General Knowledge Today

Indian Society: Module-1: Backgrounders

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Topic 1. Salient Features of Indian Society

Unity in Diversity

The most often noticed feature of Indian society is "Unity in Diversity". This phrase celebrates how India has been stronger by welcoming various cultural, social and ethnic elements. It also transcends the notion *accommodation without assimilation* has been the key feature of Indian civilization. India has accommodated different elements of society without letting them lose their separate identity. We have got enough freedom to practice our own way of life.

We note that Unity in Diversity is not something unique to India only. This concept is a popular motto in most nations and it has also provided backbone to several political and social movements around the world. Its core idea is "unity without uniformity" and "diversity without fragmentation". It is based on the notion that diversity enriches human interaction.

"Unity in diversity" is a popular motto within and among nation states, and also in political and social movements.

Different Elements of Unity in Diversity

For academic purpose, we can divide the different elements of unity in diversity in Geographical elements, religious elements, cultural elements, political elements and linguistic elements. A brief idea about each of them is as follows:

Geographical Elements of Unity in Diversity

India has diverse geography. At broadest level, the country can be divided into several regions viz. Himalaya, northern plains, plateau of central India and Deccan, Western & Eastern Ghats, Thar Desert etc. Each of them has different climate, temperature, vegetation, fauna, people and so on.

Despite of this diversity, India has been defined as a distinct geographical unit since ages. A sloka in *Vishnu Purana* defines *Bharata as the land which is south of snowy mountains and north of ocean.* The country was time and again unified by different imperialist forces taking into consideration its geographical distinctness. There was a time two kings were known as Uttarapathapathi {Harsha} and Dakshinapathpathi {Pulkeshi}, thus giving a notion of only two parts of this vast country. The medieval sultans and mughals tried to consolidate their empire from north to south, geographically. British also did the same.

Religious Elements of Unity in Diversity

India has multitude of religions including majority Hinduism and minority Islam, Sikhism, Christianity, Buddhism, Jainism, Zoroastrianism, Judaism, Bahá'í Faith and so on. The religious diversity has been one of the main divisive force in the country leading to problem of communalism, yet this diversity has many a times kept the country united in difficult times. Religious unity is

particularly visible when a war or a disaster happens. Time and again, India has stood united in crisis, and that is what religious unity in diversity of India is.

This apart, we see everyday examples of religious harmony such as use of *Ganapati Pandal* as a makeshift mosque for Muslims; and Hindus participating in Eid festivities {[reference]}; Sikhs building mosques for Muslims; Muslims kids robed as Krishna for Janmasthmi festivals and so on. There are some religious centres in the country {Ajmer Sharif, Bodhgaya, Golden Temple in Amritsar etc.} which have acquired a character that goes beyond one religion.

Cultural Elements of Unity in Diversity

The Cultural unity in diversity of India is generally denoted with the phrase "*Ganga-Jamuni Tahjeeb*" or India's composite culture. Despite of diversity, there are numerous cultural elements and factors that have shaped India's composite culture. Some of them are as follows:

Indian Music

The best example of India's composite culture is our music, particularly the Hindustani Classical Music. It has ancient origins, yet emergence of a highly developed and enriched music of northern India could not have been possible without Muslim contributions and its patronage. Emergence of Khayal from Dhrupad, Tabla from Pakhawaj / Mridangam are some of the key examples. Indian Veena and Persian Tambura merged to emerge as Sitar. Similarly, Ghazals and Qawwalis have played a unifying factor between the people of Indian sub-continent.

Daily Life

Each religion has influenced other in its customs, manners, rituals, etiquettes, dress, consumes, cooking, fairs, festivals, games, sports and so on. For example, *Nisbat, Mehendi, Haldi, Tel, Mandwa, Jalwa, Barat, Kangan* etc. are the Muslim adaptation of Hindu ceremonies. Similarly, when lower Hindu caste people converted to Islam during Sultanate and Mughal era, they kept their livelihood / vocational practices attached to the caste, thus we have Muslim castes as well including Julahas, Ansaris and so on.

Religion – Bhakti & Sufi Movement

Bhakti Movement dissolved the separate religious identities to a great extent and provides a great contribution to India's composite culture. It gave a rude shock to Brahanical influence over Hinduism as well as religious bigotry in Islam. It brought to fore the universal brotherhood, equality and oneness of God while rejected castes, rituals, idol worship etc.

Essence of both Bhakti and Sufi movements was that they are not purists. Purism brings bigotry. Both of them brought Hindus and Muslim closer and thus contributing in compote culture of the country. The early Sufi saints laid great emphasis on love and had a pantheistic approach that was inherently in conflict with orthodoxy. Some practices of Sufi saints such as penance, fasting and

holding the breath are sometimes traced to the Buddhist and Hindu yogic influences. Also, other evidence suggests that Hindu and Buddhist rituals have been absorbed and assimilated by the Sufis. The similarities between Hinduism, Buddhism and Sufism provided a basis for mutual toleration and understanding. The Chishti and Suharwardi orders both helped create a climate of opinion where people belonging to different sects and religions could live in harmony.

For its part, the Bhakti movement preached against the caste system using the local languages so that the message reached the masses. The values preached by the Bhakti saints coincided with the Islamic ideas of equality and brotherhood preached by Sufi saints. Together, these saints called for unity between Hindus and Muslims. The goal of saints like Kabir and Nanak was to unite all castes and creeds. They denounced untouchability and emphasized the fundamental unity of man.

Literature

Different regions of India contributed to the promotion of literature and higher learning to the composite culture of India. For example, Vedas were developed in North-West {Sapta-Sindhu region}, Yajurveda and Brahmana in Kuru-Panchal region; Rajatarangini in Kashmir; Upanishads in Magadha; Gita Govinda in Bengal, Charyapadas in Odisha, West Bengal and Assam; Mahakavyas and dramas of Kalidasa in Ujjaini; Bhavbhut's works in Vidarbha; Dasakumarcharita of Dandin in Deccan; Sangam Literature in South and so on. Similarly, Taxila, Nalanda, Varanasi, Vallabhi, Vanvasi, Amaravati, Nagarjunkonda, Kanchi, Madurai and Odantapuri are shining examples of seats of higher learning in India.

Political Elements of Unity in Diversity

Though it is believed that India's continuity as a civilization was social and cultural rather than political; yet idea of bringing entire country under one central authority has been dream of great kings, sultans, emperors and rulers. This idea was put into practice by Chandragupta; Asoka; Harsha; Akbar and British rulers. Despite this, India was never a well organized political unit. Even during British India, there were 600 princely states which were internally autonomous. Then, our current form of democracy and government draws its existence from different political parties, political ideologies and so on.

Linguistic Elements of Unity in Diversity

While three fourth of India speaks Indo-Aryan Languages, Dravidian languages are spoken by one fourth of Indians. India has 122 major languages and 1599 dialects, thus making it one of the most linguistically diverse nations around the world. The languages have been a divisive as well as adhesive force in the country. English emerged as lingua franca of the country and serves as medium of communication between two people who have different mother tongue. Similarly, Hindi has also, to a great extent, served to keep the country united. Despite major issues such as demand of linguistic

states, status of minority, anti-Hindi movements etc. have posed major challenges to governments from time to time.

Institution of Pilgrimage as element of Unity in Diversity

One of the important source of unity in India is its pilgrimage culture, reflected in network of religious shrines and sacred placed. For example, Badrinath, Kedarnath in North, Dwarka / Somnath in West, Rameshwaram in South, Puri in Eas and holy rivers across the length and breadth of the nation have fostered the sense of India as one unit.

Accommodation within Hinduism as element of unity in diversity

Hinduism is not a homogenous religion with one God, one book, one temple and so on. It is a federation of faiths with multiple deities, multiple Holy Scriptures and multiple of faiths and philosophies including atheism. Its elastic character of Hinduism that has accommodated and adjusted with various faiths, religions etc. and has allowed coexistence of several faiths in India.

Tradition of Interdependence as element of unity in diversity

Despite the fact that ours is a caste ridden society, India has a remarkable tradition of inter-dependence, which has kept it united for centuries. One example is the *Jajmani System* or functional interdependence of various castes. *Jajman* or *Yajman* is the recipient of certain services. This system initially developed in the villages between the food producing families and the families which supported them with other goods and services. The entire gamut of social order developed with Jajmani links with multiple types of payments and obligations. None of the caste was self sufficient and it depended for many things on other castes. Thus, each caste worked as a functional group and was linked with other caste via the mechanisms of Jajmani system.

Though Jajmani system represented the inter-linking of Hindu caste yet, in practice this system crossed the boundary of religion and provided linkages between different religions also. For example, Hindu's dependence on Muslim weaver or washerman or Muslim's dependence on Hindu trader / tailor / Goldsmith etc. is a manifestation of that mechanism only, though not called so.

Topic 2. Social Institutions & Issues

Social Institutions: Family, Marriage and Kinship: Please read this blog for basic knowledge about family; this blog about marriage and this one for kinship. These provide only fundamental knowledge and don't need to be included here for GS Mains.

Concept of HUF and Recent HC Judgement

In January, 2016, in a landmark judgement, the Delhi High Court has held that the eldest daughter can also be a 'karta' (manager) of the Hindu Undivided Family.

What is the Hindu Undivided Family (HUF)?

Hindu Undivided Family (HUF) concept is based on traditions and customs. An HUF consists of all persons who are lineally descended from a common ancestor, including their wives and daughters. Sons-in-law and daughters-in-law are not part of the HUF, even though they are members of the 'joint family'. This is the difference between an HUF and a 'joint family'.

The concept of HUF comes under the Hindu Succession Act and it applies to all Hindu families. The concept even applies to Buddhists, Jains, and Sikhs, and to any person in India who is not Christian, Muslim,Parsi or Jew by religion. The members of Scheduled Tribes are exempted from the law.

Who is karta and who are coparceners of HUF?

An HUF consists of karta and coparceners. The karta is generally the eldest person or head of the family whereas all other family members are considered as coparceners. Children are also coparceners of their father's HUF. When a woman gets married, she becomes a member of her husband's HUF, while she continuing to be a coparcener of her father's HUF. The karta manages day-to-day affairs of the HUF. As the "head of the family", the karta can take decisions related to sell/buy/rent of the property. Even without the consent of the rest of the family, the karta can enter into contracts, compromises and can take loans on behalf of the family. However, this can be done only for the "good of the family".

What are the provisions for an HUF under Income-tax Act, 1961?

Under Income-tax Act, 1961, an HUF is considered as a 'person' i.e. as a separate entity for the purpose of tax assessment. An HUF is taxed with same slab rates as applicable to an individual income tax assesse. An HUF obtains separate Permanent Account Number (PAN) in the name of the HUF. This will bring down the family's tax liability as the income earned from assets and businesses owned by the HUF are assessed separately. However, once the family income is assessed as an HUF, it will be continued in subsequent assessment years as well till partition is claimed by the coparceners.

What are the provisions about inheritance in an HUF?

In an undivided family, the ancestral property hasn't been partitioned among the sons and daughters. As per the Hindu Succession Act, all people who born in the family have the right to the HUF property. The Hindu Succession Act, 1956 included only the male members as coparceners. By an amendment to the act in 2005, daughters are also provided equal rights. Daughters become coparceners of their father's families on birth same as sons, and have the same rights as sons in the family properties.

What is the Delhi High Court's judgement?

In Delhi High Court, a suit was filed by Sujata Sharma, saying that as the eldest member of their

generation, she would be the karta. The male members of the family not allowed her to become karta and said that the 2005 amendment didn't automatically give her any right to manage the property as karta.

The Delhi High Court bench said that since the 2005 amendment had given equal rights to daughters to become coparceners then there is no reason why daughters should not be allowed to become karta. The court said that by virtue of being the first-born, the eldest daughter can become karta of an HUF.

While the judgement is welcomed, there are apprehensions that the kartaship to women may raise practical problems as women of most business families in the country rarely participate in the actual management of the business and property.

Domestic Violence, DV Act and Recent SC Judgement

Domestic violence is a worldwide phenomenon. In India, it is prevalent in all castes, classes, religious groups and regions. Most of domestic violence incidents are against women however, men are also victim of the same.

Domestic Violence against Women

There are a number of factors as cause of domestic violence against women such as patriarchal structure of the families; strong link between demand for dowry and domestic violence; hesitancy to report cases of domestic violence and other factors such as socioeconomic class, educational level and family structure beyond the patriarchal framework.

In India, the *Protection of Women from Domestic Violence Act of 2005* defines and covers the domestic violence against women. This law has defined domestic violence as "any act, omission or commission or conduct of the respondent which:

1. harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

2. harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

3. has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or

4. otherwise injures or causes harm, whether physical or mental, to the aggrieved person."

Implications

The effects of physical and emotional abuse that women suffer are manifested in serious physical

health problems, like injury, unwanted pregnancy, STDs, miscarriage, permanent disabilities etc. Apart from these mental health effects like depression, anxiety, post traumatic stress disorders etc. also occur.

Protection: Legal Measures

While dowry related violence or cruelty has been covered in section 498-A of the Indian Penal Code, an additional law was enacted by the parliament as *Protection of Women from Domestic Violence Act of 2005* to explicitly define domestic violence in addition to dowry-related cruelty and provide maintenance, shelter, or interim finances to a woman subjected to domestic violence or harassment by an adult male.

However, this act protects women from domestic violence and is seen as an additional weapon in the bad woman's legal artillery. It has been alleged to be pro-women and anti-men as it assumes every man as a virtual torturer and considers only women as victims via its section 2(q) {this section defines adult make as torturer}. Further, it does now allow prosecution of a woman against woman {*for example – mother-in-law tortured by daughter-in-law or vice versa*}.

Further, the law is highly vague and speaks of verbal/economical; emotional abuse, which are impossible to quantify; ascertain. Many husbands and their family members, falsely implicated in these cases have committed suicide after being jailed, unable to bear the social trauma. Further, more suicide victims were married males in comparison to married females, which shows the ratio of victims of domestic violence and gender abuse.

