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E-mail: sales@rfppl.co.in

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**Authors Affiliation**  
Associate Professor and Head,  
Department of Political Science  
Agra College, Agra (India)  
282010.

**Reprints Requests**  
**Arunoday Bajpai**, Associate  
Professor and Head, Department  
of Political Science, Agra College,  
Agra (India) 282010.  
E-mail:  
[arunodaybajpai@gmail.com](mailto:arunodaybajpai@gmail.com)

## The Bottom-Up Approach to Regional Integration in South Asia

**Arunoday Bajpai**

### Abstract

Regional integration has become a widespread practice after the end of World War II. The intensification of globalization in 1990s and end of cold war imparted fresh momentum to regional integration. The European Union is the most successful example of regional integration. However, the integration theories like Neo-functionalism and Liberal Intergovernmentalism and others, based exclusively on European experience are inadequate to throw light on integration process in other regions like South Asia. In spite of institutionalized efforts in the form of establishment of South Asian Association for Regional Cooperation (SAARC) in 1985, South Asia continues to be the least integrated region of the world. The fundamental reason for its failure is the lack of background consensus among regional actors on the core issues of peace and development. In comparison, European integration was driven by this consensus, brought about by the devastation of the World War II. This calls for an alternative approach for regional integration in South Asia. This may be termed as Bottom-Up Approach, which aims at adopting those strategies and practices like bilateral and sub-regional cooperative mechanisms, which may create and sustain the background consensus, a prerequisite for initiating regional integration process.

**Keywords:** Integration Process; Background Consensus; Bottom-Up Approach; Saarc.

The marking of international regions symbolizes certain common attributes, which may experience changes and modifications over a period of time. The process of regional integration is just one of these changes. The process of regional integration as a noticeable tendency is a post-World War II phenomenon, which became more intensified and visible in the post-cold war globalized conditions. At present, the regional integration is increasingly regarded as a tool for reaping the benefits and countering the negative impacts of globalization (EU: 2016). The process of regional integration is essentially a collective and collaborative attempt to move on the path of regional prosperity, peace and progress. For external world, it is a collective approach to progress and development in the competitive global environment. The Europe, Latin

America, North America, Africa, West Asia, Central Asia, South-East Asia and South Asia are prominent regions of contemporary world. Initiatives for regional integration in these regions have been institutionalized, but the success and effectiveness of these initiatives is not uniform and leaves much scope for speculation. For example, notwithstanding the ongoing debate on the viability of the European Union, it is considered the most successful example of regional integration, followed by the ASEAN. Other initiatives of regional integration are placed at different points on the scales of success. Why it is so? This paper is based on the assumption that each region has its unique characteristics as well as its distinct patterns of interaction with external world, which collectively undermine or promote the process of regional integration. The paper is an attempt to

examine the status of regional integration in South Asia or rather its failure within the available theoretical frameworks and outline an alternative approach for such integration in South Asia. Accordingly, the paper is divided into three parts: Part-I attempts to understand the process of integration in South Asia and identifies the core factors for its failures. Part-II examines the available theoretical approaches to regional integration and suggests an alternative approach (Bottom-Up Approach) to regional integration in South Asia. Part-III outlines the policy implications of Bottom-Up Approach with respect to South Asian conditions.

### PART-I

South Asia consists of eight members of South Asian Association of Regional Cooperation (SAARC): Afghanistan, Pakistan, Nepal, Bhutan, Bangladesh, Sri Lanka, Maldives and India. The thirty years of experience of regional integration in South Asia in the form of SAARC amply demonstrates huge failures amidst patches of success stories. It has remained far away from its final goal of regional economic integration as well as fast socio-economic development. There have been many serious academic attempts to analyze the causes of failures and put forth suggestions to remove its weaknesses. The policy makers in South Asian capital have struggled hard to overhaul its structures and operations, but final story remains the same e.g. South Asia is the least integrated region in the world. A World Bank study (World Bank: 2006) remarks, 'South Asia is the least integrated region in the world, where integration is measured by intraregional trade in goods, capital, and ideas. Intraregional trade as a share of total trade is the lowest for South Asia. There is little cross-border investment within South Asia. The flow of ideas, crudely measured by the cross-border movement of people, or the number of telephone calls, or the purchase of technology and royalty payments, are all low for South Asia. In South Asia, only seven percent of international telephone calls are regional, compared to 71 percent for East Asia. Poor connectivity, cross-border conflicts, and concerns about security, have all contributed to South Asia being the least integrated region in the world.' Even the success stories of regional economic integration achieved by European Union or the ASEAN have failed to inspire national actors in South Asia. If a given course of action fails to achieve the stated objectives, fresh ideas or new alternatives may be given a chance to be considered and put into practice. Thus, now is the time to think of some other alternative route to reach the goal of integration and

prosperity in South Asia.

**SAARC's Mandate:** Before we move for any new vision of integration in South Asia, it appears imperative to review the mandate, mechanism, achievements and failures of SARRC and the reasons for the same. The idea of SAARC was given by Zia-ur Rehman, the then President of Bangladesh, which received currency in early 1980s and came into existence as SAARC in 1985. A heterogeneous group of seven South Asian countries-India, Bangladesh, Nepal, Sri Lanka, Bhutan, Pakistan, and Maldives-joined this association. Afghanistan was admitted in SAARC in 2007, which gives valuable link between South Asia and Central Asia. The formation of SAARC evoked two contradictory perceptions, which are still in currency. First, SAARC was viewed as the mechanism to counterbalance the Indian hegemony in the region. Second, the success of SAARC was viewed as giving another opportunity to India to consolidate her dominance in the region. These contradictory perceptions, as illustrated below, have undermined the growth and performance of SAARC for last 29 years.

The SAARC Charter adopted in Dhaka in its First Summit in Dec 1985 provides for its principles and objectives. Among its main principles are: faith in sovereign equality and territorial equality of nations; keeping away from political, bilateral and controversial issues; non-interference in the internal affairs of member states and taking all its decisions by consensus of all member states. The SAARC is mandated to achieve the objectives of promotion of welfare of people and their quality of life of South Asia; accelerating economic growth, social progress and cultural development in the region; to promote and strengthen collective self-reliance among the countries of South Asia; to promote active collaboration and mutual assistance in economic, social, cultural, technical and scientific fields; to strengthen cooperation with other developing countries; to cooperation in international and regional forums; and to cooperate with other regional and international organizations with similar objectives (SAARC Charter: 1985).

**Patchy Success Amidst grand Failures:** With the framework of above principles the SAARC has struggled to fulfill its mandate. With eighteen summits in last 29 years, the focus of SAARC has gradually shifted from project based cooperation to trade liberalization (SAFTA) and finally to enhancing connectivity among member states. So far it has initially identified nine areas of cooperation; which were, time to time, extended to 16 areas: Agriculture and Rural development; Bio-technology; Culture;

Economic and Trade; Education; Energy; Environment; Finance; Funding Mechanism; Information Technology and Communication; People to People contacts; Poverty Alleviation; Science and Technology; Security aspects; Social development; and Tourism. Small to modest progress has been made in launching initiatives of cooperation and co-ordination in these areas.

However, the most visible initiative towards regional integration has been the South Asia Free Trade Agreement (SAFTA) which was signed in 2004 and became effective on 1 July 2006. For the purpose of implementation of SAFTA, member states are divided into two categories: Least Developed Countries and Non-Least Developed Countries. In brief, the Non-LDCs will reduce their tariff to 0-5 percent within seven years (Up to 2013), whereas same reduction will be done by LDCs within a period of 10 years (up to 2016). In total 226 goods are included in the SAFTA. The goods which are not included in this list are not subject to reductions in custom duty. The total cumulative exports under SAFTA framework has increased from \$ 6.9 million in July 2006 to US\$ 3 billion in June 2013. The intra-sub-regional trade among SAFTA members is rising slowly and steadily. South Asia's intra-sub-regional trade share, out of its total global trade, increased from 2.7 percent in 1990 to 4.3 percent in 2011. SAARC's share is still very low when compared with corresponding figures from other regions. The corresponding figures of intra-sub-regional trade for ASEAN and ASEAN+3 were 26 percent and 39 percent, respectively (Moinuddin: 2013).

In order to expand cooperation in trade and further deepen the integration of the regional economies, the **SAARC Agreement on Trade in Services** was signed at the Sixteenth SAARC Summit held in Thimphu in April 2010. The Agreement entered into force on 29 November 2012. Since the signing of the Agreement, the Expert Group on the SAARC Agreement on Trade in Services has been engaged in negotiating Schedules of Specific Commitments. The Schedules of Specific Commitments for liberalization of trade in services are in the process of finalization. A **Study on Development of an Institutional Framework for Data Collection on Trade in Services** has been conducted by SAARC with the financial and technical assistance of Asian Development Bank (ADB).

The status note, prepared by SAARC Secretariat in May 2014 on the economic and financial cooperation (SAARC: 2014) claims that significant progress has been made in the areas such as South Asian Free Trade Area (SAFTA), SAARC Agreement

on Trade in Services, trade facilitation measures harmonization of customs procedures, harmonization of standards, elimination of non-tariff and para-tariff barriers to trade, increasing cooperation in the field of finance and planned pursuit of South Asian Economic Union (SAEU). The SAARC Leaders have been emphasizing the importance of enhancing financial and economic cooperation for regional integration. Several mechanisms under trade and economic cooperation have been established to push the process of moving from SAFTA to South Asian Economic Union. Some other notable achievements are: the Regional Convention on Suppression of Terrorism; SAARC Agriculture Information Centre at Dhaka; SAARC Audio Visual Exchange programme (SAVE); adoption of Social Charter to set targets for eradication of poverty, population stabilization and human resource development; establishment of SAARC Development Fund, Food Bank, the Arbitration Council, and the Regional Standards Organizations, establishment of SAARC University at Delhi and so on. Besides the above cooperative mechanisms and processes, the mere existence of SAARC as a regional organization of South Asia has provided and continues to provide an essential platform for taking initiatives of regional cooperation as well as consolidating nascent South Asian identity, which may lay down a solid foundation for regional integration.

Amidst modest success, the failures of SAARC are more pronounced and the balance sheet is not in its favour. Still the intra-regional trade and investment remains low, bilateral as well as cross-national conflicts continue to persist; interdependence and connectivity among regional actors remains off the mark; consensus among the members of SAARC on the core issues of regional integration remains elusive; and the involvement of and interference by external actors continues to grow. In brief, all elements of regional integration are either missing or are very weak. SAARC's failures or lack of success become glaring in face of rapid success achieved by other regional organizations like European Union and ASEAN. Regional integration still remains a distant dream in South Asia. Reasons for this dismal state of affairs are not far to seek. Primarily, there are three kinds of impediments in the way of success of SAARC: **Political Impediments** such as perception about India as big brother by her small neighbours, domestic conflicts as in Tamil issue in Sri Lanka, fundamentalism Vs secularism in Bangladesh or painful democratic transition in Nepal, bilateral disputes as between India and Pakistan; **Economic Impediments** such as differential development levels

and glaring economic inequalities in the region in areas of trade, manufacture and services, low level of intra-regional trade among the SAARC countries as a percentage (four percent) of global trade, restrictive trade policies of the SAARC countries, dominance of foreign capital, competitive behaviour of economies, communication gap and lack of monetary cooperation and; **External Impediments** such as involvement of China as counterweight to India or at present involvement of the US and other western countries due to their strategic interests (Chowdhury: 2001).

Noted political Scientist Samuel Huntington, in his famous book, 'Clash of Civilizations', termed SAARC as a failure on the ground of prevailing cultural and ethnic diversities among the societies comprising South Asia. He argued that SAARC has been a failure because unlike the countries belonging to organizations like EU, the SAARC countries have wide cultural, ethnic and religious diversities. India and Pakistan are enemies of each other. South Asia consists of two cultures; Hindu and Muslim (Shaheen: 2013). The ongoing process of globalization has, if anything, accentuated these diversities across societies and nations in South Asia. Weerakoon (2004) observes, 'Globalization has economic, political and cultural impacts, the effects of which, it is argued, may be particularly powerful in culturally heterogeneous societies, divide along the lines of identity, such as language, religion, ethnicity, caste and class. South Asia, with its complex economic and political history, with the world's largest concentration of poor people, and a high degree of political volatility is particularly vulnerable to charges of inequities of globalization.' Even, the much acclaimed SAFTA has not been able to bring momentum of regional economic integration due to its inherent features as well as outward looking nature of leading regional economies. Sikri (2009) finds SAFTA as a 'wholly inadequate framework for trade liberalization within South Asia, because of very low range of tariff cuts, long periods of tariff reductions and higher number of goods on the 'negative list'.

#### *Lack of Consensus on Core Issues*

One may argue that other regional organizations like EU or ASEAN have also face similar challenges and differences on the way of their progress. ASEAN, supported by the US and her Western allies, was established in 1967 as a counter balance to rising communism in the region. The region became a chessboard for cold war politics with active inference by China also. Vietnam and Cambodia also suffered

political conflict and instability during cold war era. Consequently, ASEAN could not achieve any visible progress towards regional integration or effective cooperation among member states till the end of cold war. However, by the end of cold war, regional actors were able to strengthen consensus on the core issue of peace and development, which formed the basis for the ongoing march of ASEAN in the post-cold war era. As far as European Union is concerned, the devastation caused by the World War II convinced the European countries about linkage between peace and development in the region. By the end of cold war the consensus on the core issues involved in the regional integration was further strengthened and gradually the European Union emerged as the most successful example of regional integration in the post-cold war period.

*Thus, the consensus among regional actors on the core issue of regional peace and development is an essential pre-condition for the success of any initiative of regional cooperation. It is in this field that SAARC members suffer not only from the lack of consensus on core issues of regional peace and development but also from abysmal trust deficit, which undermines the emergence of such consensus in future also. Cold war era or the post-cold war era, lack of consensus has become immune to recovery. The major regional actors particularly India and Pakistan have divergent rather contradictory views on the regional peace and security as well as patterns of socio-economic development. This situation gives rise to the possibility of interference by and involvement of extra-regional issues, which accentuate differences among members of SAARC. Consequently, balancing India in South Asia has become a favorite pass time of many regional and extra-regional actors like China, undermining the any chances of consensus building in South Asia. Additionally, the externally oriented political and economic linkages of SAARC members create a background, which acts as initial hurdle in the process of integration in South Asia. Here lies the genesis of SAARC's stark failures and its real challenge is to find the alternatives to overcome trust and consensus deficit. Without this consensus, the impediments in the way of SAARC may not be overcome.*

## **PART-II**

### *Theoretical Approaches to Regional Integration*

A noticeable feature of regional integration theories is that they did not precede the process of integration to explain its intricacies, desirability and viability or



its other aspects, rather they followed this process in order to explain it. Since Europe was the first region in the world to experiment with the process of regional integration in the early 1950s, the early theoretical interventions were also directed to understand and analyze the integration process in Europe. Peace and development were the two great casualties in Europe during the World War II. Both victor and vanquished were reduced to the same level of impoverishment due to huge loss of human and material resources and destruction of social and economic infrastructure. Intra-European conflicts caused this devastation. Europe was destroyed by Europe. The end of War led to the emergence of two superpowers, reducing mainland Europe to the secondary position in the global power structure. Europe was relived not only from the seat of global power centre also from the worries and responsibilities associated with such power centre. It was in this **background** that European leaders and people could realize the necessity and relevance of regional cooperation and integration in Europe. The realization led to the emergence and spread of a broad consensus in favour of integration. The result was the modest beginning of integration process in Europe in early 1950s. The European Coal and Steel Community (ECSC) was established in 1952 under treaty of Paris by six European countries-Belgium, France, Italy, Luxembourg, the Netherlands and West Germany; followed by establishment of European Atomic Energy Community (Eurotom) and European Economic Community (EEC) in 1957 under the Treaty of Rome. The Merger Treaty of 1967 provided for the merger of three distinct communities under the EEC. In the post-cold war conditions of globalization, need for restructuring was felt. Accordingly, European Union, with wider jurisdiction, replaced the EEC under the Maastricht Treaty in 1993. As the rationale of European integration received gradual acceptance, its membership increased from original six to present 28.

All theories of regional integration are based on the European integration experience. Wiener, A and Diez, T. (2009) classify these theories into three broad categories on the basis of their explanatory focus:

1. Theories 'Explaining integration' like Federalism, Neo-Functionalism, and Liberal Inter-governmentalism;
2. Theories 'Analyzing governance' like New Institutionalism, Multi-level Governance, and Social Constructivism; and
3. Theories 'Constructing the EU' like Discursive Approaches, and Gender Perspectives.

The theories of first category explain '**how**' the process of takes place and moves ahead. This is the first stage of in the integration process. The theories of second category explain and suggest '**how**' the institutions of integration are to be managed. This is the second stage of regional integration. The theories of third category explain '**how**' the framework of integration is to be improved with the incorporation of new tendencies and stakeholders. This is the third and final stage of integration process. Since the regional integration process in South Asia is still struggling to resolve the issues in the first stage of integration process, the theories of first category, particularly **Neo-Functionalism, and Liberal Intergovernmentalism** need further elaboration for the purpose of our present discussion.

The formulations of Neo-Functionalism and Liberal Intergovernmentalism represent two distinct phases of integration process in Europe: the former representing initial phase marked by high consensus among members in favour of integration in 1950s, while the latter representing internal dissensions phase marked by 'empty chair' politics of France in mid 1960s. The theory of Neo-functionalism was developed by Earnst Haas (1958) and further elaborated by Lindberg (1963) is based on the early experience of the European integration, particularly the strategy and practice followed by its founders like Jean Monnet. Monnet's approach was characterized by focus on cooperation in individual sectors with hope for spillover effect to other sectors; mutual recognition by participants and piecemeal problem solving. He was convinced that an increased integration will lead to a more peaceful Europe. Accordingly, Neo-functionalists argue that the need for inter-state cooperation in one sector of economy will be articulated by domestic groups, which will generate spillover effect on other sectors. The importance of National government will gradually decline as new supranational mechanisms take shape. Haas defines regional integration as a process, whereby political actors in several distinct national setting are persuaded to shift their loyalties, expectations and political activities to a new centre, whose institutions process demand jurisdiction over the preexisting national states. Neo-functionalists identify three mechanisms as driving force for integration: 1. Positive Spillover-cooperation in one sector leading to demand and justification for cooperation in other sectors; 2. Transfer of Domestic Alliances- shifting of loyalty by domestic groups and association from national institutions towards supranational institutions in view of expected benefits from supranational mechanisms; 3. Technocratic Automaticity- the ability and capacity

of supranational institutions to lead and sponsor further integration, without external support. Neo-functionalism is criticized by scholars like Weiner and Diez, Elistrup-Sangiovanni, Hansen etc for being unsuitable to be applied to all regions and settings; ignoring the diverse domestic political development in member countries; and questioned validity of spillover in all condition (Ganeshlingam: 2012; Laursen: 2008).

The Liberal Intergovernmentalism emerged as a counter point to Neo-functionalism following the growing dissension among members European community in mid 1960s in view of their divergent national interests. It was formulated first by Stanley Hoffmann (1965) and subsequently further expanded by Moravcsik (1993). It argues that the integration should be viewed in the global context and that regional integration is a smaller part of the global system. The states and their decisions act as drivers of integration. Moravcsik (1993 and 1998) has present account of Liberal Intergovernmentalism to explain the process of Integration in Europe. His basic premise is that the fundamental decisions by member states, what he calls 'Grand Bargains', determine the origin, evolution and final outcome of regional integration process. His Grand Bargain framework includes three phases:

1. The First Stage-National Preference Formation, in which state actors decide about their participation in the integration process on the basis of either economic or geo-political interests.
2. The Second stage is Interstate Bargaining about the efficiency and distributional outcome of integration. This bargaining may be based on either of three factors: credible threats to veto, credible threat to exclusion, and issue linkages or packager deals.
3. The Third stage is Institutional Choice for integration process, in which state actors may opt for federalist mechanism, or centralized technocratic management, or credible commitment.

In nutshell, Moravcsik highlights the predominant role of state actors in all three phases of integration process.

The brief description of the salient features of two theories-Neo-functionalism and Liberal intergovernmentalism- about explanation of integration leads us to make following observation, relevant for analyzing integration in South Asia:

1. All theories of regional integration are based on European experience and have limited use in understanding integration process in other regions due to diversity in prevailing conditions.

While comparing background conditions of integration in Europe and Asia, Verbeke (2016) observes, 'Since 1945 Europe has been more ambitious than Asia in making explicit a political goal of building an ever-closer union among its peoples. European efforts stem directly from the sheer extent of material devastation and moral exhaustion brought by the two World Wars. This has led Europeans to accept a significant pooling of sovereignty over a whole range of political as well as economic issues. It is fair to say that Asia, at this stage, does not have the same political ambitions. This should make us even more cautious about drawing conclusions from Europe's experiences for Asia. In any case it would be naïve to think that lessons from one area can simply be transplanted to another area in any circumstances'.

2. Any theoretical formulation on regional integration, in order to be meaning full and complete is required to address the issues involved at three stages of integration process: **Background of integration**; beginning and evolution of integration process; and governance and improvement of integration process. If we measure the abovementioned theories of regional integration, we find that none of them has addressed the issues involved in the background of integration, which refers to 'why' and 'whether' of regional integration. In other words, the questions should be asked, why there should be regional integration at all? Or whether the prevailing background conditions are appropriate for regional integration or not? Without addressing these fundamental questions, if we attempt to analyze the process of integration, it is like measuring the strength of a building without the knowledge of its foundation. The theories based on the European integration missed this point because, following the upheaval of World War II, the consensus in favour of peace, development and cooperation in Europe was so strong and overwhelming, that this consensus was taken for granted and the next steps of integration process were identified for the theoretical analysis. But, this background consensus was not available in South Asia, when SAARC was superimposed as a formal structure of Cooperation and integration. Or this background consensus may not be available in other regions of the globe.

#### *Background Consensus and Bottom-Up Approach*

On the basis of our experience of regional

integration elsewhere as well as in South Asia, one may identify two approaches to regional integration. The First may be called '**the top down approach**' which is suitable for regional integration in those regions which have capital of the background consensus arrived at the regional level among regional actors on the core issues of peace and development. This background consensus may be the product of crisis or some other available conditions. Under this approach, the process of regional integration is initiated at the top level by regional actors collectively and it gradually percolates down to the lower levels of individual countries and societies. At the initial stage, at least, the political elites and leaders are convinced by the potential benefits of such integration. The regional integration process followed in Europe after the World War II and post-cold war period in South-East Asia follows the top down approach. This is the most dominant approach of regional integration in present context. The theories of integration listed above represent this approach. SAARC too followed this pattern but faltered gradually due lack of consensus among regional actors required for the success of this approach.

If there is deficit on the count of background consensus, alternative approach for integration may be attempted. Mere cosmetic changes will not succeed. Many scholars and institutional studies diagnosed the causes of SAARC's poor performance and suggested viable strategies for its success, but these efforts have gone in vain. For example, The World Bank (2011) has proposed a road map for South Asia to accelerate growth and faster human development with country specific strategies. It is aware of the regional imbalances in growth and development. It pleads for a general South Asian strategy, which has three general core elements: inclusive growth and creating quality jobs, responding to financial and food prices crises, and promoting regional integration. The World Bank has also identified certain common vulnerabilities in South Asia: natural disaster, access to water, and conflict and violence. The strategy appears sound but it does not prove effective on the ground due to lack of consensus among actors, which is precondition for its success under the top down approach.

