag in the party name despite joining competitive politics indicates that the party may work towards a single party system in the future, given that dictatorship of the proletariat has prime of place in the Maoist lexicon. In fact, some hardline leaders of the party have suggested a people's republic similar to that of China on a number of occasions even after Maoists joined the political mainstream. These ideas might have encouraged China to attempt to consolidate its position in Nepal by continuously engaging the Maoists at the political, economic, military and social levels, and thus secure its strategic interests in the region (Holslag, 2009)

China has also previously submitted to Kathmandu a draft Sino-Nepal friendship treaty. The draft states that China will not attack Nepal and would respect Nepal's sovereignty and territorial integrity. Nepal would in turn recognize 'One China' policy and not allow its territory to be used for "anti-China" activities (Krishnan, 2013). The draft treaty in fact looks more like a strategic one that is tilted highly in favour of Chinese security concerns. China needs this agreement because it does not have confidence in the democratic arrangements and future governments in Nepal, and wishes to consolidate its position while the Maoists are in power. China has reportedly penetrated in the Nepali political system by gaining confidence of hardline communist leaders both in the CPN-UML and the CPN-Maoists³. It has also assured help in the modernization and integration of registered Maoist guerrillas into the Nepal Army

4. Lines of Effective Indian Policy to Nepal

Nepal is a country with immense resilience, having huge potential. Nepal's hydroelectric power itself is a huge source of optimism. However, this resource has to be utilized to uplift the economic standards of the people and currently that is happening at a satisfactory pace. Nepal needs huge investments, and experience shows that it is not likely to come readily from any country outside South Asia. As contented by Professor Surya P. Subedi, the natural market for Nepal's hydroelectric power in India and the investment required for it could come from India (Subedi, 2005). Therefore, India should strategically increase its investments in Nepal in certain specific sectors to gain Nepal's confidence, and at the same time it should monitor the Indo-Nepal border and take proper

measures to mitigate the criminal activities that has been happening for the past few years.

The development projects which are being bagged by China in India's neighbourhood can be taken by India as well. India too could be instrumental towards bringing prosperity and peace in her neighbour's territories. India should take steps to convince Nepal that India alone has the capability to ward-off extra-territorial security and military intervention, and save the landlocked country from further tumult. India can make it possible through diplomacy alone as the environment within the region has always been hostile to India. Hence, it is a serious foreign policy challenge before India to contain the Chinese encirclement of India.

5. Conclusion

It is, thus, evident that the maintenance of peace process in Nepal had been a gross mismanagement by India. It has also opened a gateway for China to destabilize India. India had exhibited a strong deterrence against the Nepalese Maoists and even declared it as a form of terrorism. But implicitly it is India; that indirectly supported the Maoist insurgencies in Nepal to overthrow the monarchy. This inherent contradiction can act as an "*Achilles Heel*" for India in the long run. Though the Chinese intervention has not yet proliferated in India to an alarming extent. It is high time for our country to reconstruct its foreign policies in the Himalayas. The author has thus tried to initiate a venture to evaluate an imbroglio that lies at the core of Indian foreign policies in Nepal. Apart from that the Indian diplomats should also contemplate on the relevance of political value systems in an increasingly globalized world economic order. This becomes relevant in the context of Nepal-China trade relations. The paper intended to craft a fulcrum between India's strategic interests and international stability in South Asia vis-à-vis Nepal.

Notes:

- ¹ *Vide* Article 1 and Article 2 of the Treaty.
- ² This committee was believed to be emerged out of a meeting of comrades from nine Maoists parties, organized in some place in West Bengal. Similarly in the course of time the Maoists of Nepal in coordination with the left extremist groups of India proposed to establish a 'Compact Revolutionary Zone' (CRZ).
- ³ Prior to Jhala Nath Khanal becoming UML Chief, a four-member Chinese delegation visited Kathmandu on May 10, 2008 and met Khanal and other Maoist leaders.

References

- Banerjee, S (2006): "The 'Ides' of April: Lessons from Nepal", *Economic and Political Weekly*, 41(19).
- Bhatta, C.D (2012): "Reflections on Nepal's Peace Process", *International Policy Analysis*, Department for Asia and the Pacific Hiroshimastr, Berlin Germany.
- Cailmail, B (2008): "The Fall of Hindu Monarchy: Maoists in Power in Nepal", *Asia Visions*, 12(3).
- Caroe, O (1960): "The Geography and Ethnics of India's Northern Frontiers", *The Geographical Journal*, 126 (3).
- Cartwright, J (2009): "India's Regional and International Support for Democracy: Rhetoric or Reality?", *Asian Survey*, 49(3).
- Chakravarty, B (2006): *Forging Power: Coalition Politics in India* (New Delhi: Oxford University Press).
- Cheng, J (1999): "China's ASEAN Policy in the 1990s: Pushing for Regional Multi-polarity", *Contemporary Southeast Asia*, 21(2).
- Czarnecka, J.P (2005): "No end to Nepal's Maoist rebellion", *European Journal of Anthropology*, 46
- Ganguly, S (2012): *India's foreign policy: Retrospect and Prospect* (New Delhi: Oxford University Press).
- Ghoble, T. R (1985): "China Nepal Relations and India", *Asian Survey*, 25 (5).
- Goldstein, J & Pevehouse, J.C (2011): *International Relations* (New Delhi: Pearson Publications).
- Gul, N (2002): "Question of Nepal: Political Instability and Maoist Insurgency", *Pakistan Horizon*, 55(3).
- Hagerty T. D (1991): "India's Regional Security Doctrine", *Asian Survey*, 31(4).
- Hall, J.A (1994): *Coercion and Consent: Studies on the modern state* (Cambridge: Polity)
- Hall, T & McGovern, J et al. (2007): *The Modern State: Theories and Ideologies* (Edinburgh: Edinburgh University Press).
- Holslag, J (2009): *China and India: Prospects for Peace*, (New York: Columbia University Press).
- Joshi, M & Mason, T. (2007): "Land Tenure, Democracy, and Insurgency in Nepal: Peasant Support for Insurgency versus Democracy", *Asian Survey*, 47(3).
- Shrestha, S (2006): "India's Possible Role in the Future Peace Process of Nepal", in Shiva Dhungana's, *The Maoist Insurgency and Nepal- India Relations*, (ed), (Kathmandu: Friends for Peace Publication).
- Kaviraj, S (2010): *The trajectories of the Indian State: Politics and Ideas* (New Delhi: Permanent Black).

- Krishnan, A : “China, Nepal agree to deepen military ties”, *The Hindu*, July 25, 2013.
- Kumar, S (1963): “Nepal and China”, *The Indian Journal of Political Science*, 24 (1).
- Kumar, S (2011): “China’s Expanding Footprint in Nepal: Threats to India”, *Journal of Defence Studies*, 5(2).
- Levi, W (1956): “Politics in Nepal”, *Far Eastern Survey*, 25 (3).
- Lohani, P. C (2011): “Nepal’s Evolving Relations with India and China”, *ORF Discourse*, 5(7).
- Mage, J (2007): “The Nepali Revolution and International Relations” *Economic and Political Weekly*, 42(20).
- Mihaly, E. B (1963): “Developments in Nepal”, *The World Today*, 19(10).
- Mishra, D, “Nepalese Extremists Being Trained in Bihar”, *Times of India*, April 16, 2001.
- Mishra, R (2004): “India’s Role in Nepal’s Maoist Insurgency”, *Asian Survey*, 44(5).
- Mitchell et al., (2006): “Opportunity, Democracy, and the Exchange of Political Violence: A substantial Analysis of Conflict in Nepal”, *The Journal of Conflict Resolution*, 50(1).
- Nayak, N (2008): “Maoists in Nepal and India: Tactical Alliances and Ideological Differences”, *Strategic Analysis*, 32(3).
- Shastri Ramachandran,S (2003): “Nepal as Seen from India”, *Indian International Centre Quarterly*, Vol. 30, No.(2), 2003, pp. 81-98
- Subedi, S (2005): *Dynamics of foreign policy and law: A study of Indo-Nepal Relations* (New Delhi: Oxford University Press).
- Suhrwardy, Z (1996): “India’s Relations with Nepal”, *Pakistan Horizon*, 49(1).
- Taneja, N & Pohit, S (2001): “India’s Informal Trade with Nepal”, *Economic and Political Weekly*, 36 (25).
- Upreti, B.R (2004): “Resource Conflicts and Conflict Resolution in Nepal”, *Mountain Research and Development*, 24(1).
- Weber, C (2010): *International Relations Theory, A Critical Introduction* (New York: Routledge, Taylor Francis Group).

The Role of Maulana Abul Kalam Azad in Reconstruction and Inclusion of National Education in India

Tabesum Begam
Tirthankar Chakraborty

Abstract

As a potent force of systematized change, education actually in turn, transforms humans into human resource. It is an inner process of ethical and intellectual development for not only 'preparation for life', but in the final analysis the 'finding of a way of life'. When Maulana Abul Kalam Azad took his charge as an Education Minister, our country was passing through her most delicate situation. In this particular context, he embraced 'liberal, democratic, humanitarian and inclusion' of his educational approach with a view to generating and transforming the outlook of the people and set the nation on the path of progress and development. In this very context, the present paper provides an analytical overview of Maulana Abul Kalam Azad's role in reconstruction and inclusion of national education in India, in a way where every citizen of our country 'finding their way of life'.

Key Words: Maulana Azad, National Education, Inclusion, Nation Building, Reconstruction.

1. Introduction:

The sole objective of education has been accredited all over the world as an instrumental apparatus of social change. Therefore, in this regard, it is a process of dynamism, as opposite to 'static' or 'stereo – typed'. As a potent force of systematized change, education actually in turn, transforms humans into human resource. It is an inner process of ethical and intellectual development for not only 'preparation for life', but in the final analysis the finding of a way of life (Vanaik & Bhargava, 2010: ix). But after the attainment of India's Independence, as education minister, Maulana Abul Kalam Azad was confronted with a very challenging task of perceiving and building a national system of inclusion in education as an educational strategy for India, at a time when the government was facing harms of financial disparities and simultaneously trying to recover and revitalize the polity from the evils of partition. In such conditions it became the main agendum of the government to reorient, reconstruct educational apparatus comprehensively. Therefore Maulana tried to resolve the complexities involved in conceptualizing a system of "national" education.

Maulana Abul Kalam Azad began his career as a skilful journalist, with an extremely insightful eye on a large number of burning issues and one of these issues, he held dear was education, with an emphasis on scientific and technical education, which in fact, he felt was indispensable for the development of a

country colonized and exploited for over one hundred and fifty years (Habib, 2010: 15). This pledge of Azad in fact, can also be seen in the words, sentences and the pages of his journal, 'Al-Hilal', as early as the second decade of the 20th Century. Indeed, he systematically pursued education as a discipline from a very early age; however he did not attend any kind of institutionalized educational system, rather as Tagore, Maulana also profited by domestic university. He was educated according to the old educational pattern of engaging the best tutors to ground him on the basic academic tenets. His grounding was in Urdu, Persian and Arabic – language and literature. His father Maulana Khairuddin found the best teacher among intellectual elite of Calcutta who came to teach his son occasionally in the august presence of his father. It was considered a privilege to teach the scion of Calcutta's most venerable family of 'Sufi – Pirs'¹ and 'Silsila'² (Hameed, 2010: 42). Thus, Azad was basically an educator, "when he wanted to join the revolutionaries of 'Anushilan Samiti' he educated its leaders not to shun the Muslims. Later, as editor of 'Al – Hilal', he tried to educate the Muslim community to participate in struggle for national independence. His affidavit in the court of Calcutta's Presidency Magistrate was appreciated by Mahatma Gandhi as the best education in the principles of Non – cooperation and Civil Disobedience. His presidential address to Congress sessions are recognised as basic documents for understanding the basis of common nationhood and common culture of India" (Bhutani, 2006: 140 - 41).

In fact, the role Maulana played after independence is an extension of that role. In doing so he emphasized the need to depart from the system inherited from colonialism by rejecting its content and essence. He employed an attractive formulation to illustrate the then prevalent system as 'a system shaped by non-nationals in non-national interest'. The 'main charge', he argued, 'against the present system of education is that it has not led to the development of a national mind' (Panikkar, 2011: 38). Therefore, the intentions of this paper are based on the significant contribution of Maulana Abul Kalam Azad for transforming and insertion of educational system in the broad democratic humanitarian vision from colonial era to post – colonial phase, which has been continued by himself as an Education Minister of India for long eleven year tenure of his office to till his death in 1958. Azad envisaged these possibilities in following manner:

Today India is free She can have any kind of mental mould she pleases. Will it be exclusive . . . or will it be all – inclusive, which has been the characteristic of Indian culture throughout the ages? In the advancement of nations there is no greater hindrance than narrow - mindedness. It is our duty to keep ourselves free from this disease in the new era of independence (Douglas, 1988: 239).

It is needlessly to say that, he well knew that the 'disease of narrow - mindedness', as he described it, which essentially erased away through the inclusion of educational efforts. For the 'development of national mind',

Maulana, however, recover gaps in together in the ‘colonial - modern’ and the ‘native – conventional’ systems and attempt to evolve an alternative which integrated the elements of both western and conventional, emancipating the former from its colonial substance and as well as its ideological representations, and the latter from its unscientific and irrational stance. Yet, it is not exactly think that he was not animate to those intellectual aptitudes which might accrue from the colonial structures, though what was prompted by Maulana as an alternative was a system of ‘liberal, democratic, humanitarian and inclusion of educational approach’ which would generate and transform the outlook of the people and set the nation on the path of progress and opulence. India when gets free from her colonial rule, “the need of the hour was to work out a mechanism and build infrastructure, which would ensure that education, did not remain an elite affair as it moved closer to the larger mass of the people. Such a project in independent India required the stewardship of a person whose political understanding and vision was based on sound principles” (Qaiser, 2011: 280 - 81).

One may look into account, in this context, the distinction between the ‘politics of education’ and ‘politicization of education’ made by Rudolph and Rudolph. In their thoughts, the politics of education requires a certain kind of wisdom and vision to build institutions while the second one, is to make political capital out of them (Rudolph & Rudolph, 1972: 8 - 9). In such theoretical narratives, Azad can easily be seen referring to the sound principles of the ‘politics of education’ in order to lead sovereign India into a stage of developmentalism in the field of education, which would sustain its growth and its expansionism.

2. Influences and Impact of Azad’s Educational Aspirations:

The survey of literature on education, one cannot fail to remember Max Weber’s contribution of educational practices, which is based on the idea that the structure of domination defines the ends and as a result, the criteria of selection indomitable. Weber viewed that “historically, the two polar opposites in the field of educational ends are – to awaken charisma, and to impart specialized expert training. The first one corresponds to the charismatic structure of domination; the latter corresponds to the rational and modern structure of domination. The two types actually do not stand opposed, with no connections or transition between them. The warrior hero or the magician also needs special training, and the expert official is generally not trained exclusively for knowledge. However, they are polar opposites of types of education and they form the most radical contrasts, between them are found all those types which aim at cultivating the pupil for a conduct of life, whether it is of a mundane or of a religious character. In either case, the life conduct is the conduct of a status group” (Weber, 1991: 426). So, in this respect, the modern society according to Weber provides a

conflicting definition of education in terms of ‘cultivated type of man’ and the newer concept of the specialized ‘expert’.