October 2016 Supreme Court Judgement

In October 2016, the Supreme Court has made a verdict to delete the words "*adult male*" before the word 'person' in Section 2(q) of the Act making it gender-neutral. The remaining part of the legislation would remain operative and was kept untouched. This order paves the way for prosecution of women and even non-adults for subjecting a woman relative to violence and harassment. It strikes down two words from Section 2(q) of Act which deals with respondents who can be sued and prosecuted under it for harassing a married woman in her matrimonial home.It also allows a woman to seek legal action against her daughter-in-law and even her minor grandchildren for domestic violence. According to SC, microscopic difference between male and female, adult and non-adult is neither real nor substantial. It also does not have any rational relation to the object of the legislation. The words "adult male" also violated right to equality under Constitution. It is contrary to object of affording protection to women who have suffered from domestic violence of any kind.

Domestic Violence Against Men

The National Family Health Survey, 2004 has found that around 1.8% or an estimated 60 lakh women had perpetrated physical violence against their husbands without any provocation. Further, the Domestic Violence act has been mis-used by the daughter-in-laws against their husband and father-in-laws. There has been a demand for not only making the 2005 gender neutral but also to pass a similar law for protection of men from domestic violence. However, so far only the following options are available for men:

- If a wife makes false allegations of domestic violence against her husband, it would amount to cruelty and is a valid ground for divorce.
- Henceforth, the Protection of women law 2005 will be considered Gender neutral {though it still protects women against other men or women}.

Thus, there has been a demand for a law to protect men from domestic violence to cover millions of those men who feel victimised and left out.

Types of Muslim Marriages and Divorces

Muslim Marriage or *Nikah* is held as a legal civil contract between a man and a woman carried out on the basis of *ijab-o-qabool. Ijab* is a proposal from one party and Qubool is acceptance from other. According to Sharia law, this contract is considered as integral to a religiously valid Islamic marriage that legalises sexual relation between man and woman to produce children. The contract is *never permanent* and can be *broken at the will of husband and wife*.

Key features of Muslim Marriage

- Marriage in Islam is not considered as sacrament (sacred) but a social contract of obligation between a man and woman to live together and to procreate children.
- This contract is legitimate only when there are two male or one male & two female witnesses and accepted by both the parties in single sitting.
- This contract is not permanent. Couple are not assumed to live together till death. The contract can be broken by seeking divorce by the either party.
- The husband has to pay 'Mahr' a payment to the bride before entering in a contract which she can spend as per her will.
- Islam does not allow celibacy as it believes that this leads to all sorts of psychological and physical tensions and problems; though sexual relationship outside marriage is crime in Islam.
- The key difference in marriages between Islam and other faiths is that, to this day, a man may have four wives simultaneously.
- Polyandry is not allowed in Islam, Muslim women are supposed to have only one husband at a time.

Types of Marriages in Muslims

There are four types of marriages practiced by Muslims as follows:

Sahih Marriage

This is the valid form of marriage as per the Sharia Law. The children born from this marriage are legitimate. It is obligatory for husband to pay Mahr as a dower his wife. The wife is entitled to get maintenance from her husband. The husband has rights to prohibit his wife movements under this marriage.

Fasid Marriage

This marriage is an irregular marriage as the two parties fails to fulfil the prerequisite norms required for the valid marriage. Irregularities like marriage without witness, marriage with fifth wife etc.

Muta Marriage {temporary marriage}

This marriage is carried out under a contract for temporary period. It is legitimate in Shia Muslims only. Shia Muslims practice such marriage with a woman from Mahomedan, Jewish, Christian religion.

Batil marriage

This type of marriage is completely unlawful according to Muslim law because the marriage takes place through forced consent of woman and other prohibited grounds. The offspring from such marriage is illegitimate.

Divorce in Muslim marriage

Muslim marriage is not a permanent, husband and wife both can end their marriage by dissolution of contract through divorce. There are six types of divorce in Muslims, where a man and a woman both can seek for divorce.

Talaq

It is the simplest way to end the marriage where the husband simply has to say Talaq thrice in order to discard his wife whenever he chooses to do so for any reasons good, bad or no reason.

Talaq bu Tafweez

This type of divorce is given by the wife to her husband by virtue of the power delegated to her husband at the time of marriage or even thereafter.

Kula

Here the divorce is held by request of the wife in which she has a right to buy her release from marriage from her husband.She has to return the Mahr if she dissolves the marriage through 'Kula' divorce otherwise she can keep the Mahr.

Mubaraat

Divorce is held through the mutual consent of both husband and wife where they together decide to separate from the marriage agreement.

Illah

Here the husband swears to God for not having sexual relation with his wife for 4 months and fulfilling the said condition leads to divorce which is irrevocable.

Zibar

It is a mode of divorce in which the husband intentionally compares his wife with his mother or any other female within prohibited degree to end the marriage.

Lian

Here, the wife files a suit for dissolution of marriage for the false charges of adultery on her by her husband.

Divorce through the Dissolution of Muslim Marriage Act, 1939

This act enables a Muslim wife to seek divorce through court on the ground of:

- If the whereabouts of the husband are unknowns for 4 years
- If the husband fails to provide the maintenance of the wife for 2 years
- If the husband has been sentence of imprisonment for 7 years or more.
- If the husband fails to perform martial obligations or if he is impotent from the beginning of the marriage or if the husband is a psycho.
- Repudiation of marriage i.e. if the wife was married before she was 15 she has right to repudiate the marriage before she turns 18.
- If the husband carries habitual assault, if he forces her to lead immoral life or disposes off her property or obstructs her practice of religion these conditions are liable to end the marriage.

Issue of Triple Talaq

The debate over Triple Talaq was recently revived by a Law Commission questionnaire whereby it sought public views on abolition of the practice of 'triple talaq'.

About Triple Talaq

Triple Talaq refers to a process of divorce whereby the Husband utters the word "Talq" thrice in one sitting; thus getting out of the marriage contract. This practice is controversial and has different interpretation among different sects of Islam. Some scholars argue that saying triple talaq in one sitting is null and void and there should be a period of 3 months {three menstrual cycles} between each Talaq. Nevertheless, this practice has been legally recognized in many countries and is particularly practiced in few countries such as Saudi Arabia. At the same time, it has been banned by law in many countries including Pakistan, Bangladesh, Tunisia, Indonesia, Algeria, Iran, Iraq etc. Around the world, this practice is valid in Sunnis only; most shia nations have held it invalid. This practice is still valid in India.

Triple Talaq in India – Judicial Pronouncements

The first notable judicial pronouncement came in 2002 in the *Shamim Ara vs State of UP* case. Though Talaq was not held invalid in this case, yet, the Justice RC Lahoti said that *talaq must be pronounced on cogent plausible and reasonable grounds.* This verdict also said that prior to talaq, the spouses must appoint two arbitrators, who would make all efforts for reconciliation and resolution. Once all efforts having failed, talaq shall come into effect.

The above verdict though did not invalidate the triple talaq yet, tried to give it a process.

In 2002 only, the Aurangabad bench of Bombay High Court invalidated the triple talaq by giving reference from Quran in *Dagdu Pathan vs Rahimbi* case. In this case, the court declared that a Muslim husband can not repudiate the marriage at will and has to prove that all stages – conveying the reasons for divorce, appointment of arbitrators and conciliation proceedings between the parties were followed.

These judgements served the basis of several later rulings and thus invalidated the instant talaq.

The fiercest opposition to this issue comes from A*ll-India Muslim Personal Law Board.* It has expressed its disquiet over a petition requesting the Supreme Court to determine the constitutional validity of triple talaq.

Arguments

The key argument to support the validity of triple talaq is that since Muslims in India are in minority, any change in their personal law would not only alter their religious practice but would pave the way for further changes. Thus, despite the fact that over 90% Muslim women want to get rid of this whimsical practice, the Muslims resist this change. This apprehension though can be repudiated on the fact that in Sri Lanka also, Muslims make less than 10% of population but they have enacted Marriage and Divorce (Muslim) Act, 1951, which does not recognise instant divorce.

Issues around Dowry Laws

Dowry is the money, goods or estate that a woman brings to a marriage. Dowry is illegal in India under the *Dowry Prohibition Act of 1961*, under which both giving and accepting dowry is offence. The punishment for violating the law is 5 years imprisonment + Rs.15000/- fine or the value of the dowry given, whichever is more.

The Dowry Prohibition (DP) Act 1961

This legislation prohibits the request, payment or acceptance of a dowry, "as consideration for the marriage". Here "dowry" is defined as a gift demanded or given as a precondition for a marriage. Gifts given without a precondition are not considered dowry, and are legal. Asking or giving of dowry can be punished by an imprisonment of up to six months, a fine of up to Rs. 15000 or the amount of dowry (whichever is higher), or imprisonment up to 5 years.

Dowry and Indian Penal Code

Apart from the Dowry Prohibition (DP) Act 1961, the menace of dowry has been covered in three sections of Indian Penal Code viz. Section 406 {recovery of the Streedhan}, Section 304-B {Dowry deaths} and Section 498-A {cruelty on the basis of demand of dowry}. However, there are some major issues with these laws as discussed under.

The issue of differentiation between the Dowry and Streedhan

Section 406 of the Indian Penal code is usually applied in investigation of stridhan recovery from the husband and his family. **Stridhan** is what a woman can claim as her own property within a marital household. It may include her jewellery (gifted either by her family), gifts presented to her during the wedding or later, and the dowry articles given by her family. Offences under this section are Non-bailable and cognizable.

The issue with this section of IPC is that it *hardly demarcates the boundary between the Dowry and Streedhan.* Streedhan belongs to the woman while dowry is something which is given by either party to another.

Issues with IPC Section 498A

Section 498A is considered to be most draconian provision of the IPC with respect to dowry. It says that if the husband or a relative of the husband of a woman, subjects the woman to cruelty, he shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Here, the offence of cruelty is considered to be **non-compoundable** and **non-bailable**. This means that once a case is lodged, there cannot be compromise. This is seen as a big loophole in the Indian law because being a non-compoundable offence; the dowry laws have been misused to harass the groom's family.

In 2002, the **Law Commission** had recommended watering down the anti-dowry law to make it less stringent by allowing the woman involved in the case to withdraw the case with the permission of the court provided she is not under any pressure. The commission, headed by Justice PV Reddi, has also recommended to the government to make Section 498-A of the Indian Penal Code (IPC).

Similarly, **Justice Malimath Committee on Reforms of Criminal Justice System**, 2003 observed the following and gave the recommendation to amend the law immediately.

- The less tolerant impulsive woman may lodge an FIR even on a trivial act. The result is that the husband and his family may be immediately arrested and there may be a suspension or loss of job.
- The offence alleged being non-bailable, innocent persons languish in custody. There may be a claim for maintenance adding fuel to fire, if the husband cannot pay.

- The woman may change her mind and get into the mood to forget and forgive. The husband may realize the mistakes committed and come forward to turn a new leaf for a loving and cordial relationship. The woman may like to seek reconciliation. But this may not be possible due to the legal obstacles. Even if she wishes to make amends by withdrawing the complaint, she can not do so as the offence is non compoundable. The doors for returning to family life stand closed. She is thus left at the mercy of her natal family.

It is often seen that some women have turned the tables and are using these laws as weapon to unleash personal vendetta on their husbands and innocent relatives. So far, the amendment of the law has been largely ignored.

Acid Attacks

Acid violence constitutes gender-based violence, a form of discrimination under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

Reasons of High Frequency of Acid Attacks

The reason for the high frequency rate of acid attacks in India is that concentrated acid is cheap and easily available in the market, for as low as Rs. 16-25 per litre. There are no legal restrictions imposed on buying or selling acid. Acid attack perpetrators do not usually intend to kill their victims, but to cause long-lasting physical damage and emotional trauma but may still result in death. Acid is a corrosive liquid that has the potential to seep deep into the skin and damage muscles, blood vessels, and bones. Burns experts and plastic surgeons point out that the injured part should be bathed in cool running water for at least 15 minutes so that the acid is diluted and washed away. Incidentally, not many Government hospitals are aware of this

Acid attacks cause immediate damage, disfigurement, pain, and long lasting medical complications for victims. Acid can melt away a victim's skin and flesh, going as far as dissolving bones.

The burned skin dies, turning black and leathery, and severe scarring results. After the attacks, victims are at risk of breathing failure due to the inhalation of acid vapours which cause either a poisonous reaction or swelling in the lungs. Acid burn victims may suffer from infections, which can also cause death if not treated properly.

Executive Actions

- *The efforts by the government, including the various state women's commissions and the Ministry of Women and Child Development, to curb acid attacks on women has not been fruitful so far.*

- *The National Commission for Women had in 2009 proposed a Scheme for Relief and Rehabilitation of Offences (by Acids) on Women and Children, which emphasised disbursing Rs. 50,000 for a victim's treatment immediately after an acid attack. Depending on the nature of injuries and the treatment*

required, this could go up to Rs. 25 lakh.

- *Besides, the family or legal heir would be entitled to a compensation of Rs. 2 lakh. But none of these provisions have been implemented.*
- *The JS Verma Committee had recommended* adding new sections in the IPC to make voluntary throwing or attempting to throw acid a serious crime with enhanced punishment.
    - In case of a person voluntarily causes grievous hurt through use of acid, he will be punished with rigorous 10-year imprisonment, which may extend to life.
    - He will also be liable to pay compensation to the victim, adequate to meet at least the medical expenses incurred by the victim.
    - In case of voluntarily throwing or attempting to throw acid, the accused will face rigorous imprisonment for a term of 5-7 years, besides paying compensation to the victim.

Judicial Actions

In July 2013, the Supreme Court directed states and union territories to frame rules to regulate sale of acids and other corrosive substances within three months and make acid attack a non-bailable offence. After the SC direction, the government has also agreed to classify acids under the Poisons Act, 1919.

The SC also ruled that

- Acid should _only be sold to those over 18 years_ and on production of a government-issued photo ID with residential address.
- The seller must _note down the reason for buying_ and the quantity, with the punishment for non-compliance being a fine of up to Rs. 50,000.
- Institutions which need acid for work, etc, have also to follow certain guidelines while purchasing storing it and name persons accountable.
- State governments who have not done so already must draw up a victim compensation scheme, the amount being not less than Rs 3 lakh out of which 1 lakh is to be paid within 15 days of the attack.

Legislative Actions

Prevention of Offences (by Acids) Bill 2008

The National Commission for Women (NCW) had come up with a draft of the Prevention of Offences (by Acids) Act (Bill), 2008. This bill proposed that a _national acid attack victims' assistance board_ be set up to recommend strategies for regulating and controlling the production, hoarding, import, sale and distribution of acids. This bill however, lost in oblivion somehow.