What is the way out? The viable option is to follow Bottom-Up Approach to create and sustain background consensus in favour of cooperation and development. The idea of Background Consensus consists of three aspects: **1.** The nature of domestic political and economic processes and institutions of the regional actors; **2.** The intra-regional linkages

among regional actors; and **3.** Inter-regional linkages between the given region and other regions. A favourable response to these aspects helps in creating background consensus for integration and vice-versa. In fact the factors underlying prevailing conditions in South Asia attest to a negative background consensus: Domestic regimes ranging from democratic to sectarian and military regimes; very uneven size of economies and levels of development, historical factors leading to mistrust and intermittent hostilities; and external linkages, perpetuated since colonial times; and active involvement of external actors in the regional affairs (China and others) and so on. Like South Asia, every region has some specific background ingredients which either reinforce or undermine the process of regional integration. Underlying the critical significance of background consensus Cameron (2010) remarks, 'As the EU's experience demonstrates, historical reconciliation is a critical element in developing the necessary political will for cooperation and, ultimately, integration. The fundamental basis for the success of the EU is the historical reconciliation between France and Germany, achieved by years of sustained political effort from the leaders of both countries. In stark contrast, there has been no such effort in many other parts of the world where there are ambitions of regional integration. In East Asia, for example, there can be no integration without genuine reconciliation between Japan and China, and Japan and Korea. The East Asia experience is replicated elsewhere with unresolved problems and deep suspicions between, for example, Brazil and Argentina, India and Pakistan, and Saudi Arabia and its neighbours. Only after historical reconciliation can countries proceed gradually along the various steps required to create a regional community'.

Here comes the relevance for the second or alternative approach of regional integration, which may be termed as the **bottom-up approach** of regional integration. This approach addresses the issues involved in the foundational stage of integration. This approach appears relevant for the regions, which are beset by deficit of mutual trust and consensus as well as externally oriented linkages. Under this approach, the process of integration and mutual dependency starts at bilateral or sub-regional level and gradually moves up by demonstrating its potential for mutual benefit for the entire region. Under this process the consensus about the core issues of peace and development may emerge after the demonstrated benefits of regional integration at the lower level, e.g. bilateral or sub-regional level. In brief, the Bottom-Up Approach consists of all those strategies and processes, which aim at generating

background consensus on core issues of peace, development and integration among regional actors, so that the process of integration may be initiated and consolidated. It is not merely the initial creation of this consensus, but its continuous sustenance, which is prerequisite for continuous growth and effectiveness of integration process. For example, the renewed vigour for close integration generated in Europe in the wake of globalization has weakened in the face of financial crisis. The moral dilemma faced by European Union during refugee crisis in 2015 and ongoing debate on Brexit attest the weakening of this vigour. Others have important lessons to learn.

### PART-III

#### *Bottom-Up Approach: Policy Implications for South Asia*

In view of the conditions prevailing in South Asia, the bottom-up approach appears a sound alternative for regional integration. India being the largest country of the region bears major responsibility and role under this approach. The sustainability of India's rising status and pre-eminent position is contingent on the peace, stability, development and regional integration in South Asia. India is the largest country in the region with 76 percent population and 73 percent land area of the region. She is the largest trading partner of as well as leading investor in many of the countries of the region like Nepal, Bhutan and Bangladesh. India is centrally located and is the only country in South Asia, which shares boundary with all other members of SAARC except Afghanistan. India is now recognized as one of the emerging economies of globe, as it has scored impressive economic growth rate of around 7 percent in last two decades. Thus, India due to her size, strategic location, economic and technological development is poised to play a larger role in the development as well as the economic integration of South Asia.

India needs to initiate, organize, facilitate and lead the process of integration in South Asia. In fact, India has been playing this role, but its efforts are scattered and not consistently followed because they are not weaved into a coherent approach. Some of the major policy implications of the bottom-up approach are listed below:

#### *Principle and practice of Non-Reciprocity*

It was first outlined in the Gujral doctrine announced in 1998. Under the Gujral doctrine, India

announced that it will not insist on the principle of reciprocity, while dealing with her neighbours. India will accommodate their valid interests with the spirit of mutual trust and good faith. Other four principles of this doctrine are: not to allow the use of their territory against the other countries of this region; refraining from interference in the internal affairs of other nations; respecting the territorial integrity and sovereignty of other countries; and resolution of disputes by peaceful means through bilateral negotiations. India now offers trade concessions to the Least Developed Countries of the region, namely Nepal, Bhutan and Afghanistan. These concessions may be extended to other countries of the region in due course.

#### *Initiatives of Sub-regional Cooperation*

In recent years, India has launched two sub-regional initiatives: First; BIMSTEC or Bay of Bengal Initiative for Multi-Sectoral Technological and Economic Cooperation in 1997. Initially it included five members-Thailand, India, Sri Lanka, Bangladesh and Myanmar. Later Nepal and Bhutan also joined this organization, raising its membership to seven nations. The membership of BIMSTEC is cross cutting with that of ASEAN and SAARC. Hence, it projected as a bridge between South Asia and South East Asia. It has identified thirteen areas of cooperation: Environment; Transport and Communications; Terrorism; Tourism; Fish production; Agriculture and Energy; Technological Cooperation; People to People contact; Poverty Alleviation; Cultural Cooperation; and Trade and Investment. Second sub-regional initiative is Mekong-Ganga Cooperation, which was established in 2000 by the six countries: India, Thailand, Vietnam, Laos, Cambodia and Myanmar. It has identified four areas for cooperation: Tourism, Culture, Education and Transport. At present, the focus of this organization is to develop rail and road connectivity among nation of this group so that cooperative ventures may be implemented among the members. India has taken lead role in implementing various road link projects as well as human resource development programme in this region. What India needs is to further strengthen these sub-regional initiative to demonstrates the beneficial impacts of regional integration and mutual cooperation. This will have positive impact on integration process in South Asia also.

#### *Development Partnership with Neighbours*

India has already launched development partnership with her neighbours like Nepal, Bhutan,

Bangladesh, Afghanistan and Maldives, which needs to be enhanced. India has considerable potential in training, skill development, telecommunication, education, which are essential for socio-economic development of the region. India has, since 2002, invested more than \$ 3billion in various development projects in Afghanistan; announced \$ 1 billion development package for Bangladesh in 2011; and another \$1 billion development package for Nepal during Prime Minister Narendra Modi's visit in August 2014. This development partnership should take into account the specific needs of the target country.

#### *Strengthening Connectivity and People to People Contact*

It has been now realized by policy makers across south Asia that strengthening connectivity is the prior condition for the success of regional integration. The main theme of the SAARC Summit held in 2011 in Addu, Maldives was 'Building Bridges' or improving physical and digital connectivity across member states. To address the need of regional integration in the age of globalization, India announced a **New Neighbourhood Policy in 2005**, which laid emphasis on the following points (Saran: 2006):

1. India should not neglect her border areas as they are the connectors with our neighbours. The development of these outposts needs mindset change in India.
2. India should make major efforts to develop connectivity in the region to facilitate movement of goods and people. This is the most significant component of new policy.
3. India should encourage cultural contacts and people to people contact among countries of South Asia. There are very strong cultural affinities among the people of the subcontinent and by giving full play to these affinities, a sense of togetherness and shared identities may be enforced. This will help in greater understanding among members of SAARC as well as strengthening of regional identity. In all these efforts and strategisation, the key element should be understanding the neighbours, strengthening both the traditional and freshly emerging ties with them and making a much more concerted regional effort in consolidating a regional identity (Assignment Point: 2014).

These policy guideline needs to be pursued with sincerity and consistency. Improving connectivity will spur the process of greater cooperation and

interdependence among members of SAARC. A recent Report on regional integration in South Asia (Assignment Point: 2014) highlights the relevance of connectivity and linkages; 'If South Asia's trade is to be integrated then this will require the integration of the infrastructure of the region. This would point to cooperation in the areas of energy as well as the strengthening of transportation, transit and communication links across the region. This would further require harmonization of standards and simplification of customs procedures. Trade cooperation would point to monetary cooperation, thereby suggesting the need for greater coordination among Central Banks'.

#### *Skillful use of Public Diplomacy*

The emerging domain of public diplomacy gains foothold amidst the democratic upsurge in South Asia. Nepal is passing through democratic transition. Democratic process has already begun in Maldives and Bhutan in 2008. Afghanistan and Pakistan are moving reluctantly on democratic path. The consequence of this democratic upsurge is that multiple stakeholders will be involved in the formulation of domestic and external policies in nations of South Asia. India needs to employ its public diplomacy carefully not only to abate anti-India feelings as big brother but also to send the message that sharing of goal of regional integration also involves the sharing of resources required for the realization of this goal. It neither denotes the loss of sovereignty of smaller neighbours nor the dominance of a big country like India. India's big size and technological and economic strength should not be viewed as impediment but as a positive factor in regional development and integration in South Asia.

The above initiatives of India should be weaved together as a new strategy of regional integration in South Asia within the bottom-up approach. As the past performance of SAARC demonstrates, the top down model of regional integration is not relevant for regional integration in South Asia due to the abysmal lack of consensus among regional actors on the core issues of regional integration. Given the specific conditions and impediments to regional integration in South Asia, the bottom-up approach with India in lead role appears a viable alternative. The new central government of India led by Narendra Modi seems to have given priority to India's relations to her neighbours. The invitation of SAARC leaders to Prime Ministers oath ceremony on 26 May, 2014 and the visits of Indian Prime Minister after a long gap to Bhutan in June 2014 and to Nepal in August

2014 are pointer to changing focus on South Asia. But these high profile events without a coherent strategy and approach may not prove effective in the long run. Given India's strategic position in South Asia, she has the potential as well as the responsibility to play a greater role in building and sustaining momentum for regional integration in South Asia.

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**Authors Affiliation**

Associate Professor and Head,  
Dept of Political Science and  
Public Administration,  
Dr Harisingh Gour University,  
Sagar. \*\* Banasthali University,  
Vanasthali, Rajasthan 304022.

**Reprints Requests**

**Anupma Kaushik**

Associate Professor, Dept of  
Political Science and Public  
Administration, Dr Harisingh  
Gour University, Sagar - 470003  
Madhya Pradesh.  
Email:  
[kaushikanupma@gmail.com](mailto:kaushikanupma@gmail.com)

## Men and Women in PRI in Rohtak District of Haryana in India: Problems and Prospects

Anupma Kaushik\*, Manju Samariya\*\*

### Abstract

The Indian government had provided reservation of 33 percent seats in the local self governing bodies to women by 73<sup>rd</sup> and 74<sup>th</sup> Constitution amendment. Later the reservation was raised to 50 percent in Panchayati Raj Institutions (PRI) in some states like Bihar, Madhya Pradesh, Rajasthan, Uttarakhand, Himachal Pradesh, Andhra Pradesh, Chhattisgarh, Jharkhand, Maharashtra, Orissa, Tripura and Kerala. However Haryana has yet to raise the reservation for women to 50 percent. Women who got elected due to reservation are often seen as puppets in the hands of their husbands and other male family members. For the common perception is that women have a decidedly marginalized and subordinate position in the traditional, conservative, patriarchal and caste ridden Indian society with rigid private female and public male role demarcation. In such a scenario women are seen as misfits in politics. This accusation is never made for men who enter politics due to reservation. The objective of this paper is to find out the actual position. Hence we made a comparative study of men and women elected in upper two tiers of Panchayati Raj Institutions in Rohtak district of Haryana. Thus, all the 107 members of block committee and 14 members of district council were included in the study. The elected men and women representatives' were asked questions pertaining to their background, views on women's issues, politics, local self governing bodies etc to find out the difference or similarities between the views and performances of men and women elected representatives in a state which is known for its misogynistic attitudes.

**Keywords:** Women; Panchayati Raj Institutions; Rohtak; Haryana; India.

### Introduction

The modern age is the age of democracy and successful functioning of democracy presupposes active participation of both men and women in the political process. In India, common men and women entered the political process in early decades of the twentieth century. In 1905 when the British partitioned the province of Bengal, women joined men in protesting this decision by boycotting foreign goods and buying *swadeshi* goods. In 1907 under the Montague-Chelmsford reforms some women obtained the voting right. Radha Bai Subharya,

Renuka Roy, Annu Swaminathan were the earliest women who got into the central legislature [1]. *Rasthtriya Stri Sabha* -Bombay 1920, *Mahila Rashtriya Sangh* -Bengal 1928 and *Nari Satyagraha Samiti* - Calcutta 1929 mobilized women for political work [2]. The mass movement led by Mahatma Gandhi drew men and women in to the vortex of the freedom struggle. The participation of men and women in these movements was not limited to the urban - educated - elite men and women but included thousands of ordinary - poor - rural men and women [3]. Some women political leaders like Sarojini Naidu, Durgabai Deshmukh, Renuka Roy and Hansa Mehta were very articulate and aware and became members

of the Constituent Assembly.

The constitution of free India gave women equal rights to participate in politics such as right to vote and right to get elected. This enabled some Indian women to reach up to the highest position of legislators, ministers, C.M.'s, party chiefs, governors, ambassadors, P.M and President. However, in comparison to men the participation and representation of women in law making and law implementing bodies has been very poor. Their representation has never gone beyond 15 percent in parliament and state assemblies and 15 percent in the ministries. Moreover, women's movement in India has been struggling with their demands for reservation in parliament and state legislatures since many decades. The failure of successive governments in getting the women reservation in parliament and state legislatures bill passed is self-explanatory. This is why April 23, 1993 was called a 'red letter day' for Indian women, when the 73<sup>rd</sup> Constitutional Amendment gave statutory status to *panchayats* and provided 33 percent reservation of seats to women at every tier of grassroots political institutions.

#### *Panchayati Raj Institutions (PRI)*

*Panchayats* have been in existence in India from time immemorial. It finds mention in *Manusmriti* as well as in *Arthashastra* of Kautilya in 400 B.C. These *panchayats* were responsible for overall judicial, legislative and revenue work of the area. In the midst of conquest and rise and fall of empires, the village *panchayat* continued to survive and provide continuity [4]. It was with the coming of Mughals that these *panchayats* went through a phase of downfall. The British rule following the Mughal rule further centralized the power. It was during their reign that administrative and legal powers of these institutions were taken away leading to severe unrest among the masses. Probably this and the shock of the mutiny of 1857 led the British to form a Royal Commission on decentralization. The report recommended that the judicial and development functions be again rested in the *panchayats* [5]. The acceptance of Montague-Chelmsford reforms resulted in a stream of legislation relating to village *panchayats* practically all over the country.

Meanwhile, Gandhiji mooted the idea of *Gram Swaraj* with people at the centre. He had hoped that his philosophy of *panchayati raj* could be the framework of the political order of free India. However, Nehru did not see any special virtue in villages. Instead he underlined the advantages of science and technology and appreciated urban

culture. Moreover, Ambedkar roundly condemned the village as sink of localism, den of ignorance, narrow mindedness and communalism. As a result *panchayati raj* could find place only in the Directive Principles of State Policy in the form of Article 40. Later at the initiative of P.M. Jawaharlal Nehru, most of the states adopted the Panchayati Raj Acts in their respective states [6]. Towards the end of first five year plan there were 1,52,237 *panchayats* in the country. But they lacked power in actual terms. The government constituted the Balwant Rai Mehta Committee, which suggested a three tier *panchayati raj* system at the village, block and district level. However the *panchayati raj* institutions still did not function properly due to lack of trained personnel and dominance of wealthy and high caste people. The Ashok Mehta Committee of 1978 probed dilapidated economic conditions of these *panchayats* and concluded that government interference must be removed from these institutions. The C.V.K. Rao Committee appointed by the planning commission strongly recommended for the revival of the P.R.I.'s all over the country, highlighting the need to transfer power of the state to democratic bodies at the local level. The L.M. Singhvi Committee recommended that to be effective, the P.R.I.'s should be constitutionally recognized and protected by the inclusion of a new chapter in the constitution. It also suggested a constitutional provision to ensure regular, free and fair elections for the P.R.I.'s. Prime Minister Rajiv Gandhi made repeated efforts in this direction. However, it was the Narsimha Rao's government which succeeded in getting the 73<sup>rd</sup> Constitutional Amendment passed in April 1993.

#### *Women and P.R.I's*

When *panchayati raj* was introduced in free India very few women contested or got elected. The Balwant Rai Mehta Committee had recommended that there should be two women at *panchayat samiti* as co-opted members 'who are interested in work among women and children'. A similar provision was suggested with regard to village *panchayat*. Following this a few states did make provisions for women's representation e.g. the Maharashtra Zila Parishad and Panchayat Samiti Act of 1961, provided for nomination of one or two women to each of the three bodies, in case no woman was elected. In many other parts of India too women were recruited by cooption rather than election. However, some states resorted to reservation in the *panchayati raj*. In Andhra Pradesh since 1986, reservation of two to four seats was provided for women in *gram panchayat*, with two women to be co-opted in



*panchayat samitis*, in addition to elected women members. In Karnataka by the Act of 1985, in the Mandal Praja Parishad, 25 percent of the total number was reserved for women; out of these one seat was reserved for women from scheduled caste/tribes.

Meanwhile, the committee on status of women in its report in 1976 suggested the establishment of statutory all women *panchayats* at the village level, with autonomy and resources of their own for the management and administration of welfare and development programs for women and children as a transitional measure. There were nine all women *panchayats* in Maharashtra in 1993.

The demand for reservation for women in adequate proportion at local self government level was strongly felt due to the fact that women are unequipped because of patriarchy, traditions and conservative social pattern in which women lack education, economic resources, access to information and media and do not have exposure to the outside the world. It was also felt that to make it more meaningful a guarantee is needed for women's emergence as *sarpanch* and *zila pramukh*. In Andhra Pradesh the 1986 Act provided for 9 percent reservation for women for the office of chairperson of *zila praja parishad*. The national perspective plan for women 1988, recommended for 33 percent reservation for women in the three-tier system of P.R.I. It also recommended that 30 percent of the executive positions from village to district level should be reserved for women [6]. However the year 1993 achieved a milestone with the acceptance of 73<sup>rd</sup> constitutional amendment. The article 243(3) of this Act reads, 'Not less than one third (including the number of seats reserved for women belonging to the scheduled caste and scheduled tribes) of the total number of seats to be filled by direct election in every *panchayat* shall be reserved for women and seats may be allotted by rotation to different constituencies in a *panchayat*'. And the clause (4) of the Act has the following provision: '.....not less than one third of the total number of offices of chairperson in the *panchayats* at each level shall be reserved for women. Provided also that the number of offices reserved under the clause shall be allotted by rotation to different *panchayats* at each level.' This provision enabled more than seven hundred thousand women to participate in PRI's.

#### *Haryana and Rohtak*

The state of Haryana was carved out of state of Punjab on November 1, 1966. It has just 1.37 percent of the total geographical area and less than two

percent of India's population. Total area of the state is 44212 sq km. The state has provided electricity, metaled roads and potable drinking water to all its villages. Haryana is among the most prosperous states in India, having one of the highest per-capita income [8]. It has 21 districts. It shares its capital Chandigarh with Punjab. Three fourth population of Haryana lives in villages. The state legislature of Haryana has 90 members. Haryana sends 10 members of parliament to *Lok Sabha* and five to *Rajya Sabha*. From its creation as a State in 1966, till date only 5 women have ever entered the Lok Sabha from Haryana. These were Ms Chandrawati (6th Lok Sabha), Ms. Shelja Kumari (10th and 11th Lok Sabha), Prof Kailasho Devi (12th and 13th, Lok Sabha's) [9] and Shruti Choudhry, and Kumari Selja (15<sup>th</sup> Lok Sabha) [10]. In the present 16<sup>th</sup> Lok Sabha all members coming from Haryana are men [11]. In the present *Rajya Sabha* there is only one woman member from Haryana and rest four are men [12]. In the present 13th *Vidhan Sabha* out of 90 members only 13 members are female [13]. Incumbent government is led by BJP's Harbans Lal as Chief minister. BJP has strength of 47, INLD - 19, INC-15, independents -5, Haryana Janhit party- 2, BSP-1 and Shiromani Akali Dal-1 member in the present *Vidhan Sabha*. In the 17 member ministry of Haryana at present there are only two women [14]. In the High Court of Punjab and Haryana presently there are eight women out of a total of 52 judges [15]. The sex ratio as per census 2011 in Haryana is 877 females per 1000 males and sex ratio in 0-6 age group is 830 girls per 1000 boys. As per census 2011 total literacy rate is 76.64 percent but male literacy rate is 85.38 percent and female literacy rate is 66.77 percent in Haryana [16]. Apart from female feticide, abandonment of girl child, neglect of health and education of girls and women, dowry, bigamy, desertion of wives, lack of sanitation, violence at home and outside, *Seedi Pratha* (bonded labour and sexual harassment of women) are also prevalent [17].

District Rohtak with its 146 village and five blocks is having geographical area of 166847 hectares (1668 sq.kms). Rohtak district has 151 Gram Panchayats [18]. It is 78 km from Delhi. As per census 2011 the literacy rate of the district is 80.4 percent. Male literacy rate is 88.4 and women 71.2 percent. The total population of district is 10,58,683. There are 868 women per 1000 men in Rohtak as per 2011 census. The ratio in 0-6 age group is 807 girls for 1000 boys [19].

The sex ratio in Rohtak as well as Haryana is very low despite material and physical development. Female foeticide is endemic and Haryanvi women

are unequal and marginalized yet valorized. There is a strong son preference in Haryana. Every family wants to have sons and hardly anyone wants more than one daughter. This factor holds true regardless of wealth and education. Reports suggest that in Haryana the new entrants to the political scene through the PRI are merely rubber stamps or proxy candidates for their husbands and other men folk. Nor do women fare any better in decision-making in the private sphere as a majority of women have to seek permission for even minor matters such as going to the market or visiting friends and relatives [20].

### *Case Study*

A case study was conducted in June 2011 employing questionnaire, interview and observation methods to examine if reservation of 33 percent seats in local self governing bodies has resulted in empowerment of women and also to find out the level of awareness and political participation of men and women elected at the in upper two tiers of Panchayati Raj Institutions in Rohtak district of Haryana i.e. in *panchayat samiti* (block committee) and *zila parishad* (district council) level. All 107 members of block committee and 14 members of district council were included in the study. Thus the total number of respondents was 121.

The personal profile of the 121 members shows that 46 were women and 75 were men. This shows that women have nearly 38 percent seats i.e. more than the 33 percent seats officially reserved for them. Women and men both were mostly in 20-50 age-group, general category Hindu and married. Women were mostly literate and educated but in comparison men were more educated. Women mostly came from middle class joint families while men belonged to upper or middle class joint families. In comparison men were more educated and wealthy with more income and agricultural land than women. Women joined politics mostly due to reservation and family pressure or encouragement while men joined politics because they wanted to. For women it was their first experience in PRI but some men had previous experience as well. Some women did not wish to get elected again although they agreed that their status in society has increased after getting elected. Most women as well as men were in favour of reservation for women and said that men and women are equal. They were aware of three tiers of the PRI. Most women as well as men were not satisfied with the functioning of PRI. Some men as well as women had difficulty in understanding budget and rules. They wanted government training for the same. All men and women were aware of the problems in their area.

They all wanted more economic aid to the PRI. They were not associated with any social organization. Only few men and women were aware of 73<sup>rd</sup> constitutional amendment. Men attend more meetings than women and also contribute more in the discussions etc than women. Men raise more issues than women. This is because in patriarchal rural setup young women must observe *purdah*. They must be accompanied by some male family member to the PRI meetings etc. in comparison to men women were less aware of political leaders and only 40 percent women read newspaper whereas all men did.

Thus the study shows that elected women members of zonal committee and districts council of Rohtak district are literate young women occupying five percent more seats than are reserved for them. Women lag behind men in education and wealth and had to observe *purdah* and are also dependent of their male relatives in a traditional patriarchal setup and they have entered political arena for the first time in their lives and contribute less than men in the activities of PRI but their presence in the PRI has uplifted their status in society. Women acknowledged that reservation has led to improvement in women's condition and that it has given them a chance to participate in community program. Their awareness of local problems was at par with men and so was their difficulty relating to budget and rules.

### *The Problem*

The Indian society, especially the rural society has a clear bias against women. Female foeticide, female infanticide, female infant mortality, adverse female sex ratio, low female literacy, low female paid workforce participation rate, child marriages, *purdah*, dowry, wife-battering, bride burning etc. are clear symbols of secondary status of women. Women are subordinated in family which in turn extends their subordination in the wider society, economy and polity for it leaves them without means to get their inequalities and subordination removed and grievances redressed. At times the subordination may be so subtle and ingrained that women are not even aware of it.

Moreover the traditional Indian social norms have clearly marked 'male' and 'female' areas. Women's behavior is restricted by the private-female and public-male dichotomy. The division of labour is such that household chores, child care, care of other family members etc. are considered to be women's work. These unpaid and unrecognized full-time activities leave little available time and energy for outside interests.