Alternatively, social selection through education can be related to trend towards increased universalism, which focuses upon the trend from ascription to achievement in socially selective process. In reality, democratization of education starts from this perspective of achievement orientation. In this point, one posed the question that how does one start this process, or expedite it in regions where it has already been started? Mainly, this inquiry more crucial in the context of the leading ideas of the nationalist elite at independence which can be summarized under following manners, such as, sovereignty, unity order, a strong state, secularism, democracy, parliamentarianism, economic self – sufficiency and the need for social and economic reforms (Brass, 1994: 10). Thus, his involvement with the Aligarh movement and the ‘Nadva-tul-Ulum’ of Lucknow, gave him an opportunity to articulate his views on educational affairs more prominently in pre – independence time. Yet, he clearly asserted his having studied, over a period of a decade or so, the problem in its entirety, and claimed to have developed ‘a critical – cum - creative insight’ (Azad, 1983: 121) in the discipline of education. Paradoxically, one of the major early influences on Azad was Ibn Khaldun, the 14th century Moroccan philosopher, who inspired Azad to question the traditional methods of teaching as well as the curriculum. Maulana Azad agreed with him in holding that what led to stagnation in religious and secular learning was an unquestioning acceptance of theology. He found education to be the sole means to rectifying this error (Abduh, 1973: 19). Azad found the curricula in the Islamic madrasa’s fundamentally narrow, with a significant omission of mathematics, which is the basis of science and technology (Habib, Opt. Cit., 2010: 16).

Another significant influence, in the context of science and education was Sir Syed Ahmad Khan, which attracted Azad towards modern education and modern science. With the intoxication of Sir Syed’s writings, he went through the stages as in his father’s dictum: ‘The way to apostasy in the present age is through *‘wahhabiyat*³ to *‘nechariyat*’.⁴ Among the 19th century Islamic thinkers and reformists, Azad was not impressed by Sir Syed alone; he was surprisingly in agreement with Sir Syed’s *bête noir* Jamaluddin Afghani and his disciple Mohammad Abduh as well. Azad wanted to imbibe the best from both and in this he found that Afghani was all for modern scientific and technical education and was also critical of those ulema, who urged the community to keep away from anything which has to do with the British (Ibid.16 – 17).

It is important to underline the fact that Azad’s views on science, education and society can be analyzed against the larger background of his involvement in anti-colonial enterprises. Azad had shown early signs of intellectual pursuit as early

in 1902, when he addressed a letter to Hakeem Mohammad Tabeeb Ali,⁵ in which he dwelt upon many issues of importance. He argued that the protagonists of English education wished to spread western sciences, but English had been accepted as a means of securing jobs. As a result there was hardly any emphasis on learning science and philosophy. The need of the hour was to translate the works of the west in the languages of the country. Azad went on to say that it was time that the fallacy of the perception that those who believed in sciences were turning to atheism was challenged and so the argument that Islam and science were contradictory (Azad A. K., 1991: 22 - 23). Assertions such as this are significant in the light of the fact that Muslims at large had perceived the western education with suspicion for long since it was thought to be not in conformity with religious injunctions (Qaiser, 2010: 52)

It is remarkable that Azad should have advocated the learning of western sciences which in fact replicate his initiatives to modify the syllabus of Madrasa education in colonial phase for 'Madrasa-i- Aaliya', Calcutta, since he himself belonged to a family in which anything western was anathema. Azad stated that the total number of years to transact this curriculum were eighteen, including three years of 'Maktab', the primary stage of learning. However, if three years of the primary stage were excluded, then it would still have thirteen years in total. Then these thirteen years were further divided into junior and senior classes, consisting of eight and five years respectively (Ibid.) Azad wanted that curriculum introduced in the Madrasa was in tune with existing system of education and therefore suggested that in ordinary circumstances a student would be able to complete his studies in thirteen years, however, in case of failure at any stage, a grace period of two years would help a student complete 16 years. As suggested by Azad that in the fifth year of the junior classes, subjects such English, Mathematics, Indian geography, Indian history, history of Islam and sciences should be introduced (Ibid. 71 – 74).

There is no doubt that Maulana Azad's educational perspective was fundamentally Islamic in inspiration, though, he synthesized happily anything of value anywhere. He was not exclusively an "Islamic" mind or even an "oriental" mind, unacquainted with, or insensitive to, the rich streams of influences emanating from other sources, (Khwaja, 1990: 64) which reflected by his initiatives as education minister in post – colonial era when India became free from her imperial bondage. Hence, Maulana's contribution to education can be sum up in 'two' distinct categories. One may be the vision of educational thoughts as derived from his basic philosophical attitudes and second one, may be the various educational policies and actions which are attempted during his regime with the object of making education adequately responsive to the needs and challenges of the national life.

3. Ideological Inputs of Azad's Educational Principles :

Abul Kalam Azad expressed that for achieving real essence of education the future Indian educational policy must be synthesized both the essence of Eastern and Western values of educational aim and objectives. According to him, it is absolutely needless to create 'myth of conflict between East and West'. He spoke in terms of a common cultural heritage and of 'world citizenship' (Douglas, Opt. Cit., 243). This necessitated transcending the broad minded version of educational paradigms of Maulana. It is well understood preposition that, democracy reflects actual way of life and which may go beyond the structural ensemble of institutions, and upholds a culture of tolerance and accommodations of different views of thoughts. The striking thing about India's cultural tradition is the great variety and heterogeneity that it has encompassed and preserved. This is owing to many reasons; such as the diversity of ethnic and religious groups that have come in succession and settled down, the eclectic rather than proselytizing style of spiritual integration characteristic of Indian tradition, the absence of either a unifying theology or a unifying and continuous secular traditions, and above all, highly differentiated social system that has brought functional hierarchies, spatial distinctions and ritual distances into a manifold frame of identifications and interdependence" (Kothari, 1989).

The result of all this has been ongoing precedent of coexistence between diverse system and way of life. For in these ground, Azad strongly acknowledged that in such an essentially plural society an element of mutual understanding and tolerance should always be upheld through inclusion of education. In Azad's acuteness of education as an end, his efforts always to make a synthesis in giving due regards to both individual and social values, which by and large derived from his concept of 'men'. From the time of classics, according to him, the West viewed man as essentially a progressive animal. The Platonic tradition persisted, influenced by Christianity, but in the modern age, this strain has yielded place to a philosophical outlook dominated by the concepts of science (Douglas, Opt. Cit., 243). The East, by contrast, has always emphasized mans intrinsic spirituality. The teachings of Vedanta and the Sufism provide the highest possible concept of men; by identifying man with God, the eastern concept of man elevates him to godhead. Therefore, man has no other goal but to establish his identity with God (Ibid.). Therefore, to Azad, 'man has an immediate affinity with Him' and which should set no limits on human capacity, has paradoxically been vitiated by fatalism in both Vedanta and Sufism (Ibid. 244). In the West there has been a greater emphasis on materialism and expected consequence over deterministic outlook on life. What is needed, Azad concludes, is a combination of the eastern conception of man's status of unity with God, and the western concept of progress (Ibid.).

4. Azad on Democratization of National Education :

Addressing his one of the first press conferences, just on the eve of independence, Azad said categorically that a truly liberal and humanitarian education may transform the outlook of the people and set it on the path of progress and prosperity, while an ill-conceived or unscientific system might destroy all the hopes which have been cherished by generations of pioneers in the cause of national struggle. Azad strongly felt that our objective cannot be realized unless we get out of narrow-mindedness, which has been our greatest hindrance. In this new era of freedom, we should keep ourselves free from this disease as there is no other disease as dangerous for the healthy growth of national life. Elaborating further, he said, like an actor it masquerades in disguise. In the domain of religion it appears in the form of blind faith and wants to deceive us in the name of orthodoxy. In politics it wants to overpower us in the guise of nationalism. In learning and culture it makes an appeal to us in the name of our nation and country. It behooves us not to be taken in by these fictitious names. We must remember that the root cause of all this is nothing but narrow-mindedness.” Azad was inspired by the values of our freedom struggle and he was convinced that those values should come in handy for nation building, where education should be seen as a right for all the citizens of this newly independent nation (Habib, Opt. Cit., 21 – 22).

For that reason, he devoted himself to the inclusion of individuals who will have the qualities of vision, courage, tolerance and integrity, and to the construction, through them, and for them of a social order which actually will be stimulated by the ideals of social justice and rationalism. Needless to say, Azad was essentially concerned with the barriers of educational predicament, therefore, in order to reconstruct and reorient educational apparatus, he began his task with a detailed enquiry into the malaise and limitations of the existing system by appointing ‘University Educational Commission (1948), ‘Kher Committee for Elementary Education (1948), ‘Secondary Education Commission (1952 – 1953) and as such. Emphasizing the significance of education for all, Azad referred to Disraeli, who believed that “a democracy has no future unless it educates its masters”. In independent and democratic India, with universal franchise as the key principle, the voter was truly the master of democracy, whom Azad wanted to be educated and be aware. He was conscious of the sad inheritance, which had 85% population of illiterates on the eve of independence. He was convinced that the state needs to play a key role in combating such afflictions and provide the means of “the acquisition of knowledge and self-betterment”; however, the most disconcerting factor was the lack of necessary funds to carry forward the state’s responsibilities. Azad conceded with a sense of guilt as minister of education that the Central Government has only 1% allocation for education and he thus pleaded in the Constituent Assembly to raise the expenditure to 10%. He pursued the issue with passion and was able to raise the allocation from twenty million

rupees to around 350 million during his tenure as minister of education (Habib, Opt. Cit., 23).

5. Azad on Promotion of Democratic Ideals Through Social Education :

Azad understood that the retention after independence of imperial colonial administrative system as well as many of the numerous rules, regulations implemented by the Raj to govern India, obviously favours the domination in different areas of the state and society and one of the most important area is education. As he said particularly the post-Macaulayan phase, had done tremendous harm to the Indian education. Until and unless this situation is broken, the upliftment of the marginal classes cannot be ensured. Hence, Maulana was interested to establish the congruence of the formal democracy as a constitution for popular government and real democracy in the sense of actual participation of the subjects. Therefore, to that end Abul Kalam envisioned a basic pattern of social education which in fact laid the foundation of India's developmental activities. He made a differentiation between social education on the one side and sociology and social welfare on the other side.

To Azad social education constitute, a course of study towards the production of a consciousness of citizenship among the people and the promotion of social solidarity among them (Bhattacharyya, 2003:122). Yet, there are five basic elements in social education as Maulana understood, firstly, every citizen must know the meaning of citizenship and the way democracy functions. Secondly, there must always be instructions in the laws of personal and public health. True citizenship implies knowledge of and respect for the laws, which govern the health of the community. Thirdly, social education must also mean imparting of such information to the people as will enable them to effect some improvement in their economic status. Fourthly, its involving as it does improvement of bodily and mental health cannot ignore the proper training and refinement of emotions, and finally, it also contain on element of instruction in a universal ethic, with special emphasis upon the necessity of tolerance of one another's differences in a democracy (Ibid.).

6. Azad on Elementary Education and Education for All :

Maulana Azad was deeply impressed by the advances made in the West in the realm of elementary education. He was firmly committed to what was scientific in the western system, and the two factors that most inspired him were the idea of freedom as the technique of education, and the all embracing importance of primary education (Abduh, Opt. Cit., 24). "He was particularly impressed by the French philosopher Rousseau and was in agreement with him in the innate goodness of man. He even wrote about this in pre – independence era on his journal 'Al-Hilal', where he looked upon Rousseau as one who revolutionized the entire intellectual and social life of his age" (Habib, Opt. Cit., 17).

Consequently, he agreed with Rousseau in his advocacy of the child's necessity and ability to grasp the truth through his own insight (Abduh, Opt. Cit., 25). In "contrasting the centrality extended to education in the West, Maulana was bewildered at the apathy towards it in the East, with mediocrity as its hallmark" (Habib, Opt. Cit., 18). Though, he strongly felt that we, in India, are even oblivious of the fact that education is of paramount importance for the nation's overall development". Thus, supporting this and achieving the social revolution through the tools of education, one may identify following agendas and initiatives, which are taken by Maulana in very serious manner. Firstly, removal of illiteracy through universalization of elementary education up to secondary standards and maneuver for adult education including education for women. Secondly, equalizing educational opportunities in Indian society where exploitations on the basis of class and caste were contagion. Thirdly, three language formula where the state language and Hindi would be the medium of instruction but English will remain as an important second language. And lastly, sound primary education throughout the country (Bhattacharyya, Opt. Cit., 119).

As a designer of the emerging nation of India by being a member of the Constituent Assembly, and as a prominent member of Nehru's cabinet, a Minister whose task was to implement and deliver in the area of education Maulana Abul Kalam Azad talked of equalizing opportunities in the context of old caste, class and sex prejudices. He thus spoke in 1948, "If they have been left behind in the sphere of progress, it is not their fault. The society is to be blamed for this. It is all the more necessary, therefore, that the society, which has not until now placed them on an equal footing, should help in their advancement" (CAD, 1948: 1952) This is all the more important today when we are in the midst of implementing the Right to Education Act; it's a tribute to Maulana Azad, as he took up this arduous task more or less sixty years ago. As Maulana Azad emphasize:

We must not for a moment forget, it is a birth right of every individual to receive at least the basic education without which he cannot fully discharge his duties as a citizen (Raina, 2010: 35 - 6).

Hence, he viewed, every individual has a right to education that will enable him to expand his faculties and live full human life. Such education is the birth right of every citizen. A state cannot claim to have discharged its duty till it has provided for every single individual the means to the acquisition of knowledge and self – betterment. Maulana was convinced that "regardless of the question of employment the state must make available to all citizens the facilities of education up to secondary stage" (Bhattacharyya, Loc. Cit.). Maulana held that in Independent India, the planning of education on the national level was even more important than economic or industrial planning. If educational training was unable to inculcate the right values and ideals, the security and welfare of the

state would be in jeopardy. For the universalized educational system, in 1948 Azad put forward the idea of spending on education 'at least ten percent of the central revenues' (CAD, 1949: 1556).

Consequently, he was also successful in framing the official policy of instituting special stipends and inclusion for students coming from lower strata. In the study of Maulana Azad's role in 'democratization of educational opportunities' through inclusion for the backward classes students, as Saiyidain remarked that the provision on this head went up 'about 75 fold, from of 3 lakhs in 1944 to 2.25 crores in 1960' (Saiyidain, 1961). As a stewardship of the Ministry of Education, Maulana geared his educational policies and actions into subsequent objectives. Firstly, the quest truth is the principle aim of education and it is the most important objective as understood by Maulana, but he also believed that no one build this truth value upon makeshift dogmatism, because it came from only openness to different point of views and tolerance other than one owns. Secondly, justice is important aim of education which related to the appreciations of rights and the performance of the duties as necessary conditions to the discipline of the individual and as well as the good of the society. Thirdly, spreading enlightenment thoughts is the one of the forceful aims of education. Fourthly, the spirit of daring is the most value asset of youth society and in this field educational body should give scope for encouragement to the flowering of the spirit of pioneering and creativity. And lastly, quality of humanity which censure and sustains the spirit of individuals and his mental progress is the finest aim of education (Kirpal, 1990).