Criminal Law Amendment Act 2013

The Indian Penal Code didn't define "Acid Attacks" therefore it is difficult for the prosecution to put up a strong case against the culprit. Police officers initially charged the accused under Section 307 (attempt to murder) of the IPC, and after the women's deaths, with murder under Section 302. The Criminal Law (Amendment) 2013 has inserted Sections 326(A) and 326(B) in the Indian Penal Code (IPC) to deal with acid attacks. Section 326(A) states that whoever causes permanent or partial damage shall be punished with minimum 10 years in jail to a life term and a fine up to Rs. 10 Lakh to be given to victim. Eventually, these provisions are gender neutral so protect the male also.

PCPNDT Act

Ultrasound applies to all sound waves with a frequency above the audible range of normal human hearing that is around 20 kHz. The frequencies between 2 to 18 MHz are used in diagnostic ultrasound or ultrasonography for visualizing subcutaneous (below skin) body structures including tendons, muscles, joints, vessels and internal organs.

Background

The ultrasound techniques gained widespread popularity in India in 1990s. In our country, there has been a tendency to produce children until a male heir is born. The misuse of ultrasound for prenatal sex determination gave rise to a flourishing industry worth thousands of crores. The technique has also promoted the social discrimination against women. The result was a dwindling Child Sex Ratio. In 2011, India's Child Sex Ratio was 919. It was 927 in 2001, 945 in 1991 and 962 in 1981. In the advanced societies of the world, there exists a healthy Child Sex Ratio. However, in India, it has declined rapidly and has potential to cause demographic nightmare and societal tensions.

The PNDT Act 1994

Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PNDT) was passed in 1994 to stop female foeticides and arrest the declining sex ratio in the country. This act banned the use of sex selection techniques before or after conception. However, this was not followed up by effective implementation, mainly because *it did not specify the techniques of sex selection* and *it did not bring all techniques within its ambit*. Then, the need for smaller families – led to even more intensified misuse of such technologies, cutting across barriers of caste, class, religion and geography to ensure that at least one child, if not more, is a son.

With the advent of new sophisticated pre-conception sex selection technologies like sperm separation, the girl child's elimination started becoming more subtle, refined and probably also more socially acceptable.

With these happenings, a PIL was filed in the Supreme Court and the honourable Supreme Court

directed the Government to provide the act more teeth by covering new pre-conception sex selection techniques (also known as sex pre-selection techniques). Thus the PNDT act was amended and thus the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act 2003 came into existence.

With the enactment of this act, the use of prenatal diagnostic technique for sex selective abortion was made an offensive crime. "

Salient Provisions PCPNDT Act 2003

The act not only prohibits determination and disclosure of the sex of the foetus but also bans advertisements related to preconception and pre-natal determination of sex. All the technologies of sex determination, including the new chromosome separation technique have come under the ambit of the Act.

It regulates the use of pre-natal diagnostic techniques such as ultrasound and amniocentesis. They sonographers are allowed only to use ultrasound for the following diagnostics:

- genetic abnormalities
- metabolic disorders
- chromosomal abnormalities
- certain congenital malformations
- haemoglobinopathies
- sex linked disorders.

The Act has also made mandatory in all ultrasonography units, the prominent display of a signboard that clearly indicates that detection/revelation of the sex of the foetus is illegal. Further, all ultrasound scanning machines have to be registered and the manufacturers are required to furnish information about the clinics and practitioners to whom the ultrasound machinery has been sold.

The act empowered the appropriate authorities with the power of civil court for search, seizure and sealing the machines and equipments of the violators. The act mentions that no person, including the one who is conducting the procedure as per the law, will communicate the sex of the foetus to the pregnant woman or her relatives by words, signs or any other method.

Any person who puts an advertisement for pre-natal and pre-conception sex determination facilities in the form of a notice, circular, label, wrapper or any document, or advertises through interior or other media in electronic or print form or engages in any visible representation made by means of hoarding, wall painting, signal, light, sound, smoke or gas, can be imprisoned for up to three years and fined Rs. 10,000.

The PCPNDT act mandates compulsory registration of all diagnostic laboratories, all genetic

counselling centres, genetic laboratories, genetic clinics and ultrasound clinics.

Critical Assessment of PCPNDT Act

The Act has the relevant provisions to end sex determination but the problem is that it is not implemented effectively. This is evident from the poor rate of conviction of the offenders. According to the written reply provided by the former Union health minister Ghulam Nabi Azad to the Rajya Sabha in 2013, only 143 people have been punished for conducting sex determination tests and medical licenses of only 65 doctors was suspended for the whole country since the enforcement of PC&PNDT Act, in1996. Had the law been enforced effectively the child sex ratio should have improved, but on contrary it has reached its lowest level as per the census 2011 data. This clearly shows the gap in the implementation of the PC&PNDT act.

The Government was planning to amend the current act to provide it more effective implementation. For this, a bill was introduced in 2012 to establish Fast Track Courts to quickly and efficiently deliver justice and convict those who commit the horrendous crime of female foeticide.

Other Government initiatives to address declining sex ratio

To check the declining child sex ratio, the government has taken various initiatives *like Beti Bachao, Beti Padhao Yojana, Sukanya Samriddhi Yojana, PC&PNDT Act* etc. *Some State government initiatives:*

- Aapki Beti, Humari beti by Haryana government.
- Ashray scheme of Rajasthan government.
- Sivagami Ammaiyar memorial girl child protection scheme of Tamil Nadu government.
- Mukhya Mantri Kanya Suraksha Yojana of Bihar government.
- The Girl Child Protection Scheme of Andhra Pradesh government.

Sexual Harassment in the Workplace

Half of the total number of crimes against women is related to the molestation and harassment at the workplace. The parliament has enacted the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* to curb the menace of this evil.

Background

In 1992, Bhanwari Devi, a Saathin of village Bhateri near Jaipur was gang-raped. The subsequent court cases attracted attention of the national and international media. Though, those who raped Bhanwari could not be convicted, yet the efforts of an NGO called **Vishaka** led the Supreme Court to pass a historic judgement on sexual harassment at workplace. The judgement is popularly known as "Vishaka Judgement". Vishaka had filed a petition, which sought an **enforcement of fundamental rights of working women under Article 21 of the Constitution.** At that time, there was no specific law against sexual harassment at workplace so the Court laid down some

guidelines. It was after this case that sexual harassment came to be categorised as human rights violation.

- The Supreme Court made a novel use of Article 21 to ensure that the female workers are not sexually harassed by their male co-workers at their places of work.
- *The court declared sexual harassment of a working woman at her place of work as amounting to violation of rights of gender equality and right to life and liberty which is clear violation of Articles 14, 15 and 21 of the Constitution.*
- The Court has observed in this connection: "*The meaning and content of the Fundamental Rights guaranteed in the Constitution of India are of sufficient amplitude to encompass all the facts of gender equality including prevention of sexual harassment or abuse.*"

Definition of Sexual Harassment in the workplace

The court defined sexual harassment in the workplace as an unwelcome sexual gesture or behaviour, whether directly or indirectly. This includes:

- Sexually coloured remarks
- Physical contact and advances
- Showing pornography
- A demand or request for sexual favours
- Any other unwelcome physical, verbal/non-verbal conduct that is sexual in nature.

The Vishaka Guidelines

- All employers whether in the public or the private sector, should take appropriate steps to prevent sexual harassment.
- Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women and no woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.
- Where such conduct amounts to specific offences under the Indian Penal Code or any other law, the employer shall initiate appropriate action in accordance with the law, by making a complaint with the appropriate authority.
- Victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

These guidelines are applicable to:

- The employer or other responsible persons or other institutions to prevent sexual harassment and to provide procedures for the resolution of complaints;
- Women who either draw a regular salary, receive an honorarium, or work in a voluntary

capacity—in the government, private or organised sector come under the purview of these guidelines.

The Preventive Steps as suggested by SC in Vishaka Case

- Guidelines should be prominently notified to create awareness about the rights of women employees.
- Sexual harassment should be discussed at workers' meetings, employer-employee meetings and at other appropriate forums.
- Employers should assist the persons affected in cases of sexual harassment by outsiders or third parties.
- Both Central and State governments are required to adopt measures including legislations to ensure that private employers also observe these guidelines.
- Employers must form a Complaints Committee which is to be headed by a woman. Half the members of the committee should be women.

Salient Features of Prohibition of Sexual Harassment at the Workplace Act

This law defines sexual harassment as laid down by the Supreme Court in Vishaka vs. state of Rajasthan (1997) case. Sexual harassment includes any one or more unwelcome acts or behaviour
like physical contact and advances, a demand or request for sexual favours or making sexually coloured remarks or showing pornography. The acts whether directly, or by implication, include any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The act makes it mandatory that all offices, hospitals, institutions and other workplaces should have an **internal redressal mechanism** for complaints related to sexual harassment. Every employer is required to constitute an Internal Complaints Committee. For establishments which employ less than 10 workers, the act provides for setting up a five-member local complaints committee (LCC).

The Complaints Committees have the powers of civil courts for gathering evidence. The Complaints Committees are required to provide for conciliation before initiating an inquiry, if requested by the complainant. The Act defines domestic worker as a woman employed to do household work in any household for remuneration whether in cash or kind, either directly or through any agency on temporary, permanent, part time or full time basis, but does not include any member of the family of the employer. Those who do not comply with the Act's provisions will be fined up to Rs 50,000. Repeated violation would be punished with higher penalties and cancellation of licence or registration to conduct business. _The act does not cover members of the armed forces including Women in the armed forces._

Section 377 IPC and LGBT Rights

Section 377 of the Indian penal code defines **unnatural offences.** It is rooted in the legacies of British colonial states where in it was introduced by Lord Macaulay in 1860 as a part of IPC. One of the grounds of introduction of the section was homosexuality or acts against the order of nature are condemned by the bible.

According to the section "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished". The maximum punishment is imprisonment for life. More importantly the sectional has not made any distinction between the consensual acts and non consensual acts.

The section further explains that penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

The section has been in news on account of violation of basic human rights, harassment and violence among the LGBT community. This has led to protests demanding the repeal of the section.

Supreme Court Judgements

Case: Naz Foundation (India) Trust v. Government of NCT of Delhi (2001)

Naz foundation is a Delhi based NGO that works in the field of HIV prevention among homosexuals. Working in this field the foundation realized that section 377 acted as a biggest impediment for LGBT community in having access to health services because of fear of prosecution under the law. This makes the homosexual population more vulnerable.

Therefore in 2001 the foundation filed a writ petition Delhi high court challenging the constitutionality of section on grounds of violation right to privacy and health under **article 21**, freedom of expression under **article 19** and equality under **article 14**.Further they submitted violation of **article 15** which says there will be no discrimination on basis of sex .

Even the Ministry of Health and Family Welfare (in conjunction with the National Aids Control Organization) supported the petition of Naz foundation on grounds that existence of section 377 proves counterproductive to prevention of HIV AIDS.

But the case was dismissed by the HC saying that the petitioner has no locus standi in the matter. However the Supreme Court on civil appeal ordered high court to hear the case on basis of merits.

Finally in 2009 the court passed the landmark judgment upholding Section 377 unconstitutional on grounds of violation of fundamental rights under article 14, 15 and 21 of the constitution.

First the court stated that section 377 violates article 14 which states that every citizen has equal opportunity of life and is equal before law.

Second Court said that the word sex under article 15 should not be narrowly interpreted. The word

sex apart from biological sex also includes the sexual orientation of the individual, so any discrimination on basis of sexual orientation is not permitted under article 15.

The Court also noted that the right to life under Article 21 includes the right to health, and concluded that Section 377 is an impediment to public health because it hinders HIV-prevention efforts. Above all the by criminalizing consensual sexual acts between adults in private, Section 377 grossly violates the right to privacy and liberty guaranteed by Article 21 of the Constitution.

Summing up its judgment, the High Court stressed the importance of upholding the values of equality, tolerance and inclusiveness in Indian society.

Case: Suresh Kumar Koushal & Ors. v. Naz Foundation (India) Trust 2013

In this case the SC overturned the High Court verdict and recriminalized homosexuality.

While upholding the constitutional validity of the section SC said it is not violative of article 14 as it made a distinction between persons who "indulge in carnal intercourse in the ordinary course" and persons who "indulge in carnal intercourse against the order of nature." It held that these are different classes of people and that this is a valid classification under Article 14 of the Constitution.

Most shockingly, the Court said that the LGBT community constitutes only a "minuscule fraction" of the country's population. Court maintained that hardly 200 persons have been prosecuted in 150 years of Section 377. Further the court said that the argument that Section 377 is misused by the police to blackmail, harass and torturehomosexuals is not a valid ground to hold the section unconstitutional.

The solution, it said, was to clarify the law with suitable legislative amendments, rather than say the law violated the right to freedom and equality. And this is what it asked Parliament to do since it couldn't amend a law.

Currently the judgment is itself under challenge and pending hearing in open court under curative petition.

Various Issues

No Difference between Consensual And Non Consensual Acts

The section mentions even 'voluntary' acts as punishable under section 377.Therefore the section does not make any difference between male adult seducers, male who commit rape on other male and two males having consensual sex. The declaration of all homosexual acts criminal, whether consensual or non consensual, is nothing but considering all homosexuals as sexual pervert, thus, demeaning their dignity. It does not take into account the sexual preferences of the individuals.

Also there is no basis of interference by the state in private sphere of the individual. It tantamount to moral policing. Critics against the law raise a question; shouldn't the State allow consenting adults to make their own sexual choices. Everybody has the right to control their sexuality and bodily

integrity. Moreover, right to privacy is one of the most important right of an individual. If a person cannot enjoy his privacy then it hampers his right to dignified life assured by our constitution under article 21.

Further criminalising the consensual sex between homosexuals tantamount to reinforcing biblical beliefs(basis of enactment of this section) in todays era. While English law has moved on, enacting, in 1967, the Sexual Offences Act which decriminalised homosexual acts between consenting adults, Indian law continues in its outdated form. Therefore time has come that we should learn from international experience.

Ambiguous Language Of The Section

The section 377 lacks precise definition. The term 'carnal intercourse against the order of the nature' is not defined in the IPC. The only criterion being 'penetration' against the order of nature. Consequently it has been subjected to various judicial interpretations. Initially it covered only anal sex but gradually its ambit went on to increase to include oral sex and still later it included any form of non vaginal penile penetration. For eg: between thighs and folded palms.