Besides, politics is regarded as a male prerogative and as least suitable vocation for women. Women are seen as too soft, emotional, ignorant, unskilled, illiterate, inarticulate and traditional to be successful in politics. If women participate actively in politics, they are seen as depriving men of their chances. Women who are 'allowed' to enter politics by their male relatives are mostly obedient, uniformed, and inarticulate. As a result such women enter politics with a patriarchal whip and behave under the command and guidance of the males as proxies or rubber stamps. Capable women are seen as 'threat' and discouraged from contesting elections by categorizing politics as dirty, corrupt and unsuitable for women. Even those who enter politics are expected to confirm themselves to acting as 'women's representatives' and relate themselves to issues specially oriented to women and children. They are expected to leave other issues at the disposal of men. This results in marginalization of women and restricts their operation and exercise of power. Seasoned politicians like LK Adwani have acknowledged that reservation for women is justified because women face many difficulties in participating in public affairs. He accepts that it is twice as difficult for a woman to play a role in public life as it is for a man [21]. Despite all the above in this case study women were not far behind men in shouldering responsibilities of PRI.

To top it all is the fact that in India 'implementation' is a major problem. In most cases rules and laws exist but they lack in effective implementation. Ineffectiveness combined with corruption results in doom for all the good policies and programs. In our study also women complained that the main problem which they encounter is lack of information and understanding about budget and rules.

#### *The Prospect*

Women's effective participation in the Panchayati Raj or the latter's usefulness for women's rights and development will become a reality only if *panchayat* system itself operates in a principled, democratic and meaningful way. Hence, the need of the hour is to strengthen the system and involve greater people's participation. Otherwise one-third representation of women as members or the chairpersons will have little or no relevance. In other words, the relationship between P.R.I. leaders and the local level bureaucrats needs to be relooked at so that the information regarding plans, rules, budget etc. reaches P.R.I. members automatically and smoothly.

Moreover, there is need for reservation to be increased to 50 percent in every state in India and also women to be politically mobilized for contesting elections and even campaigning and questioning the candidates. For women who are already in the P.R.I.'s, literacy and political education programs are needed. Here political education means information about their powers, rights and functions; acquaintance with the rules, plans, procedures and system as well as basic knowledge about – concept and relevance of Panchayati Raj; the nature of Indian democracy and constitution; policies and programs for women and other weaker sections etc. In order to avoid distortions proper curriculum development must be done. Training has to be sustained and periodic. For this resource centers must be created with full-time social activists. Such centres need to provide facilities for information dissemination, discussions, counseling and problem solving. The political action groups, the social works departments, the N.S.S., the women's studies centers in the universities and colleges all over India could be mobilized to play the vital role of catalysts in this regard. N.G.O.'s working in the area can also be utilized provided they have the inclination and correct approach.

The bright side of this picture is that women themselves have a very positive and enlightened view on women's capacities. They are all first timers in PRI and lack experience in dealing with officials and rules etc but they are not far behind men and they also believe that reservation has brought positive changes in the status of women. However, they need guidance and support services. In the absence of institutional guidance and support services they depend upon their families. They need to be made independent economically and through capacity building.

Sensitization of officials and men in general is also very crucial so that they can understand their role as facilitators of empowerment of women and P.R.I.'s.

The task is an enormous one and will take some time to show results. Till training and economic empowerment takes place, a certain compromise on the quality of participation has to be made i.e. low level of participation needs to be tolerated and critics need to become less critical and demanding. Moreover during most of the history men had been controlling PRI as well as other political positions in India and they do not have much positive work to show either.

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**Authors Affiliation**  
Associate Professor and Head,  
Department of Political Science  
Agra College, Agra (India)  
282010.

**Reprints Requests**  
**Arunoday Bajpai**, Associate  
Professor and Head, Department  
of Political Science, Agra College,  
Agra (India) 282010.  
E-mail:  
[arunodaybajpai@gmail.com](mailto:arunodaybajpai@gmail.com)

## Gandhian Social Order: Utopian or Realistic?

Arunoday Bajpai

### Abstract

Gandhian ideas have universal appeal irrespective of time and place as they are based on certain eternal principles, which underline the core of evolution and organization of human social order. That is why 'Debating Gandhi' will continue to be relevant with the evolution of each stage of human order. The present Article also participates in this debate as it articulates arguments to analyze whether Gandhian Social order is utopian or realistic. Many critiques argue that Gandhian ideas are utopian as they cannot be put into practice. However, this paper argues that such critiques are not on the mark as they take a 'transient' view of reality, based on the immediate consequences. In fact, Gandhian social order is based on certain eternal principles grounded on the 'ultimate reality', which has lasting consequences. After all what is the 'realistic' way to resolve the contemporary challenges like mindless violence and conflicts around us or continuous and pervasive misuse of social resources to satisfy personal greed or other such challenges? Gandhi offers lasting solution to the ongoing challenges of mankind, whereas his critiques may beat around the bush and come out with short term and non-lasting solutions in the name of 'realism'. In the way the article also highlights the relevance of Gandhian ideas to the contemporary global challenges.

**Keywords:** Gandhian Social Order; Eternal Principles; Ultimate Reality; Transient Realism; Contemporary Global Challenges.

Two points of caution need to be mentioned before we venture to elaborate on the Gandhian Social order. First, Gandhi, like a political and social philosopher did not laid down any systematic ideology or 'ism'. Thus, what we call Gandhian Social order is nothing but his reflection on the various aspects of the world around him, rather than a systematic exposition of a philosophical doctrine. Gandhian Social order, eclectic in nature, is shaped on the basis of his reflections on the best elements of Indian culture, prevalent global ideas and tendencies and his experience of contemporary human conditions both in India and outside particularly South Africa. As late as in 1936, Gandhi himself cautioned:

'There is no such thing as 'Gandhism' and I do not want to leave any sect after me. I do not have

claimed any new principle or doctrine. I have simply tried in my own way to apply the eternal truths to our daily life and problems..... Well, all my philosophy, if it may be called by that pretentious name, is contained in what I have said. You will not call it Gandhism; there is no 'ism' about it' (Harijan: 28 March 1936).

Again, Gandhian thought is not a result of any systematic elaboration of ideas like a professional philosopher, but a result of gradual evolution over a long period. It is a set of belief and principles which have been applied differently on different social and historical settings. Thus, it is not inflexible, dogmatic or rigid. There are inconsistencies too, which are admitted by Gandhi himself as he says, 'I would like to say to the diligent reader of my writings and others

those who are interested in them that I am at all concerned with appearing to be consistent. In my search after truth I have discarded many ideas and learned many new things (Harijan: 1933)

Second, Gandhian Social order encompasses his ideas about the nature of human beings, the world and society and their interrelationship. Though these ideas are derived by Gandhi on the basis of self-realization and insight, yet he did not claim any finality about these ideas. He said:

'I have gone through deep self-introspection, search myself through and through, and examined and analyzed every psychological situation. Yet, I am far from claiming any finality or infallibility about by conclusions. One claim I do indeed make and it is this. For me they appear to be absolutely correct, and seem for the time being to be final' (Gandhi: An Autobiography: x-xi).

This is not a coincidence that Gandhi subtitled his Autobiography as 'The Story of My Experiments with Truth'. This subtitle shows that Gandhian ideas were result of gradual evolution, yet for him, these were not final. The significance of this admission was Gandhi's unflinching faith on humility and limits of human capability and also on the human courage to admit the same.

#### *Components of Gandhian Social Order*

The Gandhian Social order moves at two planes: Metaphysical and Social with individual occupying the central place in both. The sources of Gandhian Social order are both Indian and external. Among Indian sources, teachings of Hinduism and particularly its Vaishnavism, Jainism and Buddhism had deep impact on him. Hindu scriptures like Ramchritmanas (Ram Rajya), Manusmriti (Morality as the basis of all things) and Bhagvatgita (performance of duty with detachment and Upnishads (principle of enjoying the world by renouncing) mainly influenced the metaphysical basis of his Social order. Some Gujarati teachers and saints like Narsi Mehta, Narmadashankar and Raichandbhai and stories of Harishchandra, Sravan and Prahlad influenced his thinking. Among external sources, Edwin Arnold's 'The Song Celestial' and 'The Light of Asia'; 'The New Testament' (principles of goodness and righteousness); Thomas Carlyle's Heroes and Hero-Worship (bravery and austere living); John Ruskin's 'Unto This Last' (translated by Gandhi as Sarvodaya- principle of bread labour, the good of individual is contained in the good of all); Henry Thoreau's 'Civil Disobedience' ( technique of Satyagraha); Tolstoy's 'The Kingdom

of God is Within You' (morality and truthfulness) etc. Besides, his experience in South Africa, the experience of Western civilization in London and Indian conditions also shaped his view points. Thus, the Gandhian Social order bears eclectic imprints.

#### *God, World and Nature*

At metaphysical plane, Gandhi had unflinching faith in the God as an ultimate reality. He refers him as 'eternal principle'; 'the one without a second'; and the Universal Law'. The God for Gandhi is indestructible and impenetrable because he is omniscient. He cannot be described in words but he regulates the universe. As he believed in 'Advaitvad' school of Indian philosophy, Gandhi claims that the entire world and nature is ordained by him. The world and nature are not arranged in haphazard manner, but they are ordered because of eternal principle. Every living and non-living object including every individual has divine spark. From this presence of God in each human being, the ideal of human unity and human equality is deduced by Gandhi. He also equates truth with God. Earlier he used to say that 'God is truth' but later he modified to say that 'Truth is God' (Iyer, R: 2000). This change has more wide appeal as even atheists would stick to the truth. The above metaphysical position of Gandhi serves to be an integrating factor in his Social order. Mathai observes, 'Gandhi saw that the universe is a cosmos, an orderly whole and not a chaos. This unifying and sustaining principle this indefinable mysterious power that pervades everything Gandhi understood as God' (Mathai: 2000, pp 67-73).

Gandhian faith in God and should not be confused with and dogmatism. On the basis of comparative study of all religions, Gandhi discovers that morality and truthfulness are the essence of all religions. For him, religion signifies the ordered governance of the world on the basis of moral principles. According to him 'morals, ethics and religions are convertible terms. A moral life without reference to religion is like a house built on sand. Religion divorced from morality is like sounding brass, good only for making noise and breaking heads' (Harijan: 3 Oct 1936). This principle of morality or spiritual spirit reverberates in the entire Social order and the social and political organization based on this Social order. It was in this moral sense that Gandhi appealed for spiritualization of politics. He said, 'There are no politics devoid of religion. Politics bereft of religion is a death trap they kill the soul; (Young India: 1934).

If the entire universe is animated by the eternal

principle or universal spirit, the nature cannot be exception to it. This is the logical outcome of Gandhi's faith in Advaitvad (non-dualism) of Indian philosophy. The identification of eternal spirit with nature imparts order and unity in nature and invokes reverence for it. Gandhi (Young India: 1929) says, 'God manifests himself in the innumerable forms in this universe and every such manifestation commands my reverence'. Mathai (2000, p.85) rightly remarks, 'One important outcome of this awareness of the immanence of God in nature and the consequent oneness of the entire existence is the attitude of the reverence for nature that Gandhi advocated'. He further says that Gandhi's ideas of simplicity, vegetarianism, nature cure etc. all are consequence following from his deep understanding of the law of nature. Gandhi's views on nature are very relevant to address the modern challenges of environmental degradation. Gandhi emphasized on the simplicity and limitation of wants because he believed that there is enough in nature to satisfy every one's need but not the greed of anyone.

The above metaphysical position and the principles derived from it are applied by Gandhi in the social plane. It shapes his views on truth and non-violence, individual and society, end and means, and the principles relevant for restructuring society, economy and polity. Together, both the metaphysical principle and their social application form the basic components of Gandhian Social order.

### *Truth*

Gandhi not only takes a broad meaning of 'Truth' but also elevates it to the level of God. The English word 'truth' does not convey the full import of the Hindi word 'Satya', which is derived from the Sanskrit word 'Sat', meaning 'that which is'. Its opposite 'Asatya' means that which does not exist. For Gandhi, truth is the bedrock of world. The ultimate victory of truth is never questioned. Truth is not merely refraining from speaking lies, but it denotes a just, moral or desirable position, which one should always strive for. The notion of truth has architectonic value in his thought system as Gandhi says, 'Truth is the sovereign principle, which includes numerous other principles. The truth is not only the truthfulness in words but truthfulness in thought also, and not only the relative truth of our conception but the absolute truth, the eternal principle that is God' (Gandhi: An Autobiography: p xi). Thus, Gandhi gives two conceptions of truth: Absolute truth, which is identified with the eternal principle and is universal and the relative truth, based on the personal conviction and is transient.

Human beings are not capable of comprehending Absolute truth because it is limitless. Gandhi did not define absolute truth. Perhaps, it is the complete identification with God, which in other worlds means 'Moksha'. Gandhi says that absolute truth is unattainable as we cannot completely transcend our desires and pleasure in our present physical form. Hence, absolute truth acts as a guiding principle to spiritual, emotional and active elements of this worldly life.

However, the un-attainability of absolute truth does not diminish its importance. Instead people should act according to relative truth. 'Relative truths are those definitive ideas that provide guidance to our thoughts and actions, yet are not static. They change and get modified to provide guidance in versatile situations (Sihra: 2006, p 47). Suman Khanna (1985, p. 41) says that relative truths are describable and definable. Relative truth is attainable by human beings in the temporal world. However, the relative truth is not detached from the absolute truth but defined by the latter. Since relative truth is guided by the absolute truth, it becomes a moral ideal for human beings. For Gandhi, devotion to this truth is the sole justification of our existence. All our activities should be centered on truth. Truth should be the very breath of our life. However, he did not make any claim to have discovered truth and non-violence as he admits, 'I have nothing new to teach the world. Truth and non-violence are as old as hills'.

### *Non-Violence*

If the realization of truth is the goal of life, the non-violence is the only means available to realize that goal. Gandhi believed in the essential purity of both ends and means. Gandhi said, 'the means may be likened to a seed, the end to a tree. — we reap exactly what we sow' (Hind Swaraj: p 56). Truth cannot be realized by violent means or force. As in case of truth, the English word 'non-violence' does not convey the full meaning of its Hindi translation, 'Ahimsa', which has been given a broad meaning by Gandhi. Non-violence has two aspects: negative and positive. Negatively, it means absence of violence and hatred towards others but positively it means love and toleration towards others. Since love involves self-sacrifice, the notion of Ahimsa involves self sacrifice and self suffering. Gandhi endorses the positive form of Ahimsa as he says, 'In its positive form, ahimsa means the largest love, the greatest charity. If I am a follower of ahimsa, I must love my enemy' (Dalton: 1996). For Gandhi ahimsa or true love is the highest principle of humankind. It is the basis of society. Murphy (1991, p.1) articulates Gandhian view,

'Gandhi believed that ahimsa is the most powerful force in existence. Had 'Himsa' (violence) been superior to Ahimsa, humankind would long ago have succeeded in destroying itself. The human race could not have progressed as far as it has, even if universal justice remains far off the horizon'. Non-violence is superior to violence as former generates love and harmony, whereas latter generates more violence and hatred. Human history attests that violence has not produced a lasting solution to any problem so far. However, the ahimsa of Gandhi is not a tool of cowardice to hide his weakness, but it is a weapon of strong and brave to be exercised as a free will. Though Gandhi rests his faith in absolute ahimsa, yet, as a realist, he makes some concession to it in the political field.

### *Satyagraha*

When we attempt to realize the truth through non-violent means, it is known as 'Satyagraha', which is a form of soul force and is characterized by self sacrifice and self-suffering so that truth may prevail. Satyagraha of Gandhi has four fundamental characteristics: First, it signifies the soul force against the conditions of injustice, oppression and exploitation. It has the potential to succeed as the opponent also has at least an element of soul, which can be appealed and changed. Second, it is based on the process of self-suffering for the sake of truth and justice. Gandhi elevates the notion of suffering not only as a self purifier but also as social goal and a measurement of national progress. He writes, 'Suffering is the mark of human tribe. It is an eternal law. — No country has ever risen without being purified through the fire of suffering — — — Progress is to be measured by the amount of suffering undergone. — — The purer is suffering the greater is the success' (Young India: 1920). Suffering produces lasting benefits as it purifies the sufferer, makes direct appeal to the soul of opponent and evokes favourable public opinion in favour of the cause the sufferer undertakes. Third, Satyagraha avoids user of physical force even a trace of hatred towards opponent. It is the wrong itself, not the wrong-doer that should be object of hate as the latter also has a divine spark or morality. If it is not so, the Satyagraha will not succeed. Gandhi further argues, 'man is not capable of knowing the absolute truth and therefore not competent to punish' (Young India: 23 March 1921). Fourth, Satyagraha or the use of soul force for the sake of truth further testifies that end and means are convertible terms. As we sow, so we reap.

Gandhi, as a practitioner of moral principles, experimented with the all forms of Satyagraha like

non-cooperation, strike, fasting, Hijrat (voluntary exile in face of helplessness) and its extreme form civil disobedience. He prescribes stringent code of conduct for Satyagrahis. The gist of this code is control of mental and physical senses and keeping away from fear and hatred. Satyagraha is a three dimensional progress in truth, love and non-violence. It demands self-sacrifice, purification, self-discipline and a firm purposefulness. It is in the arena of Satyagraha, that Gandhian theory and practice become one and inseparable. He should have faith in God and fearless. He suggested that a Satyagrahi should practice 'Brahmacharya', which in broad sense means perfect mental and physical self-discipline. Satyagraha holds a very important position as a means of social change in Gandhian Social order. It has been described as a tool of revolutionary social change as it induces inner change in the human soul, which is lasting, fundamental and permanent. It imparts moral strength to both the Satyagrahi as well as his opponent. However, later he (Gandhi, Harijan: 1946) suggested that total non-violence, non-cooperation, has no place in popular Raj, whatever, its level may be. Thus he is in favour of restricted use of Satyagraha in a true democracy.

### *Individual, Society and Sarvodaya*

Any conception of Social order begins with the delineation of human nature. Conception of human self is the building block of any Social order as it elaborates on the relation of man with larger world and society. Mathai (2009, p. 96-97) notes the three western views of human nature: 1. man is basically good; 2. man is basically bad; and 3. man is basically organized and natural. Gandhi believes that human beings are essentially good because they are endowed with divine spirit. This upholds the principles of human dignity, equality and human unity. Gandhi also believes in the continuous moral upliftment of human race. This raises the possibility of change in the human soul. For Gandhi human self has two components: the lower self, identified with self interest, and the higher self, which is identified with truth. The evolution of man from lower self towards higher self is the moral development and the goal of individual. If man is essentially good and has befallen to lower self, he can be morally developed. Individual holds a central position in conception as well as putting in practice the Gandhian Social order. All human beings have divine elements as they have sparks of God. Thus, all are equal and there is no justification for any discrimination among human beings.



Thus Gandhi regards self realization or moral development as the ultimate goal of human beings, however, the urge for self-realization is to be reconciled with the service for the society. According to Gandhi, reform and regeneration of society is an integral part of regeneration of individual. He writes, 'The supreme consideration is man. The end to be sought is human happiness, combined with full mental and moral growth' (Harijan: 1942). Gandhi did not approved of unrestricted individualism as evolved in the Western political and economic thought. For Gandhi both individual and society are interdependent, and neither can grow at the cost of other. Unlike western individualists like Mills, Gandhi does not support the atomistic view of society, neither like idealists he sacrifices the freedom of individual for the sake of social collectivism. In fact, both these western views treat individual and society as two separate and opposite identities. In this view either should be given primacy over other. Gandhi takes a distinct position. For him, both society and individuals are interdependent and the progression of one is the progression of other. Since eternal spirit pervades entire universe and all individuals, there is essential harmony and unity between individuals and society.

A similar comparison between Gandhian notion of human nature and contemporary western conception of human self throws light on the unique facet of Gandhian Social order. The prevailing western conception of human nature was articulated as a result of renaissance. Man was described as endowed with the faculty of 'reason', which enabled him not only articulation of his self interests but also in the realization of the same. It should be noted that the 'reason' of post-renaissance-man was distinct from Greek notion of human wisdom. While Greek wisdom is the human faculty to distinguish between right and wrong, post-renaissance reason is a technical competence to realize the desired goals. The second question relates to the goal of human life in western conception of human self. The predominant goal of society and individual both is to seek material progress. The individual as a free agent seeks his self interest and political and economic order is restructured to facilitate the fulfillment of individual self interest. It is here that Gandhi drastically differs from the western conception of human self. For Gandhi each individual is pervaded by the divine spirit, which is the essence of human beings. Hence the moral development rather than material progress should be the goal of all human activities. Social, political and economic life should be structured according to this moral imperative. Gandhi criticized western civilization primarily because it stifles the

moral growth of human beings. This conception of human beings in terms of moral principles enables Gandhi to evolve an alternative Social order as individual is the central element of his moral vision. The consequences of this distinction are no less significant. The goal of unrestrained material progress inherently contain the seeds of competition, conflict, and tensions in human life as material progress depends on the continuous exploitation of material resources which are limited whereas there is no limit of material progress. On the other hand, the goal of moral development is free from these pitfalls as it can be attained by all at the same time like the enjoyment of sunlight. Also, the process of moral development requires moral resources which are not limited, rather the more we utilize moral resources, the more such resources are generated. In fact, Gandhi's emphasis on moral and spiritual development bears the fruits of fundamental strains of Indian history and culture. In his book *Hind Swaraj* (1909, pp.44-45) Gandhi claims that many ancient civilizations of the world have perished in the course of history, but Indian civilization has survived only because of its emphasis on duty (dharma) and self-discipline.

The essential unity, equality and dignity of all human beings results in the equal development of all. This principle is contained in Gandhian notion of Sarvodaya. Like all his ideas, Sarvodaya too has a moral and spiritual base as Gandhi (Young India, 4 Dec 1924) claims, 'If one gains spiritually, the whole world gains with him, and if one man falls, the whole world falls to that extent'. Besides Indian spiritual notions, the immediate source of Gandhi's idea of Sarvodaya was John Ruskin's book '*Unto This Last*', which was translated by Gandhi as Sarvodaya. It contained the principle of bread labour, and the idea that the good of individual is contained in the good of all. The ideal of Sarvodaya, in practice, 'stands for the all round development of all human beings. For Sarvodaya, to be human is enough qualification for spiritual upliftment. It grants equal spiritual rights and opportunities to all, belonging to different faiths, it aims at realizing truth and non-violence in all spheres of life' (Bibudharanjan: 2012).

#### *India of My Dreams or Gandhian Swaraj*

Gandhi's mission was not just the liberation of India from colonial rule. He wanted to alter the basis of prevailing social, political and economic order and restructure the same in terms of his principles and convictions. This conception is contained his views of Swaraj (self-rule or freedom). He was not content merely with the freedom of India. It has a broad

connotation. As Anthony J. Parel (2000, pp13-18) identifies four aspects of Gandhian Swaraj- national freedom, political freedoms of individual, economic freedoms of individuals, and self rule. Thus Swaraj has to spread to all aspect of human life. Parel (2000: p18) further says, 'To pursue one aspect of freedom without simultaneously pursuing the other aspects was for Gandhi to distort the meaning of Freedom or Swaraj and to interfere with the process of human development'. Gandhi himself says (Prabhu, 1947, p.14), 'Let there be no mistake about my conception of Swaraj. It is complete economic independence of alien control and complete economic independence. So at one end you have political independence, at the other the economic. It has two other ends. One of them is moral and social, the corresponding end is Dharama, i.e. religion in the highest sense of the term. It includes Hinduism, Islam, Christianity, etc., but is superior to them all... Let us call this the square of Swaraj, which will be out of shape if any of its angles is untrue'. Thus in order to complete the Gandhian Social order one has to understand the principle underlying the future restructuring of society as per Gandhian ideals.