7. Azad's Initiatives on Institutionalizing Education, Art and Cultural Institutions :

Azad was essentially concerned with the role of education in national development, that is why he tries to his best for establishing different institutions for the development of educational apparatus in our country, like, The University Grants Commission. Similarly, Maulana also acknowledged and stressed the need of textbooks and reading materials encumbered with highly ontological and nationalist parameters. For promoting these ideals Indian government continues to work on this vision of Maulana Abul Kalam Azad. And, that's why Kothari Commission (1964 – 1966) also stressed this position in their recommendations. Thus, one of the promising aspects of his educational agenda is to promote national unity on the basis of rich diversity of cultures and beliefs and it is actually his honest attempt to build the Indian Council for Cultural Relations for achieving this goal. Azad repeatedly emphasized the significance of culture and heritage while formulating his educational policies, for him, no education at any level was complete without art and culture. It was this commitment of Maulana Azad, which prompted him to institutionalize Indian art and culture in the 1950s. Within a short span of ten years in his tenure, he established most of the major

cultural and literary academies we have today, including the Sangeet Natak Academy, Lalit Kala Academy, and Sahitya Academy.

The Indian Academy of Dance, Drama and Music was also inaugurated on January 28, 1953 and Maulana said at the inaugural function that “India can be proud of long heritage and tradition in the field of dance, drama, and music. In the field of fine arts, as in those of philosophy and science, India and Greece occupy an almost unique position in human history. It is my conviction that in the field of music, the achievement of India is greater than that of Greece. Azad also pointed out that the essence of Indian civilization and culture has always been a spirit of assimilation and synthesis’ (Habib, Opt. Cit., 29 - 30). Maulana Azad’s cosmopolitan and international vision is reflected in his comment when he says that “this precious heritage of dance, drama and music is one we must cherish and develop. We must do so not only for our own sake but also as our contribution to the cultural heritage of mankind. Nowhere is it truer than in the field of art, that to sustain means to create. Traditions cannot be preserved but can only be created afresh. It will be the aim of these academies to preserve our traditions by offering them an institutional form” (Ibid.).

8. Azad’s Dedication on Scientificity & Technocratic Education :

Thus, as we have seen earlier that Maulana Abul Kalam was a very dedicated person for scientific and technological advancement in educational arena. In his very early years he shared his thoughts with Hakeem Mohammad Tabeeb Ali in 1902. Needless to say his commitment to modern scientific and technical education is important to recall particularly in the context of Islam, where a debate is being held whether modern science is Islamic enough for the believers or they need to have their own brand of Islamic science. The stridency of global political Islam and its reductionism can be seen in the intellectual debates and writings, where all sources of knowledge, including that of science, can be reduced to *Qur’an* (Habib, Opt. Cit., 24). Yet, in this respect he in fact thoroughly rejected the very argument that Islam and science were contradictory rather he categorically pointed out at several places in his writings, particularly in the *‘Tarjuman al-Qur’an’*⁶, that we cannot expect the facts of history and science in the *Qur’an*.

Azad even avoided finding confirmation of the latest scientific theories in the *Qur’an*. “The aim of the *Qur’an*, he said, is to invite the attention of man to His power and wisdom and not to make an exposition of the creation of the universe” (Ibid.). There is no instance where the prophet insists that *Qur’an* has to be the only source of scientific knowledge. The decisiveness being espoused today came in from 11th century onwards as he supposed and said that when free thinkers like Mutazilites lost to the Asharites led by none other than Al-Ghazali. This led to a decisive break between the two phases of Islam-one, an early phase where eclecticism was the spirit while the latter phase was marked by closure,

where inward looking Islam was projected as the true face of the religion. It is unfortunate that this latter phase is being glorified, and Islamic civilization, including its science, is being proudly projected as a monolith, solely dependent on *Qur'anic* revelation (Ibid. 25).

Now a day's some take a deliberately antiquated stance in these context, either scientific observation and theory must be made to fit the unalterable text of scriptures, or it must be shown that those scriptures anticipated modern scientific findings. Given that the *Qur'an* did not anticipate or cannot legitimate many modern discoveries, it becomes necessary to disaffirm those discoveries, and to divide science itself along cultural lines; that is, to fabricate an Islamic science consistent with the *Qur'an* in opposition to a "Western" science unsuitable for Islamic societies because its epistemology is basically in conflict with the Islamic view (Kaiwar, 1992: 40). Therefore, he found it deceptive and argued that Islam and modern science are contradictory or pursuit of science leads to atheism. Thus, underlying such highly intellectual perceptions Maulana had the foresight to recognize that technical education was essential for India's development. Addressing the Central Advisory Board of Education on 6th February, 1958, he said:

When I assumed charge of Education in 1947, immediately saw that there could be no solution of our educational problems without the fullest cooperation of the Centre and the Provinces. Education was no doubt a provincial subject but it was my considered opinion that this distinction could be maintained only when our educational targets have been achieved. Till such time, the Central Government should openly recognize that though education is a State subject, it must share this responsibility with the State Governments if we are to meet the challenge of time (Sharma, 2010: 96).

Azad held that the objective of our Five Year Plans was not only to increase agricultural and industrial production, power, transportation etc., but to provide a proper mental environment and requisite training for the people in general and the youth in particular to produce better citizens. He clearly argued that there was no dearth of talent, scientific or otherwise, in India, and it only needed proper cultivation and he was, in a way, preoccupied with scientific and technocratic education. Indeed, it was this commitment of Azad, which driven him to institutionalize the All Indian Council for Technical Education, the Indian Institute for Higher Technology, and the Indian Institute of Science etc. Azad highlighted the importance of producing more educationists rather than teachers alone in these respect. He argued that the growing number of '*Mutallemeen*' (educationists) would ensure that good '*Muallemeen*' (teachers) too would be turned out of these institutions, moreover, bringing about these changes

according to Azad, was so crucial because it was important to introduced new areas of knowledge in order to overcome weakness in this field.

9. Appraisal of Azad's Guiding Principles on National Education:

It is pointless to say that, after attainment of Independence, India has changed her character in last past several years; it is no more a post – colonial society indeed. Though, it is important to remember that he lived in a period when the task of nation building acquired importance. The freedom struggle presented a milieu for long term vision that became the basis for public policy. An important feature of nation building was the determination and drive of the people who turned vision and policy into reality. The discourse on policy and on all such matters relating to development was intense and interspersed with the objective of nation building that reigned supreme. As a result, the follow up, though difficult, found supports from the lowest persons down the hierarchy in the implementation chain. The initial momentum provided by the education leader like Azad, however, could not be sustained for very long (Bhushan, 2010: 105).

The present phase of development, in contrast to the phase of development characterized by nation building is completely different. This phase of globalization is characterized by the intense struggle to acquire knowledge and disseminate it in a manner that provides opportunity to earn profit. An important instrumentality in the complex dynamics of knowledge production and distribution is the institutions of higher education. As a result higher education faces the pressure of ever growing commoditization (Ibid.) The process of policy change to cope with the changing environment in the absence of the climate of nation building becomes all the more difficult, as the policy decisions *per se* are something externally imposed. The market mechanism dominates and acquires spaces so far reserved for public. In the phase of global economy when state exerts change in response to external events, institutions' own inertia may not always keep pace with state driven change agenda (Ibid. 106 - 7).

On the other hand, the new ambience of higher education, represented by the package of interconnected and complimentary bills being considered by Parliament, is likely to create an intellectual substratum and cultural taste to compliment the elite oriented social and cultural transformation (Panikkar, Opt. Cit., 42). Yet, “the social history of India from the time of Eklavya to the 21st Century is replete with an examples of discrimination on the basis of caste and religion; the ‘dalits’ and ‘adivasis’ and those who are below the poverty line are likely to remain outside the ‘revolution’ as the state hopes to achieve” (Ibid.) If it is so, then education will not be able to channelize nation's human resources for national development. “In a country like India with such vast human capital at its command, the only way for achieving excellence is through equity and social justice. After all development can be inclusive only if it is organic” (Ibid.).

Similarly, the policy making process fails to establish organic linkages with the living organism of institutions which move with its own inertia.

Thus, in many respects the current phase may be characterized as the second wave of institution building, the first phase being the period of Maulana Azad when the foundations of many institutions were laid, many of which have excelled till now. In the present phase, too, new institutions such as central universities, innovation universities, IITs, IIMs, IISERs are being established on a large scale. The plan for National Accreditation Council is being set up to introduce the policy of transparency and accountability in the quality assurance. The grievance redressal machinery and Educational Tribunals are being established as part of government's action plan in higher education (Bhushan, Opt. Cit., 107- 9). But the question is can the second phase lift the morals of academia and help in the reconstruction and rejuvenation of higher education? An answer to the question lies in understanding the nature of the state and the market and the vital connections between the state, institutions and individuals. It needs to revise the position and developed an organic link with organizations and concentrating on organizations in higher education (Ibid.).

It is true that the issue of nation building, which reigned supreme during the days of Maulana Abul Kalam Azad, is not of much consequence in the current phase, though he again was able to connect himself to the society in the true sense as he understood the needs of the society. The message therefore, was transmitted almost immediately and with reception (Ibid.). The education policy makers today, following in the footsteps of Maulana Azad, should adopt the same methodology for its brighter prospect. In other word, the policy reversal would be leading Maulana's understanding – connecting to people centric approach, simultaneously awakening people's true consciousness. Therefore, it is so relatable, reminisce the dreams of Azad about a system of education which would unleash the intellectual energy as even in twenty first century in India.

10. Conclusion:

It is argued that 'Inclusion'⁷ is a sense of belonging, feeling respected, valued for who you are, feeling a level of supportive energy and commitment from others so than you can do your best work (Miller & Katz, 2002), then Maulana Abul Kalam Azad's thoughts on education definitely, goes same direction. When he took his charge, our country is passing through her most intricate situation, in this particular event, as an education Minister, Azad tagged 'inclusion' in a broad and comprehensive framework. Consequently, he combines a concern with questions of normative justification with an empirical analysis of the social conditions necessary for the realization of democratic institutions in one hand,

and on the other, posed a strong statement of an internal relationship between liberalism and democracy.

Yet, as a man, Maulana was even greater than his work as a Minister; he had the qualities of character and intellect which he wished to inculcate in the people of his country. His whole life bore a shining stamp of sincerity and truth – truth which he loved and advocated with Socratic passion, truth which makes no compromise with expediency and no concessions to ill – informed criticism or opposition (Saiyidain, Opt. Cit.). Many times he often would bracket on the lofty plans of romanticism. ‘As the biographers have indicated he was very fond of Rousseau’s idealism’ (Bhattacharyya, Opt. Cit., 128 - 9). Remarkably wise as he was, Maulana sought to transform his idealism into action. This actually led to the development of dichotomous circumstances between his actions and the reality at different spheres. ‘The doctrinaire approach of Maulana, which enabled him to deal with complex political situations guided him in the educational field and kept the keel of our educational ship steady’ (Malsiani, 1974: 88 - 90).

Nevertheless, there is a considerable estimation among scholars that Azad did not really have much to do with education personally, and the task was handed over to him by Nehru, who continued to play a key role in most of the policy formulations in educational and techno - scientific matters. It is a fact that Maulana Azad accepted the responsibility on the insistence of both Jawaharlal as well as Gandhi. But this is also a fact that the choice fell on him because Maulana was the best available person for the job. Both were in fact aware of the fact that he was passionately committed to education, culture and scientific and technical progress of the nation. He surely had his limitations, but it also be remembered that Azad was not a professional educationist in a strict sense, nor were so many others like Montessori, Tagore or any other, indeed their impact on education have been enormous (Saiyidain, Opt. Cit., 66).

On Commenting to his dear Maulana Sahib, Pundit Nehru called him ‘a man of luminous intelligence and a mighty intellect with an amazing capacity to pierce through a problem to its core’ and elsewhere, he asserts, Azad ‘. . . a strange mixture of medieval scholasticism, eighteenth century nationalism and the modern outlook’ (Nehru, 1982: 346 - 7). Indeed, Maulana Azad was essentially a scholar, a man of thought, a litterateur, a divine, who found himself pitch - forked into a life of intense political activity and who, incredibly enough, is able to combine the pedantic and almost mutually exclusive demands of the life of the mind and his life of passionate political endeavor, a rare quality which Azad shared with his life - long friend and his dear comrade Jawaharlal, who always came forward positively to take care of him in any strife situation.

Notes

1. 'Sufi', in Islamic understanding, a Muslim mystic and 'pir' explain an idea of guidance, a religious guide; a Sufi.
2. In this context it is actually explain the relationship of a 'pir' to his 'murid' (religious disciple), involving obedience of the disciple to the guide and often, material support of the 'pir' by his 'murid'. Many times these relationship called 'piri – muridi'.
3. It means 'Wahhabi' tendencies or ideas, in fact this thoughts derived from followers of the 18th century Arab reformer, Abdul Wahhab.
4. 'Nechariyat' was an expression used by the detractors of Sir Syed to explain his belief in nature and his followers were thus dubbed as necharis (followers of nature).
5. Hakeem Mohammad Tabeeb Ali was an editor of a journal named, 'Muraaqqaa-e-Alam', with whom Azad has shared many of his ideas and thoughts in these regards.
6. It was Maulana's unfinished commentary on the *Qur'an*.
7. Actually there is no universally accepted definition of inclusion, many organizations and advocacy groups have developed their own definition and provide supporting arguments for justifying their explanations. For in depth study, please see (Habermas, 1998), (Halvorsen, A. T & T. Neary, 2001), (Reddy, 2009) and (Maitra. Krishna & Vandana Saxena , 2008) etc.

References

- Abduh, G. R. (1973). *The Educational Ideas of Maulana Abul Kalam Azad* . New Delhi: Sterling Publishers.
- Azad, M. A. K. (1983). *Ghubar - e - Khatir*. Malik. Ram, (Ed.) New Delhi: Sahitya Akademi.
- Azad, M. A. K. (1991). Maulana Azad's Letter to Hakeem Mohammad Ali Tabeeb, 11th June 1920. In Malik. Ram (Ed.), *Khutoot Abul Kalam Azad* (Vol. I). (1974) Delhi: Sahitya Akademy.
- Azad, M. A. K. (1956). *Speeches of Maulana Azad: 1947 - 55* (Vol. I & II). Trans. A. L. Syed, Delhi: Publication Division, Ministry of Information and Broadcasting, Government of India.
- Bhattacharyya, R. N. (2003). Maulana Abul Kalam Azad & the Reconstruction of National Education in India (1947 - 58). In Mahavir. Singh (Ed.), *Maulana Abul Kalam Azad: Profile of ANationalist*. New Delhi: Anamica Publishers.
- Bhushan, S. (2010). Policy Processes in Higher Education. In Irfan S. Habib (Ed.), *Maulana Abul Kalam Azad & The National Education System*. New Delhi: National University of Educational Planning and Administration.
- Bhutani, Surendar. (2006). *Maulana Azad & Indian Polity*. Delhi: Shipra Publications.