The spirit of the section is to punish those individuals who have intercourse with the individual of same sex so that pervert actions could be keep in check. But even many heterosexual couples involves in anal and oral sex, which comes under the definition of this section. So the heterosexual couples can also face criminal proceedings. Therefore the section is not just directed at homosexuals.

Thus the section 377 is vague and ambiguous in its language which raises conflicts between the spirit of the section and its literary wording.

How Section 377 Violates Fundamental Rights?

Although the HC has held in NAZ Foundation Case that section 377 is violative of Articles 14, 15 and 21 but this verdict has been overturned by the SC.
Let us analyze how this section violates various fundamental rights.

Article 14 ensures right to equality as well as equal protection of law. But the section is not clearly defined as discussed above leading to vagueness and uncertainty. And the Supreme court has held that a statute is void for ambiguity if its prohibitions are not clearly defined. The rationale is that, such vagueness will lead to arbitrary application and the SC has clearly said in its various judgements that arbitrariness is always anti thesis of equality.

Further, the section 377 creates unreasonable classification and distinction between persons who "indulge in carnal intercourse in the ordinary course of nature" and persons who "indulge in carnal intercourse against the order of nature." The basis of this classification is the procreative nature of the act.

However this is arbitrary classification as in era of technology it is very important to note that even

the gay couple can have procreation with the IVF technology. So the classification is unreasonable. Moreover the section does not distinguish between public and private acts, or between consensual and non-consensual acts, therefore does not take into account relevant factors such as age or consent, thus, violative of article 14.

Further Article 15 (1) of the Indian Constitution provides that, "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them." In present scenario the term "Sex" has a wider meaning and apart from biological sex it includes sexual orientation as well. The effect of section 377 is that it disproportionately impacts homosexuals on the basis of their sexual orientation, thus, violative of article 15.

Article 21 –right to life is most fundamental to existence. The SC has said that the word life does not mean mere animal existence but a life where an individual could exercise his liberty to live a dignified life. In Bandhua Mukti Morcha V. Union of India the honorable court held:

"There are minimum human requirements which exist in order to enable a person to live with human dignity, and no state has right to take away action which will deprive a person of the enjoyment of this basic essential".

Privacy, health and a dignified life are basic essentials of a person's life. Obstructing an individual's sexual orientation is infringement of his right to privacy thereby affecting his right to dignified life. Further criminalization of sec.377 has also impeded access to health services of LGBT community.

Above all the section violates the basic features of the constitution i.e. justice, liberty and equality.

Should The Government Repeal The Law

Decriminalizing private and consensual adult sexual behavior has led to a debate in the country. Some demanding complete repeal of the section and others arguing for retaining the section with certain amendments.

Proponents of the section say that homosexuality is against nature and is highly reprehensible. Also it is not conducive to the overall health of the individuals. In addition to this it is demeaning the sacred institution of marriage. Homosexual marriage cannot maintain the moral and conducive atmosphere for the bringing of the children. Moreover in a heterosexual marriage the requirements of the nature are satisfied. Some even went to the extent of calling it a mental disorder. Even India's culture does not support such acts. So they are of the view that to safeguard the morality of the society and strengthen the ethos of the Indian tradition the govt should not repeal the section. Certain amendments can be brought in the section.

On the other hand individuals' favouring the repeal of the section says that No doubt marriage is a sacred institution and therefore it cannot be limited to opposite sex couples. It's more about love and

togetherness which can also be shared by couples of same sex. Infract limiting this institution to sex and procreation will demean the concept of marriage.

Further the argument that homosexuality is a mental disorder is disputed by various health organizations. The American Psychiatric Association removed homosexuality from its list of mental disorders back in 1973 and the World Health Organization followed suit in 1990. Following the Delhi High Court judgment decriminalising homosexuality in 2009, the Indian Journal of Psychiatry — the official publication of the Indian Psychiatric Society acknowledged homosexuality as a natural variant of human sexuality.

Even in Indian art of khujarao temples we witness various postures depicting homosexuality. Therefore it cannot be completely said that Indian culture does not support homosexuality.

Apart from this Section 377 was used as a tool by the police to harass, extort and blackmail homosexual men and prevented them from seeking legal protection from violence; for fear that they would themselves be penalized for sodomy. The stigma and prejudice created and perpetuated a culture of silence around homosexuality and resulted in denial and rejection at home along with discrimination in workplaces and public spaces. Moreover the LGBT community cannot even approach a police station if there is any case of sexual assault and rape on them. Criminalisation has also led to denial of health facilities to homosexuals thus increasing the incidence of HIV AIDS among them. Therefore we have to realize that criminalising their sexual expression and identity had a severe impact on their dignity and self-worth.

Often child abuse is given as a justification for retaining section 377.Although the section has been somewhat successful in penalizing child abuse and complementing the lacunas of the rape law. But this does not negate the clear threat the law presents to the sexual minorities of India as discussed above. Therefore the need of the hour is to formulate an independent law to deal with the child sex abuse and repeal section 377.

One of the changes proposed by the LGBT community is amendment in Section 375 of the IPC, which specifies acts of sexual assault committed by men against women i.e rape. So it is not victim neutral. If the section replaces the word 'man' with 'any individual' i.e the victim could be of any gender then it would pave the way for Section 377 to be repealed.

We need to understand that society gets strengthened only when it gives space to every individual to exercise their freedom and choice. But homosexuals have been denied their space in the society. So there is a urgent need to repeal the law.

Current Developments

In a significant development the congress member Shashi Thraoor introduced Private members bill

in lok sabha to decriminalize homosexuality. Various provisions of the draft bill are:

- Decriminalize sexual intercourse in private between consenting adults, irrespective of their sexuality or gender.
- It restricts the applicability of the section to non-consensual intercourse.
- Age of consent being above 18 years of age.
- The bill drops the phrase "against the order of nature" from the text of the current section.

But the Lok Sabha voted against introduction of a private member's bill. Therefore the bill could not see the light of the day.

Comment

After the Suresh Kaushal judgment the SC has put the ball in the court of parliament to repeal or amend the law. However the parliament seemed to be withdrawing from its responsibility when it did not even allowed the introduction of the private members bill.

It is high time that the representatives of people should understand that the section is affecting the basic human rights of millions of people. Denial of human rights and self-identity accompanied by harassment without legal recourse is severe mental and emotional trauma, and a negation of all that is promised by the Constitution. Therefore the state institutions should not shy away from performing their constitutional mandate of maintaining justice and liberty of the individuals. Otherwise the human cost of unjust laws keeps rising.

Conclusion

One has to understand that the fight cannot be achieved only through legal amendments. It should be accompanied by awareness campaigns to educate parents, teachers and friends to adopt a healthy and supportive attitude towards homosexuals. What is needed is the broad consensual acceptance of gay lifestyle being as normal as any other lifestyle. Although the road ahead is not easy.

Various Issues around Surrogacy

Surrogacy is when another woman carries and gives birth to a baby for the couple who want to have a child but medical condition of the couple makes it impossible or dangerous to get pregnant and to give birth.

The type of medical conditions that might make surrogacy necessary include absence or malformation of the womb; recurrent pregnancy loss and repeated *in vitro* fertilization (IVF) implantation failures.

Types of surrogacy

There are two main types of surrogacy, gestational surrogacy and traditional surrogacy.

- Traditional surrogacy: In traditional surrogacy, the surrogate mother is impregnated naturally or artificially, but the resulting child is genetically related to the surrogate mother. A

traditional surrogate is the baby's biological mother since the child was conceived from the union of her egg and the father's sperm.

- Gestational surrogacy: In gestational surrogacy, the pregnancy results from the transfer of an embryo created by in-vitro fertilization (IVF), in a manner so the resulting child is genetically unrelated to the surrogate. Gestational surrogate mothers are also referred to as gestational carriers.

Additionally there are 2 types of surrogacy arrangements:

- Altruistic surrogacy: In this type of surrogacy, the surrogate mother is not paid for her 'service'. She 'offers her womb' as an act of 'altruism'. Often there will be a pre-established bond between the surrogate mother and the expecting couple. Typically the surrogate mother is a friend or a relative.

- Commercial surrogacy: In commercial surrogacy the surrogate mother receives compensation for carrying the child. Often there will be a mediating party, a surrogacy agency that deals with all the practical arrangements for the commissioning couple: finding a suitable surrogate mother and dealing with all the paperwork etc.

Practices Followed In Other Countries

India remains one of the few countries that still allow commercial surrogacy. It is banned completely in Germany, Norway, Italy, Sweden and Singapore. Only the altruistic kind is allowed in Canada, certain Australian states, New Zealand, the UK, Greece, Denmark and the Netherlands. In the US, some states allow commercial surrogacy, but in a highly regulated environment.

Surrogacy In India

India is called the surrogacy capital of the world with $2.3 billion reproductive tourism industry, 500 legal fertility clinics; of which 350 offer surrogacy services. The mushrooming of IVF clinics, *absence of a regulatory framework*, and the *availability of poor women willing to rent out their wombs* has made India an attractive option for foreigners seeking a surrogate child. 70% of surrogacy cases are for foreign clients and the 25% for non-resident Indians and persons of Indian origin. Local Indian couples form only 5% of the clientele. Many customers come from the UK, USA and Canada.

Legal Framework

Commercial surrogacy – which involves paying a woman to carry a couple's fertilized egg through pregnancy – is legal but unregulated in India. The Indian Council of Medical Research (ICMR) under Health Ministry had finalised the *National Guidelines for Accreditation, Supervision and Regulation of ART Clinics in India* in 2005. Therefore the business has been left to self-regulate.

Further, in 2008, the Supreme Court in Manji case held that commercial surrogacy was permissible in India. Baby Manji was commissioned by Japanese parents (through an unknown egg donor and

the husband's sperm) and was born to a surrogate mother in Gujarat. The parents divorced before the baby was born. The genetic father wanted the child's custody, but Indian law barred single men from it, and Japanese law didn't recognize surrogacy. The baby was ultimately granted a visa, _but the case underscored the need for a regulatory framework for surrogacy in India._ This was the genesis of the Assisted Reproductive Techniques (Regulation) Bill. Thereafter, drafts ART Bills of 2008, 2010 and 2013, was prepared on the recommendations of the Ministry of Law and Justice which has been pending in Parliament and is now expected to be taken up in the upcoming winter session of parliament.

Current Proposals Of The Government.

In an affidavit to the Supreme Court, the government said it would henceforth "_prohibit and penalize commercial surrogacy services_" that involves exchange of money for anything apart from paying for the medical expenses for the mother and child. Only needy infertile Indian couples would be able to opt for surrogacy of the altruistic kind.

Therefore the proposal would _ban foreigners from seeking surrogacy in India._ Once the ban gets implemented international clients who form the bulk of customers at hundreds of registered IVF clinics across the country will be barred from renting wombs from surrogate mothers.

Why Ban Is Proposed?

- To prevent exploitation of poor women and protect the dignity of Indian womanhood. Surrogacy fees for Indian and foreign couples are between Rs 11 lakhs and Rs 13 lakhs – and only a quarter of this goes to the surrogate mother.
- To prevent trafficking in human beings and the sale of surrogate children.
- prevent misuse of ART technology
- To advocate safe and ethical practices.

Various Issues Raised By The Proposal

A few of the many issues raised by surrogacy include: the rights of the children produced; the ethical and practical ramifications of the commoditization of women's bodies without regulation, fraud committed by surrogacy companies; the exploitation of poor and low income women desperate for money; the moral and ethical consequences of transforming a normal biological function of a woman's body into a commercial transaction.

Should the government implement complete ban or partial ban?

Current proposal has allowed surrogacy only for infertile couples on altruistic basis. Therefore it has raised the debate as to whether the law should ban all commercial surrogacy or impose a partial ban on surrogacy i.e. for certain category of patients.

Critics in favor of proposal argue that government's view is based on the ethical stand that a child

should not be the product of a transaction, and that motherhood should not be commodified. The stand also emanates from health concerns such as the need for the child to be breast-fed for at least six months, or the issues faced by surrogate children born in India once they are taken by commissioning parents to countries that ban surrogacy — or those children who are abandoned due to deformities.

However those arguing against any ban simply claim that it will go underground as the doctors and agents making good money in the chain between intended parents and will not simply give up but carry on. Indian embassies around the world earn fees and it is a lucrative trade for hotels and hospitals. Moreover the rights of the LGBTs, single men or women, couples in live-in relationships, who are proven to be fertile but choose to opt for surrogacy for reasons other than medical has also raised questions about new proposal.

Clearly, India needs a law to regulate what is estimated to be a $2.5 billion industry. For eg: The government's latest draft of the Assisted Reproductive Techniques (Regulation) Bill seeks to impose heavy penalties on couples who refuse to take custody of a surrogate child born with disabilities, and prioritizes the rights of the surrogate mother. But Complete ban or differentiation between Indian and foreign parents to avail the services of surrogacy is not welcome. It which risks driving surrogacy clinics aimed will only make the entire business run underground, further endangering both mother and baby. Instead, it should take the pragmatic approach and build in adequate safeguards to protect surrogates, with added checks and balances to prevent exploitation by Indian as well as foreign couples.

Should this thriving industry be left to self regulation?

The trade has been left to self-regulate under the guidelines of the Indian Council of Medical Research requiring that negotiations between surrogates and commissioning parents must be conducted independently between them. However in practice, illiteracy of surrogates act as a barrier to direct communication between the two main parties. Mostly surrogates rely on agents or clinics to explain the nature of the written contracts they sign. In some cases they hardly even get a copy of the contract. The problem gets further compounded when surrogates get into the services without informing there family members. This makes their situation more vulnerable.

Also the surrogates are made to undergo IVF sessions as many as 20 to 25 times to ensure that they are impregnated with a healthy foetus. Many times surrogate mothers died as a result of complications during pregnancy and the unavailability of good post-natal care. There are cases of babies born with disabilities or an unplanned twin being abandoned by the intended parents. On the other hand, the big worry of the intending parents would be that the baby may not be handed over to

them.

Then there are issues related regarding citizenship and nationality of the child.

Therefore the need of the hour is to frame a law wherein the rights of the surrogate as well as children are clearly articulated.