R. R. Diwakar (Murphy, 1991, p. 5) identifies four basic pillars of Gandhian Social order: Truth; Non-violence; Sarvodaya; and *Styagraha*. In fact, these are architectonic concepts as many other ideals are either inherent within them or may be derived from them. These core ideals shall continue to guide the future social, economic and political order. However, Gandhi has identified some other ideals to guide the restructuring of social life in specific situations. These are Statelessness in the final stage of evolution; organization of Village Swaraj in terms of self-reliance, cooperation and interdependence; Decentralization of economic and political order; social restricting of Varna Vyavastha with removal of untouchability and equal dignity of all and exploitation of none; and restructuring of economic life on the basis of principles of non-possession (*Aparigraha*), dignity of bread labour and trusteeship.

In brief, Gandhian Social order is based on certain universal principles derived from Indian culture and inherent in the true spirit of all religions of the world. The human being, the central point of Gandhian Social order, is essentially good and endowed with moral faculties. The goal of human life is moral development, which means realization of truth or just condition through non-violent means. Gandhi believes in the continuous moral progress of human race. This is the goal which both individual and society should share and strive for it. The social,

political and economic orders should be organized as per the requirement of the goal. There is possibility of moral transformation of human soul. The real change comes not from external manipulation and control but from inner transformation of human soul. There is no contradiction between individual, world, society and nature as the same divine spirit pervades all. This results in unity, harmony and dignity of all these elements and underlines the need for self restraint on the part of individuals. Thus Gandhian Social order is inherently moral. It offers a potential alternative to prevailing Social order based on the goal of unrestrained material progress and limitless self interests of individual.

### *Gandhian Social Order: Utopia or Reality?*

Gandhi viewed the world as a living human order characterized by a harmonious relationship among human beings, society and nature. In their ideal conditions their relationship is caused by peace and harmony. The conflict in this relationship is caused by the imperfections in human behavior. These imperfections are not permanent, hence liable to be corrected. Therefore Gandhi tries to find permanent solutions to the emerging conflicts in this order by moral upliftment of human beings. However, the moral upliftment is not an easy task, hence the charge of being Utopian. Yet he is a realist to the core as he addresses the issue of ultimate reality- the harmony and peace in the human order and not the transient reality as most of the realists espouse to. With this framework in mind this article tries to argue that Gandhian Social order is an ideal to be realized as well an ultimate reality of human order.

### *Elements of Utopia*

Gandhian Social order is often described as utopian. There are three set of arguments which led to the charge that Gandhian ideas are bereft of reality and their realization is beyond human capability.

The first set of arguments originates from the metaphysical and ontological analysis of Gandhi, which forms the foundation of his Social order. Gandhi says that the goal of human beings is to seek truth, but he identifies truth with God, which, in turn, is an eternal principle that cannot be explained. Gandhi (*An Autobiography*: xi) claims, 'there are innumerable definitions of God. Again, he identifies two selves of human beings: Higher self and Lower self, the former identified with the human soul and the latter with human body and ego. The lower self has to ascend to attain the higher self. Yet Gandhi does not find any contradiction between the two

selves as they are described as placed in a continuum. An ordinary individual may wonder as to where to draw a distinction between the two selves. Gandhi's metaphysical position may be philosophically correct but being philosophically correct and being realistic are two different things. Thus, the metaphysical roots of Gandhian thought impart a utopian element to his Social order.

The second set of arguments originates from the nature of ideal society envisaged by him and the process and means of realizing the same. The Gandhian ideal society or Ramrajya is based on moral principles and spiritual canons. The realization of such a society is not only a slow and difficult process but also beset by a number of uncertainties and conditionalities. Its most important pre-condition is the moral evolution of human beings to a higher level, which, as our experience suggests, is hard to come by. Thus the realization of Gandhian vision and ideal society is contingent on the efforts of a few morally elevated individual and goes beyond the reach of masses. This invites the charge of being ideal and Utopian and far removed from the ground realities. Similarly, his conception of non-violence, end-means relationship, self-restraint and Brahmcharya, self-sacrifice and Satyagraha, self-renunciation and trusteeship and so on can be realized only after the inner moral elevation of human beings. This may be beyond the reach of majority of human race.

The third set of arguments supporting utopian nature of Gandhian thought emerges not as from the ideas of Gandhi but from the prevailing and prevalent Social orders based on goal of material progress of mankind. This predominant viewpoint originated in post-renaissance Europe, which depicts human being as endowed with reason (meaning logical faculty rather than wisdom) that can be and should be employed in pursuit of self-interest. This self-interest is based on material attainments rather than spiritual progress. The individuals, nations, and societies have been moving ahead with this paradigm for last five hundred years. Though Gandhi revolted against this Social order, but it could not be dislodged. It still persists and sincerely adhered to by all. Why? It persists because its results are more immediate and visible and conducive to bodily comfort and material progress. Anything which is against this is considered as minority and utopian. On social and political plane, the idea of social change has been reduced to the legal and external control, which is visible and produces immediate outcomes, whereas Gandhian process of social change is based on inner transformation of human beings, hence it is not

visible, not immediate, and not certain and takes long time to be realized. Therefore, Gandhian Social order is utopian and idealistic.

#### *Gandhi: A Practical Idealist and Moral Realist*

However, there are equally strong arguments, which articulate and support realist elements in Gandhian Social order. The charge against Gandhian Social order for being utopian may be challenged on the following grounds:

First, the word 'utopia' is derived from two Greek words- 'ou' meaning 'no' and 'topos' meaning 'place'. As a synthesis of these two words, 'utopia' literally means 'no place'. However, there is another meaning of the term utopia, also derived from Greek root. Sometimes the Greek homophonic prefix 'eu' meaning 'good' is also used in place of 'ou'. In that case, the literal meaning of term 'utopia' is 'good place'. Both meanings can be harmonized as a 'good place' also a 'no place'. The term utopia was coined and popularized by Thomas Moore through his book 'Utopia', which was published in 1516. This book depicts a fictional island society in Atlantic Ocean. Thus, Gandhian Social order and the ideal society envisaged by him cannot be described as fictional or imaginary. The very subtitle title of his Autobiography 'The Story of My Experiments with Truth' suggests that his conclusions are based on his deep understanding of reality and derived on the basis of self-realization. How, which is derived through self-realization of reality can be fictional, unrealistic or imaginary. Karen Sihra (2006: 41) rightly remarks, 'His philosophy was created out of his actions in South Africa and subsequent actions in India. He did not separate ideas of theory from practice; for him theory and practice emerged out of one another. Hence viewing Gandhi solely as a philosopher or a political actor creates an unnecessary tension and dichotomy.'

Second, though Gandhi was pre-occupied with the liberation of India from British rule, but it was not final end for him. He envisaged an ideal society for India after independence, which was to be self regulated and based on cooperation and non-violence. For Gandhi the primary function of political authority is to regulate social behaviour, but morally enlightened and self regulated individuals would not require such a political authority. But as a realist he was sensitive to the limitations of human being for desired moral development. Hence, like Plato's second ideal state, he conceded that 'government cannot succeed in become entirely non-violent because it represents all the people. I do not conceive

such a golden age. But I do believe in the possibility of predominantly non-violent society (Harijan: 1939). Thus, as a practical idealist he settled for a progressively non-violent state in place of a total non-violent state. Since India was and continues to be a country of villages and agrarian economy, his insistence on 'Village Swaraj' and regeneration of village community was a practical approach to India's socio-economic development.

Though he was vehemently opposed to machine based modern civilization, he compromised to some extent in view of the imperfection in the moral development of people. NC. Mehrotra remarks, 'Being a practical idealist, Gandhi knew that modern citizens could not live without railways, steamship, and heavy industries. He permitted them to human weakness until people became perfect to live without them' (Mehrotra: 1984). Similarly his emphasis on class harmony and collaboration rather than class conflict, gradual evolution of non-violence and Satyagraha from non-cooperation in 1920s to Quit India Movement in 1940s, political and economic decentralization, removal of untouchability was among other things was motivated by practical considerations and prevailing conditions in India.

**Third**, Gandhi offered fundamental and final solution to the fundamental problems of India. Since his solution was based on the inner transformation of human beings, it has great potential for universal appeal. Human element is central element of all major problems of the globe either as a cause or as a victim or both. The moral transformation of self is a gradual and slow process and not amenable to legal or political control, to which we are attuned to. Hence, the charge of being utopian finds a ready currency and acceptability. Gandhi cannot be accused of being utopian only because he supports a long journey to achieve our goals, so long as his suggestions offer the final and lasting solutions to our problems. With the best of scientific knowledge and the best of institutional and human capability at our command, why we have persistently failed or found ourselves inadequate to solve grave global challenges like terrorism, threat to peace, environmental degradation, poverty, inequality and so on. We tend to reduce global challenges to legal, economic and technical problems and fail to treat them as 'human problems'. Gandhi's realism and foresight lies in the fact that he asserted that human problems require human solutions.

## Conclusion

The foregoing analysis leads to the conclusion that

Gandhian Social order is not utopian. The best description of his worldview is that it is based on practical idealism. It is practical because it is distilled from Gandhi's continuous experiments with the concrete conditions to test the viability of his convictions and ideas. This is evolved from real life situations and his self realization. His ideas and actions are intertwined together and gradually evolve to perfection and higher level in the spiral manner. He is idealist because he offers an alternative Social order based on moral principles, which is diagonally opposed to the prevailing worldview based on the ideal of material progress and self seeking individual. S. P. Verma (1989) concludes that he was a 'Moral Idealist'. Gandhi is not relevant to the modern world because he got independence for India but because he articulated certain universal principles under his alternative Social order, which offer a ray of hope to face the modern global challenges. His principles are not only moral but real also as they go to the root of the human problems of all ages. Or at least, it reminds us of the pitfalls and transient nature of prevailing Social order based on material progress. It is because of this reason that the Gandhian Social order has a universal and global appeal, though our material obsession may not allow us to hear it. The global society based on material progress has its limits to grow. Under increasing tensions and complexities, the need for a self-restrained moral world order may become more pronounced in future. The helplessness of global community, in face of advancing dangers of climate change or violence, is a sign of future state of things. The more the material social order unfolds its miseries and crises and the more human race is exposed to limits of its technical competence, the more Gandhi will be remembered. The utopian optimists of material progress may not admit it, but hard realities of modern day global challenges are destined to approve Gandhi's foresight. However, the revival of global interest in the Gandhian ideas in the present era of globalization (Declaration of International Non-violence Day) amidst unrestrained conflict and violence underlines not only the universal appeal of his social order but also its continuing relevance to human race.

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**Authors Affiliation**

\*Associate Professor and Head,  
Dept of Political Science and  
Public Administration,  
Dr Harisingh Gour University,  
Sagar.\*\*Banasthali University,  
Vanasthali, Rajasthan 304022.

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## Political and Social Awareness of *Kumhar* (Potter) Women: A Case Study of Banasthali Village in Rajasthan

Anupma Kaushik\*, Rajkiran Jain\*\*

### Abstract

Hindu society is divided into four *varnas* which are again divided in many castes and sub castes. The occupation and status of a person in Hindu society and religion was traditionally determined by a person's caste. Traditionally in Hindu society political power rested with the *kshtriya* or warrior class who were to be the kings or rulers or administrators or soldiers and *brahmin* priests who were to act as guide and ministers of the king. *Vaisha* or rich business people also had some share in governance but the lowest *varna* were denied participation. Even in the three *varnas* only elites were to enjoy political power. Common men and women were far away from any type of political participation. It was during national movement that common men and women started participating in political activities under the leadership of Gandhi and Congress or Ambedkar. After independence the constitution of India ensured adult franchise to all its citizens and affirmative action in form of reservation of seats in central and state legislatures to those belonging to traditionally lower castes i.e. schedule castes and scheduled tribes. This was to ensure that they are represented in the legislatures. As a result many men and women from these categories rose to the highest positions in the political system but the common masses remained far behind especially women because Indian society is patriarchal and women suffer additional disability of being lower in hierarchy than men. Present study is an attempt to understand the political and social awareness of *kumhar* (potter) women of a simple village in the state of Rajasthan in India.

**Keywords:** India; Rajasthan; Political Participation; Women; *Kumhar*; Potter.

### Introduction

Rajasthan's society is traditional, caste ridden and patriarchal society where castes are organized in hierarchy and the castes lower in hierarchy suffered many disadvantages traditionally. Although the constitution of independent India provides for affirmative action by which the castes lower in hierarchy get reservation in government educational institutions and jobs and this has improved lives of many men and women. The Constitution of free India also gave all citizens of India equal rights to participate in politics such as right to vote, right to form political parties and right to get elected etc and

it gave citizens belonging to scheduled caste and scheduled tribes reservation in central and state legislatures.

Many men and women belonging to these categories have risen to the position of President of India, ministers in central and state cabinet, chief ministers, bureaucrats, academicians, doctors, engineers etc. However many still lead a disadvantageous life in various villages in India. They are even more marginalized if they happen to be women. The modern age is the age of democracy and successful functioning of democracy presupposes active participation of both men and women in the political process.

### *Political Participation*

Political participation is normally associated with the modern form of democracy. In this political system, participation by the individual in political activity gives an opportunity to express one's own point of view and secure the greatest good for the greatest number. It alerts both the rulers and the ruled to their duties and responsibilities and facilitates broader political understanding. By involving people in the affairs of the state, participation promotes stability and order in the system. It not only stimulates political learning but also makes citizens responsible. It deepens the political awareness and increases the sense of political effectiveness. Taking part in the political processes which lead to the selection of political leaders or determine or influence public policy is generally known as political participation. Despite the fact that elections are the major event in the political process, political participation cannot be limited to only electoral process, i.e., voting and campaigning. It is a term applied to various types of activities ranging from political orientations, attitude, knowledge, interest in politics, identification with a political unit (political party or its any wing) to taking active part in political action such as rally, demonstration, strike or campaigning for voting in elections. The most important political activities may be those carried out by parties or citizens between elections to influence government decisions about specific problems that concern them. In brief, political participation refers to all those activities which influence the decision-making process. These activities may include voting, seeking information, discussing, attending public meetings, making financial contribution, communicating with representatives to become member in a political party, canvassing, speech writing, delivering speech, working in campaigns, competing for public and party offices, etc. (Mondal, 2016)

### *Political Participation in India*

Myron Weiner terms India politics as a paradox because it is a stable democracy which has been torn by violent social conflicts. (Weiner, 1989, 22) He argues that Indian politics is about group identity and resource allocation. Indian intellectuals see the politics of group identity as politics of past and also as destructive and are less concerned about resolving the conflicts that arise out of struggles among linguistic, caste, religious and tribal groups than persuading them to turn to more secular politics of class and debates over economic policies and resource allocation. (Weiner, 1989, 10-11) However

group loyalties are a reality of Indian politics. People and political leadership often decide their political participation and policies on the basis of their group identity such as religion, caste etc. Hence it becomes important to study political and social awareness of caste groups and that is what this paper tries to do by studying *kumhars* of Banasthali village in the state of Rajasthan in India.

### *Caste in Indian Politics*

Hindu society is divided into four *varnas* which are again divided in many castes and sub castes. The occupation and status of a person in Hindu society and religion was traditionally determined by a person's caste. Traditionally in Hindu society political power rested with the *kshatriya* or warrior class who were to be the kings or rulers or administrators or soldiers and *brahmin* priests who were to act as guide and ministers of the king. *Vaisha* or rich business people also had some share in governance but the lowest *varna* were denied participation. Even in the three *varnas* only elites were to enjoy political power. Common men and women were far away from any type of political participation. It was during national movement that common men and women started participating in political activities under the leadership of Gandhi and Congress or Ambedkar. After independence the constitution of India ensured adult franchise to all its citizens and affirmative action in form of reservation of seats in central and state legislatures to those belonging to traditionally lower castes i.e. schedule castes and scheduled tribes. This was to ensure that they are represented in the legislatures. As a result many men and women from these categories rose to the highest positions in the political system but the common masses remained far behind especially women because Indian society is patriarchal and women suffer additional disability of being lower in hierarchy than men.

Caste in Indian society refers to a social group where membership is decided by birth. Members of such local group are endogamous, i.e. they tend to enter into marital relationships among themselves. They prefer not to share food outside the caste groups. They have specific hereditary occupations and they are arranged in hierarchy which determines their social and religious status. They also tend to vote and form political opinions as a group. For political/government purposes, the castes are broadly divided into four groups: Forward Castes (about 15% of population); Other Backward Classes (OBC) (about 41% of population); Scheduled Castes (about 20% of population) and Scheduled Tribes (about 9% of



population). The caste system has traditionally had significant influence over people's access to power. The privileged upper caste groups benefited more by gaining substantially more economic and political power, while the lower caste groups had limited access to those powers. The caste system distributes to different castes different economic strengths. The upper caste groups could manipulate the economic and political system to transfer economic strength into political power. However in recent decades the lower castes and the middle castes have risen to political power in many states. They have formed political parties based on caste, candidate for elections are selected on the basis of caste and voting takes place on the basis of caste. Thus political parties like *Bahujan Samaj Party* and *Samajwadi Party* with leader like Mayawati and Akhilesh Yadav have captured power. But the question remain how far common citizens political thinking is determined by caste.

#### *Political Participation Women in India*

India being patriarchal society women have a decidedly inferior position than men. Traditionally politics was regarded as a male bastion and very few instances of politically powerful women can be seen in Indian history and those women were mostly from the family of the rulers. Common women entered the political process in the early decades of the twentieth century. In 1905 when the British partitioned the province of Bengal, common women joined common men in protesting this decision by boycotting foreign goods and buying *swadeshi* (indigenous) goods. (Kuppuswamy, 1987: 8) The *swadeshi* movement, the non-cooperation movement and the civil-disobedience movement drew common men and women into the vortex of the freedom struggle under the leadership of Mahatma Gandhi. The participation of men and women in these movements was not limited to the urban-educated-elite but it included thousands of ordinary-poor-rural men and women. The Constitution of free India gave men and women equal rights to participate in politics however women remain marginalized in Indian polity especially if they belong to lower caste group. This paper examines the political awareness and participation of *Kumhar* women of a normal village in Rajasthan to find out the reality.

#### *Kumhar*

*Kumhar* is a caste or community in India. *Kumhar* literally means potter in Indian languages. The *Kumhar* community is found throughout India and

is found in both Hindu and Muslim religions. Depending upon the subgroup or region they are classified as both Other Backward Class and the Scheduled Caste. Among Hindus, inclusion of Artisan castes in *Shudra Varna* is indisputable. The potters belong to the *Shudra* group of artisans of Hindu society. They are further divided into two groups-clean caste and unclean caste. In Rajasthan, *Kumhars* (also known as *Prajapat*) have six Hindu and one Muslim sub-groups. In the social hierarchy of Rajasthan, they are placed in the middle of the higher castes and the *Harijans*. They follow endogamy with clan exogamy. (Kumhar, 2015) They make pottery which is an art of making different objects by carefully molding clay. The sheer hard work they put and the skills through which they design those very pots are magnificent. Once their clay pots were to be found in every household mostly to keep water cool but new inventions like refrigerators have made these pots useless for most middle class and upper class Indians. Similarly earlier during festivals like *Deepawali* small *diyas* made by potters were in great demand which today have been replaced by electric bulbs. These changes in society have rendered the potters unemployed or paid too little.

#### *Banasthali Village*

Banasthali village is located in the Newai *tehsil* of Tonk district of the state of Rajasthan. It is located at a distance of 75 km from the capital of Rajasthan-Jaipur. The village is 500 years old and people are from middle and lower classes who are engaged in farming, service and small business like shops. Village has 1903 Hindu, 104 Jain and 30 Muslims but communal violence has never taken place. Among Hindus the main caste groups are *brahmin*, *kumhar*, *tehi*, *raigar*, *gurjar*, *harijan*, *rajput*, *nayak*, *lakhera*, *balai*, *rathore*, *dhobi*, *yadav*, *bairwa*. People are traditional and customs like *pardah* (veil), child marriage, untouchability and dowry are prevalent. Women are treated as subordinate to men due to patriarchy. Marriages are regarded as essential ritual for getting sons to continue the family line. There are government schools in the village and a university for women called Banasthali Vidyapith adjacent to the village. Two political parties Congress and BJP are active in the village.

#### *Case Study*

There are 228 *kumhar* (potter) people in the Banasthali village of which 123 are men and 105 are women in 31 families. *Kumhars* belong to both Hindu

and Muslim religion. In both communities it's a backward caste. They make mud utensils for use in kitchen. *Kumhars* of Rajasthan trace their origin from grandchild of lord *Brahma* – Jalandharnath. Main Hindu *kumhar* sub castes are: *khater*, *bonda*, *maru*, *jatiya*, *purabia* and *mavara* and main Muslim *kumhar* people are *hoyla*. The study was done in 2007 and 65 *kumhar* women were studied using interview, observation and schedule techniques.

#### *Personal Profile*

74 percent women were below 40 years of age, 21 percent were between 41 and 65 years of age and five percent were above 65 years of age. 65 percent women were illiterate, 31 percent had primary education and four percent had higher education. Family income of 74 percent women was less than Rs 5000 per month, family income of 21 percent women was between Rs 5000 and Rs 10000 and for five percent it was more than Rs 10000 per month. 77 percent women had no personal income remaining earned less than Rs 5000 per month. Those who worked were agricultural labourers, potters, cook, shop keepers, teachers and tailors.

#### *Views on Women Issues*

98 percent women said women should be educated. 75 percent women said women should work. 91 percent said women should vote and 83 percent women said women should fight elections. 75 percent women said women should have reservation in jobs and 79 percent women said women should have reservation in politics. 46 percent women said women should get reservation in parliament and state legislatures. 86 percent women said men of family view women political participation positively. 61 percent women said men of their caste view women political participation positively. 74 percent women said women are unable to play major role in politics due to work while 17 percent said women are unable to play a major role in politics due to family responsibility. Women said more work needs to be done for women in education, employment, poverty alleviation, reservation, widow pension, ration card, housing etc.

Political participation and awareness: 62 percent women said they are not interested in politics. 71 percent women said they never got a newspaper at home. 57 percent women said they had never read a news paper. 46 percent women said they never discuss political issues with family and friends. Only 19 percent women knew which political party was in power in centre. 32 percent women knew which

political party was in power in Jaipur. 20 percent women knew that Vasundhara Raje was the chief minister of Rajasthan. Only 25 percent women knew that Indira Gandhi has been prime minister of India. None of the women knew the position of Sonia Gandhi. Only 19 percent women knew that Manmohan Singh was the prime minister of India. 48 percent women had no idea about main political parties of Rajasthan. 75 percent women knew that Shiv Singh Gaur was the *sarpanch* of the village. 95 percent women knew the correct duration of *gram panchayat* (village council). 54 percent women were aware of corruption in politics. 69 percent women said they vote regularly while 28 percent said they vote occasionally. 66 percent said they vote because they wanted to while others said they voted due to inspiration of elders or husband. Most women said personal relations influence their voting behavior while others said its ability of the candidate, work done, caste, family and religion in that order. Only 31 percent women knew that *kumhars* have been granted reservation. Only five percent women said their family members are in politics. 49 percent women said they would like to contest election. 15 percent women had participated in campaigning for some candidate. 48 percent women said they have given donation to political candidates or political parties. Nine percent women said they have contacted political leaders however none of the women had participated in any strike or sit in. 15 percent had heard speech of some leader. Three percent women said they were in active politics.

#### *Problems*

1. Illiteracy: 65 percent women were illiterate and 31 percent had primary education.
2. Poverty: Family income of 74 percent women was less than Rs 5000 per month.
3. Lack of personal income: 77 percent women had no personal income remaining earned less than Rs 5000 per month.
4. Dual role of women: 74 percent women said women are unable to play major role in politics due to work while 17 percent said women are unable to play a major role in politics due to family responsibility.
5. Little interest in politics: 62 percent women said they are not interested in politics. 71 percent women said they never got a newspaper at home. Only 19 percent women knew which political party was in power in centre. 32 percent women knew which political party was in power in Jaipur. 20 percent women knew that Vasundhara

Raje was the chief minister of Rajasthan.

6. Lack of information: 57 percent women said they had never read a news paper. 46 percent women said they never discuss political issues with family and friends. Only 19 percent women knew that Manmohan Singh was the prime minister of India. 48 percent women had no idea about main political parties of Rajasthan.