- Brass, P. R. (1994). *The Politics of India Since Independence*. Cambridge: Cambridge University Press.
- Constituent Assembly Debates (1979), Vol. III. Delhi: Lok Sabha Secretariat, Government of India
- Douglas, I. H. (1988). *Abul Kalam Azad: An Intellectual and Religious Biography*. Minault. Gail and Christian, W. Troll (Ed.) Delhi: Oxford University Press.
- Habermas, J. (1998). *The Inclusion of the Other: Studies in Political Theory*. C. Cronin and Pablo, De. Greiffsince (Ed.) New York: Mit Press Publication.
- Habib, S. I. (2010). Maulana Abul Kalam Azad on Education and Culture in Post - Independent India. In Irfan S. Habib (Ed.), *Maulana Abul Kalam Azad & The National Education System*. New Delhi: National University of Educational Planning and Administration.
- Halvorsen, A. T & T. Neary. (2001). *Building Inclusive Schools: Tools and Strategies for Success*. Needham Heights MA: Allyn and Bacon.
- Hameed, Saiyidain. Syeda. (2010). Reflecting the Educational Philosophy of Maulana Abul Kalam Azad and Khwaja Ghulam Saiyidain. In S. H. Irfan (Ed.), *Maulana Abul Kalam Azad & The National Education System*. New Delhi: National University of Educational Planning and Administration.
- Kaiwar, V. (1992). Science, Capitalism and Islam. *South Asia Bulletin* , XII (2).
- Khwaja, Ghulam. Saiyidain. (1990). Philosophy of Education. In Syeda. Saiyidain. Hameed (Ed.), *India's Maulana*. New Delhi: ICCR and Vikas Publishing House.
- Kirpal, P. (1990). *Foundations of Education for Free India - Toward A New Quality of Life: Selection From Writings & Speeches of Abul Kalam Azad, Jawaharlal Nehru, Sarvepally Radha Krishnan*. P. Kirpal (Ed.) New Delhi: Allied Publishers.
- Kothari, R. (1989). Why Has India Been Democratic ? In Rajni. Kothari, *State Against Democracy*. New Delhi: Ajanta Publications.
- Maitra. Krishna & Vandana Saxena . (2008). *Inclusion: Issues and Perspective*. New Delhi: Kanishka Publications.
- Malsiani, Arsh. (1974). *Abul Kalam Azad: Sawanih - e - Hayat*. New Delhi: Government of India Publications.
- Miller, F. A and Judithn, H. Katz. (2002). *The Inclusion Breakthrough: Unleashing the Real Power of Diversity*. San Francisco: Berrett - Koehler Publishers.
- Nehru, J. (1982). *Discovery of India*. Delhi: Oxford University Press.
- Panikkar, K. N. (2011). India's Education Policy: From National to Commercial. *Economic and Political Weekly* , XLVI (17).
- Qaiser, Rizwan. (2011). *Resisting Colonialism and Communal Politics: Maulana Azad and The Making of the Indian Nation* . New Delhi: Manohar Publishers.
- Qaiser, Rizwan. (2010). The Madarsa Islamia, Ranchi: Maulana Azad's Early Experimentation with Madarsa Education. In Irfan S. Habib (Ed.), *Maulana Abul Kalam*

Azad & The National Education System. Delhi: National University of Educational Planning and Administration.

Raina, V. (2010). Maulana Azad and the Right to Education. In Irfan S. Habib (Ed.) *Maulana Abul Kalam Azad & The National Education System*. New Delhi: National University of Educational Planning and Administration.

Reddy, P. A. (2009). *Inclusion of the Excludes in Education*. India: Sarup Book Publishers.

Rudolph, Susanne Hoeber & Lloyd, I. Rudolph. (1972). *Education and Politics in India: Studies in Organisation, Society and Polity*. Delhi: Oxford University Press.

Saiyidain, Khwaja. Ghulam. (1961). *Maulana Azad's Contribution to Education*. Baroda: The Maharaja Sayajirao University.

Sharma, J. N. (2010). *Encyclopaedia of Eminent Thinkers: The Political Thought of Maulana Abul Kalam Azad* (Vol. XXIX). New Dellhi: Concept Publishing Company.

Vanaik, Achin & Rajeev Bhargava. (2010). *Understanding Contemporary India: A Critical Perspective*. (A. & Vanaik, Ed.) Delhi: Orient Black Swan.

Weber, M. (1991). The Chinese Literate. In H. H. Gerth (Ed.), *From Max Weber Essays in Sociology*. London: Routledge.

Behind Closed Doors: Is the ‘Personal’ Political?

Trijita Gonsalves
Sushmita Gonsalves

Abstract

From time immemorial, Indian society is patriarchal. Women have found it impossible to go beyond the field of patriarchal power. But, since Indian independence, efforts were made to make our society more egalitarian vis-a-vis women. In this paper, we identify two areas where the Indian State has dismally failed to protect women - female foeticide and marital rape. They constitute two of the most intimate concerns of a married woman's life, through which a husband assumes power over the most private part of her life – her body and it becomes a site of violence. This paper concludes by arguing that laws in themselves are not enough. It is time that we women fought our battles ourselves.

Key Words: Patriarchy, Domestic Violence, Female Foeticide, Marital Rape

1. Introduction

From time immemorial, Indian society is patriarchal. All societal norms and laws are dictated by what males in the community hold to be just and right. Women have found it impossible to go beyond the clutch of patriarchal power, so ensnared they have been in its folds. This patriarchal power has in its turn, ‘sought the consent of women, beguiled them with its social and cultural myths and rituals and implicated them in its workings’ (Geetha, *Theorizing Feminism - Patriarchy*, 2007).¹

In the post-independence period, efforts were made by the Constitution makers to make our society more egalitarian vis-a-vis women. The Indian State was viewed as a guarantor of the constitutional rights of women, including the right to equality and justice. The State was regarded as the only agent with its power and legitimacy to bring about egalitarian social transformation and empower women.

Under pressure from women's movements, the state formulated laws and policies specific to women and brought about changes in existing laws. In disregard to the constitutional provision for equality and equal treatment for all, the Indian state also positively discriminated by reserving 33% quotas for women in panchayats (local elected village councils). In spite of its attempts to ameliorate the conditions of women, reports of the Committee on the Status of Women in India (CSWI) showed that the Indian State had a dismal record when it came to improving women's status. The declining sex ratios, the low literacy rates, high levels of maternal mortality and infant mortality, widespread violence against women, discriminatory employment and wage rules indicated that the

status of women in India had systematically worsened over the years since independence.

In this paper, we identify two areas where the Indian State has dismally failed to protect women. These areas constitute most intimate concerns of a married woman's life, and readily becomes a site of violence. Through the acts of female foeticide and marital rape, the physical and mental wellbeing of a wife, her notions of selfhood, sovereignty and bodily integrity are destroyed without repair.

In India both, in cases of both abortion of female foetuses and sexual violence at home it is found that the law has a limited capacity to pursue justice.

This paper has three sections. In Section I, we look at the dichotomy between the public and private spheres and question the 'right to privacy' as guaranteed by courts of law. In this context, we also throw some light on the problems associated with implementing laws by focusing on the legal system in general and the judiciary of our country in particular. Against this backdrop, in Sections II and III, we examine the two cases of female foeticide and marital rape to show the failure of the Indian state reflected through the incapacity of its laws to protect women.

2. The Right to Privacy

"The right to privacy is a right of men 'to be let alone' to oppress women one at a time...It keeps some men out of the bedrooms of other men" (Mackinnon, 1987). *Catharine MacKinnon in Feminism Unmodified.*

Laws emerged as a tool of the bourgeois democratic revolutions in Europe. Law was the tool which fought the unequal treatment of individuals, henceforth assumed to be equal. The history of political thought in Europe since the 17th century shows that laws have centred on *the distinction between the private and the public* that relegated women in particular to an inferior position in society and hence, out of their purview.

In ancient Greece, there was a sharp distinction between the domestic household and the public realm which condemned women to public invisibility (Elshtain, 1981).² Rome was the first western society to develop the concept of the private realm and insist on its relative inviolability in relation to the public realm.

In classical liberalism also, justice referred to the 'public' realm, where adult men dealt with each other according to mutually agreed upon conventions. On the other hand, family relationships were 'private', governed by natural instinct or sympathy. Liberals regarded the family as the centre of the private sphere

'encompassing and protecting the personal intimacies of the home, the family, marriage, motherhood, procreation and child rearing' (Jaggar, 1983).³ The adult male head of the household had the right to be free from interference by the State or Church and complete rights over people under his control in the private realm, mainly his women, servants and children. Men, as a result, started having unequal power in most marriages, power which was exercised in decisions concerning work, leisure, sex, consumption etc and which was also exercised in marriage, in acts or threats of domestic violence.

Differences between the 'public' or non-domestic and the 'private' or domestic spheres excluded the family from the values of 'justice' and 'equality'. The family came to be at the centre of the cultural devaluation and economic dependence attached to women's traditional roles. While the public arena was generally understood to be open to regulation by the government, the private realm was supposed to be protected from such regulation. The family and sexuality were considered private matters. Issues like protection of women from forms of domestic violence or reproductive rights, being private matters, remained excluded from the purview of the state. The 'private' sphere thus became the arena of oppression.

There were in fact two different conceptions of the public-private distinction in liberalism.

- a) The first distinction originated in John Locke. It spoke about the distinction between the political and the social, between the state and civil society which excluded the family from either of the two. Liberals who were concerned with protecting men's ability to participate freely in social life were not concerned with ensuring that domestic life was organized along principles of equality and consent (Kymlicka, 2002).⁴ The 'state-society' distinction was a distinction 'within the world of men', with women assumed to be at home in the domestic sphere, where they 'naturally' belonged.
- b) The second distinction originating with Romantically-inspired liberals separated the personal or the intimate from the public, where the 'public' included both state and civil society. For the Romantics, private meant 'detachment from mundane existence, and was associated with self-development, self-expression and artistic creation' (Kymlicka, 2002).⁵ The Romantics included social life in the public realm because they felt that the bonds of civil society subjected individuals to the judgement and possible censure of others. A realm would have to be created where individuals could have privacy. Women and the family were located in this private realm. Intervening in a man's private or family affairs would be an invasion of his personal private sphere. The idea of this right to privacy meant that any outside interference in the family was a violation of privacy.

The basic structure of the traditional family thus remained immune to judicial reform because it was seen as a bastion of civilization, and a precondition for social stability (Kymlicka, 2002).⁶ It immunized the family from reforms designed to protect the interests of women - for example, state intervention which would protect women against domestic violence and marital rape, or empower women to sue their husbands. This right to privacy, as Mackinnon says, “reinforced the division between public and private that...kept the private beyond public redress and depoliticized women’s subjection within it (Mackinnon, 1987).”⁷

The legal notion of privacy also actually exacerbated sexual oppression because it protected domestic and marital relations from scrutiny and from intervention by government and social agencies. When it came to dealing with abuse in the ‘private’ sphere, the state refused to intervene. Protecting the private sphere or the family from state intervention did not guarantee women a sphere for personal retreat from the presence of others, or from the pressure to conform to the expectations of others. For many women, the family itself seemed an institution from which they desired privacy, and state action was urgently needed by them to protect their privacy within the domestic sphere and prevent abuse.

If we look at the USA, we find that the U.S Supreme Court also interpreted the right to privacy on similar terms. It withdrew from interfering in the familial life of people on the grounds of the right to privacy. It justified its emphasis on marital privacy by stressing the ancient and sacred character of marriage as the basis of its decisions (Kymlicka, 2002).⁸ It upheld that if two people entered a marriage, the right to privacy guaranteed that the state would not interfere with the domestic decisions of the couple. This family-based conception of privacy failed to protect women’s desire for privacy when they were threatened by abusive husbands or fathers. Landmark judgements in the USA on abortion also upheld the individual’s right to privacy (For example – Roe vs Wade 1972). However, by sanctioning abortion as a right of privacy, the state also ensured that the control women won out of this law went to men. When women in the USA got abortion as a ‘private privilege’, not a ‘public right’, in effect it was men – their husbands or fathers – who ended up controlling their decisions to abort. Moreover, when abortion was framed as a right of privacy, the state did not have the need to provide public funding for it (Mackinnon, 1987).⁹

For feminism, the family became an important locus of the struggle for sexual equality. As Anita Allen referred to it, “women’s privacy problem is both the ‘problem of getting rid of unwanted forms of privacy and acquiring the privacy they do not have’ (Allen, 1988).¹⁰ Feminists argued that the fight for sexual equality must go right up to the devaluation of women in the private sphere. Catharine Mackinnon wrote, “...the very things feminism regards as central to

the subjection of women – the very place, the body; the very relations, heterosexual; the very activities, intercourse and reproduction; and the very feelings, intimate – form the core of what is covered by privacy doctrine. From this perspective, the legal concept of privacy can and has shielded the place of battery, marital rape, and women’s exploited labour; has preserved the central institutions whereby women are deprived of identity, autonomy, control and self-definition...” (Mackinnon, 1987).¹¹ Carole Pateman sums up the issue “the dichotomy between the public and the private...is, ultimately, what feminism was all about” (Pateman, 1987).¹²

In India too, the Supreme Court did uphold the judgement of the Delhi High Court that the introduction of constitutional law into the ordinary domestic relationship of husband and wife would strike at the root of the relationship, and that in the privacy of the home and married life, neither Article 21 (Right to Life) nor Article 14 (Right to Equality) had any place. As documentation of domestic violence reveals, the arms of the state like the police also dismissed the abuse of women by husbands and other family members as the private concern of families (Krishnaraj M. , 2009).¹³

However, Indian feminists across the political spectrum were unanimous in their realisation that the distinction between the ‘public’ and the ‘private’ spheres and the withdrawal of courts from the private lives of individuals were reinforcing and protecting the existing structures of male domination and power in the family. They insisted that ‘gendering of citizenship lay in the creation of public-private divide, wherein male domination and female subordination were being structured by the strict separation of hierarchical spheres with male belonging to the public and female to the private’ (Chari, 2009).¹⁴ As ‘private’ and ‘public’ were governed by patriarchal principles, demystifying and challenging the distinction between the two was necessary for the liberation of women. They used slogans like ‘the personal is political’ to bring issues like reproductive rights, domestic violence against women, marital rape etc into the public arena. The belief was rampant that the law should intervene in the recesses of the ‘private’ to ensure gender justice. If laws were framed from the point of view of women, they could be of use to women. Even if law was as enmeshed in the power structures of society as ‘the community’ is, it could be forced into the service of progress and change by the pressure of democratic movements. As Nivedita Menon argued, “Law is seen as the primary legitimating discourse and it is believed that legal criminalisation would socially delegitimize a practice” (Menon, 2004).¹⁵ Feminist politics attempted to use the law to liberate ‘women’s bodies’ from the oppression of patriarchal structures.

The late 1960’s and early 1970’s witnessed attempts by women to articulate gender concerns and raise issues like violence against women, sexual division of

labour etc. Women pressed for control to define the issues concerning their personal lives. In Maharashtra, for example, the women activists of the organisation 'Shramik Sanghatana' started discussing issues relating to domestic violence. They protested against issues like alcoholism and wife-beating, thus questioning violence in the 'private sphere' (Chari, 2009).¹⁶ In the course of struggles like these, new demands were put forth for the prevention of sexual exploitation. The 1970's also witnessed the formation of the trade union SEWA (Self Employed Women's Association) in Gujarat. In the late 1970's and 1980's, the women's movement picked up the theme of violence against women, focusing on issues like wife battering, marital rape and reproductive health issues like sex-selective foeticide, invasive technologies, harmful contraceptives etc. Through campaigning on these issues, the women's movement exposed patriarchal values that legitimised chastity and sexual 'purity', which related women's honour and body to social identity and 'stigma' of being dishonoured as a woman (Chari, 2009).¹⁷ The household was opened up to show it as a unit of exploitation and control of women's freedom and choice. These movements attempted to challenge and break the binaries of public-private.