Various Ethical issues

Commercial surrogacy involves payment of a fee to the surrogate mother for carrying their baby. This raises various ethical questions ranging from commodification of women to selling of a child. Apart from these issues the basic foundation of the surrogate industry works on unethical practices. Consider if a medical situation were to arise in which the clinician must act either to save the life of the fetus or the surrogate. He has a strong financial incentive to choose on behalf of the paying client, and thus the fetus. Therefore the absence of an independent medical advocate acting on behalf of the surrogate leads to exploitation of women or seeing a woman just as a commodity.

Further the poor, illiterate women of rural background are often persuaded in such deals by their spouse or middlemen for earning easy money. These women have no right on decision regarding their own body and life. Then there are various issues regarding the rights of the child if not taken by the intended parents.

On the other hand it may be argued that achieving parenthood via surrogacy respects the autonomy of the person seeking to become a parent. Further, it may be argued as a matter of social justice, people should not be precluded from having a child because of their lack of access to the contents of conception, either due to medical infertility, sexuality or being single. While there are many religious organizations that frown upon the process of surrogacy, this concept is oftentimes the only option for some individuals to start a family.

Only time will tell how the wishes of the individuals especially single parents or LGBT will be balanced with the ethical issues raised by surrogacy. But efforts needs to made to at least regulate the industry from becoming more of a commercial racket.

Practice of Sati

Sati was a practice followed in some Indian communities in which a recently widowed woman used to immolate herself on her husband's funeral pyre. It is said that it was **more prevalent among the higher castes** and among those who considered themselves to **be rising in social status**.

- Though the act is despicable, some Brahmin scholars, supported by scriptures, tried to justify it. Chief among them have been Vijnanesvara of the 12th –century Chalukya Court and Madhavacharya of the Vijayanagara Empire. Though justifications are given in Vishnu

Smriti, however Manu Smriti does not mention or sanction Sati.

- Others like Medhatithi and Bana criticized the act. The Reform and Bhakti movements as well as the Alvars and the Virashaiva movement also condemned Sati.

Abolition of Sati

- The Practice of Sati was **first banned in Goa in 1515** by the Portuguese, but it was not that much prevalent there. This evil practice was banned by the Dutch and French also in Chinsura and Pondicherry respectively.

- The British permitted it initially but the practice of Sati was first formally banned in city of Calcutta in 1798, but it continued in the surrounding areas.

- The Bengal Presidency started collecting facts and figures on the practice of Sati in 1813. The data showed that in 1817 only, 700 widows were burnt alive in Bengal alone. From 1812 onwards, it was **Raja Rammohan Roy,** who started his own campaign against the Sati practice. His own sister-in-law had been forced to commit Sati. Raja Rammohan Roy used to visit the Calcutta cremation grounds to persuade widows not to die in this way. He also formed the watch groups. In _**Sambad Kaumudi**_ he wrote articles and showed that it was not written in any Veda or epics to commit this crime.

- It was on 4 December 1829, when the practice was formally banned under **Bengal Sati Regulation, 1829**, in all the lands under Bengal Presidency by Lord William Bentinck. By this regulation, the people who abetted sati were declared guilty of "culpable homicide."

- The ban was challenged in the courts. The matter went to the **Privy Council in London**. The Privy Council upheld the ban in 1832. After that other territories also started following banning, but it remained legal in princely states, particularly in the Rajputana where it was very common. Under the British control, Jaipur banned the practice in 1846.

The Roopkanvar Case

Roopkanvar Sati. This **murder** led to enactment of **Sati (Prevention) Act, 1987**

Roopkanvar was mere 18 years old when she was murdered on the funeral pyre of her deceased husband at the Deorala village in Sikar Rajasthan. The matter was quickly taken up by the activists and media and this led to the enactment of the **Commission of Sati (Prevention) Act, 1987** . As per this act, it illegal to abet, glorify or attempt to commit Sati. Abetment of Sati, including coercing or forcing someone to commit Sati, **can be punished by death sentence or life imprisonment**, while glorifying Sati is punishable with 1-7 years in prison.

- The law as it exists now makes no distinction between passive observers and active promoters to the act of Sati. All are supposed to be equally guilty.

However, since the enforcement of these measures is not always consistent, the National Council for Women (NCW) has suggested amendments to the law to remove some of the flaws.

Pam Rajput Committee Recommendations

The Pam Rajput committee recently submitted its interim report on "Status of Women in India" to the Ministry of Women and Child Development (MWCD).

Background

The MWCD had appointed a 14-member High Level Committee, headed by Pam Rajput, in Feb 2012 to make a comprehensive study on the status of women since 1989 and give recommendations on necessary policy actions based on the present needs of women. Pam Rajput is a professor at Panjab University.

Recommendations

- Government should formulate a National Policy and Action Plan to end violence against women.

- It has strongly supported the passage of Women's Reservation Bill which has been hanging fire in Lok Sabha after being passed by the Upper House in 2010. However, it has called for 50% reservation instead of the current 33% reservation provided in the bill.

- A separate committee should be set up to study the status of Muslim women in the country. Such a committee should study the impact of identity politics on Muslim women as such politics leads to communal riots and revives forces that impose outdated values on women, further alienating them from all empowerment initiatives.

- To reflect the government's concern on women's issues, *Minister of Women and Child Development should be upgraded to the rank of a Cabinet Minister.*

- Parliamentary Committee on the Empowerment of Women must examine the gender implications of all proposed legislation.

- The National Commission for Women must go beyond 'reactive interventions' to fulfil the proactive mandate of studying, recommending and influencing policies, laws, programmes and budgets to ensure full benefits to women.

- Focussing on the need to bring about major changes in the criminal justice system, the committee suggests initiatives ranging from a more gender sensitive enforcement machinery to greater awareness of different legislation and their inter-connectedness, along with accountability for securing women's rights.

- India should revisit its two-child norm as it is related to missing girl children.

- The government should initiate dialogues with Hindu religious leaders to arrest the falling sex ratio. Hindu religious leaders should be convinced to ask their community to include daughters in rituals and practices. This will bring down son preference related to socio-cultural practices.

- Marital and sexual choices should be protected through amendments to IPC section 377.

Topic 3. Issues Related to Children, Juveniles and Old Age People

Constitutional Provisions for Children

At present, there are five articles in the constitution of India which have Children as their special focus. These articles are Article 21A, 24, 39 & 45 and 51A (k). Thus special provisions for

children find place in our constitution <u>in Fundamental Rights, Directive Principles as well as Fundamental Duties.</u>

- **Article 21A:** The Right to Education inserted in constitution via 86th amendment act.
- **Article 24:** No child below the age of 14 years shall be employed to work in any factory or mine or engaged in hazardous employment.
- **Article 39 (f):** The State shall, in particular, direct its policy towards securing—
- (f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.
- **Article 45 :** The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.
- **Article 51A (k):** who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

The 86th amendment Act 2002 had amended Fundamental Rights, Directive Principles as well as Fundamental Duties as follows:

Fundamental Rights

A new article 21-A was inserted which says that state shall provide free and compulsory education to all children of the age of _six to fourteen years_ in such manner as the State may, by law, determine"

Change in DPSP:

Article 45 was changed and it now states that "State shall endeavor to provide early childhood care and education for all children until they complete _the age of six years_".

Fundamental Duties

A clause under article 51-A as 51-A (k) was added which says "who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.".

As per the above amendments, the 86th Amendment Act came up with the following:

- It made Right to Education a Fundamental Right for Children from Age 6-14.
- It made education for all children **below 6 years** a Directive Principle for State Policy (DPSP).
- It made the opportunities for education to child a Fundamental duty of the parents of the children.

Thus, RTE act gives a constitutional guarantee that every child of the age group of 6-14 years shall

have right to free and compulsory Education. No child is liable to pay any kind of fee/ capitation fee/ charges. A collection of capitation fee invites a fine up to 10 times the amount collected. This right includes the rights of disadvantage groups including physically handicapped children also. Kindly note that the Madarsas & Vedic Pathshalas have been clearly kept out of the purview of RTE act.

Child Abuse

Child abuse is classified into physical, sexual and emotional. Each of them has recognizable characteristics. Physical abuse is indicated by bruises, burns, fractures, abrasions and injuries. Sexual abuse, which is involvement of children in sexual activities which they don't comprehend and unable to give consent; is usually not identified with physical indicators alone. Under it, a child confides in a trusted person that she / he have been sexually assaulted. Difficulty in walking, stained and torn underclothes, complaints of pain or itching; bleeding; pregnancy in adolescence are some of the characteristics of sexual abuse. At the same time, sexual abuse results in some peculiar behaviour indicators such as – Child appears withdrawn or retarded; has poor relations; unwilling to participate in children activities; delinquent behaviour and unusual sexual knowledge.

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Emotional abuse on the other hand is neglect or maltreatment, failure to provide essentials of normal life etc.

Legislative Actions to address Child Abuse
Protection of Children from Sexual Offences Act, 2012

Before this law was passed in 2012, the cases related to sexual abuse of children were dealt under section 377 of the IPC. This section did not make distinction between adult and child. POCSO is an stringent law passed by India's parliament to address the evil of child sexual abuse. This law is gender neutral and defines child as any person below 18 years of age as child. It provides clear definition of the "penetrative sexual assault", "sexual assault" and "sexual harassment" — the offence is considered graver if it is committed by a police officer, public servant, any member of the staff at a remand home, protection or observation home, jail, hospital or educational institution, or by a member of the armed or security forces. Stringent punishment (minimum 7 years) has been provided along with fast track courts, relief and rehabilitation as soon as the complaint is made; speedy disposal of trials in special children's courts; and special procedures to keep the accused away from the child at the time of testifying. The National Commission for the Protection of Child Rights (NCPCR) and State Commissions for the Protection of Child Rights (SCPCRs) have been made the designated authority to monitor the implementation of the Act.

Executive Action
IPCS
Government of India is running an *Integrated Child Protection Scheme (ICPS)* to help secure the safety of children, with a special emphasis on children in need of care and protection, juveniles in conflict or contact with the law and other vulnerable children.

POCSO E-Box
In August 2016, the Union Government has launched POCSO e-box, an online complaint management system for easy and direct reporting of sexual offences against children and timely action against the offenders under the POCSO Act, 2012. It is an initiative of National Commission for Protection of Child Rights, for direct online reporting of child sexual Abuse.

National Commission for Protection of Child Rights
NCPCR is a statutory body established under *Protection of Child Rights Act, 2005.* Under the POCSO act, it has been given following functions under:

- to monitor the implementation of the provisions of the POCSO Act
- to monitor the designation of Special Courts by state governments;
- to monitor the appointment of Public Prosecutors by state governments;
- to monitor the formulation of the guidelines described in the Act by the state governments etc.

Judicial Action and Child Abuse
The Judicial action {by Supreme Court} has been to ask the government to consider harsher punishment in child sexual abuse case. The court has asked the government to consider *enacting a separate law for protection of children below 10 years of age* and imposing further rigorous punishment to perpetrators.

Child Labour

Child labour is a big problem in India and the country has highest number of child workers in the world. It deprives the children of their childhood which should be spent in going to school and learning to be good citizens. It harms their full physical and mental development. Moreover, employing child labour is illegal and unethical.

Status
As per the Census 2011, the number of working children in the age group of 5 to 14 years in India is 82.2 lakh, which has gone down from 1.26 crore in Census 2001. The government figures say that 80% of the child labourers are dalits and there is one in every 11 children working. Most of the child labour is in rural areas. More than half of child labourers are in five states viz. Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh and Maharashtra.

Nature

Child labourers in India are employed in many industries and trades including textile, footwear, brick kilns, stainless steel, hotels & restaurants, shops, export oriented units such as carpet weaving, gem polishing, fire crackers, oil mills, metalwork, electroplating, stone quarrying, lock making, beedi or gutkha industries, tea gardens etc. and unorganized works such as picking rags, hawking goods etc. Notwithstanding the government figures, most of the child labourers are hard to reach; invisible and excluded. Most of them work in unorganized sector or within the household units, which are out of purview of the labour laws. Sector wise, around half (48%) children work in manufacturing industries, followed by 20% in agriculture and allied activities, 10% in wholesale or retail trade.

Causes

Poverty is main cause of Child Labour in the country and most children work out of necessity in such a way that without their earnings, their families may not survive. A large number of child labourers don't even have families; and for them alternative to work is destitution or crime. Another reason of child labour is that in them, the employers find cheap labour.

Legislative Action

Child Labour (Prohibition and Regulation) Act, 1986

Way back in 1979, the government had set up Gurupadswamy Committee to study the issue of child labour and to suggest measures to tackle it. On the basis of recommendations of this committee, the government enacted Child Labour (Prohibition and Regulation) Act, 1986. The Act prohibits employment of children in certain specified hazardous occupations and processes and regulates the working conditions in others. The list of hazardous occupations and processes is progressively being expanded on the recommendation of *Child Labour Technical Advisory Committee* constituted under the Act.

Child Labour (Prohibition and Regulation) Amendment Act, 2016

The parliament has passed this act in 2016 to widen the scope of the existing law and make is in consonance with the ILO convention on labour law. This act has completely banned the employment of *children below 14 years* in all occupations and enterprises except those which are run by the child's family, provide such employment does not hamper education of the child. Further, the children in age group 14-18 years are barred from employment in hazardous employments. Employment of children has been made congnizable offense and provided for a jail term from 6 months to 2 years. It has also provided for a *Rehabilitation Fund* for the rehabilitation of children.

Reregulation in different acts

Child labour is also regulated under different laws such as Factories Act, 1948; Plantations Labour Act, 1951; Mines Act, 1952; Beedi and Cigar Workers (Conditions of Employment) Act, 1966;

Bonded Labour (Abolition) Act, 1972 etc.

Executive / Policy Action

The National Policy on Child Labour of 1987

This policy was launched to combine the enforcement of laws with developmental programmes and address the root causes of child labour viz. Caste and poverty. Under this policy, government strived for rehabilitation of children involved in hazardous occupation.

National Child Labour Project (NCLP)

The 1987 policy had envisaged project based plan of action for areas of high concentration of child labour. Towards this, the government launched National Child Labour Project (NCLP) in 1988 in nine districts of high child labour prevalence. Under this scheme, special schools for child labour withdrawn from work were opened and children were provided education plus vocational training along with an stipend of Rs. 150 per month.