#### *Bright Side*

1. Enlightened view on women empowerment: 98 percent women said women should be educated. 75 percent women said women should work. 91 percent said women should vote and 83 percent women said women should fight elections. 75 percent women said women should have reservation in jobs and 79 percent women said women should have reservation in politics. 46 percent women said women should get reservation in parliament and state legislatures. 86 percent women said men of family view women political participation positively. 61 percent women said men of their caste view women political participation positively. Women said more work needs to be done for women in education, employment, poverty alleviation, reservation, widow pension, ration card, housing etc.
2. Awareness of local politics and issues: 75 percent women knew that Shiv Singh Gaur was the *sarpanch* of the village. 95 percent women knew the correct duration of *gram panchayat* (village council). 54 percent women were aware of corruption in politics.
3. Regular voters: 69 percent women said they vote regularly while 28 percent said they vote occasionally. 66 percent said they vote because they wanted to while others said they voted due

to inspiration of elders or husband. Most women said personal relations influence their voting behavior while others said its ability of the candidate, work done, caste, family and religion in that order.

#### *Suggestion*

1. Education.
2. Employment or business opportunities.
3. Development of infrastructure.
4. Gender equality.
5. End of violence.
6. End of criminalization.
7. Good law and order.
8. Equality in society.
9. Poverty alleviation.
10. Awareness campaigns.
11. Child care facilities.

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**Authors Affiliation**

\*Research Scholar, Department of  
Public Policy, Law and  
Governance, \*\*Dean, School of  
Social Sciences, Central University  
of Rajasthan, Bandar Sindri,  
Ajmer, Rajasthan.

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University of Rajasthan, Bandar  
Sindri, Ajmer, Rajasthan 305817  
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[snamedkar@curaj.ac.in](mailto:snamedkar@curaj.ac.in)

## Governance Debate: Importance of Networks in Public Policy, Blending Public Sector and Private Resources to Promote Good Governance

**Praveen Kumar K.\*, Nagendra Ambedkar Sole\*\***

### Abstract

This paper deals with the role of the State, and its re-emergence after globalization. The concept of governance has progressed right from ancient civilization and it has come a long way from the traditional rule. As there has been increasing expectation on the state to solve the problems of the people. The failure of the state to respond to the demand placed upon it has opened new forms of governance. The success of the development programmes depends on the partnership with the other sectors. It includes decentralisation of powers of the State that is a gradual transfer of powers [2]; public-private partnerships. It has taken up the responsibility of a facilitator. It also increased the scope for use of technology for the ease of governance.

**Keywords:** Participation; Governance; Networks; Technology.

### Introduction

The disciplines of political science, public administration, and the recent addition public policy have to deal with the notion of the State. The prime duty of the State is to protect its citizens and promote growth. The State is an abstract or imaginary form, the government is the concrete form. Among the other elements of State like Population, territory, sovereignty, Government occupies a significant role. Though State has wider and stable than the government, the functionalities of a state depend on the Government [3]. Statecraft enables governments to preserve their authority, pursue their goals and provide security to their citizens. To define the State in the Weber's version it will be the legitimate use of physical force within a given territory [4]. Among all the power of State such as hard power and soft power which will be in the context of international relations [5]. Social power is the capacity to control the relationships in the country and make them behave in a certain way.

Functioning of the government is possible if people are treated as governable citizens. According to democratic theory [6] and Mill [7], the purpose of the government is to serve the people and manage their affairs. The State performed various functions of development and protection of the citizens, right from ancient times. But due to expansion in scope, it had to reduce the expenditure, where some vital functions have been neglected in the process. The emergence of liberalization was spurred due to elite class intervention through World Bank and IMF who stood for less interference of State [8]. It moved beyond the welfare state which had the extreme concentration of power in the form of bureaucracy [9]. Now the newly assumed role involves various activities, such as infrastructures, urban and rural development, along with the classic functions of protecting the citizens through law and order [10].

#### *Meaning and Definition of Governance*

Governance is the optimum utilisation of power to sustain the environment for the development of

economic social and political resources [11]. Governance can be traced back to the Greek verb *kybernan* (to pilot or steer) [4]. Governance has emerged as an alternative to the State-centric mode of delivery [12]. The structure and function of the governments need to change according to the requirement of the citizens [13]. Governance has to move beyond the static boundaries and the authority of government. As success depends on the actors in the network, it would be beneficial to move towards collaboration between various actors like bureaucracy, policy makers and civil society [14].

#### *Good Governance*

Better development cannot be achieved without a) transparency in decision-making system, b) accountability of elected representatives [15], c) people participation through open reporting system [16,17]. To bring legitimacy in governance through transparency, accountability, and participation, the shift from the static government was necessary [12,18,19]. Citizens have to re-shape the political and social identities through the skills imparted by the government and become active [20]. Emphasis should be on result orientation than rule through co-steering, co-managing, co-guidance [21].

#### *Decentralization*

Grass root level institutions are crucial for democratic decentralized governance for rural development [22]. Grass roots movements are playing an important role in challenging entrenched structures of power in formal democratic societies. [23]. In the face of increasing globalization, with the further erosion of local community control over daily and the further extension of the power of the market and transnational corporations. They are making a case for local control and local empowerment as the heart of development. They are protecting what they identify as the immediate source of their survival-water, forest, and land.

Copenhagen Summit focused on the principle of community participation [23]. Local governance not only refers to formal agencies within the State but also voluntary, individual and private sectors. The value of regional networks at the local level is evident in the Australian region [24]. The functions of local government have been contracted out [4], there is little doubt that the emerging structure of local governance marks out a lessening of local government. Local government is central to understand the ways in which democracy functions in our societies. It helps the central government in

controlling the use of resources [25]. Local authorities continue to have a key role at the grass-roots level in initiating and coordinating service provision and development [26].

#### *Decentralisation in Indian Context*

A Large number of committees like A.D Gorwala through Paul Appleby, Balwantrao Mehta, Moraji Desai, K.Hanumantaiya, Ashoka Mehta and R.S. Sarkaria which were formed to look into the administrative system to bring administration closer to people [27]. Sharing the decision-making power [28] is prominent in increasing the participation ratio among people [29]. The Rippon's resolution of 1882 has backed local governance as an effective measure of governance which has scope for innovation and betterment of services even with less budget allocation [30]. The importance of panchayat as the local body governance which was extensively debated in the Constituent Assembly can be found in the article 40 of the Indian constitution [31]. If better services are to be given to the citizens, decentralization should be backed by necessary legal and constitutional changes [32]. The introduction of 73rd Amendment is a prominent change to break the 'elite system of capturing the power' [30]. The former elected representatives want to be in power if that is not possible they will control through family [33].

There are several overlapping functions of customary panchayats to resolve the disputes or to manage forests in the case of van panchayats in Uttaranchal [34,35]. The combination of decentralization and yardstick competition allows the possibility of experimentation in the way a given public service is provided and then learning from other jurisdictions [36]. The elected representative should discuss the problems as done by jana samparka sabhas in Karnataka and communicate the activities performed by him [33]. The citizens are aware of their rights it is easier to enforce in order to enforce the respective works as promised by the elected representative.

Intensive involvement of people in the process of development was seen in the Kerala model pioneered by then Chief Minister E.M.S Namboodripad. The level of corruption depends on the awareness and involvement of local citizens in the economic activity [37]. Various best practices exist in this scenario, the functioning of the local governance improved in the efficient use of budget due to the involvement of locals in the planning and application procedure of various government activities [38].

There are many challenges that are being thrown

at the smooth functioning of governance is the lobby against transparency. Initially, for many years, there was resistance from the officials. It bothered them on various grounds like transfer to remote areas, with limited service conditions when compared to a city [39]. The inequality in terms of social, economic conditions makes it difficult for the authorities to bring effective service to several sections of society. Same is the scenario if the elected representatives are poor or from disadvantaged sections. The lesser degree of social economic inequality is possible through literacy and education [40,41]. Incidents of corruption can be kept at bay through a process of transparency. People should be in a position to recall the elected representative if found that there is a misuse of power [42].

#### *The Prominence of Partnership among Various Actors*

The concentration/centralization of power leads to misuse of it, which is against the social needs hence there should be a balance of authority through accountability and transparency [13]. This balance can be provided through various networks. Public-private partnership (PPP) can be worked as an adjustment between the government and private sector. The partnership includes a non-governmental organisation which strives for social objectives [43]. A common misconception is that PPP is same as privatization, and government staff will lose their job. As they are only two partners, the quality will decline and the cost of service will increase [44]. The Government should have a clear strategy on how the partnership will contribute [45].

There are many areas where the PPP relationship could be implemented in the development of villages such as the a) agriculture extension services b) medical facilities transportation facilities water Sanitation primary and vocational education, electronic marketing, energy sector, fisheries. There is a need for the private sector in the expansion and improvement in the quality educational sector through the provision of finance and capital [19]. The Increased private investment can bring new skills as specialised manpower is highly required for the industry. It helps in reducing the government's responsibility to increase the number of schools providing quality education [46]. The focus of present governments to should encourage the communication with stakeholders [47].

#### *Functions and Responsibilities of Civil Society*

Despite differences in origin, specific objectives philosophy, Scale (of operations, staff and budget),

location a perception has arisen that such organizations may represent a development alternative that makes the achievement of progress more likely than in the past. The 1980s have witnessed a remarkable change in the scale and significance of NGOs, moved to centre stage in terms of both development practice and debate. NGOs are proposing that they should take the lead in field operations and advocacy. The responsibilities of NGOs have been redefined after liberalization and reduction of power of State. They fill the non-political space between family and state [48]. Extensively known for fighting for the values enshrined in the constitution [42] to safeguard the voiceless, and underprivileged [49]. Civil society pressurizes the government for integration of policy [50], checks against the politicization of planning and distribution of aid [38].

As amplified in the ECOSOC resolution of 288(x) which was passed on 27th February 1950. It should influence public policy [51]. Civil society inhabits the area between the individuals or families and the State [48,52]. They are known for fighting for the values enshrined in the constitution (Mathew, 2008), to safeguard the voiceless and underprivileged. It checks against the politicization of the planning process [38]. They are the panacea for all policy problems (Bell & Hindmoor, 2009), helpful to understand people's connections to associations and community affairs (Jun, 1999).

#### *The Accountability and Collaboration Opportunities for Different Stakeholders*

Instead of creating parallel structures and competing with government, there should be cooperation to implement successful programmes [53]. The civil society helps in training and mobilization [38]. A strong civil society is necessary for the promotion of democracy. Civil Society will make the national government fully accountable and transparent, which in turn harvest in good results [50]. Partnership with municipalities in public Innovation is evident in the Nordic periphery [54].

Optimised management of decision making is possible through governance of networks and governance through networks [55]. Civil society organisations are under the scanner due to lack of downward accountability. It is advised that human rights-based approach is emerging as the remedy for all the ills of CSO sector [56].

#### *Technology for Better Democracy*

Simpler and effective form of governance through

e-governance module: The terms e-governance and e-government are frequently used as synonyms in various countries but in the application they hold a different meaning. Governance is limited to the interaction between formal institutions and society, whereas E-governance is the relationship between government and citizen, and about the networks (the private sector and civil society) related to government [57]. E-governance enables people to participate in governance through the internet [58]. Itreconnects citizens with the government [59] and provides the scope for the citizen to participate in the transaction [60]. These will prompt the citizens to be able to trust the government and rely on its policies [61].

#### *Initial Drawbacks*

The fear of losing jobs i.e. the machines replacing the manual work is a matter of fear among many officials. But now the situation has changed. Citizens are aware of the government services and can access interact with government at any time [62]. They have to ensure that applications should be in regional language for the inclusiveness of citizens [63]. It would be easier for the government to use technology to provide several services to the citizens [13].

#### *Stages of E-Governance*

Several stages of introducing various innovative service measures are followed by Government. The primary motive is to give better service delivery to people through information and communication technology [59]. The first stage minimal presence of government is through online, the next stage follows the transaction, in the third there will be vertical integration of nation and local system on a uniformed basis and finally the horizontal integration[64]. If the initiatives which are taken by the government have to be successful then it has to focus on three important components such as technology, people, and process[65]. Technical assistance can be given to people on a priority basis so that technical literacy can be increased among people. The interaction of citizens and government can be taken to a new level, through e-initiatives.

#### *A Better Method for Better Result*

The awareness and the success of the e-government projects depend on the websites which provide better options and convenience for the customer [61]. According to the study conducted by [66], the majority of the respondents were aware of the e-government projects, half of them are able to

use the web portal of the country. Successful implementation of schemes depends on the effectiveness of the websites in satisfying the citizens in getting the information[62]. In the form of governance, citizens are the key stakeholders, who have certain requirements of services. Investment in e-governance is necessary to provide services efficiently on par with the private sector. There will be smooth functioning of the system/process if citizens along with politicians have awareness about the online programmes[67]. Several successful projects [68] like e-Seva Hyderabad, Bhoomi Karnataka, and Friends Kerala stand as inspiration for technology up gradation for better governance. The training imparted by the Kerala government in the form of Akshaya project has empowered the citizens in making the citizens e-literates. Now they are able to access the online services like e-pay [69].

### **Conclusion**

This paper illustrated different concepts related to governance, its scope and limitations. Devolution of powers and participation is mandatory for the success of governance. In this process, it requires the collaboration of various networks of governance, and effectively they bring awareness of e-governance. It has been argued that state has to manage complex relationship such as government to other government functionaries, government to business, and government to citizens. The transformation of state from the autocratic power has come across a long way to collaborate with other organisations and give scope for decentralisation. With the emergence of e-governance, citizens have been receiving the benefit of democratic governance. The digital interaction will lead to smart governance. Coordination and connectivity can be achieved through the standard process of data collection and verification. It reduces the burdensome task of standing in queues [68] or following the rigid procedures by easing out the rules and regulations. The e-literacy gap is filled by the civil society by training the citizens on how to use the technology for the progress in development [70].

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Phone: 91-11-22754205, 45796900, 22756995, Fax: 91-11-22754205

E-mail: [author@rfppl.co.in](mailto:author@rfppl.co.in)

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**Authors Affiliation**  
Assistant Professor, Department  
of Political Science, Aligarh  
Muslim University, Aligarh -  
202002 (UP).

**Reprints Requests**  
**M. Mohibul Haque**, Assistant  
Professor, Department of Political  
Science, Aligarh Muslim  
University, Aligarh - 202002 (UP)  
E-mail:  
[mohibulhaque@gmail.com](mailto:mohibulhaque@gmail.com)

## Institutional Mechanism for Monitoring Minority Safeguards in India: Role of the NCM

**M. Mohibul Haque**

### Abstract

The presence of minorities in all societies is an empirically established fact. It is observed that minorities face multiple threats in societies they live. These threats ranging from attempts at subjugation and exclusion to extermination or genocide entail theories and discourses for addressing the problems of minorities. It has been widely accepted today that minorities need special protection by the states they live in. The special protection may include effective constitutional and legal safeguards with institutional mechanism to monitor the enforcement of those safeguards. India is often described as confederation of minorities for having large number of minorities based on religion, language, culture and race etc. The Constitution of India recognizes minorities based on religion and language and provides constitutional and legal safeguards for the protection and promotion of their rights. This paper attempts to understand and critically examine the institutional mechanism and its role in monitoring the implementation of minority safeguards in India.

**Keywords:** Minorities; Religion; Educational Institutions; Discrimination.

The Preamble of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities [1] (hereinafter Declaration on Minorities) declares that the promotion and the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of states in which they live [2]. The Declaration on Minorities further obligates the states "to protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories," [3] and to "encourage conditions for the promotion of that identity [4]." It also mentions that "States shall adopt appropriate legislative and other measures to achieve those ends [5]." Thus, it is evident that it is an international obligation of the States to protect its minorities through appropriate and effective constitutional, legal and institutional arrangements. It is interesting to note that the Government of India

set up the Minorities Commission at the national capital of India in 1978 much before the adoption of the Declaration on Minorities by the General Assembly of the United Nations.

### *Establishment of the Minorities Commission*

The Minorities Commission was first established in 1978 by a Government Resolution [6]. The Commission got statutory status with the enactment of the National Commission for Minorities Act, 1992 and was renamed as the National Commission for Minorities [7]. However, the root of this body can be traced to Pre-independence days. In fact, it was Sapru Committee [8] 1945 which proposed the establishment at the centre and in each of the provinces an independent Minority Commission.

After the lapse of Sapru Committee the creation of a body for protecting the rights of minorities was discussed in detail in the Constituent Assembly of

India. The questionnaire on Minority Rights (drafted by K.M. Munshi and circulated among the members of the Sub-Committee on Minorities) contained a question about the setting up of machinery to supervise the efficacy of the safeguards provided to minorities [9]. Subsequently, the issue of administrative machinery to ensure protection of rights of minorities was taken up by the Sub-committee. Several proposals were brought before it for consideration including the establishment of 'a Minority Commission whose findings should be mandatory on government' (proposed by Mr. Khandekar) [10]. Mr. Anthony suggested a Minority Commission with the right only to make a report [11]. However, both the proposals were lost by majority in the Sub-Committee. Dr. Ambedkar's proposal for the appointment of an independent officer by the President at the center and by the Governors in the provinces to report to the union and Provincial legislatures respectively about the working of the safeguards provided to minorities was finally accepted. Thus Article 299 of the Draft Constitution made provisions for appointment of a Special Officer for Minorities to look after the safeguards. But sadly, after the partition when the debate on minority rights was reopened in the Constituent Assembly, the proposal of Ambedkar was dropped in the 'changed circumstances' [12] and minorities were suggested to '*trust the good-sense and sense of fairness of the majority*' (emphasis added) rather than demanding any special treatment for them [13].

When the debate on minority rights was reopened in the Constituent Assembly on 26<sup>th</sup> May 1949 and the House was determined to reject any kind of reservation on religious ground, Jawaharlal Nehru made a historic speech. He favoured the motion that there should not be any reservation for minority based on religion but with a note of caution. He said,

I would remind the House that this is an act of faith, an act of faith for all of us, an act of faith above all for the majority community because they will have to show after this that they can behave to others in a generous, fair and just way, let us live up to that faith [14].

But the subsequent events and experiences revealed that the state or the majority community could not live up to the faith expressed and desired by Nehru. Large scale communal riots with not only the complacency of the state apparatus but with its active participation in atrocities against minorities showed that the right to life of minorities were under threat let alone the special safeguards provided to them in the Constitution of India. Sardar Patel's assurance to minorities in the Constituent Assembly

of India that 'trust us and see what happens' [15] was unfolding on minorities in a different manner as they were being subjected to torture, cruelty and discrimination. The greatest challenge faced by the minorities in independent India is constant threat to their life and property and the failure of state in providing them protection during turbulent situations. The studies of riots in post-independence India have revealed this fact very clearly [16].

The Resolution that was moved by the government to create the central Minorities Commission itself reflects that there existed a feeling of insecurity and discrimination amongst minorities. The Resolution states:

Despite the safeguards provided in the Constitution and the laws in force, there persists among the minorities a feeling of inequality and discrimination. In order to preserve secular traditions and to promote National integration the Government of India attaches the highest importance to the enforcement of the safeguards provided for the minorities and is of the firm view that effective institutional arrangements are urgently required for the enforcement and implementation of all the safeguards provided for the Minorities in the Constitution, in the Central and State laws and in Government policies and administrative schemes enunciated from time to time. The Government of India has therefore, resolved to set up a Minorities Commission to safeguard the interests of the Minorities whether based on religion or language [17].

The above mentioned Resolution of Central Government entrusted the Minorities Commission at the centre with the following functions:

- i. to evaluate the working of the various safeguards provided in the Constitution for the protection of Minorities and in the laws passed by the Union and the State Governments;
- ii. to make recommendations with a view to ensuring effective implementation and enforcement of all the safeguards and the laws;
- iii. to undertake a review of the implementation of the policies pursued by the Union and the State Governments with respect to the Minorities
- iv. to look into the specific complaints regarding deprivation of rights and safeguards for the Minorities;
- v. to conduct studies, research and analysis on the question of avoidance of discrimination against Minorities;
- vi. to suggest appropriate legal and welfare

measures in respect of any Minority;

- vii. To serve as a National Clearance House for information in respect of the conditions of the Minorities; and
- viii. To make periodical reports at prescribed intervals to the Government [18].

#### *Composition*

The said Resolution also mentioned that the Commission shall consist of a chairman and two other members whose term would not ordinarily exceed three years [19]. Accordingly, a three member Central Minorities Commission was set up by the President on 26 February 1978. The Commission was headed by a Parsi Chairman and having two members one each drawn from the Christian and the Muslim communities [20]. However, the appointment of a Parsi as Chairman created a lot of controversy. The largest minority of the country, which was actually the worst victim of the communal slaughter and repression felt neglected and cheated. Thus, the Commission with its creation was shadowed in controversy. The criticism and furore forced the Government to review its decision and the Commission was reconstituted on 28 July 1978. This time the composition of the Commission was different with 'a Muslim chairman and four members, one each drawn from the Buddhist, Christian Parsi and Sikh communities [21]. Latterly, under the National Commission for Minorities Act 1992 which was subsequently amended in 1995, the composition of the Commission was changed. Now the Commission consists of a Chairperson, a Vice- Chairperson and five members one each drawn from the five religious minorities notified by the government for the purpose of the Act.

If we try to delve deep into the Resolution of the Government for the creation of the Commission, we find that the Government made an attempt to make the Commission effective and instrumental but with limited powers and resources. For example, besides other things the Resolution also mentioned that all the Central Government Ministries and Departments will furnish to the Commission all the information, documents and assistance required by the Commission, expressing a trust that the State governments too will do the same. It asked the Commission to submit to the President of India, Annual Reports detailing its activities and recommendations besides submitting to the Government special reports whenever it deemed necessary on the matters within their scope of work and all Annual Reports of the Commission were

required to be laid before each House of Parliament with Action Taken Memorandums, also explaining the reasons for non-acceptance of a recommendation if any [22]. However, no time limit was prescribed for tabling of the reports in the Parliament. Moreover, the Commission was not given the power of investigation and inquiry. Thus, the Commission which was created with high hopes could not live up to the expectations because of the inadequate powers conferred upon it and apathy consistently shown by the subsequent governments.

#### *Government's Endeavour to Grant Constitutional status to the Minorities Commission*

The Janata Government showed its sincerity with regard to Minorities Commission when it introduced in the Lok Sabha 46<sup>th</sup> Constitutional Amendment Bill on 3 August 1978. The purpose of the Bill was to abolish the office of Special Officer for linguistic Minorities provided for in Article 350-B, and to add Article 338-A to make room for a constitutionally sanctioned Minorities Commission [23].

While introducing the Amendment bill in the Lok Sabha, the Government in the Statement of objects and Reasons said:

The Government are of the view that appointment of a Commission to safeguard the interests of all Minorities, whether based on religion or language would provide a more satisfactory institutional arrangement for achieving the desired objective. A minorities commission was, therefore, set up by an executive order. Such a Commission would, if set up in pursuance of Constitutional provisions, inspire greater confidence among the Minorities [24].

Unfortunately, the Bill lapsed due to lack of interest showed by the members of the ruling coalition and apathy of the main opposition party (the Congress). The Government however made another attempt to grant Minorities Commission a constitutional status by bringing in Fifty-First Amendment Bill in 1979 with the same purpose and objects. This time the Bill was hotly debated in the Lok Sabha but failed to get the required support and could not be passed. Thus, the sincere attempts of the first non-Congress Government to grant the constitutional status to an institutional arrangement failed. However, the Morarji Government should be appreciated at least for demonstrating political will to create a body like the Minorities Commission for the protection of the rights of minorities in India.

With the fall of Janata Government in 1979 and return of the Congress to power, the existence of the Minorities Commission (created by Janata

Government) was in danger. But the Commission once created had attracted the attention and interest of minorities and it would have been against the simple political wisdom for the Congress to dismantle this body. Thus rather than bringing this body to an end the Congress government deformed it and its face was changed. The Commission was allowed to complete its three years term. On the completion of its first term, the Commission was given second term in 1984 but with a new circular under which it was placed under the newly created Ministry of Welfare [25].

This was indeed a big ideological transition for the Commission which changed its very nature and face. What was conceived and started as a rights enforcement mechanism was now perceived as a welfare agency [26].