Under pressure from feminists, the state started intervening in the 'private' realm. Over the decades, the state has brought about changes in existing laws protecting women against violence of all sorts and implemented new ones. But, things did not become smooth for women. Rather, it was the beginning of a long, tenuous and thorny path to justice. This is because laws created more problems rather than solving existing ones. First, laws have had to operate within prevailing social structures and ideologies. Therefore, discrimination against women is present in our legal system. Secondly, Judges and legal agents have also interpreted laws in patriarchal ways. Decisions have been taken by individual judges on the basis of their own interpretations. These interpretations have reflected social and individual male biases and practices. Thirdly, in India, men and women are located in society which is unequal and gender blind. Therefore, even when law treats men and women equally, it is basically discriminatory to women. Fourthly, even when women know their rights are being violated, family honour prevents them from taking recourse to court of law. Fifthly, women who question injustice within the family and in the court of law find themselves isolated and all alone, fighting lonely battles. Finally, as objectivity is regarded as the norm, the law and the state render helplessness towards invisible women's subjective experience of oppression (Menon, 2004).¹⁸ Although laws were regarded as the sources of equal rights, the agents with the power and legitimacy to bring about women's emancipation, especially since the late 1970's, feminists have started raising questions about the capacity of law to act as a transformative instrument. Although the women's movement had reacted to almost every case of violence against women since the 1990's by demanding legal action, lately, it has argued that functioning in a manner compatible with

legal discourse can radically refract the ethical and emancipatory impulse of feminism. Creation of new laws has also meant an increase in the control of the state. Proper implementation of laws has remained unsatisfactory and convictions have been few and far between. Laws have also failed to offer any challenge to the social base responsible for the oppression of women. Therefore, laws have been utterly ineffective in bringing to women what they need.

3. Female Foeticide

*Prabhuji main tori binti karoon
Paiya paroon baar baar
Agley janam mohey bitiya na dije
Narak dije chahe dwar
-old folk song from Uttar Pradesh*

Through a discussion of the issue of female foeticide, we will try to examine the loopholes in existing laws and the utter failure of the Indian State to protect and empower women.

In the West, due to intervention of feminists, the right to abortion came to be regarded as a fundamental and non-negotiable right, a right to self-determination to which all women are entitled. The feminist movement generally focused on legal barriers to the realisation of individual liberty and denied the validity of any social regulation of reproduction. Feminists primarily tried to conceptualise abortion in moral terms, which would be compatible with both generally held notions of the value of life as well as with feminist visions of sexual and reproductive autonomy.

In India, on the other hand, abortion was seen as a measure to control population growth. It was felt that if unbridled population growth is not restrained, economic development of the country will suffer and the result will be increasing poverty. Government sponsored programmes and private institutions like Marie Stopes advocated abortion mainly to control population growth. Given the rising number of illegal and unsafe abortions in the country, in the year 1966, a Government Committee (the Shantilal Shah Committee) recommended legalising abortion.

In the year 1971, the Medical Termination of Pregnancy Act was implemented in India which legalised abortion. Under this Act, abortion was to be allowed under three circumstances – a) if the woman concerned was a victim of forcible sexual acts b) if the woman concerned became pregnant because of failure of contraception c) for eugenic reasons – if the woman concerned was at risk of giving birth to crippled children.

In the year 1975, the All India Institute of Medical Sciences, New Delhi began to use amniocentesis for detecting foetal abnormalities. Within a few years, amniocentesis started being used for sex-selective foeticide. The government issued circulars to central and state departments to make the use of pre-natal sex determination a penal offence. This ban led to the privatisation and commercialisation of female foeticide and private clinics grew up everywhere. Since the 1980's, the process of amniocentesis was increasingly being used illegally to determine the sex of foetuses in order to abort female foetuses specifically. This led to the formation of the FASDSP (Forum Against Sex Determination and Sex Preselection). However, there are problematic areas in the FASDSP. Although the FASDSP holds that it seeks only to restrict Sex Determination Tests, not the access to abortion itself, it has remained unable to separate the two issues. The issue is a bit complicated generally because in many ways, arguments against selective abortion of female foetuses occupy the same terrain as those against abortion.

The government of Maharashtra also achieved a breakthrough in 1988 with the implementation of the Maharashtra Regulation of the Use of Prenatal Diagnostic Techniques Act.

In 1994 also, the Pre-Natal Diagnostic Techniques (PNDT) Act was passed. However, its main concern was with medical procedures to detect the sex of the foetus. The Act specified that pre-natal diagnostic tests can be conducted for the detection of five types of abnormalities – chromosomal, genetic metabolic, haemoglobinopathies, sex linked genetic diseases and congenital. However, the female foeticide racket thrived illegally. The problem assumed such alarming proportions that in 1996, the World Health Organisation endorsed the fact that female foeticide was an extreme manifestation of violence against women (Sarna, 2003).¹⁹

If we look at the decline in the sex ratio in India over the decades, we will find that female foeticide has been on the rise. The figure below shows the decline in sex ratio in India from the year 1901 to 1991 with a slightly higher rise since then.

The records above show that the sex ratio or the number of females for each thousand males has gone down consistently over the past decades till the 1990's. The sex ratio in India has sharply declined from 972 females per 1000 males at the turn of the last century to 927 females per 1000 males in 1991. Although it has marginally increased since then (to 933 females in 2001 and 940 females in 2011), the fact remains that Acts like the Pre-Natal Diagnostic Techniques Act have not been able to have much impact on the problem of female foeticide.

The sex-ratio map of India for the year 2001 also shows that the Acts to stop female foeticide have not had much effect in our country.

From the map above, we can see that in large parts of our country (denoted by the states marked in blue and green) the sex ratio is dismally low. In Jammu and Kashmir, Punjab, Haryana, Delhi, Uttar Pradesh, Sikkim, the sex ratio is only between 801-900 females per 1000 males. In the states of Rajasthan, Madhya Pradesh, Gujarat, Maharashtra, Bihar, Jharkhand, West Bengal and in most of the north-eastern states, the sex ratio is between 901-950 females per 1000 males.

There are many factors responsible for this menace of sex-selective foeticide. Some of these are –

- a) Social security – Families in most parts of our country prefer sons to daughters as boys are seen to provide security to aged parents while daughters, once wedded, leave their parental homes forever.

- b) Dowry – While giving birth to a girl child involves the burden of accumulation of sufficient resources to provide for her dowry at her marriage, a boy child means quite the opposite. Boys become bread earners for the family as well as bring in huge amounts of dowry. Thus, girls become ‘unwanted liabilities’ while boys become ‘useful assets’.
- c) Cultural reasons – The concept of ‘vanshodharak’ or the carrier of the family name makes people crave for boys. Also, as it is a male child who performs the last rites of Hindus, the desire for boy children is very strong.

3.1 Failure of the State

After the 2001 census showed a significant drop in female-to-male sex ratios, the Indian State increased its efforts to publicise the illegality of selective abortion of female foetuses. However, there are many areas where the state has failed miserably in its efforts. There are many reasons for this failure. The first and foremost reason is the lack of will to implement the Acts. Interestingly, among a large section of our country, the view also prevails that the selective abortion of female foetuses is justified as a form of population control. It is argued that permitting the abortion of female foetuses would stop couples from continuing to have children until the desired son was produced. It is also argued that because the social pressure to bear male children falls entirely on the woman, she should have the right to abort a female foetus.

Despite the MTP Act, the number of unsafe abortions in our country continues to be very high. An article in *Manushi* mentioned that only about 10% of total induced abortions were performed through licensed safe medical services (Bang Rani and Bang Abhay, 1992).²⁰ Records from the Marie Stopes Clinics show that about 6.6 lakh women in India die every year due to abortions performed by unqualified personnel. An important problem is that since the women concerned and their families, as well as the doctors and clinics / hospitals do not report the offence themselves, reporting of the crime is practically non-existent.

Even though the Indian State does not openly advocate sex determination tests, it's Sixth and Seventh Five Year Plans are somewhat problematic. As Nandita Menon mentions in her book, “these plans set a target of a Net Reproduction Rate (NRR) of one (that is, one woman should replace her mother) and it is expected that this goal, together with the objective of limiting births to two to three per woman, will be achieved by 2006-2011. One implication of these policies seems that ‘excess’ girls will have to be killed at the foetal stage to maintain the NRR of one” (Menon, 2004).²¹

Not only the Five Year Plans, the provisions of the MTP Act also legally permit the selective abortion of female foetuses. Under this Act, an abortion is legal up to twelve weeks without restriction, up to twenty weeks if the physical or mental

health of the woman or child is at risk and after twenty weeks only if it is certified as immediately necessary to save the life of the pregnant woman. Thus, the regulatory regime would be breached only if a) termination after twenty weeks of pregnancy cannot be supported by evidence of a sufficiently grave threat to the life of the pregnant woman and b) in terminations between twelve and twenty weeks, sufficient evidence cannot be shown that the pregnancy threatened the physical or mental health of the mother or child. Neither in the MTP Act nor in the relevant penal codes, the words 'abortion', 'miscarriage' and 'termination of pregnancy' have been defined properly. This leaves individual medical opinion on these matters sacrosanct.

The legislation in Maharashtra which attempts to curtail pre-natal sex determination is also full of loopholes. Firstly, it does not ban private genetic laboratories and clinics which carry out sex determination tests but only provides for their registration. Secondly, it enables the state government to overrule the decisions of the highest monitoring body set up by the Act regarding cancellation or suspension of the licence of a clinic or laboratory. Thirdly, it can exempt any public lab or clinic from the provisions of the Act. Fourthly, common citizens cannot directly move the courts but must approach the monitoring bodies if they come across cases of sex-selective abortion. Finally, the monitoring bodies can refuse to make records or information available to the complainant 'in the public interest'.

The narrow focus of the Pre-Natal Diagnostic Techniques (PNDT) Act has also left the law incapable of tackling effectively the problems of even Sex Determination tests. For example, private clinics can continue to determine the sex of fetuses by misusing tests meant for the purposes permitted by the Act. This Act also says that no person conducting pre-natal diagnostic procedures shall communicate to the woman or her relatives the sex of the foetus. However, there is nothing in this Bill that prohibits the communication of such information to non-relatives. A question was also raised in the course of the passing of this Act as to whether the woman whose female foetus is being aborted should also be punished. One thing that people need to think about is that sometimes, when a woman acts without apparently being 'forced', she may still be acting against her best interests. Therefore, there is very little point in punishing a woman for a decision that is probably never her own.

In spite of the state implementing laws to control female foeticide, the fact remains that in rural India, there is a serious lack of facilities and trained personnel. Mere implementation of laws rarely suffices if they are not supplemented by sufficient infrastructure. The state has also turned a blind eye to the fact that there are many districts in our country which lack clean drinking

water and electricity but do not lack pre-natal sex determination clinics (Menon, 2004).²²

The fact that the laws and acts are having very little effect is also evident from the cases that keep coming up in newspapers. For example, in June 2007, a doctor was confronted with the charges of illegally aborting 260 female foetuses at his maternity clinic in the outskirts of New Delhi. Again, in July 2007, the Orissa Police recovered as many as thirty polythene bags stuffed with female foetuses from a dry well near a private clinic in Nayagarh, close to Bhubaneswar. Overall, as many as ten million girls in India have been killed by their parents either before or immediately after birth over the past twenty years. Even if we go on having more and more laws, increasingly simpler techniques of sex determination are being developed and the abortion of female foetuses is being rendered unnecessary by sex pre-selection techniques. In this context, active and honest state intervention is the need of the hour to control this menace. This has to be done through sustained campaigns and active monitoring of the Acts preventing sex-selective foeticide. State governments have to realize the importance and priority of the law and not merely treat it with their usual non complacency. Structures for implementing the PNDT Act of 1994 will have to be created at the district levels. Volunteers will also have to be mobilized actively to monitor registration and functioning of sex determination clinics all over the country. Cases have to be filed against violators and convictions brought about quickly. Finally, social consciousness has to be raised against the crime.

The major problem is that the progressive attitude of the Indian state towards abortion is dictated by compulsions other than commitment to women. In Nivedita Menon's words, "what animates the legal discourse on abortion is not concern for women's health or their autonomy, but a punitive spirit which treats abortion as a crime..." (Menon, 2004).²³ For this reason, big talk about women's empowerment will achieve nothing unless and until honest attempts are made that give priority to women. As the Roundtable on Women's Perspectives on Family Planning, Reproductive Rights and Reproductive Health in Ottawa in 1993 stated, "the key to women's empowerment lies in women acting individually and collectively to exercise their rights, in particular, their reproductive rights" (Menon, 2004).²⁴

4. Marital Rape

Susan Brownmiller wrote way back in 1976, "The human anatomy is such that men can rape women while women cannot rape men...rape is not an act of sex at all but one of power and domination" (Brownmiller, 1976).²⁵ Masculine power and feminine powerlessness neither simply precede nor cause rape; rather, rape is one of culture's many modes of feminizing women (Marcus, *Fighting Bodies*,

Fighting Words: A Theory and Politics of Rape Prevention, 1992).²⁶ Rape can at best be defined as a sexualized and gendered attack which imposes sexual difference along the lines of violence.

Rape and domestic violence are not fictions or figurations 'that admit of the free play of signification' (Marcus, Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention, 1992).²⁷ Rape particularly, is a very personal and intimate traumatic experience. It is real; to be real means to be fixed, determinate, and transparent to understanding. It is not just a criminal offence, but an offence that reflects power relations within society. Masculinist culture designates rape as a fate worse than, or tantamount to, death; 'the apocalyptic tone which it adopts and the metaphysical status which it assigns to rape implies that rape can only be feared or legally repaired, not fought (Marcus, Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention, 1992).²⁸

In India, the issue of rape appeared on the public agenda in the late 1970's, against the background of a Supreme Court judgement that acquitted the police rapists of a young tribal girl, Mathura. This case showed that it is extremely difficult for a woman to prove that she did not consent 'beyond all reasonable doubt', as was required under criminal law. In the decades after Mathura, feminists raised questions relating to custodial rape, the notion of consent, the use of past sexual experience as testimony and lengthy court trials. The Criminal Law Amendment Act was passed in 1983 which accepted that in custodial rape cases, the burden of proof lies with the man accused. It also stipulated that the penalty for custodial rape should not be less than seven years' imprisonment and provided for in camera proceedings.

Sharon Marcus writes, "Marital rape distorts the contract of male protection of women and shatters the community of care established between lovers; it produces an uncanny, dreadful estrangement from familiar expectations (Marcus, Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention, 1992).²⁹ Marital rape is the term used to describe non-consensual sexual acts between a woman/man and her husband/wife, ex-husband/wife, or intimate long-term partner. These sexual acts can include: intercourse, anal or oral sex, forced sexual behaviour with other individuals, and other unwanted, painful, and humiliating sexual activities. It is rape if one partner uses force, threats, or intimidation to get the other to submit to sexual acts. There are three types of marital rape:

- a) Battering Rape - This involves forced sex combined with battering, motivated primarily by anger toward the victim. The sexual abuse is either part of the entire physical abuse incident or is a result of the husband later asking his wife to prove she forgives him for the beating by having sex with him.