Judicial Action

In 1996, Supreme Court had ordered creation of *Child Labour Rehabilitation Welfare Fund* and mandated that every offending employer will deposit Rs. 20,000 mandatorily in this fund. Further, it also issued comprehensive directions to central and state government to see that an adult member of the family gets the job in lieu of the child, but this was not imposed on government. The Supreme Court also directed the states to conduct a survey on child labour within six months, for nine industries among primary cases of child labour employers. These industries included: match industry in Sivakasi, Tamil Nadu; diamond polishing industry in Surat, Gujarat; precious stone polishing industry, Jaipur, Rajasthan; glass industry in Firozabad, brassware industry in Moradabad and the handmade carpet industry in Mirzapur-Bhadoi, lock making industry in Aligarh-all in Uttar Pradesh; slate industry in Markapur, Andhra Pradesh, and slate industry in Mandsaur, Madhya Pradesh.

Actions of NGOs

Several NGOs have been working towards ending child labour in India as follows:

Bachpan Bachao Andolan

It was launched in 1980 by Kailash Satyarthi. It is focuses on ending bonded labour, child labour and human trafficking, as well as demanding the right to education for all children. It has freed 80,000 child laborers and helped their successful re-integration, rehabilitation and education.

Plan India

This is a Delhi based NGO which works to improve the lives of disadvantaged children, their families and communities through an approach that puts children at the centre of community development. It works in around 13 states.

CRY (Child Rights and You)

It's a non-profit organization working towards restoring child rights by partnering with NGOs. It

focuses on four basic rights of survival, development, protection and participation as defined by the United Nations Convention on the Rights of the Child (UNCRC)

Save The Children

It is an international NGO working in some 120 countries around the world. In India it is working in 15 states. It has consultative status with the UNESCO and it generally works like a pressure group to promote policy change that allows more rights to children.

Social and Economic Consequences of Abolishing Child Labour

We have discussed above that the root cause of child labour is poverty and unless poverty is eliminated, elimination of Child labour is practically impossible. Further, though removing children from employment is easy, the difficult task is to manage the socio-economic consequences of the same. The freed children need to be educated, and their families need to be supported to make them both ends meet. This needs a heavy expenditure on Government's end which does not seem to be feasible. Further, the Child labour is cheap and replacing it with adult labour would put pressure on employers and industries. This would impact the income efficiency and economy of industries.

Child Marriage

Child marriage has been an important social issue in India for a long time. It has its root in traditional, cultural and religious practices. The caste system is also another factor to have contributed to the growth of child marriage. Castes, which are based on birth and heredity, do not allow two people to marry if they are from different castes.

Sarda Act

The *Child Marriage Restraint Act 1929*, also called the Sarda Act was enacted by the British Government due to efforts of freedom fighter *Har Bilas Sarda*. The act had prohibited child marriage in India for the first time. It was amended in 1940 and 1978 to continue raising the ages of male and female children and was finally repealed with the enactment of 2006 act.

Legislative Action: Child Marriage Act, 2006

According to this act, Child marriage is a non-bailable and cognizable offence with two-year rigorous jail term a fine of Rs. 1 lakh. Persons, including parents or guardians or association of persons, who did any act to promote child marriage or permitted it to be solemnised or negligently failed to prevent it, would be imprisoned under Sections 9, 10 and 11 of the Act.

The duty of the Child Marriage Prohibition Officers was to counsel the residents of the locality not to indulge in promoting, helping, aiding or allowing child marriages, create awareness and sensitise the community to the ill-effects of child marriages.

The IPC fails to address the discrepancy in the age of consent at the time of rape and the age of consent for rape within a marriage, which constitutes discrimination against women – especially

married women and has severe implications for child marriages in India.

Executive Action against Child Marriage

- The Government of India introduced several policy initiatives to address the problem of early marriages.
- The National Population Policy 2000 promotes delayed marriage for girls.
- The National Policy for the Empowerment of Women, 2001, recognises the critical need of men and women to suitably address the issues of early marriage and aims to eliminate child marriage by 2010.
- The National Youth Policy 2003 calls for sensitisation among adolescents with regard to the correct age for marriage.
- The conditional cash transfer schemes and schemes related to education of girl child {Sukanya Samriddhi Account/ Beti Bachao-Beti Padhao}, Dhan Laxmi Scheme etc.

Rajiv Gandhi Scheme for Empowerment of Adolescent Girls/Sabla

It has been launched as a comprehensive intervention for adolescent girls in the age-group of 11-18, with a focus on out of school girls. The scheme is aimed at empowerment of Adolescent girls. *The adolescent girls aged 10–19 years constitute almost 47 per cent of the total population of adolescents in India. Most of the women marry before the legal age of 18.* It addresses the problems of dropout rate of females, female literacy rate, girls married before the age of 18 and female work participation

Indira Gandhi Matritva Sahyog Yojana

The scheme covers all pregnant and lactating women 19 years of age and above for first two live births are entitled for benefits under the scheme except all Government/PSUs.

What then needs to be done?

The Prohibition of Child Marriage Act, 2006 has now given the child bride and bridegroom the _right to get their marriage declared void_. The 205th report of the Law Commission recommended that child marriage below the age of 16 be made void. Registration of all marriages is made mandatory. Alongside the legal measures, investment in community based programmes and a service is essential. It is the parents of the girls, community elders and religious authority figures who need to be convinced of the risks of child marriages and the advantages of educating the girl child while delaying the age of marriage.

Juvenile Justice Bill

The Juvenile Justice (Care and Protection of Children) Act 2015 has come into force on January 15, 2016. It replaces the Juvenile Justice Act, 2000.

Background

The first proper intervention by the government of India in justice for children was via the *National

Children's Act, 1960. This act was replaced later with Juvenile Justice Act, 1986. In 1992, India ratified the United Nations Convention on the Rights of the Child (UNCRC). To adapt to the standards of the convention, the 1986 act was repealed and the JJ Act, 2000 was passed. The JJ Act 2000 dealt with two categories of children viz. *'child in conflict with law'* and *'child in need of care and protection'.* As per JJ Act, 2000, a juvenile is a person who is below 18 years of age. This act has a provision that a *child in conflict with law* <u>cannot be treated as an adult</u>. If a child is convicted for any offence, he may spend a maximum of three years in institutional care. This act empowered the Child Welfare Committees (CWCs) to deal with child in need of care and protection. Juvenile Justice Boards (JJB) were empowered to deal with child in conflict with law.

Need for the amendment of the JJ Act 2000

The National Crime Records Bureau (NCRB) data shows that there has been an increase of offences committed by juveniles, especially in the age group of 16-18. One of the perpetrators in the Delhi gang rape of 2012 was few months short of 18 years age and he was tried as juvenile. He was sent to reformation home for three years and was released in December 2015. This had raised the public demand for lowering the age of juveniles under the act. The 2000 act was also facing implementation issues *particularly in cases of adoption.*awat.rs.surajsingh@gmail.com | www.gktoday.in/upsc/ias-general-studies

Salient Features of the Juvenile Justice Act 2015

The JJ Act 2015 also deals with both categories of children.

Children in conflict with law

1. It treats all the children below 18 years equally, except that those in the age group of 16-18 can be tried as adults if they commit a heinous crime.

2. A child of 16-18 years age, who commits a lesser offence (a serious offence), may be tried as an adult if he is apprehended after the age of 21 years.

3. A heinous offence attracts a minimum seven years of imprisonment. A serious offence attracts three to seven years of imprisonment and a petty offence is treated with a three year imprisonment.

4. No child can be awarded the death penalty or life imprisonment.

5. It mandates setting up of Juvenile Justice Boards (JJBs) in each district with a metropolitan magistrate and two social workers, including a woman. The JJBs will conduct a preliminary inquiry of a crime committed by a child within a specified time period and decides whether he should be sent to rehabilitation centre or sent to a children's court to be tried as an adult. The board can take the help of psychologists and psycho-social workers and other experts to take the decision.

6. A Children's court is a special court set up under the Commissions for Protection of Child

Rights Act, 2005, or a special court under the Protection of Children from Sexual Offences Act, 2012. In absence of such courts, a juvenile can be tried in a sessions court that has jurisdiction to try offences under the Act.

Children in need for care and protection

Child Welfare Committees (CWCs) should be set up in each district with a chairperson and four other members who have experience in dealing with children. One of the four members must be a woman. The committee decides whether an abandoned child should be sent to care home or put up for adoption or foster care.

Other Salient Provisions

1. The *Central Adoption Resource Agency* will frame rules and regulations for adoption of orphaned children. Inter-country adoption is allowed when no Indian adoptive parents are available within 30 days of child being declared free for adoption.

2. Adoptive parents should be financially and physically sound. A single or divorced person may adopt a child. A single male may not adopt a girl child. Disabled children will be given priority for adoption.

3. Children in need of care and protection can allowed to be placed in foster care based on the orders of the CWC. The selection of the foster family is based on the family's ability, intent, capacity and prior experience of taking care of children.

4. Buying and selling of a child attracts imprisonment up to five years. Giving an intoxicating or narcotic substance to a child attracts imprisonment up to seven years.

5. Institutions for child-care must be registered. Corporal punishment of children in child-care institutions is also punishable.

6. Non-disclosure of identity of juvenile offenders by media.

Summary of Provisions

- The JJ Act 2000 empowers the Juvenile Justice Board, which has psychologists and sociologists on board, to decide if a juvenile criminal in the age group of 16–18 should tried as an adult or not.

- It has also tried to make the adoption process of orphaned, abandoned and surrendered children more streamlined while adopting some of the concepts from the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption.

- Further, the act has *introduced foster care in India* under section 44. As per this, the families would sign up and the abandoned, orphaned children or those in conflict with the law would be sent to them.

- Such families will be monitored and shall receive financial aid from the state.

- The law has also made provision that while adopting child, priority is given to disabled children and physically and financially incapable children.
- The parents who are giving up their child for adoption get 3 months to reconsider their decision {It was earlier 1 month}.
- The law mandates that any person giving alcohol or drugs to child would be punished with 7 years imprison or Rs. 1 Lakh fine or both. A person selling a child would be imprisoned for five years or Rs. 1 lakh fine or both.

Link to Bare Act

The bare act is located at this link.

Trends in Elderly Population of India

Most of developed countries define an "elderly" as a person who has crossed 65 years of his / her life. However, in Indian context, the National Policy on Older Persons, 1999 defines 'senior citizen' or 'elderly' as a person who is of age 60 years and above. The same definition is applicable in Maintenance and Welfare of Parents and senior Citizen Act, 2007. The elderly people face problems of failing health; economic insecurity; isolation; neglect; abuse; fear; idleness; lowered self esteem; loss of control; lack of preparedness for old age and so on.

Trends in Population

The population of elderly people is growing everywhere in the world. This is mainly because of improvement of public health; and advances in medical science which are able to prevent untimely deaths and epidemics resulting in *low birth rate and low death rate*.

The demography of India has also shown the same trend. The below graph shows the percentage share of elders (60+) in India's total population since 1961:
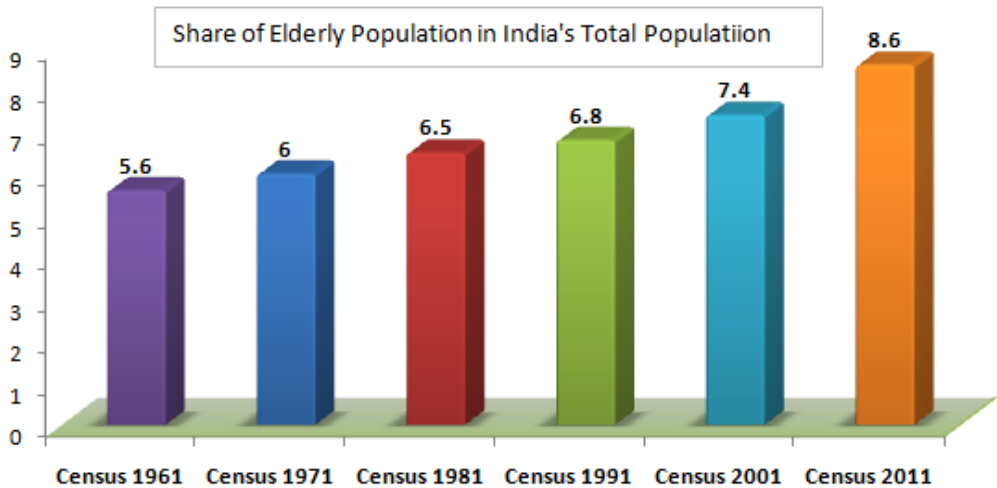
The above graphics shows that in Census 2011, India's above 60 population has hit an all time high accounting for 8.6% of 121 crore population. It's worth note that it was a jump of 35.5% from 7.6 crore in 2001 to 10.3 crore in 2011. This is also a record high (double of the rate) at which overall population grew. This implies that between 2001 to 2011, India's overall population grew by 17.7% as per the official figures.

As per Census 2011 figures, Kerala is the state with highest elderly population share (12.6%) while Arunachal Pradesh is state with lowest elderly population.

States with High Share of Aging Population	States with low share of Aging Population
Kerala - 12.6%	Arunachal Pradesh - 4.6%
Goa - 11.2%	Meghalaya - 4.7%
Tamil Nadu - 10.4%	Nagaland - 5.2%
Punjab - 10.3%	Mizoram - 6.3%
Himachal Pradesh - 10.2%	Sikkim - 6.7%

Source: Census 2011

Challenges due to Ageing population

The increasing ageing population would definitely emerge as a major social challenge in the country mainly due to increased old age dependency ratio. India's age dependency ratio is also increasing,

standing at 14.2 against 10.9 in 2001. It brings more economic pressure on working population. As the ratio increases there is an increased burden on the productive part of the population to maintain the means of livelihood of the economically dependent. This results in direct impacts on financial expenditures on things like social security, as well as many indirect consequences such as: working population may have to pay higher taxes; ageing population may lead to shortage of workers and hence push up wages; increased demand for certain goods and services related to old age people {example- retirement homes}; reduction in capital investments due to higher savings in pensions etc. Traditionally older people in India enjoyed honour, respect and legitimate authority within the family and society. However, in modern times, the youngsters have replaced them in strategic positions leaving them in weakened and non-productive.