Although, the Commission was never dismantled after its creation in 1978, its powers were constantly curtailed. The Congress Government never tried to give it a Constitutional or statutory status until 1991. The united Front Government led by V.P. Singh could not give it a constitutional status because he formed government with the help of the Bharatiya Janata Party (BJP) which was dead against the Minorities Commission [27]. It was only in 1991, when the Congress returned to power that it tried to accord the Commission an ordinary statutory status. This was also because the Hindu Card played by Rajiv Gandhi in 1986 had a boomerang effect. The BJP grabbed the opportunity and started Ram Janmabhoomi movement with unimaginable success [28]. The Congress on the other hand lost its minority vote bank. Later on V.P. Singh with Mandal card robbed Congress of its traditional OBCs vote bank. The Congress was losing its traditional support base, and therefore it was determined to regain minority support. Also the period 1980 to 1992 was the worst as far as the frequency of communal riots with genocidal tendencies against minorities is concerned. The Moradabad riots 1980, Biharsharif 1981, Godhra (1980-81), Nellie (Assam) 1983, Bhiwandi 1984, Anti-Sikh riots of Delhi 1984, Delhi riots 1987, Meerut 1987, Bhagalpur 1989, Aligarh 1990, Varanasi 1991, Bombay 1992-93 are the few such riots to mention [29]. This was a period when the country was facing turbulence due to the Ram Janmabhoomi Movement resulting into demolition of Babri Masjid on 6 December 1992. The Secessionist Khalistan Movement and operation Blue Star [30], greatly annoyed the Sikh minority and subsequently assassination of Indira Gandhi by her Sikh body guards led to anti-Sikh program in Delhi [31] and many other places. The anti-Christian campaign by

the Sangh Parivar resulting into violence against the Christian minority developed a sense of insecurity and gross injustice amongst them and other minorities. This is also a coincidence that the United Nations General Assembly was preparing to adopt Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities on 18 December 1992.

These were the circumstances under which the Congress Government at the centre decided to grant statutory status (not constitutional status as promised by it in its election manifesto of 1991) to the existing Minorities Commission by an Act of Parliament. Thus on 4<sup>th</sup> May 1992, a "National Commission for Minorities Bill" was introduced in the Lok Sabha. Mr. Sita Ram Kesri the then Welfare Minister presented the Bill. The statement of objects and Reasons of the Bill stated:

The Minorities Commission with a statutory status would infuse confidence among the Minorities about the working and effectiveness of the Commission. It would also carry more weight with the State Government/ Union Territory Administrations and the Ministries/ Departments and other organizations of the Central Government [32].

#### *Debates on the Bill: 11-12 May 1992*

When the Bill to constitute a National Commission for Minorities with statutory status was introduced in the Lok Sabha on 11 May 1992, it generated a heated debate between the opposition and the Treasury Bench. The leader of the Opposition in the Lok Sabha L.K. Advani vehemently opposed it. He argued:

I oppose it not only because of the contents of this particular Bill but I oppose it on more basic grounds. I regard it as one more example of the Government's mishandling of this issue which is ostensibly related to minorities, but which, I believe is very much linked up with the unity of this country. As it is, I regard this particular piece of legislation as ill-conceived and retrograde. It will solve no problem, it will create new problems [33].

#### *Advani Blamed the Politics of Vote Bank for the Bill and Argued*

This kind of bill is addressed in name, of course to the Christians, to the Parsis, to the Sikhs etc., But it is addressed only to one section. I am sorry to say that this is not prompted by any earnest consideration of their interest. This is prompted by sordid politics of the vote banks [34].



Advani quite naively observed that the creation of Minority Commission will tear India into pieces and will encourage Muslims to demand a second Pakistan for Muslim majority area, a Christendom for Christians, or a Khalistan so far as the Sikhs are concerned [35].

Mr. Advani also pointed out that as the BJP was in good strength in the Parliament, the Congress Government could not give Minorities Commission a constitutional status. He suggested that in place of Minorities Commission a 'National Integration - cum - Human Rights Commission' should be setup which was earlier recommended by Justice Beg who happened to be the chairman of the Minorities Commission. He also pointed out the definitional dilemma surrounding minority [36]. In fact his speech in the Parliament was meant not only to oppose the Bill on Commission but he was adamant that there should not be anything like minority or majority. Minorities should surrender their distinct identity and assimilate themselves into majority has been the consistently held ideological position of the Sangh Parivar [37].

Dig Vijay Singh of the Congress while supporting the Bill argued that the Minorities Commission should be empowered with the specific powers to investigate and prosecute all suit offenders who have violated the rights of minorities. He asserted that more teeth have to be given to the Minorities Commission to make it more effective and meaningful [38].

Ram Vilas Paswan argued that the establishment of the Minorities Commission in 1978 by the Janata Party regime was a historic deed and now when the Commission is going to be given a statutory status it must have equal powers as that of SCs and STs Commission. He also argued that the government must provide minorities with the equal rights as are envisaged for Scheduled Castes and Scheduled Tribes [39].

Shrimati Shusheela Gopalan Strongly supported the Bill and gave emphasis on proper implementation of the provision of the Bill. She also pointed out that the proposed Commission should be made to participate in the planning process for minorities in cooperation with the Planning Commission [40].

Ebrahim Sulaiman Sait also compared the powers of the Minorities Commission with that of the Scheduled Castes and Scheduled Tribes Commission and said that more powers have been given to the SC & ST Commission in comparison to NCM. Therefore the NCM should be brought at par with the SC & ST Commission to make it more effective [41].

*Sultan Salahuddin Owaisi Speaking on the Occasion Said*

I cannot support this bill wholeheartedly, because if the Government is really interested to set right the injustice done to the Muslim minority, it should have given those rights which have been given to the Scheduled Castes and Scheduled Tribes through a bill which has been passed by the House. But it is a very strange policy of the Congress that it shows a lot of sympathy, but when the occasion for giving something arise it makes a lot of curtailment in the facilities which were genuinely required for the minorities [42].

He said that in the absence of real powers to the Commission nothing concrete can be achieved through it. He argued that as a result of it the Commission will present reports only and will not be able to take concrete steps for the welfare of the minorities". Mr. Owaisi demanded adequate powers for the proposed Commission.

Raja Gopal Naidu Ramasamy not only supported the Bill but also gave valuable suggestions on the issue. He suggested:

I fully agree with the principles of the Bill and I also agree with the necessity of according the Minorities Commission a statutory status. While the government is for a statutory status to the Commission, I would like to go a step further and suggest that it should be given a statutory and democratic status. To achieve this end, I propose the creation of a standing Parliamentary Committee on the Welfare of Minorities. The Committee must be created on the lines of the existing Committee like PUC, PAC and SC, ST Committee. The creation of such a Committee has several advantages. A Parliamentary Committee will be more independent than a commission constituted by the Government. It will have enormous powers to summon witnesses and documents, and it will have access to all areas affected by communal riots and the functioning of the Committee cannot be obstructed as it enjoys the privilege of the Houses. The willful disobedience to comply with the directions of the Committee for implementation of its recommendations will also attract punishment for breach of privilege [43].

Other important suggestions given by the honourable MP were as follows:

- i. The chairman and the Members of the proposed Commission should not be appointed by the Central Government. They should be elected by the members of the Parliament.
- ii. The continuance of the Commission must be reviewed at every 10 years.
- iii. The Report of the Commission must be tabled before the state legislatures because in most cases,

they are the implementing authority.

- iv. The development of composite Police force is essential to allay the fears among the minority communities.
- v. An express provision for trying communal offences by special courts should also have been made in the Bill
- vi. Special provisions on the lines of Tamil Nadu Prevention of Destruction to Public Properties Act and Goondas Act should be there in the Bill for detaining people who incite communal violence in addition to provisions in the National Security Act.
- vii. The root cause of several communal tensions all over India is the Press. We must note with disapproval the role played by the press in the name of freedom in inciting communal violence. Most of the regional Press is indulging in yellow journalism. Therefore, those who cry for codification of privileges of public representatives must realize that indeed we want a law for regulating freedom of pressmen who are, unlike public representatives not accountable to the people of India. The government must bring a law for regulating Press freedom [44].

S.M. Lal Jan Basha supported the Bill and demanded that Minorities Finance Corporations should be set up in each and every state. He also demanded measures to reserve 5 to 10% jobs for minorities and similar reservations for them in education in proportionate to their population [45].

Shri Chitta Basu while supporting the Bill said that the creation of the Commission with statutory backup is in fulfilment of our national commitment of our freedom movement [46].

Syed Shahabuddin delivered an insightful speech on minority problems and proclaimed uniformity can never be as lovely as diversity [47] while giving his opinion on the Bill, Shahabuddin said:

I would like to add that minority problem is not (therefore) just a Muslim problem. It is a political problem and a national problem. What is the essence of the Problem? There is enough safeguard in this book, Sir, enough in the law that we have made. But we need a watch dog; we need an autonomous body to keep a tab on the gap between precept and practice. The problems of the deprived groups arise not because the rights have not been defined and do not flow from the Constitution. They do. They arise because in actual practice, man being what he is, there is always a gap between precept and practice, between the Constitutional Safeguards and the

implementation. So, the essence of the Minorities Commission must be to act as a watch dog and the capacity to look into a right claimed under the Constitution. I may ask for the moon, and you have every right to deny me the moon. If I ask something that is implicit and explicit in the Constitution, you have no right to deny me. And if you deny me, I must have an authority to whom I can appeal. That is why I wanted a statutory status for the Minorities Commission [48].

*He also Shared his Experience of the Minorities Commission that Existed since 1978 and Observed*

It was a like a toy in our hand; it had no life, it had no spirit; it was not really functioning; it was not even a mechanical toy; it was a rigid and fringed toy which could not laugh; which could not cry and which could not weep. Therefore, today you are instilling life into it. It was created in 1978..... it could not be given a statutory status at that time and until 1992 it has completed 13 years of its life. Twelve reports have been submitted. I believe that nine of the reports have been placed on the table of the House by the Hon'ble Ministers concerned over a period of time. I am very sorry to inform you that none of these reports have ever been discussed in this House" [49].

He expressed hope that "with the passage of this bill, we shall certainly ensure that there is at least annual debate on the state of the minorities in our country". Shahabuddin complained that the famous report of the High Power Panel headed by Mr. Gopal Singh, remain unimplemented. He also suggested that the 15 point Programme needs to be recast. He said regarding the programme that "it has not been implemented because in many ways it is not implementable". He called upon to make the programme "an effective instrument for the welfare of the religious minorities of the country" [50].

Kumari Frida Topno supported the Bill. While evaluating the performance of the Minorities Commission since 1978 she said:

Till today, the work of the Minorities Commission has been of a survey making and recommending authority. Its recommendations have no compelling force to the legislature to be bound to consider such recommendations. The administration has not been made answerable for its acts of omission and commission leading to encroachment upon minority rights. In the recent past many communal violence have taken place in many parts of the country. And what was the role of the Minorities Commission? Is it just to survey and report? How many administrators have been made answerable or have

been punished [51]?

She suggested that the Commission must have enormous administrative as well as judicial powers to try and punish the persons responsible for such communal violence. In order to deal with firmly and timely, a riot force may be created and be placed under the disposal of the Minorities Commission.

*Prof. Rasa Sign Rawat Opposed the Bill and went to the Extent of Saying*

Hardly has the nation forgotten the trauma of partition that Shi Kesri has come up with a National Commission for Minorities Bill, which carries within its womb, the seeds of another partition [52].

Shreesh Chandra Dikshit termed the Bill as anti-national, and "against the national integration" [53].

While the debate on the Bill was going to be concluded after the Speech of Sri Seta Ram kesri, Syed Shahabuddin again sent the Minister on back foot by asking as to ....Why there is a difference between the function of the Commission of the Scheduled Castes, Scheduled Tribes and the earlier functions of the Minorities Commission set up through a resolution? He asserted that the functions of this Commission should be same as that of Scheduled Castes and Scheduled Tribes Commission [54]. Many members rose to support the proposal of Syed Shahabuddin but the proposed Bill was passed without any substantial change. L.K. Advani, leader of the opposition, left the House by saying... "we don't want to be associated with the passage of this bill and therefore we are leaving the House in protest". After that the Motion was adopted. Commenting upon the debate on the Bill, Tahir Mahmood observes:

The debaters on both sides went far beyond the scope and purposes of the Bill and talked about a lot of other things having no direct relevance to it [55].

*The National Commission for Minorities Act, 1992*

The Act consists of five chapters. Chapter I of the Act deals with title, extent and definitional aspects. The Act has declared that "it extends to the whole of India except the state of Jammu and Kashmiri", and for the purposes of the Act, Minority means" a community notified as such by the Central Government [56].

Chapter II deals with the composition of the Commission, term of office and conditions of service of chairperson and members and procedure of removal of chairperson and members, salaries and

allowances of its employees and officers. Chapter III deals with Powers and functions of the Commission.

Chapter IV and V deal with Finance, Accounts and Audit, and Miscellaneous matters respectively.

#### *Functions of the Commission*

The powers and functions assigned to the NCM under Chapter III of the NCM Act 1992 are as follows:

The commission shall perform all or any of the following functions, namely:

- a. Evaluate the progress of the development of minorities under the Union and the States;
  - b. Monitor the working of the safeguards provided in the Constitution and in laws enacted by the Parliament and the state Legislatures;
  - c. Make recommendations for the effective implementation of safeguards for the protection of the interests of minorities by the Central Government or the State Governments;
  - d. Look into specific complaints regarding deprivation of rights and safeguards of the minorities and take up such matters with the appropriate authorities;
  - e. Cause studies to be undertaken into problems arising out of any discrimination against minorities and recommended measures for their removal;
  - f. Conduct studies, research and analysis on the issues relating to socio-economic and educational development of minorities;
  - g. Suggest appropriate measures in respect of any minority to be undertaken by the Central Government or the State Governments;
  - h. Make periodical or special reports to the Central Government on any matter pertaining to minorities and on particular difficulties confronted by them : and
1. Any other matter which may be referred to it by the Central Government.
  2. The Central Government shall cause the recommendations referred to in clause ( c ) of sub-section (1) to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non- acceptance, if any, of any of such recommendations.
  3. Where any recommendation referred to in clause (c) of sub-section (1) or any part thereof is such

with which any State Government is concerned, the Commission shall forward a copy of such recommendation or part to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendation relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations or part.

4. The Commission shall, while performing any of the functions mentioned in sub-clauses (a), (b) and (d) of sub-section (1), have all the powers of a civil court trying a suit and, in particular, in respect of the following matters, namely:
  - a. Summoning and enforcing the attendance of any person from any part of India and examining him on oath;
  - b. Requiring the discovery and production of any document;
  - c. Receiving evidence on affidavits;
  - d. Requisitioning any public record or copy thereof from any court or office;
  - e. Issuing commissions for the examinations of witnesses and documents; and
  - f. Any other matter which may be prescribed. 57

#### *Comparison and Appraisal*

A cursory glance of the NCM Act 1992 reveals that the Government has assigned very important functions to the Commission but the powers given to it are not commensurate with the responsibilities assigned to it. Moreover, the apathy and indifference of the government to the Commission make it a mere ornamental body. As we delve deep into the provisions of the NCM Act 1992 and compare them with the Acts of other National Commissions [58], we find that the NCM Act 1992 suffers from many weaknesses creating thereby practical difficulties for the Commission.

As we know that creation of a body with Constitutional status to ensure the enforcement of Constitutional safeguards provided to minorities has been a major demand of minorities since the period of freedom struggle. However, the changed circumstances culminating into partition led to change of mind and heart of the members of the Constituent Assembly. Thus many important demands of minorities including establishment of a body to ensure the enforcement of safeguards provided to minorities by the Constitution were

dropped. After independence many political parties made promises of creating such a body with Constitutional status but never kept their promises. The Central Minorities Commission created after Emergency in 1978, functioned under Government Resolution until 1992. During this period some half hearted efforts were made to accord Constitutional or at least statutory status to the Commission. However, it was only in 1992 that the Bill was passed by the Parliament to grant the Commission a statutory status. Thus the statutory position of the Commission itself makes it inferior in comparison to the only such Commission with Constitutional status—the Scheduled Castes and Scheduled Tribes Commission.

The Central Minorities Commission created in 1978 was attached to the Home Ministry. Keeping in view the nature of work assigned to the Minorities Commission it can be said that under such arrangement, the Commission was better equipped and soundly placed to discharge its functions. But in 1984 it was detached from the Home Ministry and placed under the Welfare Ministry. This led to weakening of the Commission. Prof. Tahir Mahmud, one of the illustrious chairmen of the Commission (1996-1999) argues:

This was not only downgrading of the Commission but a conceptual and foundational change in its basis, objects and thrust of activities – effected unthinkingly if not thoughtfully. And it was wholly unwarranted both by the Commission's history and the nature of Minority problems in the country which it had to take care of [59].

Since 1984, the Commission had been working under its nodal Ministry the Ministry of Welfare (renamed as Ministry of Social Justice and Empowerment). Thus despite having acquired statutory Status the National Commission for Minorities, placed under the welfare Ministry/ Ministry of Social Justice and Empowerment lacked teeth. In February 2006, the NCM was placed under the newly created Ministry of Minority Affairs. Since then the Commission is working under this Ministry. It may be a welcome move but the experts argue that the Ministry itself is insignificant keeping in view its powers and budget allocated to it. Thus the fate of the NCM is dependent upon the fate of the Ministry itself [60]. On the other hand, the National Human Rights Commission (hereinafter NHRC) established in 1993 with statutory status has been placed under the Ministry of Home Affairs is in a better position to discharge its functions. Thus we find that NHRC has conspicuously made its presence felt in the matter of enforcement of human rights in our country. It is perhaps due to this factor also that the NHRC has

done better than its counterpart with constitutional status-Scheduled Castes and Scheduled Tribes Commission. In fact only NHRC is attached to the Home Ministry and all other National Commissions constituted for looking after the affairs of special groups are attached to different nodal Ministries [61].

The composition of the NCM and the procedure of constitution of the Commission is another important point attracting our attention. Section 3(2) of the NCM Act provides that the Commission shall consist of a Chairperson, a vice chairperson and six members to be nominated by the Central Government from amongst *persons of eminence, ability and integrity*. (emphasis added)

It also provides that five members including the chairperson shall be from amongst the minority communities. Thus the only qualifications mentioned for the chairman, vice-Chairman or other members is that they must be persons of eminence, ability and integrity (of course in the eyes of the Government). Such a vague criterion leaves space for manipulation of qualifications and obvious politicization of the Commission. This has been quite evident from the list of the occupants of the coveted offices of the Commission since its inception [62]. As the office depends upon the incumbent, the ill-conceit procedure and qualifications of appointment to the various positions in the Commission have greatly undermined its reputation and functioning. Tahir Mohammad points out:

The result is the all sorts of persons most of them having no knowledge of ever the basic law on Minorities, and quite often disgruntled politicians, are appointed to the Minorities Commission. It is generally done to accord political favour to individuals seeking Post-retirement settlement or just a comfortable placement in Delhi, rather than as an exercise in the interest of the Minorities [63].

It is important to mention that the eligibility to be appointed on the NCM is most ambiguous, not requiring any relevant special qualification like knowledge of minority jurisprudence or experience in the field of minority affairs etc. On the other hand the other such National Commissions have at least some relevant eligibility criteria [64]. For example; the composition and qualification for the occupants of NHRC are reasonably good which makes this body adequately professional in dealing with the matter of human rights.

One fails to understand that why the knowledge of law or practical experience in matters relating to minority rights has not been made eligibility for acquiring any position in the NCM. It is also note

worthy that the NCM has been provided with all the powers of a civil court trying a suit in many important matters, even then a Supreme Court or High Court judge or legal practitioner has not been sought as an important functionary of the NCM. As a result, the NCM very seldom exercises its power of a civil court.

The NCM is an specialized body to deal with the affairs of minorities but the NCM Act has sought a limited role for the Commission in matter relating to rights of minorities as the Government *may* (emphasis added) refer such matters to the Commission. Tahir Mahmood has made a good comparison of NCM with other similar Commissions. He points out:

The NCM must be compulsorily consulted by the Government on all major policy matters affecting women and the NCSK on all major policy matters affecting the Safai Karmcharis. The NCBC shall tender such advice to the Central Government as it deems appropriate and its advice is ordinarily binding on the Government. There are no corresponding provisions in the NCM law. The poor Minorities Commission may, and generally is, ignored by all governments in all policy matters relating to the Minorities [65].

One can very easily understand that the nature of the work assigned to the NCM demands that it must possess the power of investigation. However the Commission has not been given any such power despite the statutory recommendation for suitably amending the NCM Act, 1992 to confer powers of investigation to the Commission' on the pattern of those obtaining in the Protection of Human Rights Act, 1993 [66].

There is another lacuna in the NCM Act 1992 that it does not prescribe any time limit under which the annual report of the Commission is to be compulsorily tabled in the Parliament with Action-Taken report by the Government. As a result the annual reports of the Commission gather dust in the store houses of the concerned Ministry and the Commission respectively. This has greatly undermined the prestige of the Commission and therefore it has been reduced to an ornamental body to provide lip service to aggrieved minorities. Unless the reports are tabled in the Parliament, they cannot be made Public. Therefore nothing can be known about the problem of minorities through the NCM in this situation.

#### *Role of the Commission*

The role played by the Minorities Commission can

be understood by the title of Tahir Mahmood's book "*Minorities Commission: Minor Role in Major Affairs*". Since the book has been authored by a person who himself chaired the Commission [67], it must be taken as an authentic exposition of the role and functions discharged and challenges faced by the Commission. Besides, the Government of India has obligated the Commission to submit Annual Report to the President of India detailing its activities and recommendations. Hence, these annual reports are the index of the Commission's performance and progress made by the minorities under the aegis of the Commission. The Commission was also authorised by the Government to submit special reports on the matters within their scope of work. The Central Government on the other hand has to table these reports before each House of Parliament along with a memorandum explaining the action taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any of such recommendations. Thus the Government's treatment of these reports and action taken on the recommendations is an exposition of its sincerity towards minorities and their problems.

#### *Annual Reports of the Commission (1978-2008)*

The Commission submitted its *First Annual Report* to the Government for the year ending the 31<sup>st</sup> December 1978. We find that anti-minority communal violence has always figured prominently in the annual reports of the Commission. Communal riots took place at Pernambut town (Tamil Nadu), Aligarh (Uttar Pradesh) and at many other places in 1978. The Commission conducted on-the-spot enquiry into Pernambut and Aligarh communal riots. It expressed its view that sufficient measures were not taken by the authorities to protect the life and property of the Muslims of Pernambut [67]. On the communal disturbances in Aligarh, the Commission observed that the P.A.C has adopted a partisan attitude against the Muslims and all those who died as a result of firing by the P.A.C were Muslims [68]. Since the submission of its first annual report the Commission has been consistently taking the cognizance of the anti-minority communal violence and suggesting preventive and remedial measures. However, the Government never paid attention to the recommendations and valuable suggestions of the Commission. For example, communal riots like in previous reports figured in the Seventh Annual Report of the Commission. The gruesome violence and terror unleashed against the Sikh minority in the wake of assassination of the Prime Minister Indira Gandhi by her Sikh bodyguards was noted with horror. The Commission expressed its view that the

communal violence must be curbed at all cost. It suggested actions on three fronts for containing communal violence:

- i. Action on the law and order front where severe and adequate punishment for dereliction of duty and for encouragement given to communal violence by those holding offices or position of authority in particular and a system of rewards for those who perform their duties well in very trying circumstances.
- ii. Improved system of detecting the nature and causes of communal violence.
- iii. A new system of education capable of transforming people's thoughts and behaviour towards the common heritage and composite culture of our country.

The Commission criticized police for giving false reports about communal incidents. It observed:

A reading of official versions of riots and their causes will show a tendency to place the blame on a particular community without objective analyses of exploration of probabilities. If the machinery were impartial and the machinery of detection were efficient, we could expect better results and more reliable versions. Our distrust is based partly on lack of logic disclosed by some of the behaviour attributed to large groups without disclosing evidence or natural probabilities affecting causation.