- b) Force-Only Rape - The husband uses only as much force as necessary to coerce his wife into sexual activity. This type of sexual assault is primarily motivated by the need for power over the victim. In his mind, he is merely asserting his right to have sex with "his" wife on demand. This is the most common type of marital rape.
- c) Obsessive Rape - The husband's sexual interests run toward the strange and perverse, and he is willing (or even has a preference) to use force to carry these activities out. This is the least common, yet arguably the most physically damaging, type of marital rape. Although battered women are more at risk for marital rape than their non-battered counterparts, some men will rape their wives and never beat them; others will beat them, but not rape them. These issues may be inter-linked or seemingly unrelated.

According to the United Nations Population Fund, more than two-thirds of married women in India between the ages of 15 and 49 have been beaten, raped or forced to provide sex (Huggler, 2006).³⁰

Marital rape is destructive for women as it betrays the fundamental basis of the marital relationship; it questions every understanding one has of one's partner and the marriage and of oneself. Women suffering the trauma of marital rape end up feeling betrayed, humiliated and confused. It is difficult to even define marital rape. The traditional idea that it is impossible for a man to rape his wife and that somehow, in taking our marriage vows, we have abdicated any say over our own body and sexuality and denied ourselves the right to say 'no', is still prevalent amongst Indian wives and husbands.

Sexual assault generally is a most feared, terrifying and humiliating form of attack. It radically alters the quality of the victim's terror and pain. The harm caused by marital rape especially, does not lie only in the causing of physical damage only, but in the violation of the bodily integrity of the wife. A sexual act in which a 'wife' is involved against her desire is traumatic in a way other acts or encounters are not. If 'rape' can occur inside the home, then 'inside' no longer remains what it is meant to be – sheltering, separate and distinct from an unsafe, external realm. The relative powerlessness and lack of autonomy that characterises the relations of husband and wife, particularly in India, also adds to the woes of victims of marital rape. It is absolutely necessary to question this experience in the realm of legal discourse.

Generally speaking, sexual acts sanctioned by the social order are regarded as perfectly legitimate. Consent of both parties is assumed in such cases. It is precisely because of this reason that Section 375 of the Indian Penal Code stated that 'Sexual intercourse by a man with his wife, the wife not being under fifteen years of age, is not rape.' Sex within marriage is not considered abnormal. For

these very reasons, the term ‘marital rape’ till some time back, existed only in feminist lexicon.

The 1993 Draft formulated by the National Commission for Women suggesting amendments to the rape law in India was one of the first to introduce the possibility of recognising rape within marriage. It explicitly stated the need to cover the continuous rape of adult females within marriage or by other adult members of the family under rape laws.

The Law Commission of India released its 172nd report on the Review of Rape Laws in 2000. It recommended the deletion of Section 155(4) of the Indian Evidence Act, which would prevent a victim of rape from being cross-examined about her ‘general immoral character’ and sexual history. (This section was later deleted in the winter session of Parliament in 2002) In the same year, the Draft Sexual Assault Law Reforms (India) was passed. However, it was gender-neutral in the sense that it referred to ‘persons’ as victims of sexual assault rather than women specifically. It was felt that this law would do more harm than help women as sexual assault would no more be treated as a gendered crime.

The Protection of Women from Domestic Violence Act was passed in the year 2005. Section five of the Act defined domestic violence as including physical abuse, sexual abuse, verbal or emotional abuse, and economic abuse as crimes.

- a) Physical abuse means any act or conducts which can cause bodily pain, harm, or danger to life, limb, or health, or impairs the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force.
- b) Sexual abuse means any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of women
- c) Verbal and emotional abuse includes insults, ridicule, humiliation, name calling, insults as well as repeated threats to cause physical pain
- d) Economic abuse includes deprivation of all or any economic or financial resources, disposal of household effects and prohibition or restriction to continued access to resources or facilities.

This is the first time the Indian law recognised marital rape (sexual abuse) of a woman by her husband as a crime. Punishment can include a jail sentence of up to one year and a fine of up to Rupees twenty thousand.

However, the mere existence of a law is not really enough, especially in a country like ours. As the following pages indicate, there are innumerable hurdles when it comes to handling rape within marriage.

4.1 Problem Areas in Case of Marital Rape

Nivedita Menon says, “three things have to be kept in mind regarding rape in general and marital rape in particular –

rape is violence, not sex

rape is violence, but a unique form of violence because of its sexual character

rape is violence and violence precisely *is* sex” (Menon, 2004).

The first problem arises because of the fact that most women cannot believe that a husband *can* rape his wife. A man forcing his wife for sex is only availing of his conjugal rights. Thus, in the tradition bound, patriarchal society of India, a wife would not only be unaware, but also reluctant and hesitant even to admit to herself that any such incident as rape has occurred to her, inflicted by her husband. She will prefer to ‘continue to be abused and raped by the one person she trusted enough to want to spend the next seven lifetimes with’ (Rodrigues, 2009).³¹

Secondly, even if a woman is aware of the fact that she is being raped by her husband, she {the ideal Indian (Hindu) woman} *cannot talk* about rape by her husband. As our culture has, since antiquity, discouraged women from talking about sexual matters with outsiders, women remain silent about sexual abuse at home. Married women are given to understand that their desires and dreams must be subject to those of their husbands. Since sexual relations are a part of the marriage setup, they cannot refuse to have sex with their husbands. Therefore, they accept the physical violence that takes place under the guise of conjugal relations in marriage.

Thirdly, marriage in India is the only route to social acceptance of adult womanhood. There are strong social incentives on women to enter into marriage. The very same reasons also act as negative motivators. Accusations of marital rape may bring isolation and punishment by other family members. Thus, social disapproval and retaliation by other family members also force women to accept their abusive marriages as destiny. Moreover, women can hardly count on the legal system coming to their aid.

Fourthly, there is a widespread belief in India that the concept of rape by a husband should not be entertained at all. A husband cannot be prosecuted for raping his wife because consent to matrimony presupposes consent to sexual intercourse. For this reason, judges and lawyers have, time and again ignored and dismissed cases of rape by husbands. Nivedita Menon refers to a case where the belief was upheld in a Supreme Court judgement that rape and sexual violence are *impossible* within marriage. The Supreme Court stated in this case that “it is not possible to believe that when a married woman has sex with her husband in the privacy of their bedroom, she would suffer abrasions...” (Menon,

2004)³². This judgement reinforces traditional assumptions about the sexuality of women and the nature of violence in their lives

Fifthly, an important problem that arises in case of marital rape specifically is the fact that the victims concerned are used to sexual intercourse. It may be difficult at times to find incriminating evidence against the husband which would otherwise be more conveniently available in case of rape by outsiders or rape of a virgin girl. Married women thus face the 'heavier burden' of proving rape by the husband in a court of law. What are required in cases like these are judgements of the kind given in the case of 'Harpal Singh and another v. State of Himachal Pradesh', where the court opined that, 'the fact that... the girl is used to sexual intercourse is immaterial in a rape trial' (Agnes F. , 1992).³³

Sixthly, in cases of marital rape, it is very difficult to establish the innocence of the wife. She may find it impossible to prove that she did not consent 'beyond all reasonable doubt', as is required under criminal law. This kind of rape greatly differs from the kind of 'act' recognised as 'real' rape and portrayed in Hindi movies which involves strangers, the use of weapons, a public scene, torn clothes, bruises and cuts on the body and private parts of the victim etc.

Another area of concern is that in the period after the amendment of rape laws, provision for more stringent punishment has resulted in fewer convictions. Therefore, it seems that the new law has served no purpose at all, and even if it has, it has reduced the prospect of securing convictions. This raises the ominous feeling in our minds whether sexual violence within the four walls of the home is at all capable of being comprehended by law.

The problem surrounding the issue of marital rape is fairly reflected in these words of Flavia Agnes, "...In fact, the same old notions of chastity, virginity, premium on marriage and fear of female sexuality are reflected in the judgements of the post-amendment period...we have not gone beyond this definition" (Agnes F. , 1992). In fact, Nandita Gandhi and Nandita Shah opine that women find it easier to fight against the state or social customs through the state, than to fight for their rights within the family or on 'personal' issues which bring them closer to the starkness of the inegalitarian and oppressive relationship between men and women (Nandita Gandhi and Nandita Shah, 1992).³⁴

5. What Needs to be Done?

Even though the law exists to protect women at home (Protection of Women from Domestic Violence Act 2005), the issue of marital rape reveals the limitations of the law and its inability to encompass the lived experiences of women. Marital rape laws have to be enforced strictly and attempts have to be made to hasten convictions.

Another area of concern in marital rape is that it is put into effect by men (insensitive judges and lawyers) who do not at all understand what a sexual assault by a husband means to a woman. The judiciary and the police have to be sensitised to deal with rape cases. Judges and lawyers also have to realise that marital rape is a heinous crime and deserves as much punishment as ordinary rape.

The definition of marital rape has to be expanded to include a wide range of violations in addition to actual sexual penetration. This should include penetration into any orifice by any object, for a sexual purpose. Even forcing a woman to do things she would not like to do for the sexual satisfaction of her husband or other males in the family or even touching, gesturing etc against the will or without the consent of the wife should amount to rape. The law should criminalise a whole range of behaviour which married women may accept as 'normal' but by which they feel humiliated, oppressed, violated or even uncomfortable. It may even be necessary to change the definition of marital rape or create a new one with totally different criteria and a totally different concept of justice that will enable women to take the help of the state in their fight for justice.

Women also have to be made aware so that they realise that they have a right to feel violated even if they experience violation at the hands of their husbands. The dissemination of information among women will help to create an environment where victims can come forward without fear.

Legislation basically is embedded in the dominant values of the system and often distorts the purpose intended. The law simply echoes what social mores often take for granted, that women have no rights over their own bodies and their wills are subject to those of their husbands. It is no doubt true that the law has a limited ability to provide a complete remedy to the problem of rape. But, the law still remains a crucial weapon to fight sexual violence against women. As Catharine Mackinnon says, "recourse to the law is seen as necessary and inevitable because it is believed that designing a law around an experience proves 'it matters'; law is the concrete delivery of rights through the legal system" (Mackinnon, 1987).³⁵

Finally, in case of rape in general, there is a lot of ambiguity. This is because the claim of the law is based on a binary logic of truth/untruth, guilt/innocence, consent/non-consent etc at once. Carol Smart argues that this binary logic is not appropriate to the 'ambiguity' of rape. In criminal law, the object is to establish guilt or innocence, and in rape cases, the establishing of either, turns on another pair of opposites: that of consent/non-consent (Smart, 1989).³⁶ Once consent is established somehow, the act is considered legitimate. We find this ambiguity

present in the case of the Mumbai film actor Shiney Ahuja who was recently released on bail in the rape case involving his domestic help. In this case, the lawyers of the defence pleaded guilty of consensual sex. Moreover, the dilution of the maid's statement after months of trial has also cast a grey shadow over the case. No one knows whether a conviction will occur and even if it does when? There is a lot of ambiguity in women's experience of sex, to which the law cannot always respond appropriately. Even in cases where convictions are secured, the process of 'trials and judgements powerfully reinstate patriarchal norms of female sexuality and legitimate codes of female behaviour' (Menon, 2004).³⁷ Thus, the 'crime' of rape itself becomes very ambiguous and needs probably a quicker and a more woman-friendly method of trial in courts. Feminist politics also needs to understand marital rape as a real, clear fact of a woman's life.

6. Conclusion

In India, political citizenship is mainly understood as having a right to vote. But that does not make a woman a citizen. Her formal right to vote does not give her substantive rights as a citizen. We need a proactive state that sincerely ensures the enforcement of constitutionally guaranteed rights of citizenship, and the absence of those social conditions that would deter women from enjoying their right effectively. However discriminatory the state and flawed its laws maybe, unless the state stands by women, their demands for autonomy over their soul and body will remain an illusion. Maithreyi Krishnaraj opines, "Women, in particular, face a dilemma: neither community support nor liberal individualism offers them a true political identity. We need a *definition of empowerment* that can travel into the worlds of community as well as that of individuals" (Krishnaraj, Women's Citizenship and the Public-Private Dichotomy, 2009).³⁸

Women need to be aware of the rights they have over their bodies. While spreading awareness, we should also focus on the sense of self of a woman, denied to her by the men violating her body and soul as well as by the state and its enforcement agencies. Gender education and awareness also have an important role to play to reinstate victims of sexual violence within the community. Women also need to get rid of notions of shame and stigma associated with the female body.

Feminists also have a significant role to play in this context. In order to articulate gendered citizenship, they have to negotiate, struggle and confront with the state. As Anurekha Chari says, "feminist analysis necessitates a shift from the construction of the state as an inherently oppressive capitalist patriarchal monolith" (Chari, 2009).³⁹ Feminists have to engage with this capitalist patriarchal state to extend and defend the citizenship rights of women. In cases of sex-selective feticide and marital rape, feminists have to drive home the fact

that the state is accountable for the violence perpetuated on women and the delays in bringing justice to women.

The law also needs to be more sensitive to the particular needs of women. This is because the quantity and quality of pain suffered by women are, much more than men. There is a pressing need to redress the discriminatory nature of particular laws, create new ones (especially in the private realm of the family), and try to keep vigil on the patriarchal bias in the interpretation and implementation of existing laws. The understanding of the political and social basis of gender injustice has to be incorporated into legal practice.

However, laws are really not enough. As Flavia Agnes says, “if oppression could be tackled by passing laws, then the decade of the 1980’s would be adjudged a golden period for Indian women, when protective laws were offered on a platter... the crime statistics reveal(ed) a different story... (Agnes F. , 1997).⁴⁰ Laws can only be a part of a wider struggle. There is the need to look into other strategies and methods to tackle these issues apart from reforms of law. The problem regarding the ineffectiveness of laws is neatly summed up in Nivedita Menon’s words, “...in the four hundred years since the law emerged as an emancipatory tool, the political landscape has been irretrievably transformed...while the law may not have failed us, we may have outgrown the law...” (Menon, 2004).⁴¹ So, rather than looking towards the state institutions and agencies to emancipate women, it is time that women should fight their battles themselves.

Notes:

- ¹ Geetha, V (2007): *Theorizing Feminism - Patriarchy*, pp - 2
- ² Elshtain, Jean Bethke (1981): *Public Man, Private Woman: Women in Social and Political Thought*, pp - 22
- ³ Jaggar, Alison (1983): *Feminist Politics and Human Nature*, pp - 199
- ⁴ Kymlicka, Will (2002): *Contemporary Political Philosophy*, pp - 396
- ⁵ *Ibid*, pp - 396
- ⁶ Kymlicka, Will (2002): *Contemporary Political Philosophy*, pp 396-397
- ⁷ MacKinnon, Catharine (1987): *Feminism Unmodified*, pp - 102
- ⁸ Kymlicka, Will (2002): *Contemporary Political Philosophy*, pp - 397
- ⁹ MacKinnon, Catharine (1987): *Feminism Unmodified*, pp 93-102.