Government Policy Programme for Elderly Population

The Government Policy in India towards older people can be studied under three heads viz. Legislative and Executive Actions.

Legislative Policy Actions

Constitutional Provisions

Under Directive Principles, the Article 41 says that State shall *within the limits of its economic capacity and development,* make effective provision for securing the right of public assistance in cases of old age. This is an explicit provision for ageing population and to realise this DPSP, government of India has launched the National Social Assistance Programme (NSAP).

Some other implicit measures include Right to Equality {Part-III}, direction to state to improve the quality of life of its citizens {DPSP} etc. We note here that subject of *Social Security is a concurrent responsibility* of the Central and State Governments.

Legislations: Senior Citizens Act, 2007

Before 2007, the problems of aged people were covered under CrPC and Hindu Adoption & Maintenance Act. In 2007, the parliament enacted a dedicated law titled *Maintenance and Welfare of Parents and Senior Citizens Act, 2007* to deal with the concerns of Senior Citizens in India. This act was mainly enacted to eliminate some of the procedural implications of the erstwhile provisions and legal obligations. Under the CrPC and Hindu Adoption Law, parents can claim maintenance from their children but there was a need to put in place some explicit, speedy, inexpensive process. This law covers all senior citizens irrespective of religion and provides that it is the duty of the children to maintain their parents. The maintenance included all basic necessities and requirements of life. There is no restriction / bar on the age of parents and they can claim without any bar of age {except when child is minor}. A childless senior citizen can claim maintenance from relative who is legal heir

of that senior citizen and who is in possession of or would inherit his property after his death.

Under this act, the state governments are required to constitute the Tribunals on subdivision level to adjudicate matters related to this law. Each such tribunal is headed by SDM. They senior citizens can apply either directly or via some voluntary organizations but *not via advocates*.

This law had to be notified by each state with their own rules and Rajasthan was first state to do so.

Executive Policy Actions

The Ministry of Social Justice & Empowerment is responsible for executive actions towards senior citizens.

National Policy for Older Persons

The Government launched National Policy on Older Persons (NPOP) in 1999 with key features such as Old Age Pension Scheme; Tax Exemption for Senior Citizens; Make PDS to reach older people; Subsidy in healthcare, geriatrics care, mental health services, counselling facilities; Grants, land grant at concessional rates to NGOs and private hospitals to provide economical and specialized care for the older person; Earmarking 10% of the houses in housing schemes and easy access to loans; Layout of housing colonies to be sensitive to the needs of the older persons; Quick disposal of cases of property-transfer, mutation, property-tax etc; Assistance for construction/ maintenance of Old-Age Home, Daycare Centers, Multi-service Citizens Center, outreach services, supply of disability related aids and appliances etc and setting up a welfare fund for older persons

Dr V Mohini Giri Committee

When the NPOP completed 10 years in 2010, the Government constituted Dr. V Mohini Giri committee to review it and make suggestions. This committee made some of the important suggestions and a Draft of National Policy for Senior Citizens 2011. Key recommendations are:

- Lifelong healthcare facilities for Padma award winners, gallantry award winners
- Setting up of a department of senior citizens and national council for senior citizens.
- Increase in old age pension amount

Indira Gandhi National Old Age Pension Scheme (IGNOAPS)

This scheme was introduced as a part of National Social Assistance Programme (NSAP). Under this scheme, all BPL Indians above 60 years are covered. The monthly pension amount for them is Rs. 300 for age 60-79 years and 500 above 80 years.

National Council for Older Persons National Council for Senior Citizens}

National Council for Older Persons (NCOP) was constituted in 1999 as per NPOP. This council, headed by Minister of Social Justice and Empowerment, is the highest body to advise the government in the formulation and implementation of policy and programmes for the aged. It has representation from central and state governments, NGOs, citizens' groups, retired persons'

associations, and experts. In 2012, it was renamed as _National Council of Senior Citizens (NCSrC)._ It advises Central and State Governments on the entire gamut of issues related to the welfare of senior citizens and enhancement of their quality of life. Its latest meeting was in August 2016.

National Programme for Health Care of Elderly

This scheme was launched in 11th five year plan to provide dedicated healthcare facilities to the elderly people through State Public Health delivery system at primary, secondary and tertiary levels, including outreach services. This Programme is presently being implemented in 104 district under National Health Mission.

Topic 4. Caste System

Features of Caste System in India

The word caste is derived from Portuguese word "casta" which denotes a group. Castes / _Jati_ are inscriptive groups, membership of which is detailed by birth; and encompass a concrete empirical grouping based on social, ritual and occupational criteria. The castes are endogamous characterised by hereditary occupation and operation of marriage rules, occupational rigidity, social taboos and even village politics at their level.

There are several theories of evolution of castes.

There are several theories regarding origin and evolution of castes. The **political theory** says that this system was developed by Brahmins to maintain their occupational supremacy. The **traditional / divine theory** says that four varnas originated from different parts of Brahma's body {Brahmin-mouth; Kshatrita-arms; Vaishyas- Stomach and Shudra-feet}; and all other castes were born due to their intermixing. The occupational theory says that castes evolved from the occupations of people which were not hereditary in the beginning. This theory links names of castes with their occupation such as goldsmiths, ironsmiths and so on. The racial theory rests upon Aryan invasion theory and Varna system. Each of them gives narrow interpretation and fails to justify the origin of castes. Only multitude of factors has helped in creation of various castes.

Features Caste System

Following are salient features of the traditional caste system in India.

- Castes have resulted in segmental division of the Indian society. Each caste is hereditary and different from other castes by behavioural pattern, manners of dialogue, food habits and interaction. Further, each caste in India has its own caste council or _Jati Panchayat._

- In each region of India, there are numerous castes which can be arranged into a hierarchy on the basis of their social precedence. Brahmins are on top of this hierarchy while Sudras are at the bottom. In between are the other castes.

- There are rules and restrictions regarding eating, drinking and social interaction from other castes. These rules are powerfully enforced by the caste panchayats.
- The hereditary caste has made choice of occupation impossible and closed system.
- The Endogamous marriages are an essential feature of the caste system. A person has to marry within one's own caste.
- Within jajmani system at the village level, each caste is dependent on other castes. Their dependence is not only economic but also social, cultural and religious.

Functions of the Caste System

Caste system has *continued the traditional social organization* of India. It has *accommodated multiple communities by ensuring each of them a monopoly of a specific means of livelihood*. It has handed over the knowledge and skills of the hereditary occupation of a caste from one generation to another, which has helped preservation of culture and ensured productivity. It has also led to interdependent interaction between different castes following different occupations in a village, through *jajmani relationships*.

Further, this system has enforced the concepts of Karma and Dharma. Performance of rites and rituals promoted cooperation of the members of the caste and among' different castes.

Maladies of Caste System

Caste system has done more harm to India than any other social institutions. It has obstructed the unity of the country, imposed restrictions on dalits and lower castes forcing them to live in misery for centuries, preserved the ideas of purity-pollution; opposed the national consciousness and gave rise to "untouchability". It restricted horizontal and vertical social mobility and closed the options of occupations available to people at their will.

Conditions Favouring the Caste System

Among the conditions that have favoured the continued existence of the caste system include *Geographical Isolation* {immobility and lack of transport means}; *Static nature of Indian Society* {the rituals, customs and practices failed to change with changing times}; *Foreign aggressions* {Aryan invasion theory, invasion of various tribes; Islamic invaders which led to strict caste rules to protect Hindu society}; *Rural social structure* {rural social structure is usually unchanging and static}; *Influence of religion* {caste system is divine and violation is sin} and *Lack of education* {superstitions dominate the life of illiterates}.

Factors that weakened the Caste System

The factors which have played role in weakening of the caste system include *Modern Education* {is rational, scientific and independent thinking, stresses on liberty and equality of humans, encourages

intercaste marriage; eliminates caste superiority complex}; *Industrialization and means of communication / transportation* {persons from all castes sought and obtained work in factories, brought people in close contact with each other}; *increased importance of wealth* {wealth is new indicator of social prestige, choice of profession no longer based on birth}; *Social movements* {Bhakti / Sufi movements and efforts of social activists including Jyotiba Phule, Swami Dayanand; Dr. Ambedkar; Mahatma Gandhi and so on}; *Constitution and Law* {establishment of judicial courts undermined the caste panchayats; parliamentary laws including constitution promoting equality and liberty} etc.

Nevertheless the caste system still flourishes in the country and is deep rooted in the Indian society.

Caste Based Reservation

The idea of caste based reservation had come up in later part of 19th century by William Hunter, Jyotiba Phule etc. and was first introduced by Chhatrapati Sahu in 1902 by sanctioning 50% Reservation for the backward Classes in Kolhapur State Services.

Objectives

The key objectives were: To uplift lower strata of society; to ensure proper political representation of minority groups; to ensure that minorities are not discriminated in job selections and promotion.

Achievements

However, the system has _failed to achieve its objectives_ because it was – *not able to reduce dropout rates* {the most unprivileged children don't turn up in schools}; *not improved the income share of poor and downtrodden much* {most dalits still live in misery}; has _not improved the quality of the education_; _is not inclusive of all poor sections_ of the society {leaves out the poor people from higher castes}; _creates imbalance_ {due to fixed percentage of seats in jobs and admissions}.

Alternatives

The alternatives are – _income based reservation_ {but that also has its own caveats as we have not been able define so far, who exactly is poor, and this system cannot work until there is 100% enrolment; issue is same that its poverty that leads to illiteracy, which leads to misery}; _limiting caste based reservation to one generation_ {this implies that a reserved category candidate can use quota for only his own – for his education; job and promotion, but once that has been done; his own progeny should be counted in creamy layer based on income; but this also has its limitations because most seats for SC/ST remain unfilled and many a time recruitment drives are done to fill the backlog}.

Demands of reservation by Higher Castes

Reservation in India is a form of affirmative action for the unprivileged section in order to enable them to be a part of the mainstream society by providing them quota in jobs and education.

However, in the recent past there has been a demand from many of the sections of the society which are privileged to be included in the reservation and be given a quota as such. Patel agitation in Gujarat, Jat stir in Haryana, Gujjar stir in Rajasthan, Kapu community stir in AP/Telangana are some of these examples.

The demand by these castes is manifold. The young Jats, Patels, Kapus and Marathas who do not find good jobs in the private sector fall back on the government. The search for government jobs among these castes is also influenced by their particularly skewed sex ratio. Parents of girls prefer grooms with stable income – those with government jobs are often their preferred choice. With fewer girls compared to boys in these castes, there is competition in the marriage market.

What should be done?

A dedicated study has to be made *analyzing the relationship between the reservation, growth and development*. Based on the study, the reservation policy has to be revamped. Reservation pleas without proper justification and rationale should not be accommodated.

Constitutional / Legal Protection of SCs and STs

Indian constitution abolishes any discrimination to any class of persons on ground or religion race or place of birth (Article 15(1)). It is in pursuance of this ideal that the constitution has abolished communal representation or reservation of seats in the legislatures or in any public office on the basis of religion.

However, the *Article 46* of the directive principles enjoins the state to take special care in promoting the educational and economic interests of the weaker sections of the society and in particular the scheduled castes and scheduled tribes and to protect them from social injustice. Any such provision made by the state cannot be challenged on the ground of being discriminatory. Similarly, the Part III constitution guarantees fundamental rights and provides many provisions protecting minority rights.

Constitutional Provisions
Special Protection under Fundamental Rights

Under Part III, article 15(4) enabled the state to make special provisions for SCs, STs, women, Children and other unprivileged sections under the idea of "positive discrimination".

Abolition of Untouchability

Abolition of untouchability has been included among fundamental rights under article 17. This is supplemented by Protection of Civil Rights Act, 1955.

Directive Principles

Under DPSP, the article 46 says that state shall make all efforts to protect and promote the educational and economic interests of SCs and STs.

Minister of Tribal Welfare

Art. 164 says that in the states of Bihar, Madhya Pradesh and Orissa there shall be a minister in charge of tribal welfare **who shall also be in charge of the welfare of SC** and other backward classes.

Grants in aid to states promoting welfare of STs

Article 275 provides for grants-in-aid to the states for promoting the welfare of scheduled tribes.

Lowering standards of evaluation

Provisions for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters or promotion for SCs and STs. Art. 335 says that claims of the members of SCs and STs shall be taken into consideration consistent with the maintenance of the efficiency in administration in appointments under the union and the states.

Separate National Commissions for SC and ST

Art. 338 provides for national commission for SCs and article 338A provides for national commission for STs. These commissions have been given _all the powers of a civil court_ in their investigations. The union and state governments need to consult the commissions on all major matters affecting SC's and ST's.

Legal Protection

National commission for Safai Karamcharis

This commission was created via an act of parliament in 1993 initially for a period of three years. Though it is not a permanent commission, yet it's tenure has been extended from time to time. It works for upliftment and improvement of conditions of safai karamcharis particularly regarding abolition of manual scavenging. It also evaluates the implementation of measures taken for the welfare of safai karamcharis and oversees laws and programmes relating to Safai Karamcharis

It consists of a chairperson, a Vice-chairperson and five members all nominated by the union Government with at least one member is a woman of those engaged in this activity.

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993

This act prohibits the employment of manual scavengers as well as construction or continuance of dry latrines, yet the biggest violator of this law in India is the Indian Railways which has toilets dropping all the excreta from trains on the tracks and they employ scavengers to clean it manually.

Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

The 1993 legislation was enacted to prohibit the employment of manual scavengers as well as construction or continuance of dry latrine. But this act did not have clear provisions for rehabilitation of the manual scavengers. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 was legislated for banning manual scavenging completely.

Caste Councils {Jati Panchayats}

A *Caste Council* or *Jati Panchayat* is one of the formally organized units in the Indian society. The key objective of Caste Council is to maintain unity of the caste and this secure uniformity of the rules.

Origin of the Caste Councils

There is no precise answer to how and when the caste councils came into existing. However, there is a general agreement that these were created only after settled village life became possible. Since each village is composed of more than one caste, each caste has been following the norms, rules and behaviour pattern vastly different from other castes. The source of these norms and rules are the cultural scriptures and ethnic / cultural callings maintained by the Caste Councils.

Organization

In northern India, the caste council is generally composed of five elder members of the renowned families, persons of acknowledged qualities of leadership, wealthy and capable of impartial judgement. These five people are called Panchas. Head of the caste council is called Mukhiya or Pradhan.