The Minorities Commission emphasized the need for maintaining communal balance in Police by providing representation to minorities through suitable policies. It is sad to note that the Government hardly showed any interest in implementing the recommendations of the Commission. Contrarily, the Central Minorities Commission was not allowed to discharge its duties for non-cooperation of the state and central governments. For instance, the situations in Assam demanded an urgent attention of the Commission. It proposed to visit Assam to find out for itself the facts of the situation there. But the Home Ministry advised the Commission 'not to trouble itself with conflicts in Assam' and the State government 'did not approve the visit of the Commission'. Thus, the Commission did not visit Assam and it was severely criticized. However, the Commission prepared a report on Assam issue which is nothing more than an irrelevant and highly deviated document. The report on Assam did not reflect the situation out there but unnecessarily discussed Constitutional provisions relating to minorities which seems completely out of context.

The Minorities Commission took special interest

in the cultural and educational rights of minorities as these are the constitutionally guaranteed special rights of minorities. The Commission's report to the government on the Aligarh Muslim University (Amendment) Bill, 1978 deserves our special attention. Upholding the educational rights of minorities the Commission not only recognised the minority character of the Aligarh Muslim university but also advised the government that "the Aligarh Muslim University was established by the Muslims of India with their own funds and properties, and that the judgment of the Supreme court in *Azeez Basha's* case must be deemed to have been overruled by subsequent judgments of larger Benches of the Supreme Court in certain other cases and that in any event the Parliament was competent to pass legislation recognizing the Minority Character of the University". It also successfully intervened in the matter of withholding of AMU's grant by the UGC on the issue of reservation of SC/ST in the University. In its observation on the issue of reservation of the SCs and STs in the minority educational institutions the Commission pointed out that "the UGC is exceeding its legal jurisdiction in forcing the Minority Educational Institutions to protect the interests of Sc/ST at the cost of the interests of the Minorities themselves."

The Minorities Commission has been quite consistently expressing concern over the low percentage of minorities especially the Muslims and neo-Buddhists and calling upon the government to adopt special measures for providing them adequate representation. For example, after studying the problems relating to public Employment and Educational Backwardness amongst Muslims of India, the Commission recommended:

So far as Muslims or other primarily, educationally, economically and socially backward minorities, taken as a whole are concerned, it is imperative that their economic condition is improved first through such measures as have been adopted by the government for the Weaker Sections of society. The Planning Commission of India has identified 172 districts of the country as backward. Out of these, 39 districts have a considerable Muslim population. As many as 30 of these find a place in the list of the most backward districts and 7 have been included in the list of the most backward districts and 17 have been declared as non-industry districts. Minorities like other citizens, should derive benefits out of the various Schemes launched by the Planning Commission and the financial assistance, which is available to the weaker Sections Under the 20-Point Programme of the Prime Minister, can also be availed

of by them if they are really backward.

However, like all other recommendations this too did not impress the government and as a result the percentage of Muslims kept on dwindling in public employment which has been well-documented by the Sachar Committee Report.

It is also important to note that the Commission under able stewardship has achieved some milestone as well. For instance, the NCM's intervention in the cases of innocent Muslim youths falsely implicated by the Andhra police in Mecca Masjid blast case brought relief to the victims. The Commission directed the Andhra Government to give adequate compensation to the victims of police atrocities and also issue the certificates of innocence to these youths. Deccan Herald, 23 June, 2012. This step of the Commission has been widely acclaimed.

#### *The NCM and Political Compulsions*

The Minorities Commission has been designed to work under immense political pressure which is evident from its functioning. For example, the year 1992-93 was unique and perhaps sad in the history of the Minorities Commission. During this period the Commission functioned without a Chairman and unfortunately no Annual Report was ever prepared for this financial year. This was perhaps deliberate and politically motivated action. Tahir Mahmood noted this malfunction of the Commission and observed:

It was during this year, 1992-93, that the status of the Minorities suffered the biggest and most violent jolt in Independent India- in the form of the anti-Constitutional vandalism and wanton sacrilege leading to daylight destruction of the religio-historic monument in the holy city of Ayodhya, known as the Babri Masjid. The Commission had nothing to say or report about this most heinous crime against the Nation's honour. Was it, then, just a lapse or deliberate escapism? There is no justification at all why 1992-93 was treated as Zero year and no report was ever submitted for it not even by the next Commission.

The Commission's ineffective presence during and after communal slaughter of Muslims in Gujarat genocide 2002 was felt by the victims as well as serious observers. Most of its actions were just eyewash. It prepared a very weak and perhaps a misleading report on Gujarat 2002. It could neither dare to call it genocide nor could do anything noteworthy for the victims. If we compare its work

with NGOs that have been working with very modest resources, we find that the Minorities Commission does not stand anywhere. This is again perhaps due to political compulsion.

#### *Commission's Website*

The Commission's website is poorly arranged, unsystematic and incomplete. It does not have its annual reports on the website. Most of its sections are lying under construction for last many years. Even the most important Complaint Monitoring System and Research Studies are under construction for last many months or years. This is an act of negligence and irresponsibility which cannot be expected from a highly responsible governmental body. Its Public relation office is worst so far as making or even maintaining contact is concerned. The Public relation officer tries to conceal information rather than passing it to public.

#### *The NCM's Recommendations*

Under the National Commission for Minorities Act, 1992, the Commission has been empowered to recommend actions, policies and programs for the betterment of minorities. The NCM has been constantly making recommendations and suggestions accordingly. However, its statutory recommendations are not taken seriously by the government. The NCM made recommendations several times for suitably amending the NCM Act to provide it at least the power of investigation and inquiry which is quite essential for providing it some teeth. The government never bothered to give this essential power to the Commission. On the other hand, the government has been constantly making claims for the upliftment of the minorities and also giving impression that it is sincere in its pledge to provide constitutional status to the NCM. In fact even a constitutional NCM will be ineffective without the power of inquiry and investigation. Similarly, the Commission's recommendation for placing of its statutory recommendations on the table of both Houses of parliament within time frame has never been accepted or implemented. Thus it is evident that the government's apathy and indifference to the Commission's recommendations make this body ineffective and incapable of promoting and protecting the rights of minorities.

#### **Conclusion**

The foregoing discussion leads us to conclusion that the root of the NCM lies in our freedom struggle.

In fact, the leading actors of the freedom struggle were quite convinced that an additional institutional arrangement was necessary in post independence India to allay the fears of minorities and ensuring the enforcement of constitutional safeguards proposed to be provided to minorities. As the minority problem could not be settled to the satisfaction of the most dominant and assertive minority (Muslim), the Indian dominion was divided into two independent and sovereign nations – India and Pakistan. However, the demand for institutional arrangement for ensuring the effective implementation of the safeguards to minorities remained a major issue during the Constituent Assembly debate even after the Partition of India. The demand remained an unrealized dream until 1978 when the Government of India created a central Minorities Commission by a Resolution. The NCM Act, 1992 provided it a statutory status. During this period (1978-1992), the Government made some half-hearted abortive attempts to accord Constitutional status to the NCM.

The debate in the Parliament on the Bill to give statutory status to Minorities Commission reflects that the BJP has been quite hostile to the idea of any special institutional arrangement for minorities. The debates that followed the introduction of the Bill is also reflective of ignorance of the honourable members regarding minority jurisprudence and its basic premises. Many members however showed their insight on minority issues and their commitment to promote the cause of minorities. The Bill finally passed, became the NCM Act 1992. The Act so passed is quite encouraging for the minorities but it suffers from many weaknesses making the National Commission for Minorities a toothless watchdog of minority rights. As the bill for granting constitutional status to the NCM has been introduced in the Lok Sabha and subsequently referred to the parliamentary Standing Committee on Social Justice and Empowerment [67] one may hope that the Government will make the Commission an effective body to deal with the issues and challenges faced by the minorities in India.

#### **References**

1. The Declaration was adopted by the General Assembly on 18 December 1992, vide resolution 47/135.
2. See *Minority Rights*, Fact sheet No. 18(Rev. 1), Office of the United Nations High Commissioner for Human Rights, Geneva, 1998.



3. Article 1(1)
4. Ibid.
5. Article 1(2)
6. Government of India Resolution, Home Ministry Notification, No-11-160/2/2/77-NID issued on 12 January 1978.
7. National Commission for Minorities Act passed on 17 May 1992 and enforced with effect from 17 May 1993.
8. The committee headed by Sir Tej Bahadur Sapru was appointed by Non-Party Conference in its meeting held in Delhi on 18-19 November, 1944 to examine the whole communal and minorities question from a constitutional and political point of view. See for detail *Constitutional Provisions of the Sapru Committee 1945*, Padma Prakashan, Bombay.
9. The Questionnaire on Minority Rights drafted by K.M. Munshi included what machinery should be set up to ensure that safeguards are effective? See B. Shiva Rao, *The Framing of India's Constitution: Select Documents*, Vol. II, p.391.
10. See report of the Sub-Committee on Minorities, 27 July, 1947 in B. Shiva Rao, *op. cit.*, pp. 396-401.
11. *Ibid.*, Similar suggestions were given by many other members of the Assembly. For instance Shyama Prasad Mookerjee also had suggested formation of a Minority Commission in each province and Jairamdas Daulatram suggested a Minority Court to adjudicate on complaints of unfair treatment to minorities. See Manju Subhash, *Rights of religious Minorities in India*, National Book organization, New Delhi, 1988, p. 60
12. The partition of India in August 1947 had changed the circumstances resulting in a fresh look by the members of the Constituent Assembly on the rights of minorities. Thus many important proposals on the rights of minorities were dropped. See Anwarul Yaqin, "Constitutional Protection of Minority Rights in India", in Iqbal A. Ansari (ed.) *op. cit.*, Vol.11, pp. 1-30.
13. Sardar Vallabh Bhai J. Patel, Chairman of the Advisory Committee on Fundamental Rights and Minorities etc advised minorities on the eve of reopening of the debate on Minority rights in the constituent Assembly of India on 25-25 May, 1943. See for the full text of the debate, *Constituent Assembly Debates*, Vol. VIII, pp. 269-342.
14. Cited by Iqbal A. Ansari, *op. cit.*, Vol. II, p. 403.
15. Sardar Patel, the Chairman of the advisory committee on Fundamental Rights and Minorities etc., made the statement during the course of debate in the Constituent Assembly of India. See for the full text, C.A.D. Vol. VIII, pp. 351-354.
16. See Iqbal A. Ansari (ed.), *Communal Riots, the State and Law in India*, Institute of objective studies, New Delhi, 1997.
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18. *Ibid.*, clause 4
19. *Ibid.*, clause 3.
20. Tahir Mahmood, *Minorities Commission Minor Role in Major Affairs* Pharos Media & Publishing (P) LTD, New Delhi, 2001, p. 27.
21. *Ibid.*, p. 28
22. Government of India Resolution, *Ibid.*, Clause 6.
23. Tahir Mahmood, *Op. cit.*, pp. 29-30.
24. *Ibid.*, p.33
25. *Ibid.*
26. *Ibid.*
27. Bharatiya Janata Party (hereinafter BJP) believes in a homogeneous nation and therefore, it does not recognize the special rights or claims of minorities. It included in its manifesto for the Parliamentary elections of 1998 the dismantling of National Minorities Commission as one of the policies to be carried out by it.
28. BJP managed to win only two seats in 1984 parliamentary elections. In 1989 however, it won as many as 88 parliamentary seats. The BJP's success was attributed to its Ram Janam Bhoomi Movement for the construction of Ram Temple at the place of Babri Masjid at Ayodhya.
29. See for short accounts of the communal riots, Iqbal A. Ansari (ed.) *Prevention of communal violence: Rule of law and Peace Initiative*, Minorities Council, New Delhi, 2002. See also M.J. Akbar, *Riot after Riot*, Roli Books Pvt. Ltd., New Delhi, 2003. See for an insightful study of communalism and communal riots in India, Christopher Jaffrelot, *The Hindu Nationalist Movement and Indian Politics, 1925 to the 1990s*, Penguin books, New Delhi, 1999.
30. Operation Blue Star (3-6 June, 1984) was an Indian Military operation ordered by Indira Gandhi, the then Prime Minister of India, to remove Sikh separatists who were allegedly amassing weapons in the Golden Temple in Amritsar, Punjab.
31. The anti-sikh riots in Delhi witnessed organized mob violence against the Sikh minority. There were gruesome incidents like burning alive and lynching of the people from the community. See *Report of the Inquiry Commission into Communal Disturbances, Delhi, 1984* by Justice Ranganath Misra.
32. Tahir Mahmood, *op. cit.*, p. 36.
33. Lok Sabha Debates, Vol. XII: No. 47, pp. 92-93.
34. *Lok Sabha Debates*, vol. XII: No.47, p.98.
35. *Ibid.*, p.99.
36. *Ibid.*, p. 102
37. This ideological position of the Sangh Parivar (a

- conglomeration of communal Hindu organisations) is evident from the following statements of the Sangh ideologue Golwalkar: There are some people who claim that they have achieved unity of Hindus. Muslims, Christians and all others on the political and economic plane. But why limit the oneness only there? Why not make it wider and more comprehensive so as to fuse them all in the Hindu way of life in our Dharma and take them back as lost brothers? To those who speak of unity on the political and economic plane, we say that we stand not only for political and economic unity but also for cultural and religious unity we have thrown open our homes, our sanctuaries and temples, our age-old culture and heritage undoubtedly. This is a broader outlook. M.S. Golwalkar: *Bunch of Thoughts*, p.13, as cited by Moin Shakir, *Politics of Minorities*, Ajanta Publication, Delhi, 1980, pp. 11-12.
38. Speech of Mr. Digvijay Singh in the Lok Sabha on 11 May 1992, *Lok Sabha Debates, op. cit.*, 115-118.
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  40. Srimati Susheela Gopalan, *Ibid.*, p. 148.
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  42. Sultan Salahuddin Owaisi, *Ibid.*, pp. 168-171.
  43. Rajagopal Naidu Ramasamy, *Ibid.*, pp. 182-186
  44. *Ibid.*
  45. S.M. Laljan Basha, *Ibid.*, pp. 187-190
  46. Chitta Basu, *Ibid.*, p. 191
  47. Syed Shahabuddin, *Ibid.*, p. 196
  48. *Ibid.*, p. 200.
  49. *Ibid.*, p. 201.
  50. *Ibid.*, pp. 201-203
  51. Kumari Farida Topno, at <http://parliamentofindia.nic.in/LS/LSdeb/LS10/Ses3/1511059201.htm> (the official website of the parliament of India). pp.148-149.
  52. Prof. Rasa Singh Rawat, *Ibid.*, p.150
  53. Sheesh Chandra Dikshit, *Ibid.*, p. 123
  54. Syed Shahabuddin, *Ibid.*, p. 190
  55. Tahir Mahmood, *op. cit.*, p.39.
  56. The notified communities are: Muslims, Christians, Sikhs, Buddhists, Zoroastrians.
  57. National Commission for Minorities Act, 1992, Section 9(1), read with Clauses (2), (3) and (4) of Section 9.
  58. The other such National Commissions are the Scheduled Castes and Scheduled Tribes Commission (a constitutional body), the National Human Rights commission, the National Commission for Women, the National Commission for Backward Classes, and the National Commission for Safai Karmcharis – all have statutory status.
  59. Tahir Mahmood, *op. cit.*, p. 33.
  60. The fate of the Ministry of Minority Affairs is dependent upon the will of the ruling party at the centre. Thus, no one knows that whether the Ministry will continue if the rightist Political Parties return to power, as they believe that any special measure for religious minorities is nothing short of appeasement of minorities.
  61. The National Commission for Women is attached to the Ministry of Human Resources Development, the Scheduled Castes and Scheduled Tribes Commission, the National Commission for backward Classes, and the National Commission for Safai Karmcharis are attached to the Ministry of Social Justice and Empowerment.
  62. The constitution of the various Statutory Commissions since 1992 reveals that with few exceptions (like, Justice Sardar Ali and Prof. Tahir Mahmood) most of the Chairmen of the Commission were not from the relevant field of specialization in minority jurisprudence, despite their high stature in other fields.
  63. Tahir Mahmood, *op. cit.*, p. 198.
  64. See Protection of Human Rights Act 1993, section 3 (2) (c), National Commission for Women Act 1992, Section 3 (2) (a) & (b), National Commission for Backward Classes Act 1993, Section 3 (2), National Commission for Safai Karmcharis Act, 1993, Section 3.
  65. Tahir Mahmood, *op. cit.*, p. 199
  66. Letter of the Joint Secretary, National Commission for Minorities addressed to the Secretary, Government of India, Ministry of Welfare under letter No. 8-12/95-Estt. Dated 6 September, 1995.
  67. Prof. Tahir Mahmood is an eminent scholar of law. He has extensively written on the issues of minorities. He chaired the NCM from 1996-1999.
  68. On 23<sup>rd</sup> December 2004, 'The Constitution (103<sup>rd</sup> Amendment) Bill, 2004' was introduced in the Lok Sabha for the purpose of insertion of a new Article (340-A) in the constitution for upgrading the status of NCM to a constitutional body. After introduction in the Lok Sabha, the Bill was referred to the Parliamentary Standing Committee on Social Justices Empowerment and currently it is lying with the committee. See the National Commission for Minorities, Annual Report, 2005-06, p.13.

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**Authors Affiliation**

Research Scholar, Department of  
Political Science, Aligarh Muslim  
University, Aligarh-202002 (U.P.)

**Reprints Requests**

**Ankita Thakur**, Research Scholar,  
Department of Political Science,  
Aligarh Muslim University,  
Aligarh-202002 (U.P.)  
E-mail:  
Ankitathakur1408@gmail.com

## Restructuring the UN: India's Claim for Permanent Membership in the Security Council

**Ankita Thakur**

### Abstract

The United Nations Security Council, created in the post-war context, doesn't actually reflect the changes that have occurred in the international system after the end of the cold war. In the past fifty years or so, the global order has been changed massively. The developing nations including India now play a larger role in both the international economy and politics. But these changes are not reflected in the United Nations, where all decisions are still being taken by the five permanent members of the Security Council who wield the veto power. The UN Security Council reform has been lingering since 1992. If the UN still shies away from reforming the Security Council, the possibility of the institution being sidelined by emerging powers cannot be ruled out. The present Council does not reflect contemporary power realities and should therefore be reformed to reflect the new realities of the 21<sup>st</sup> century.

**Keywords:** United Nations; Security Council; Veto Power; Permanent Member; Restructuring.

### Introduction

The membership and structure of the United Nations Security Council (UNSC) have been one of the most controversial and intractable issues among the UN member-states since the establishment of the organization in the mid -1940s. The importance of the UNSC particularly the Council's permanent seats stems from the status and prestige associated with its decision making authority on questions of global peace and security. In fact, permanent membership is equated with "great power" status in the international political system.

As a consequence, it is perhaps not surprising that the number of emerging global and regional powers throughout the world-including Japan, Germany, India, Brazil, Indonesia, Nigeria, South Africa and Egypt-have sought permanent seats in the UNSC during the past few decades. Despite a tremendous amount of discussion and debate, there has been little

consensus on the matter of UNSC restructuring, including to what extent the council ought to be enlarged, how many new permanent and non permanent members ought to be added, whether the new members ought to be extended the veto privilege, and which specific countries ought to be added as permanent members.

### *Need for UNSC Reforms*

Even though the geopolitical realities have changed drastically since 1945, when the setup of the current council was decided, the Security Council has changed very little during this period. The victors of the second world war shaped the charter of the United Nations in their national interests, dividing the veto power pertinent to the permanent seats amongst themselves [1]. With the enlargement of the United Nations membership and increasing self confidence among the new members, going hand in hand with the process of decolonization, old

structures and procedures were increasingly challenged. The imbalance between the number of seats in the security council and the total number of member states become evident and the only significant reform of the Security Council came to pass in 1965 after the ratification of two-thirds of the membership, including the five permanent members of the Security Council (that have a right to votes on charter changes). The push from decolonized countries for better representation on the council both in numbers and in interest was a key driver of the decision to reform the council in 1963 [2]. Countries from Africa, Asia and Latin America worked together and drafted the resolution that ultimately expanded the council and came into force on 31st of August 1965 [3]. The reforms included an increase of the non permanent membership from 6 to 10 members [4]. Since then the membership of the United Nations has increased from 113 to 193 without any change in the composition of the UNSC.

The current composition of the council also gives undue weight to the balance of power at least a half century ago. Europe, for instance, which accounts for barely 5percent of the world's population, still controls 33percent of the Security Council seats in any given year.

There is no permanent member from Africa, despite 75 percent of work of United Nations Security Council focused on Africa.

United Nations is unable to respond effectively to situations of international conflicts as of Iraq and Syria.

The current Council members deny opportunities to other states that have contributed through participations in peace keeping operations. India and Brazil are notable examples of this.

The current Security Council is widely seen as a 'mouth piece' of the G-7 nations. Its decisions cannot, therefore, inspire the confidence and credibility among the vast majority of developing countries. The Security Council needs restructuring and reconstitution, so as to reflect the changed post-cold war power equations. Reform of the United Nations have a direct bearing on the established principles of the international system, the world order and the fundamental interests of humanity. Thus, it deserves active participation, vigorous support, collective wisdom and due contribution of the entire international community.

For meaningful and widely accepted reforms of the Security Council, it is essential to grant reasonable and equitable representation to the developing countries which form a majority in the United

Nations. A number of developed and developing countries from different regions have shown their enthusiasm in applying for a permanent seat of the Security Council. The restructuring of the Security Council should also take into account the effects of global terrorism. The nations like India which have been adversely affected by this tormentor should have adequate representation in the world body in order to enable them to contribute effectively in countering this menace.

The five permanent members hardly represent the power realities of the 21st century. Japan and Germany are the second and the third largest financial contributor to the United Nations, yet they are not represented in the Security Council. India is a rising power with booming economy but still without a permanent Security Council seat. The entire continents of Africa, South America and Australia have no representation in the Council. More and more countries are questioning the legitimacy and creditability of the Security Council. They wonder why old colonial powers like Britain and France have voice but their former colonies do not.

Hence reforms of the United Nations Security Council encompasses five key issues: categories of membership, question of the veto held by five permanent members, regional representation, the size of an enlarged Council and its working method and the Security Council-General Assembly relationship. Member states, regional groups and other member state interest groupings developed different positions and proposals on how to move forward on this contested issue.

The framers of the UN Charter made the amendment procedure so complex that there are only three amendments in seventy years- two to expand the Economic and Social council (ECOSOC) and one amendment to enlarge the Security Council.

The most important aspect of the UN Charter was the provision dealing with the effective collective measures in order to maintain international peace and security. The framers decided to establish a powerful body called the UN Security Council. It was expected to play an effective role in mobilizing the world community to repel aggression, manage conflict and maintain peace. Whether or not the Security Council has been able to perform the assigned functions adequately, has become a subject of debate in many quarters. There are those who argue that the very composition of the Security Council hampers its effectiveness while others stress that the single most effective impediment in the smooth functioning of the Security Council is the veto power that is exclusively enjoyed by the five permanent

members of the Council. Another argument advanced is that the very structure of the Security Council does not reflect the realities of the post cold war international order. While there seems to be a consensus over the need to reform the Security Council, divergent opinions are continuously expressed over the nature, scope and function of the organization.

The permanent members of the United Nations Security Council were given veto power with a view to avoid injustice and to make the organization more potent and effective. Following the end of the Second World War, the world was bipolarized into communist and capitalist camps. Instead of employing veto in order to avoid injustice, the permanent members began to use the veto powers to block the resolutions that were likely to adversely affect their own interest as well as of their partners. Thus, the Security Council was unable to take effective measures to deal with threats to peace and acts of aggression. There are many suggestions that have been advanced by various quarters to reform the Security Council in general and veto power in particular. Three suggestions directly dealing with veto's power needs to be commented upon:

First suggestion is that the number of permanent members should be increased. The permanent membership of the Security Council needs to be allocated to those states that have consistently contributed towards the maintenance of international peace and security. At the same time the ability to influence other members of the international community also needs to be undertaken into consideration.

The second most important suggestion in this regards is introducing a mechanism of rotating veto. This implies that veto power is given to various deserving power for a period of four years and after the expiry of their tenure then the veto is given to another set of states. This also means that veto power must only be given to those states that are already elected members of the Security Council.