-
- ¹⁰ Allen, Anita (1988): *Uneasy Access: Privacy for Women in a Free Society*, pp 180 - 181
- ¹¹ MacKinnon, Catharine (1987): *Feminism Unmodified*, pp 101 - 102
- ¹² Pateman, Carol (1987): *Feminist critiques of the public/private dichotomy*, pp - 103.
- ¹³ Krishnaraj Maithreyi (2009): 'Women's Citizenship and the Private-Public Dichotomy', *Economic and Political Weekly*, No.17, Vol XLIV, 1992, pp - 44
- ¹⁴ Chari, Anurekha (2009) 'Gendered Citizenship and Women's Movement', *Economic and Political Weekly*, No.17, Vol XLIV, 1992, pp 46 - 47
- ¹⁵ Menon, Nivedita (2004): *Recovering Subversion – Feminist Politics beyond the law*, pp - 117.
- ¹⁶ Chari, Anurekha (2009) 'Gendered Citizenship and Women's Movement', *Economic and Political Weekly*, No.17, Vol XLIV, 1992, pp - 52
- ¹⁷ *Ibid*, pp - 54
- ¹⁸ Menon, Nivedita (2004): *Recovering Subversion – Feminist Politics beyond the law*, pp 3-4.
- ¹⁹ Sarna, Kamla (2003): 'Female foeticide on the rise in India' in *Nursing Journal of India*, February 2003
- ²⁰ Bang Rani and Bang Abhay (1992): 'Contraceptive Technologies, Experience of rural Indian women', *Manushi*, No.70, 1992, pp 29
- ²¹ Menon, Nivedita (2004): *Recovering Subversion – Feminist Politics beyond the law*, pp - 76.
- ²² Menon, Nivedita (2004): *Recovering Subversion – Feminist Politics beyond the law*, pp - 75.
- ²³ *Ibid*, pp - 89
- ²⁴ Menon, Nivedita (2004): *Recovering Subversion – Feminist Politics beyond the law*, pp - 92.
- ²⁵ Brownmiller, Susan (1976): *Against our will: Men, Women and Rape*.
- ²⁶ Sharon Marcus, 'Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention' in Butler, Judith and Scott, Joan W. (1992): *Feminists theorize the political*. pp - 391
- ²⁷ Sharon Marcus, 'Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention' in Butler, Judith and Scott, Joan W. (1992): *Feminists theorize the political*. pp - 387
- ²⁸ Sharon Marcus, 'Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention' in Butler, Judith and Scott, Joan W. (1992): *Feminists theorize the political*. pp 385

-
- ²⁹ Sharon Marcus, 'Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention' in Butler, Judith and Scott, Joan W. (1992): *Feminists theorize the political*. pp 394
- ³⁰ Huggler, Justin (2006): 'Law to protect Indian women from marital rape and abuse'.
- ³¹ Rodrigues, Cynthia (2009): 'Trauma of Marital rape'
- ³² Menon, Nivedita (2004): *Recovering Subversion – Feminist Politics beyond the law*, pp 132.
- ³³ Agnes, Flavia (1992): *Protecting Women against Violence? Review of a Decade of Legislation 1980-89*, *Economic and Political Weekly*, 25 April 1992.
- ³⁴ Gandhi, Nandita and Shah, Nandita (1992): *The Issues at Stake*, pp 271.
- ³⁵ MacKinnon, Catharine (1987): *Feminism Unmodified*, pp 103.
- ³⁶ Smart, Carol (1989): *Feminism and the Power of Law*, pp 33
- ³⁷ Menon, Nivedita (2004): *Recovering Subversion – Feminist Politics beyond the law*, pp 129.
- ³⁸ Krishnaraj Maithreyi (2009): 'Women's Citizenship and the Private-Public Dichotomy', *Economic and Political Weekly*, No.17, Vol XLIV, 1992, pp 44
- ³⁹ Chari, Anurekha (2009): 'Gendered Citizenship and Women's Movement', *Economic and Political Weekly*, No.17, Vol XLIV, 1992, pp 55
- ⁴⁰ Agnes Flavia (1997): 'The Hidden Agenda Beneath the Rhetoric of Women's Rights' in Partha Chatterjee (ed.), *State and Politics in India*, pp 521
- ⁴¹ Menon, Nivedita (2004): *Recovering Subversion – Feminist Politics beyond the law*, pp 232.

Bibliography

- Agnes, F. (1992). *Protecting Women against Violence? Review of a Decade of Legislation (1980-89)*. *Economic and Political Weekly*.
- Agnes, F. (1997). *The Hidden Agenda beneath the Rhetoric of Women's Rights*. In P. Chatterjee, *State and Politics in India*. Oxford: Oxford University Press.
- Allen, A. (1988). *Uneasy Access: Privacy for Women in a Free Society*. Totowa, NJ: Rowman and Allanheld.
- Bang Rani and Bang Abhay. (1992). *Contraceptive Technologies, experience of rural Indian women*. *Manushi* .
- Brownmiller, S. (1976). *Against Our Will: Men, Women and Rape*. New York: Bantam.
- Catharine, M. (1987). *Feminism Unmodified*. London and Cambridge: Harvard University Press.

-
- Chari, A. (2009). Gendered Citizenship and Women's Movement. *Economic and Political Weekly*, XLIV.
- Elshtain, J. B. (1981). *Public Man, Private Woman: Women in Social and Political Thought*. Princeton: Princeton University Press.
- Geetha, V. (2007). *Theorizing Feminism - Patriarchy*. Kolkata: Stree Publications.
- Huggler, J. (2006). *Law to protect Indian women from marital rape and abuse*. Retrieved from www.independent.ie/world-news/asia-pacific/75364.html.
- Jaggar, A. (1983). *Feminist Politics and Human Nature*. Totowa, NJ: Rowman and Allanheld.
- Krishnaraj, M. (2009). Women's Citizenship and the Private-Public Dichotomy. *Economic and Political Weekly*, XLIV.
- Kymlicka, W. (2002). *Contemporary Political Philosophy*. New York: Oxford University Press.
- Mackinnon, C. (1987). *Feminism Unmodified*. London and Cambridge: Harvard University Press.
- Marcus, S. (1992). Fighting Bodies, Fighting Words: A Theory and Politics of Rape Prevention. In J. a. Butler, *Feminists Theorize the Political*. London: Routledge.
- Menon, N. (2004). *Recovering Subversion-Feminist Politics beyond the Law*. New Delhi: Orient Longman.
- Nandita Gandhi and Nandita Shah. (1992). *The Issues at Stake*. New Delhi: Kali for Women.
- Pateman, C. (1987). Feminist critiques of the Public/Private Dichotomy. In A. Phillips, *Feminism and Equality*. Oxford: Blackwell.
- Rodrigues, C. (2009). *Trauma of Marital Rape*. Retrieved from www.womenexcel.com/law/maritalrape.htm.
- Sarna, K. (2003, February). Female foeticide on the rise in India. *Nursing Journal of India*.
- Smart, C. (1989). *Feminism and the Power of Law*. London and New York: Routledge.

REVIEW ESSAY

Changing Scenario of Common Property Resources and the Role of Community in the Management of Common Property Resource

Rajni Bala

Abstract

This paper has presented an overview of the present condition of common property resources in India and the role of the community in the management of these resources. This thematic paper is divided into the three parts; first deals with the present and past role of CPRs in rural economy, second with the changing scenario of these resources in Indian context and third with community based approaches and efforts in the management of these resources.

Keywords: - CPRs Role in Rural Economy, Changing Scenario of CPRs in India, Community based Management and CPRs

1. Introduction

Common property resources constitute all such resources which are meant for common use of the villagers. It includes village pastures, grazing ground, village forest, woodlands, protected and unclassified government forest, fishery, waste land, common threshing grounds, watershed drainage, ponds, tanks, rivers, rivulets, water, Groundwater, reservoirs, canals and irrigation channel. The concept of CPR is highly complex, complicated and has its different meaning, scope and coverage. But the most accepted concept is that Common Property Resources are accessible to the whole community to which no individual has exclusive property right, but sometimes they are owned and governed by such institutions.

In the pre British period India had a large part of natural resources which were under the control of local communities. After independence these resources are also freely used by communities. The contribution of CPR's is not based on numerical factor but also on other more factors. The older generation in villages feels that the use of CPR land was much strict and efficient during the pre-independence period. Over a period of time the common land has degraded extensively; over 40 percent common land areas have become less productive or unproductive due to excessive grazing, soil erosion caused by felling of bushes trees by the neglecting of community (Mishra and Kumar, 2007). There are several reasons for the depletion of CPRs in India. Firstly, the exploitation by the common people for their own interest. The second reason is the ineffective

policies of state government and the ineffective role of Panchayats. Hardin (1968) described the position of the commons in his article 'Tragedy of the commons'. This situation is also continuing in India, this claim can be proved from some examples as like CPRs of land are degraded due to water erosion, salinity, water logging, careless dumping of mine water etc. (ii) community pastures are depleted due to over-grazing, community forests due to indiscriminate coping and illicit felling. (iii) Rivers and lakes are polluted by human careless, when it's dry, their banks and beds are encroached by common peoples; (iv) community fisheries are over-exploited and have already destroyed in many areas. (v) Groundwater basins are also being depleted in many arid and semi-arid regions due to population growth and development activities. There was basically needed to manage these resources at that time. Different theories had captured the important aspects of CPRs management regarding the solution of management problems. Elinor Ostrom's institutional model, Oakerson's model, Chopra's participatory model, Kartar Singh developmental model and Jodha's study mentioned technical factors to describe these problems. This essay will explore the importance of CPRs, its changing scenario and role of community based management to control these problems.

2. CPRs Role in Rural Economy

Keeping the variety of conceptual approaches and their implications in mind, two distinctly different approaches were adopted for the collection of data on CPR's in the present inquiry. First, called de jure approach was used for collection of data on the size of CPR's. In this approach, only those resources were treated as CPR's which were within the boundary of the village and were formally (i.e. by legal sanction or official assignment) held by the village Panchayat or a community of the village. The second approach, called the de facto approach was adopted for collecting information on the use of CPR's. In this approach, the coverage of CPR's was extended to include resources like revenue land not assigned to Panchayat or a community of the village, forest land, or even private land in use of community by convention. Common property resources have great contribution to rural economies. The rural poor are more dependent on CPRs than rich. They receive the bulk of their food, fuel, fodder and drought from CPRs. These are also the main sources of income, employment and livelihood for the poor (Schlager and Ostrom, 1992).

Jodha (1986) mentioned the importance of CPR, is in the rural economy. He stated that CPRs are not only a source of physical supplies to the rural people, but also contribute the opportunity for employment and income for rural people. He collected the data a sample of 82 villages in 7 states (Andhra Pradesh, Madhya Pradesh, Rajasthan, Gujarat, Karnataka, Maharashtra and Tamil Naidu), he estimated that CPRs contributed Rs.530 to Rs.830 to the annual household in different dry regions. He further estimated that between 84 to 100 percent of the

poor households gathered food, fodder, fuel and fiber from the CPRs; in contrast, just 10 to 20 percent of rich farmer depend on the CPRs for these items. CPR's became the source of income and employment generation for the rural poor. A number of families spent most of their time on collecting the CPR's products in different season.

Sengupta (1995) explored some facts on the CPRs position in India. According to her that CPRs have limited significance in the economy of India because less area is under cultivation than the total land area. The remaining area consists of forest, woodlands, grassland, desert, rivers and lakes. Lastly she concludes that these estimates proved that on an average 20-25 percent of rural income is obtained from these CPR, s.

Common property resources are helpful for environmental and ecological balance. CPRs provide the source water for irrigation, drinking water and such other for village people.

3. Changing Scenario of CPRs in India

However CPRs have played an important role in the community welfare but their present position is not too good. There are various causes of their decline such as (i) the human factors like socioeconomic, legal, political and technical as well as environmental factors (ii) shrinkage of common property resources due to illegal accessing, distribution of CPRs for welfare purpose, sale or privatization of CPRs of government of a local community and side effect of other development activities etc. (iii) Increasing pressure on CPRs due to population, poverty and marketing of CPRs etc.

Although the privatization of CPR was promoted in the name of helping the poor but it is less helpful for the poor. Forty percent CPR land was not owned by them in dry regions because they sold, mortgaged or leased on a long term basis as a first step towards an eventual sale (Jodha, 1986). This policy of privatization implemented by the Indian government in dry regions but cannot prove successful for rural economy because most of the given land was not fertile. Bokil (1996) argued that such a situation has arisen in the Marathwada region of Maharashtra where the dalits have encroached upon the village common lands to establish their ownership. This will lead to a number of important agrarian issues in rural areas. According to him in Marathwada, problem of migration among Dalits also happened due to the Ambedkar Movement. Dalits migrated from villages to cities in order to get out of the oppressive social relationship. This situation created a scarcity of labor in the village market and did upset the peasantry system.

Iyengar (1989) examined the size, status, and use of the CPRs land over the period of 1961 to 1981 in 25 villages located in five different Agro-climatic regions of Gujarat State. He used taluka level data on the size and use of the CPR land, classifying it for the purpose of analysis into five productivity classes as delineated by the Gujarat State Land Commission. He found (i) the size and status of the CPRs land had both declined over the period of the study; (ii) the higher productivity potential of land, but the lower proportion of the area under the CPRs land; (iii) legal privatization of the CPRs land had taken place in 9 villages' and encroachment in 12 villages out of 25 sampled villages. The author highlighted the encroachment done by all caste groups and income groups, but he is not completely successful in assessing the extent of encroachment.

Bardhan (1993) critically examined the role of privatization in developing countries. According to him privatization often creates problem from the point of view of efficiency, nationalization of the local common property resources and its management by a distant bureaucracy is better in some cases actually much worse. In his essay he explained several documented examples of successful and autonomous local community level cooperation in the management of CPR, is in the poorest countries.

Sometimes this type of encroachment or privatization also becomes the reason of class conflict in rural society. Beck (1994) argued that in West Bengal access to CPRs in many villages is not clearly defined legally but depends on the process of negotiations, bargaining or conflict between poor and rich on a system of customary rights. The author presented the picture of a customary right of Gleaning (a process of collecting paddy which fell during harvesting) in three selected villages named Fonogram, Bithigram and Keshipur where class conflict in created between communities .The author had two main purposes behind it: - to show enormous importance of CPRs in West Bengal and put a question 'why class conflict over CPRs is likely to increase in future? Iyengar (1989) argued that illegal privatization always emerged whenever legal privatization takes place in a particular area. According to him encroachment is done by all; the poor, rich and backward caste peoples. The author gave some reasons for this problem: -first growing population, second inactive role of revenue department and gram Sabha in the rural economy.

Jodha (1985) explored the factors that in the absence of regulatory institutions, rapid population growth may lead to degenerative pattern of use and their gradual depletion of common property resources. Indeed, as popularly conceived, depletion of such resources is a consequence of rapid population growth. Jodha founded this type of situation in the arid zone of Rajasthan where population pressure and large scale adoption of tractor played an important role in the resource depletion.

Apestequia and Maire-Rigaud (2006) presented an analytical framework of public and common goods. According to them public goods have two essential attributes: non-excludability and non-rivalry in consumption but common-pool resources have non-excludability but rivalry. The possibility of non-rival consumption by multiple consumers is the major difference between both. Wade (1987) described that all the resources are potentially subjected to congestion, depletion and degradation. Groundwater is an obvious example of common-pool resources which is facing a lot of depleting positions because it can be used jointly. Water, grazing and trees are vital to livelihood in developing countries but these resources are overexploited due to population growth and lack of development policies.

Iyengar (1989) explained that 'The Tragedy of the Commons' had occurred due to increase in human and livestock population, indirect encouragement of privatization of government, lack of will to regulate the use of the commons. Imperfect knowledge of CPR user is only one aspect of the problem and they are forced by various economic and institutional factors to behave the way they do. NGO and Government should play a catalytic role in creating a good environment for them as well as CPR user. Motivating village Panchayat might become diffident in accepting the responsibility of wasteland development. (Bokil, 1996)

Jodha, Singh and Bantilan (2012) focused on the aspect of changes with special reference to arid and semi-arid tropical areas of India. They included 90 villages, 23 districts, 7 states in their comprehensive study during 1982-86. They added some additional areas with greater focus on issue-based qualitative information, verification and plots of farmer's different years over the period of 1995-2010. Longitudinal VLS carried out by ICRISAT and CRIDA on this issue. They discuss the changing status of CPR, s in present time and also give the reason for it (i) lack of collective action (ii) State policies (iii) market forces and rural community. They mention some macro level development factors, mining policies, industrial activities and population which became the major reason for the decline of CPR, s. They had given preference to a disaggregated approach in their investigation of CPR, s.

Jodha (2008b) mentioned in his article that through balancing intensive (by cropping) and intensive land use system (through provision of pastures and community forest etc) as required by the natural resources features became a part of collective strategies for risk management and production enhancement to sustain livelihood. Twyman (1998) mentioned that conventional literature on rural people and the environment often presented a deterministic view of the relationship between poverty and the environment: poverty leads to environment degradation.

Declining position of the CPR, s will also lead to another emerging trend in rural economy which is migration from villages to urban area for better status. Jodha (2010) discussed this problem that when the people will not get better opportunities to negotiate their livelihood with policy-makers, it will create the problem of migration to urban areas rather than engage in agriculture and CPR management in rural areas. But the question arises, why this encroachment happened in the rural areas. Bokil (1996) answered in his article that dalit movement creates awareness among dalits so they want their appropriate share with force. Secondly they do bargain for their better economic condition. Political mobilization of Dalits and assertion of equality creates this feeling and in many villages feeling of encroachment creates conflict. This condition is not good for the social and economic condition of CPRs in villages.

Wade (1987) discussed the collective action and critically evaluates the Mancur Olson's collective action model for the solution of CPRs problems. To him Olson was not entirely clear on whether the source of selective punishment or reward was in the group or outside. But he can be read to mean that penalties must be organized from outside the group. He advised to form water user associations on each canal system for better water management. The collective action depends on : - (i) Resources-the smaller and more clearly defined the boundaries of the common resources. (ii) Technology: - the higher costs of exclusive technology, the relation between resources and users. (iii) Boundaries: -the more clearly defined the boundaries of the groups. (iv) Existing arrangement for discussion of common problems.

There are various reasons which are responsible for the declining position of CPRs: - Lack of participation and inclusive management, ignoring traditional ways of protecting CPRs without replacing better ways, lack of good ownership and effect of structural change etc.

4. Community based Management and CPRs

In the decade of the nineties, more holistic natural resource management policy like Joint Forest Management (JFM) and Watershed Development Guidelines constitute for more participatory approach to management of land and water in the common and governmental domains. The Joint forest management originates in the failure of a centrally driven policy in the past and its consistent criticism. In the case of forest resources the department/state continues to be the sole owner with people being involved at best as partners without any ownership rights over the assets concerned. The resource is not at the disposal of the community and the state continues to exercise the right to choose the beneficiaries to whom use rights are to be granted, and also reserves the right to withdraw the benefits extended. It was a kind of 'centralized decentralization' constituting a partnership between the forest department and the people through

the setting up of committees for forest protection. The resource sharing mechanism aimed at poverty alleviation for local communities and complementary conservation of forests. Watershed Development Guidelines, on the other hand, was aimed at holistic development of land in a watershed, seen as a possible vehicle for rural development. It was aimed at bringing together the concerns of different agencies owning land in the watershed i.e. the department of forests, the revenue department, private owners, village bodies and communities with rights of access.¹

Sengupta (1995) had raised some important questions regarding CPR management. "Who should have intellectual property rights on this knowledge?" The nation state, the ethnic or regional communities, Gramsabha, village Panchayats or the traditional caste community. Chopra, Kadekodi and Murty (1989) argued that historically ownership and management of these resources rested with the state, government's failure to preserve CPRs together. Under people's participation the beneficiary groups had made responsive to the cost of preservation. They had cleared their assumption through the case studies of five villages where people's participation had played an important role in the management of water and forest. They had given successful people's participation model to Sukhomajari and the comparative study of other four villages. They also presented the relationship between private property resources and common property resources theoretical models of bargaining between people and government with cluster sampling.

Efforts in this direction have already begun both at national and the micro regions. The national wasteland development board (NWDB) was set up in 1985 for promoting the development of wasteland. Tree planting projects and programs were funded by NWDB (Iyenger, 1998).

Agrawal (2003) explored the facts that most of the scholars focused just only on producing case studies of successful community management in agriculture, fisheries, forest, pasture, irrigation and groundwater. Many of them delegated limited authority and often communities gain only limited share. In his article the author had done an analytical study of three books; Ostrom 1990; Wade 1994; Baland and Plateau 1996 properly. These three books analyzed local community based efforts to manage and the governance of common-pool-resources. Each presented a summary set of conditions critical to the sustainability of commons institutions. According to him these authors have found out 36 important conditions but still 24 are avoided. The large number of variables are affecting the sustainability of institutions that govern common resources.

Sengupta (1995) advocated some theoretical and institutional approaches and criticized some old approaches for CPR, s. It is true that there are many valid

theoretical questions which can be raised against CP based institutional possibility but a closer scrutiny reveals that some of these problems all endemic to all theories of organization, which is still in its infancy. She further explained that a group of CPR studies belongs to new institutional approach but it showed excessive concern about some unresolved problems. These new theories may differ from individual to individual.

Tang (1991) had made a distinction between bureaucratic and community system. He had given preference to a community system than bureaucratic. He presented the case of irrigation management in which the role of community was efficient. These 22 community institutions had done their work in proper rules than 14 bureaucratic institutions. He described two type of rules (i) operational (ii) collective choice. He also counted the benefit of this system in villages: - Farmers get more water, they used allocation rule for CPRs and set operational rule, farmers solved their collective action problems effectively.

Mishra and Kumar (2007) in their special article discussed critically the institutionalization of common pool resource management through several successful and unsuccessful case studies regarding pasture management in Rajasthan. The cases discussed in their paper indicate the role of village institutions and community. They took 32 villages where pasture development was undertaken by National Watershed Development Project (NWDP). The department of Watershed and Soil Conservation of the Government of Rajasthan was the Project Implementer Agency for NWDP. Data was collected through discussions, checklist, interviews and observation methods in selected villages. It was found that pasture development management was not successful in some villages due to the impartial role of Panchayats, rural people and facilitating agency. Lack of any rigid guideline of village institutions is a likely cause for failure in establishing management system.

Grafton (2000) examined property regime and common pool resource governance. The author had given an example of state owned forests of Uttar Pradesh where individuals from nearby villages are prohibited from the sale of timber. The state as a facilitator or coordinator of the resource of the action of the resource user is a desirable model of governance. The state should recognize its limits and divergence of rights over stock and flow from resources. Private, community and state based rights are property regimes which have developed to help address the difficult problem associated with the use of common pool resources. Case study from private rights based was fishery, community based was forest and state based was conservation. Common factor for successful governance is the active participation of resource users in the management of resources. Traditionally, systems of community management of CPR's and forest land had existed in different forms in many parts of the country till the end

of the 19th century. The process of extending state control over the common resources, which began with the declaration of “reserved” and “protected” forests in the closing years of the 19th century, the system of community management had gradually disintegrated and is now virtually extinct.

Twyman (1998) presented the critical picture of community resource management in Botswana. He explored the debates surrounding the community resource management and participatory development using case study material from western Botswana. These community approaches are currently in vogue, as they are seen to empower those who use the resources, and to follow the directives of international agreements. Attendance at the meetings was poor and lack of coordination on both sides. The author explained that the communities have ‘little or no experience’ to manage the resources in their areas. He suggested reconstructing the community and homogenous community. The author used field work for doctoral research which was conducted from 1995-1997 in the Ghanzi district with the mixed method approach, participatory and ethnographic methods. He used primary and secondary data to prove his argument.

Wade, Robert (1987) had shown with the reference of Mancur Olson’s “logic of collective action” that the analytical basis for this pessimism is weak for the village based CPRs management. There can be no general presumption that collective action will fail in the management of common property resources. The author analyzed 41 villages in South India (Kurnool district, Andhra Pradesh), 31 of which are irrigated with canal systems while other ten are dry. In these villages four main institutions are working (moribund in all the 41 villages). In the sample of 31 canals irrigated villages, 8 villages have corporate institutions, 11 have some but not all and 12 have none. He described three types of management in his article (water, grazing and ecological). This article discussed how things are done in the corporate villages and institutions. He had put the question, why there was a difference between the corporate and incorporate villages?

The community based user management and other approaches can be a part of the development process, but still there is a need of sufficient research and actions to find out the forms of community organizations, legal and logistical support for such community based management. Common Property Resources had played an important role in the rural economy. CPRs have declined both in their area land and their productivity. Population growth and poverty becomes the major reason for emerging many problems such as migration, environmental degradation, privatization and class conflict in rural areas. Ineffective role of government and NGO’ also becomes the reason. These are the things that CPRs management will eradicate these problems in future. Different type of

community management systems and participatory approaches have been adopted in different parts of India. But still they are not sufficient. Imperfect knowledge of CPR users is only one aspect of the problem and they are forced by various economic and institutional factors to behave the way they do so. There will be a continuous dialogue between the community and transferring the management responsibilities. Then the question arises as to whether participating institutions can continue to survive with this secondary role? Or will they wither away, as survival is not possible without a certain minimal degree of commitment on the part of everyone? In brief, when replication of participatory institutions for resource management is being considered, several new problems in the development shall have to be tackled. The sustenance of the participatory model therefore, is a continuous process of learning and adjustments to new situations (Chopra, Kadekodi and Murty, 1989). For successful implementation of the policies, it is necessary that the policies can be translated into a set of management projects. Such experiences are not undermined while certain poorly managed instances become the sole determinants of policy and its implementation (Singh, 1994). The erosion of traditional effective CPR management system is clearly a consequence or side effect of public intervention (Jodha, 1989).

In the conclusion, it can be said that Panchayati Raj Institutions in India are taking shape in most of the states and decentralized Development planning has become a key word in the administration. It will be essential to Institutionalize the management and use of CPRs through this institutional structure. Common Property Management systems can be institutionalized through in-depth understanding of the local needs and dynamics associated with the CPR. The existing policies do not satisfactorily address the problems of CPRs and consequently these all natural resources continue to be over-exploited and degraded. So there is a need for a new national policy which can be helpful to control and manage these resources for the long term. Finally multiple layers of organization may be needed to manage common-pool resources of considerable size. A proper division of responsibilities among different levels of organization is essential for the effective management of many large –scale common-pool resources (Tang, 1991). The government should help these local systems by providing a legal framework and technical assistance.

Notes:

- ¹ Chopra, Kanchan and Purnamita Dasgupta (2002). Common Pool Resources in India: Evidence, Significance and New Management Initiatives, at <http://www.nrsp.org/database/documents/706.pdf> on dated 28.12.2013.

References:

- Agrawal, Arun (2003). Sustainable Governance of Common-Pool Resources: Context, Methods and Politics. *Annual Review of Anthropology* 32, 243-62.
- Apesteguia, Jose & Frank P. Maier-Regaud (2006). The Role of Rivalry: Public Goods versus Common Pool Resources. *The Journal of Conflict Resolution*, 50(5), 646-63.
- Arora, Dolly (1994). Managing Common Resources: Principals and Case Studies by Kartar Singh. *Economic and Political Weekly*, 29(36), 2353-54.
- Bardhan, Pranab and Isha Ray (2006). Methodological Approaches to the Question of the Common. *Economic Development and Cultural Change*, 54(3), 655-76.
- Bardhan, Pranab (1993). Symposium on Management of Local Commons. *The Journal of Economic Perspective*, 7(4), 87-92.
- Beck, Tony (1994). Common Property Resources Access by Poor and Class Conflict in West Bengal. *Economic and Political Weekly*, 29(4), 187-97.
- Bokil, M.S. (1996). Privatization of Commons for the Poor: Emergence of New Agrarian Issues. *Economic and Political Weekly*, 31(33), 2254-61.
- Chopra, Kanchan, Gopal Kadekodi & M.N. Murty (1989). People's Participation and Common Property Resources. *Economic and Political Weekly*, 24(51/52), A189-A95.
- Grafton, R. Quenton (2000). Governance of the Commons: A Role for the State. *Land Economics*, 76(4), 504-17.
- Hardin, Garrett (1968). The Tragedy of the commons. *Science*, 162(3859), 1243-48.
- Iyengar, Sudarshan (1989). Common Property Land Resources in Gujarat: Some Findings about their Size, Status and Use. *Economic and Political Weekly*, 24(25), A67-A77.
- Jodha, Narpat S. (1985). Population Growth and the decline of Common Property resources in Rajasthan India. *Population and Development Review*, 11(2), 247-64.
- Jodha, Narpat S. (1986). Common Property Resources and Rural Poor in Dry Region of India. *Economic and Political Weekly*, 21(27), 1169-81.
- (2008b). Rural Commons and Livelihood Strategies in Dry Regions of India. *The European Journal of Development Research*, 20(4), 597-611.
- (1989). Depletion of Common Property Resources in India: Micro-Level Evidence. *Population and Development Review*, 15(15), 261-83.
- (1990). Rural Common Property Resources: Contribution and Crisis. *Economic and Political Weekly*, 25(26), A65-A78.
- (2010). South Asia's Commons are Weakening. *Himal Southasian*, Special issue (Kathmandu), accessed from <http://www.himalmag.com/component/content/article/342-.html> on dated 12.07.2013.
- Jodha, N.S., Naveen P. Singh & Cynthia S. Bantilan (2012). The Commons, Communities and Climate Change. *Economic and Political Weekly*, XLVII (13), 49-56.

- Karant, G.K. (1992). Privatization and Common Property Resources: Lessons From Rural Karnatak. *Economic and Political Weekly*, 27(31/32), 1680-88.
- Mishra, Pardeep Kumar,&Mukul Kumar (2007). Institutionalizing Common Pool Resources Management: Case Studies of Pastureland Management.*Economic and Political Weekly*,Vol.42, 3644-52.
- Provencher, Bill.& Oscar Burt (1994). A Private Property Regime for the Commons: The Case For Groundwater. *American Journal of Agricultural Economics*,76(4),875-88.
- Schalger, Edella & Elinor Ostrom(1992). Property Rights Regimes and Natural Resources: A Conceptual Analysis. *Land Economics*, 68(3),249-62.
- Sengupta, Nirmal (1995). Common Property Institutions and Market. *Indian Economic Review*, 30(2), 187-201.
- Tang, Shui Yan (1991).Institutional Arrangement and the management of Common Pool Resources. *Public Administration Review*, 51(1), 42-51.
- Twyman, Chaska (1998).Rethinking Community Resources Management: Managing Resources or Managing People in Western Botswana?. *Third World Quarterly*, 19(4),745-70.
- Wade, Robert (1987). The Management of Common Property Resources: Finding a Cooperative Solution. *The World Bank Research Observer*, 2(2),219-34.