The third suggestion, that nobody should be invested with veto power, is more practicable and suitable in the light of existing circumstances [5]. Indeed the veto power itself contradicts the very essence of democratic pursuits why should anybody be accorded a privileged position when under the operative international system all states are supported to be equal? Some consider that the exercise of veto powers robs the Security Council of its democratic legitimacy.

Compared to other organs of the UN, Security

Council upon which hopes were pinned down for the maintenance of international peace and security has not really lived up to the expectations. Some countries have frequently disregarded UN resolutions with unnecessary disdain while there are other countries like US and Soviet Union that have exploited their privileged position. When the veto was introduced; it was hoped that the powers that have played an important role in bringing the Second World War to an end would employ this power judiciously but unfortunately it did not happen. On the contrary, individual country's national interest began to guide the application of veto. Hence the world experienced the gross misuse of the veto power. To avoid the somewhat continuous misuse, perhaps the best way out is to strip all the give permanent members of their veto powers.

#### *Proposed Models for the Restructuring the Security Council*

The voices to reform the UN are continuously increasing. There exists a widespread impression that the UN is doing poor job and therefore it must be reformed. Reforming the Security Council appears to be central to the reforming of the UN.

With Boutros-Boutros Ghali elected as Secretary General in 1992, the discussion on the reform of the UNSC was launched. He started his new term with the first ever summit of the Security Council and thereafter published "An agenda for Peace"[6]. His motivation was to restructure the composition and anachronistic procedures of the UN organ recognizing the changed world.

#### *UN Working Group's Proposal (Razali Plan)*

This proposal was the product of the UN Working Group's effort and work. This group was charged with the tasks of formulating proposals for the restructuring of the UNSC. A report was issued by Ambassador Razali Ismail of Malaysia who was the chairman of the group which spelled out the proposal in 1997. This proposal implied increase in the Council's membership from 15 to 24 by adding 5 more permanent members (01 each from Asia, Africa, South America including Caribbean plus Germany and Japan) and 4 additional non-permanent members from Africa, Eastern Europe, South America and Caribbean.

A major weakness of this model is that it will not significantly alter the balance of power in the Security Council. While this model does provide for geographical representations but the control still

remain with the permanent members critics also highlighted the point that increased members may make the UNSC unmanageable in terms of decision making process. Although eventually unsuccessful this innovative proposal deserves mentioning because its use of an intermediary structure, inspired later proposals.

*'In Larger Freedom' By Kofi Annan*

On 21 March 2005, the then UN Secretary General Kofi Annan called on the UN to reach a consensus on expanding the council to 24 members, in a plan referred to as "In Larger Freedom". He gave two alternatives for implementation. The two options mentioned by Annan are referred to as Plan A and Plan B.

- Plan A calls for creating 6 new permanent members as well as 3 new non-permanent members. The likely candidates for permanent membership are India, Japan, Brazil, Germany, Egypt and either Nigeria or South Africa
- Plan B would create a new tier of 8 semi permanent members chosen for renewable four years term and add one non-permanent seat.

Neither option, however, extends veto power beyond the existing five permanent members [7].

The reform and expansion of permanent membership of security council has been in the agenda of UN since the special summit of UN convened in 1992, But no tangible progress has been made in this regard so far due to number of factors. The reform process is slow and tardy. Most of the permanent members are not inclined to share to special privilege enjoyed by them.

Four countries - Brazil, Germany, Japan and India are currently seeking permanent membership of the Security Council and they are known as a G-4 group. According to their proposal the UN Security Council should be expanded beyond the current 15 members to include 25 members. The G-4 members supported Plan 'A' of Kofi Annan and also urged that the new permanent members should be given veto powers.

The membership of the Security Council has become a political issue. Regional rivals of the G-4 opposed their permanent membership with a veto power. They favoured the expansion of the non permanent category of seats with members to be elected on a regional basis. These countries have organized under the banner of Coffee Club. Its members are Italy, Spain, Argentina, Canada, Mexico, South Korea & Pakistan. Thus Pakistan is opposed to India's membership; Spain and Italy oppose

Germany; Argentina and Mexico are opposed to Brazil, and South Korea is opposed to the membership of Japan. The 'Coffee Club' is also known as 'Uniting for Consensus'.

*Contestants for Permanent Membership: G-4 Nations*

The G-4 nations: Brazil, Germany, India and Japan support one another's bid for permanent membership, though they are strongly opposed by certain regional rivals [8].

*Brazil*

Brazil is the largest country in Latin America in terms of population, GDP and land area. It has the fifth largest population, seventh largest GDP, eleventh largest defense budget and has the fifth largest land area. It is one of only five countries that rank among the top ten globally in terms of physical size, population and GDP, the other four being the United States, Russia, China and India. Furthermore with Africa and Oceania, South America is one of three inhabited continents without a permanent representation on the Security Council.

Brazil has been elected ten times to the Security Council. It has contributed troops to UN peace keeping in Middle East, Congo, Cyprus, Mozambique, Angola, East Timor & Haiti [9]. Brazil is one of the main contributors to the UN regular budget [10]. Prior to the UN's founding in 1946, Franklin D. Roosevelt lobbied for Brazil to be included on the Security Council but U.K. and Soviet Union refused [11].

The United States sent strong indicators to Brazil that it was willing to support its membership but without a veto [12]. Brazil has received backing from other permanent members of the Security Council and from Chile, Indonesia, Finland, Australia, South Africa as well as from the other G-4 nations, who mutually support each other [13].

*Japan*

Japan is the world organization's second largest contributor after the United States, the largest aid donor, a non nuclear economic giant and a potential contributor of troops to peacekeeping operations. Thus Japan is the most likely candidate for new permanent seats. Japan has been elected to the Security Council for 10 years as a non permanent member. Japan has earned its honorable place among the nations of the world by its own efforts and its own character. That's why United States supports a permanent seat for Japan on United Nations Security

Council.

Some other Asian nations have expressed support for Japan's application, including Mongolia, Thailand, Cambodia, Indonesia, Malaysia, Singapore, Bangladesh, Philippines and Vietnam. The other G-4 countries, Germany, Brazil and India who are also bidding for Security Council seat along with France and UK also back Japanese bid but China is the main opposition to Japan's candidacy

#### *Germany*

Germany is the third largest contributor to the UN regular budget next to Japan, and as such, argues for a permanent Security Council seat. Germany has been elected to the Security Council as a non permanent member three times as a unified state as well as three times when it was divided. Italy and Spain opposes Germany's candidature.

#### *India's Case*

India has been one of the founding 51 members of the United Nations which signed the UN Charter in 1945. Since that time India has been actively participating in all the activities of the UN and other international agencies. India is well qualified by any objective criteria for permanent membership of the Council. Some of the reasons which support India's appointment as a permanent member include:

- India has more than a billion people, representing about 1/6th population of the whole world, and it is the largest functional and stable democracy in the world.
- India's Gross Domestic Product is the 5th highest in the world. It is one of the fastest growing economies in the world as a result of liberalization of trade policies. Now India has emerged as a leading global player in economic terms. It is now the third largest economy of the world in terms of Purchasing Power Parity (PPP).
- In last 20 years or so, India has emerged as a leading player in the management of global affairs. She is now the member of G-20 group, IBSA and BRICS among others and represents the interest of developing countries in these form. Separately, India is spearheading a group of around 42 developing countries from Asia, Africa and Latin America-called the L-69 group which demands urgent action on the UNSC reforms.
- India with its ancient civilization, rich heritage,

deep rooted democratic system and growing economic potential has the credentials to champion the cause of developing nations, which need proper representation in the Council.

- India has been one of the few countries, which had participated in all military operations the Council has undertaken thus far. Presently, India is ranked as the second largest troop contributor to the UN. It shows its strong commitment to the UN charter, international leadership and contribution to the world peace.
- India is and will be a major player of the world in helping the UN's effort to eliminate nuclear arms from the face of the earth.
- India has the third largest standing army in the world. India is potent military power and the Indian armed force is considered one of the most disciplined in the world. This will become important to the United Nations and Security Council, as it will be called upon to play a major role in resolving the future conflicts.
- India has made a huge contribution to the fulfillments of the aims and objectives of the UN. India has opposed colonialism and racialism and supported the peaceful settlement of international disputes and the cause of global peace and disarmament. India has been elected seven times as non permanent member of the Security Council. India's performance as a nonpermanent member of the Security Council during 2011-12 has also significantly strengthened India's claim to permanent membership. India has again put forth its candidature for the 2021-22 terms.

To sum up, the Council expansion is essential to make it more representative. The fact that India with a population over a billion, representing about one-sixth of the whole world, not being a permanent member of the Council seriously undermines the representative nature of the Council. Indeed, as the world's largest democracy, ancient civilization, a rapidly growing economic power and a major contributor to peace keeping operations, India has a natural claim to the permanent seat in the Council.

India's bid for permanent member of UNSC is backed by permanent members namely France, Russia, the United Kingdom and United States, although the United States initially opposed India's candidacy on grounds of nuclear proliferation as India has acquired nuclear weapons and not signed the nuclear Non-Proliferation Treaty [14]. Recently China has also expressed its support for India's candidacy as a permanent member of the Security

Council and revoked its support for Japanese candidacy, thus making India the only candidate that has received support from all permanent members and most nations as well.

#### *Obstacles in the Way of India's Permanent Membership*

- China-China vehemently opposed to India's permanent entry in the UNSC as it doesn't want to lose its covered status as the only Asian country in UNSC permanently. Secondly China opposes Japan's bid for permanent UNSC membership while India supports Japan and China is not likely to support India as long as India supports Japan. Moreover, China itself wants India not to become a bigger global player particularly when Indo-US relations are getting better.
- The United States-The official American policy has been, for some time, opposed India's permanent membership on the Security Council as India is not a signatory of the Nuclear Non proliferation Treaty and possess nuclear weapons- a source of great annoyance to the US.
- Pakistan-Pakistan opposes India's bid of permanent member.
- The structure of the Security Council itself-This is by far the biggest problem. India is already on the verge of having the verbal support of all the five permanent members, yet there is a slim chance that it will gain a permanent seat anytime soon. This would mean an amendment of the UN charter, which requires a two-third vote of general members and the support of the five permanent members. But whatever lip service the permanent five members may pay to supporting India, they will likely keep tabling the issue because allowing the country to join the permanent member sets a precedent that might open a floodgate and upset the power balance.

India is possibly the most obvious and least controversial option to add as a permanent member and probably long overdue for a seat. During his visit to India, the US president Obama has offered his support for India to become a permanent member of the Council but the reform of UNSC appears a distant possibility due to lack of political will on the part of leading global actors.

#### *Challenges in Restructuring the UNSC*

Security Council reform has been on the agenda for more than a decade. But member nations have

failed to agree on how big the Council should become and whether other nations should be given veto powers. No single proposal has ever won majority support. However the reluctance of the five permanent members to entertain any change undermining their states remains a major stumbling block. The existing five permanent members are keen to keep intact and perpetuate the prevailing status quo as it suits them. They argue that expansion, particularly involving the increase in the number of permanent member would make the decision making difficult and render the Security Council ineffective. USA is conscious that a larger body would be more unwieldy and a bigger collection of permanent members more difficult to manage. USA of course likes a council which it can dominate.

The lack of criteria for determining the eligibility of various countries is again given as an argument for neutralizing the demand for the expansion of the Security Council. The western powers are not willing to accept the rationale being the demand.

Some of the countries which do not qualify to be considered like Pakistan, are opposing the demand of reforming the Security Council. Pakistan has opposed, in particular, the Indian demand for grant of a permanent membership in the Council.

China is also reluctant to see its stature diminished. The thought of sharing permanent status with India and Japan is not one that evokes much joy in Beijing. Though, she has supported India's bid as a permanent member, with a rider that India does not associate its bid with Japan.

The acceptance of such a demand would require our amendment in the UN which cannot be made without the concurrence of the existing five permanent members. They are, however, not willing to concede the demand.

#### **Conclusion**

The UN has to operate today in a global environment that is complex, vastly more challenging and demanding than the world of 1945. The configuration of the Security Council not only mirrors the political and economic reality of 1945, but it is increasingly delegitimized center of power. Therefore this global institution urgently needs to reform its backward and obsolete interpretation of power that only perpetuates the status quo [16]. It must anticipate and embrace changes. If the existing institutions fail to keep pace with the changing world around us and the expectations of citizens, they will fall by the



wayside and will be replaced by new forms of association. The price of continued relevance and survival of the United Nations is thus continual change, adaptation and learning by the organization. The issues and preoccupations of the new millennium present new and different types of challenges from those that confronted us in 1945. The number of actors in the world affairs has grown enormously, the type of actors have changed very substantially, the interactions between them have grown dense and intense and the agenda of the international public policy has been altered quite dramatically with the changing temper of time. Hence UN needs to be modern and relevant. It must face the challenges of the 21st century more comprehensively & more effectively. Working in accordance with the need of time in 2015, during the 70th birth anniversary of UN, in a significant development, the UN General Assembly unanimously adopted a negotiating text for the Security Council reform, setting the stage for talks on the long pending reform process.

At a time when faster growing economies, more youthful populations and the concentration of natural resources are mainly in the developing world, a reform of global political management system to respond to crises and violence is even more imperative. If UNSC includes India and Brazil and also represents Africa and west Asia, it will infuse the council with deeper understanding and enable a wiser response to the world's cascading political crises.

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**Authors Affiliation**  
Assistant Professor, Dept. of  
Political Science, University  
College of Arts, Tumkur  
University, Tumakuru.

**Reprints Requests**  
**Gunde Gowda**, Assistant  
Professor, Dept. of Political  
Science, University College of Arts,  
Tumkur University, Tumakuru,  
Karnataka 572103  
E-mail:  
gundegowda1400@gmail.com

## Directive Principles: A Tool for Socio-Economic Development in India

Gunde Gowda

### Abstract

The directive principles enshrine the fundamentals for the realization of which the state in India stands. These principles place an ideal before the legislators of India while the frame the new legislation for the country's administration. They lay down the code of conduct for the administrators of India while they discharge their responsibilities as agents of the sovereign power of the nation. The real importance of the directive principles is that contain the positive obligation of the state towards its citizens. Though no one can approach the court of Law for the implementation of the principles, they play an important role in the socio economic development of the nation. This paper analyses the nature of the directive principles and their importance in the nation building.

**Keywords:** Constitution; Social Justice; Welfare Nation; Democratic Government; Rule of Law.

### Introduction

The Founding fathers of our constitution were influenced by the Irish nationalist movement, the declaration of the rights of man proclaimed by French national assembly, the American Independence and the United Nations Declaration of Human rights 1948. The constitutional assembly thought that these principles are essential to ensure the economic democracy to the nation. Finally these principles have been incorporated in the part IV of the constitution. These principles are guidelines given to the central and state governments, to be kept in mind while framing laws and policies. These provisions are not enforceable by any court, but the principles laid down there in are considered fundamental in the governance of the country, making it the duty of the state to apply these principles in making laws to establish a just society in the country.

#### *Directive Principles*

Article 36 to 51 of the constitution embodies the

directive principles. Article 37 reveals that

- The directive principles are not justifiable
- They are fundamental to the governance of the country.
- It shall be the duty of the state to apply these directive principles while formulating policies or making laws for the governance of the state.

#### *Classification of Directive Principles*

##### *Socialist Principles*

Article 38- the state shall Endeavour to formulate such Social system which will secure social, economic, and political justice to all in all the spheres of life.

Article 39(a)- the state shall try to formulate its policy in such a manner so as to secure adequate means of livelihood for all its citizens. Article 39(b) - the ownership of material resources would be controlled in such a manner so as to subserve the common good. Article 39 (c) The economies of the

state will be administered in such manner so that wealth may not yet be concentrated in a few hands and the means of production may not be used against the public interest. Article 41, the state will work within the limits of its economic viability and progress, provide to the citizens the right to work, the right to education and general assistance in the event of unemployment, old age, disease and other disabilities. Article 42. The state will make provisions for the creation of just and humane conditions of work. It will also ensure maternity relief. Article 43 – the state will ensure adequate wages, good life and rest to the labourers. The state will also endeavour to make available to the labourers various Socio- cultural facilities.

#### *Liberal Principles*

Article 44 - the state shall endeavour to formulate and implement a uniform civil code for all the people living throughout the territory of India. Article 45 – the state shall endeavour to provide early child hood care and education for all the children until they complete the age of six year. Article 47- the state shall strive to raise the level of nutrition and the standard of living. Thus, it will endeavor to improve upon the health of the people. Article 48. The state shall strive to organize agriculture and husbandry on modern and scientific lines. It will also try to maintain and improve upon the breed of the animals. Article 50- the state will try to separate the judiciary from the executive in the case of public service.

#### *Gandhian Principles*

Article 40 – the state will strive to organize panchayats in villages and will endow them with such powers which enable them to act as units of self – government. Article 43 – the state shall strive to develop the cottage industry in the rural areas both, on individual or cooperative basis. Article 47 – the state will strive to ban the consumption of wine, other intoxicating drinks and all such commodities which are considered injurious to health. Article 48 suggests that the state will ban slaughtering of cows. Calves and other milk cattle.

The preamble of our constitution makes explicit, the resolve to create a “socialist and democratic republic” in order to secure economic and political justice, equality, liberty, and dignity. The edifice of our constitution is built upon the concepts crystallized in the preamble. We resolved to constitute ourselves into a socialist state which carried with it the obligation to secure to our people justice – social economic and political. We therefore,

put part IV into our constitution containing directive principles of state policy which specify the socialistic goal to be achieved.

In a case of a supreme importance state of Madras V. Champakam Dorairajan contended that Article 46 Charges the state with promoting with special care the educational and economic interests of the weaker sections of the people, and in particular, of the scheduled cases and the scheduled Tribes and with protecting them from social injustice and all forms of exploitation.

The Supreme Court on answering to the question as to whether the power of government to fix minimum wages was restrictive of trade and business held that freedom of trade does not mean freedom to exploit. The provisions of the constitution are not erected as barriers’ to progress. It is a fallacy to think that in our constitution there are only rights and no duties. There is no conflict between part III and part IV of the constitution which are complementary and supplemental to each other.

Article 38 provides that the State shall secure a social order for the promotion of the welfare of its people. The constitution forty fourth Amendment Act 1978, by inserting new clause (1) in article 38 have provided that the state shall strive to promote the welfare of the people by securing and protecting as effectively as it may be as social order in which justice, social, economic and political, shall inform to the institution of national life.

The preamble and article 38 of the constitution envision social justice as the arch to ensure life to be meaningful and livable with human dignity. The constitution commands justice, liberty, equality and fraternity as supreme values to usher the egalitarian social, economic, and political democracy. Social justice equality and dignity of persons are cornerstones of social democracy.

The supreme court in Harjinder Singh vs Punjab State warehousing corporation held that while exercising jurisdiction under article 226 and /or 227 of the constitution, the High Courts are duty bound to keep in mind that the Industrial Disputes Act and other Similar legislative instruments are social welfare legislations and the same are required to be interpreted keeping in view the goals set out in the preamble of the constitution and the provisions contained in the part IV thereof in general and Articles 38, 39(a) to (e), 43, and 43A in particular, which mandate that the state should secure a social order for the promotion of welfare of the people ensure equality between men and women and equitable distribution of material resources of the

community to Sub-Serve the common good and also ensure that the workers get their dues  
Implementation of the Directive Principles.

The central and State Governments have made many efforts to implement these principles. The 86<sup>th</sup> constitutional amendment of 2002 inserted a new article that is 21-A into the constitution to provide free and compulsory education to all children aged 6 to 14 years. The Government enacted the prevention of Atrocities Act which provided serve punishments for such atrocities.

Several land reform Acts were enacted to provide ownership rights to poor farmers. The thrust of banking policy in India has been to improve banking facilities in the rural areas. The minimum wages Act of 1948 empowers the government to fix minimum wages for employees engaged in various employments. The consumer protection Act of 1986 provides for the better protection of consumers the Act is intended to provide simple, speedy and inexpensive redressal to the consumers' grievances. The Equal Remuneration Act of 1976. Provides for equal pay for equal work for both men and women. The rural development programmes like SGRY, EAS, and MGNREGA were launched to attain the objective of gainful employment for the rural poor. These programmes are being implemented through the Panchayat Raj Institutions.

### Conclusion

The Directive principles have been used to uphold the constitutional validity of legislations in case of a conflict with the fundamental rights. Dr. B.R.

Ambedkar rightly pointed out in constitutional assembly that the 'Central and the State Governments should born in mind when they are formulating the policies for the nation. If any Government ignores these principles, people will teach the lesson to the Government at the time election'. India is a agrarian Nation where most of the people are living rural areas and their depending upon Agriculture the Government must formulate the policies as directed in the part IV of the constitution. The Supreme court, after the judgment in the KeshavananadaBharati case has adopted the view of the fundamental rights and the directive principles being complementary to each other, each supplementing the others role in aiming at the same goal of establishing a welfare state by means of social revolution.

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Gastroenterology International	2	5500	550
Indian Journal of Agriculture Business	2	5000	500
Indian Journal of Anatomy	3	8000	800
Indian Journal of Ancient Medicine and Yoga	4	7500	750
Indian Journal of Anesthesia and Analgesia	3	7000	700
Indian Journal of Anthropology	2	12000	1200
Indian Journal of Biology	2	4000	400
Indian Journal of Cancer Education and Research	2	8500	850
Indian Journal of Communicable Diseases	2	8000	800
Indian Journal of Dental Education	4	4500	450
Indian Journal of Forensic Medicine and Pathology	4	15500	1550
Indian Journal of Forensic Odontology	2	4500	450
Indian Journal of Genetics and Molecular Research	2	6500	650
Indian Journal of Law and Human Behavior	2	5500	550
Indian Journal of Library and Information Science	3	9000	900
Indian Journal of Maternal-Fetal & Neonatal Medicine	2	9000	900
Indian Journal of Medical & Health Sciences	2	6500	650
Indian Journal of Obstetrics and Gynecology	3	9000	900
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### Standard journal article

[1] Flink H, Tegelberg Å, Thörn M, Lagerlöf F. Effect of oral iron supplementation on unstimulated salivary flow rate: A randomized, double-blind, placebo-controlled trial. *J Oral Pathol Med* 2006; 35: 540-7.

[2] Twetman S, Axelsson S, Dahlgren H, Holm AK, Källestål C, Lagerlöf F, et al. Caries-preventive effect of fluoride toothpaste: A systematic review. *Acta Odontol Scand* 2003; 61: 347-55.

### Article in supplement or special issue

[3] Fleischer W, Reimer K. Povidone iodine antiseptics. State of the art. *Dermatology* 1997; 195 Suppl 2: 3-9.

### Corporate (collective) author

[4] American Academy of Periodontology. Sonic and ultrasonic scalers in periodontics. *J Periodontol* 2000; 71: 1792-801.

### Unpublished article

[5] Garoushi S, Lassila LV, Tezvergil A, Vallittu PK. Static and fatigue compression test for particulate filler composite resin with fiber-reinforced composite substructure. *Dent Mater* 2006.

### Personal author(s)

[6] Hosmer D, Lemeshow S. Applied logistic regression, 2<sup>nd</sup> edn. New York: Wiley-Interscience; 2000.

### Chapter in book

[7] Nauntofte B, Tenovou J, Lagerlöf F. Secretion and composition of saliva. In: Fejerskov O, Kidd EAM,



editors. Dental caries: The disease and its clinical management. Oxford: Blackwell Munksgaard; 2003. p. 7-27.

### **No author given**

[8] World Health Organization. Oral health surveys - basic methods, 4<sup>th</sup> edn. Geneva: World Health Organization; 1997.

### **Reference from electronic media**

[9] National Statistics Online – Trends in suicide by method in England and Wales, 1979-2001. [www.statistics.gov.uk/downloads/theme\\_health/HSQ\\_20.pdf](http://www.statistics.gov.uk/downloads/theme_health/HSQ_20.pdf) (accessed Jan 24, 2005): 7-18. Only verified references against the original documents should be cited. Authors are responsible for the accuracy and completeness of their references and for correct text citation. The number of reference should be kept limited to 20 in case of major communications and 10 for short communications.

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