Meetings

Theoretically, the meeting of Caste Council can be summoned whenever there is a breach of the caste rules and such breach is brought to the notice of the caste council. Some of the major offenses which the Caste Council takes cognisance are as follows:

- Breach of the caste rules
- Failure to fulfil marriage agreements or conditions
- Marriage that violates the caste norms and rules
- Divorce without mutual consent
- Elopement of one member of caste with members of other caste
- Breaches of rules of endogamy and exogamy
- Dispute between in-laws
- Inter-dining with those who are outcaste
- Refusing to pay community subscription

Apart from the above, there are many petty offences which are brought into cognisance of the caste councils.

Punishment of Offense

The nature of punishment depends on nature of the offense and perpetrator is generally asked for either apology or some other kind of punishment. The highest punishment given to accused is "excommunication". Jurisdiction of the caste council may be limited to one village or may be

extending to a cluster of villages such as four, eight, sixteen, twenty-four, thirty six and so on. In older times, the area of influence of caste panchayats extended to 84 villages.

Impacts of Modern Times on Caste Panchayats

For centuries, the caste councils have worked effectively as judicial-cum-social institutions with mandatory sanctions issue writs over its members. In fact the writ or order of Caste Council ran supreme in all spheres of life of its members. However, with changing times, the effectiveness of these bodies has waned. Neither these bodies nor their verdicts are legally recognized by modern courts of law. The reasons ascribed to their gradual disappearance include – change in circumstances; improved mobility and interaction among people; establishment of statutory courts; introduction of secular village panchayats with legal as well as constitutional backing; modern laws banning the evil practices; government support / protection to inter-caste marriages; stringent government action over honour killings; abolition of untouchability; no legal sanction on "excommunication" etc. Nevertheless, these developments have been hardly able to undermine some of the panchayats such as Khaps in northern India. In villages, still people are fearful of excommunication.

Khap Panchayats

Khap Panchayats, which find their origin from ancient India, are the traditional social institutions engaged in dispute resolution in village communities. They are formally distinct from the lawfully elected village panchayats and their rulings have no legal sanctity in the eyes of court.

The exact origin of Khap is not known yet it is believed that they started as back as 600AD. They are not exactly the caste panchayats. Instead, they are units of number of villages organized into a *political council of the elders* for the purpose of societal control and decision making on issues of social importance.

Organization of Khap Panchayats

Khaps are most prevalent in the Jat Community of Haryana and Western UP. A khap is _all male organization_ and its leaders are unelected but based on their social clout. A khap can be based on single caste and single gotra; or single caste and multiple gotras or multiple castes and multiple gotras.

- The single-caste-single-gotra khaps are found in areas where a single gotra dominates a sizable geographical area. Examples of such Khaps include Dahiya Khap; Huda Khap; Sangwan Khap or Haryana and Balyan Khap of western UP. All these are Khaps of gotras belonging to Jat clans.
- The single-caste-multiple-gotra clans are found in areas where several villages are dominated

by different gotras of same caste. The 24 villages of Meham in Rohtak of Haryana is example of such Khap.

- The multi-caste-multi-gotra khaps are found in areas where some villages are dominated by a particular caste and other areas by other castes. The Bawal Khap of Chaurasi in Rewari district of Haryana is example of such Khap.

A Khap is consisted of 84 villages or 12 Thambas. Each Thamba is a group of seven villages. The *Sarva Khap* is a Khap of Khaps and is the supreme Khap council.

Events that bring Khaps in limelight

Khap Panchayats have been in the news for functioning as extra-constitutional authorities, often delivering pronouncements amounting to human rights violations. They have been linked to honour killings; forced marriages; female foeticide; and whimsical ways of delivering justice. The decision to ex-communicate the families results in torture and humiliation.

Honour Killings

The Khap verdicts of honour killings came into limelight in 1991 with the Mehrana Killings when a Jat girl and Jatav boy were executed on order of a Khap. In 2007, the Manoj-Babli murder was also carried on order of Khap. The perceived dishonour which leads to such decisions include marriage in same gotra, marriage with other caste person, marriage against wish of family, unacceptable sexual behaviour etc.

Forced Marriages

Sometimes, forced marriages are done by pressurizing one of the partners who might be an adult or minor. The victim of such marriage undergoes fear, threat, abduction and torture, sometimes resulting in suicide also.

Executive, Legislative and Judicial Actions

Executive, Legislative Actions

The political parties have no courage to speak openly against Khaps as they can alter their fate in elections. However, two bills were suggested and drafted by law commission towards banning / criminalizing *honour killings*. So far, we have no specific law on honour killings and all such executions are covered in murders and homicide related laws. In 2012, the Law Commission had drafted a bill titled "*Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011*". This bill proposed to prohibit people from congregating together to condemn a legal marriage on the ground that the said marriage has brought dishonour to the caste or community. However, so far this bill has not moved forward from being a proposal only. This may be because of an inherent deficiency in the bill. The constitution of India gives freedom for peaceful assembly and the provisions of the bill might be challenged on this ground. Further, the criminal

justice system presumed the accused innocent until proven guilty. That bill would reverse that presumption because it provides that if accused person participated in an unlawful assembly, then it will be presumed that the accused intended to commit an offence under the Bill.

Another such bill drafted by law commission was *Endangerment of life and Liberty (Protection, Prosecution and other measures) Act, 2011.* This bill proposed to prosecute persons or group involved in threat, encouragement, commending, exhorting and creating an environment whereby loss of life and liberty is imminent or threatened.

The two bills are just proposals and so far _no concrete legislative reform has been done by executive / legislature_ to curb the clout of Khaps. A few suggested legislative measures include: constitution of fast track courts to deal with honour killings; amendments to Special Marriage Act to reduce duration of registration of marriage; provide enough protection to couple engaged in inter-caste marriage.

Judiciary Actions

Some of the actions of judiciary are directed towards bringing down the clouts of these Kangaroo courts.

- In *Laxmi Kahhwaha vs. The State of Rajasthan* the Rajasthan High Court held that the Caste Panchayats have no jurisdiction whatsoever and cannot impose fine or social boycott on anyone.
- *State of UP vs. Krishna Master*, Supreme Court awarded life sentence to the three accused of the honour killing.
- In *Manoj And Babli Murder* case, five of the seven convicts was sentenced to life imprisonment by the Punjab and Haryana High Court.
- In *Armugam Servai vs. State of Tamil Nadu*, Supreme Court said that Khaps are illegal and must be rooted / stamped out.

Reforms in Khaps

It is not easy to undermine Khap institution which is much older than our democracy and constitution. The Khaps have deep roots, based on principles of Bhaichara and Hukka-Pani {Interdining} and it is the _kinship feeling or cultural relativism that gives them strength_. They deliver justice quickly unlike our regular courts which keep a huge backlog. They are strong enough to change the fate of contestants in elections so are supported by political parties. The inherent weakness of Panchayati Raj System gives them more strength. Further, despite of too many extravagant and illogical diktats, these panchayats have frequently made pronouncements on social issues in an attempt to combat problems like female abortions, alcohol abuse, dowry, and to promote

education. Thus, it's high time for the Khaps themselves to change and reform themselves with the changing times lest the court stamps them out. The government / judiciary also can make a way so that Khaps may work as alternative dispute Redressal bodies and in accordance with the law of the land.

Social Boycott and Maharashtra's Law

Maharashtra Protection of People from Social Boycott (Prevention, Prohibition & Redressal) Act 2016 was enacted by the Maharashtra Assembly to end the menace social boycott practiced by extra-judicial institutions like caste and community panchayats. With this Maharashtra became first state in the country to adopt a comprehensive law to root out oppression carried out by parallel justice delivery system (kangaroo court) in the name of age old traditions, caste and religion.

Why there is a need for such a law in Maharashtra?

In recent times, Maharashtra had witnessed an increasing number of incidents of social boycott and violence due to the orders passed by the caste panchayats. However, existing laws were found to be inadequate in dealing with such practices. For years, number of activists and academicians in the state were demanding stringent law to root out the menace of social boycotts from the state.

What are the key features?

- The Act terms social boycott as a crime and says anybody indulging in it would face imprisonment maximum up to three years and a fine of 1 lakh rupees or both.
- The Act provides 15 examples of "social boycott" such as obstructing individuals from observing religious practices or customs, severing social or commercial ties, causing intra-community "discrimination", expulsion from the community etc.
- It disallows social boycott of any individual or groups by caste panchayats or groups of individuals or gavki or by its members or by social or economically influential persons.
- It is directed against caste panchayats functioning as community-based parallel forums of justice, which issues diktats invariably against recalcitrant individuals who have been considered to have gone beyond the bounds of caste or community morality. So, the Act penalizes discrimination among the members of a community on the basis of "morality, social acceptance, political inclination, or sexuality".
- Persons involved in practice of social boycott for reasons like rituals of worship, inter-caste marriage, and any connection to lifestyle, dress or vocation will face stringent punishment. The offence registered under the act will be congnizable and bailable. It will be tried by a judicial magistrate of the first class.
- The victim of social boycott or any member of the victim's family can file a complaint either

to police or directly to the magistrate.

- The Act has indicated speedy trial within six months of filing chargesheet in such cases in order to ensure time-bound results.
- Government will recruit social boycott prohibition officers to ensure monitoring and to detect offences and assist the magistrate and police officers in tackling such cases.

Past attempts made to make anti-boycott laws

Pre-independence:

As early as the mid-19th century, there were instances of intra-community battles over access to public goods. After prolonged protests lasting a few decades, the colonial state finally at the end of the 19th century, decided to allow Dalit students to attend public schools. But the Dalit students were made to sit separately in a verandah outside the classroom and were barred from accessing the common water supply.

The struggle against social boycotts got intensified in the early decades of the 20th century and reached its climax in the late 1920s, with B.R. Ambedkar's famous Mahad Satyagraha. The satyagraha was directed towards opening up the access to community water tanks to Dalits. Simultaneously, a movement for entry into public temples was also launched by Ambedkar during which he famously argued, "the issue is not entry, but equality."

Further, Ambedkar identified social boycott as "the most formidable weapon in the hands of the orthodox classes" in his submissions to the Minorities Committee of the Round Table Conference. Dr. Ambedkar had also proposed an anti-boycott law to specifically prohibit the practice of social boycotts which was largely ignored by the colonial government. However, a few proposals of Ambedkar were incorporated into the post-Independence *Protection of Civil Rights Act of 1955.*

After Independence:

Soon after Independence, *Bombay Prevention of Excommunication Act* was passed by the State of Bombay passed in 1949, which outlawed the practice of excommunication within religious communities. Subsequently, the constitutional validity of this Act was legally challenged by the "Dai" (head), of the Dawoodi Bohra community. The Dai argued that the law interfered with his religious freedom by curtailing his powers of excommunication.

In 1962, a divided Supreme Court struck down the Bombay Prevention of Excommunication Act citing the practice of excommunication as an essential tool for maintaining community discipline & cohesiveness and also by citing the protection accorded by Article 26(b) of the Constitution to all religious denominations the right to manage their own affairs in matters of religion. However, a petition to reconsider majority opinion in the Dawoodi Bohra case has been pending in the Supreme Court since 1986.

With regards to the above efforts, Maharashtra social boycott law is an important step in the long struggle to secure social inclusion.

Relevant provisions in the constitution

The Constitution guarantees religious freedom and freedom of association. But at the same time, it also curtails the power of groups in various ways to safeguard individual freedom, dignity, and access to basic public goods. Apart from prohibiting untouchability, the Constitution guarantees non-discriminatory access to "shops, public restaurants, hotels, and places of public entertainment" in Article 15(2). In sum, the constitution not only guarantees individuals rights merely against the State but also against other individuals and groups.

Comment

Maharashtra's social boycott law is an attempt to give effect to the Constitution's guarantee against social exclusion, as provided in Articles 15(2) and 17. But this is only a first step and as Ambedkar recognized, social exclusion occurs along multiple ways through boycott, stigmatization and segregation. For instance, there exists religion-driven housing discrimination especially in urban areas, which inevitably leads to segregation. So with the sole focus on caste-panchayat driven community boycotts, the Maharashtra law has left a significant area of discrimination untouched. So a comprehensive anti-discrimination law on the lines of the Civil Rights enactments in the US and the UK is the need of the hour. As of now, the Maharashtra law carries forward the judicially dismantled goals of the 1949 Excommunication Act, and the rarely used Protection of Civil Rights Act of 1955.

Topic 5. Nationalism, Communalism, Regionalism and Secularism

Factors behind Development of Indian Nationalism

Indian nationalism developed not on the basis of religion, caste, regionalism or race but as result of the peculiar circumstances of the 19th century. The following factors contributed in the development of the Indian Nationalism:

Historical Factors

Among some western writers, there has been an assertion that India was never a nation in the "physical, political, social, or religious" sense and the British colonialism helped India to become a nation state, yet the Indian nationalism emerged out of opposition to the British in the 19th century. The modern national identity was pronounced during the struggle for independence and the British imperialism was then the main enemy of Indian nationalism.

Geographical Factors

India is located within the limits of the Himalayas in the north, the Bay of Bengal in the east, the Arabian Sea in the west and the Indian Ocean in the south. These geographical factors not saved India from unrestrained aggressions on one hand and enabled interaction with the rest of the world on other.

Moreover, divergent natural features and climate have created a feeling among the people to respect and recognize the cultural diversities.

Socio-cultural Factors

Though there were diversities, the people learnt to co-exist for the necessities of life. India was able to assimilate the religions which originated in India and those which came from abroad owing to these features.

The various cultures which reached India have contributed much to Indian society. Indian culture is the *sum total of the essence of the different cultures of the world.*

Role of British Colonialism

Nation-states are a modern phenomenon, prior to this, the Kingdoms and Sultanates were the norm. The Nation states first replaced the Kingdoms in Europe. The European nations which industrialized earlier colonized other countries particularly in Asia, Africa and Latin America. The British plunder was based on taking away raw materials from here and creating markets for their goods. India, which was hitherto an agrarian economy, saw the rise of new classes of merchants, bankers, industrialists and placation owners. Introduction of English education and changing social dynamic laid the foundation of Indian Nationalism.

In its very elementary form, the changed scenario led to rise of several reform movements; new associations and unions of economic, social and political nature on the pattern of such organizations in west. In due course, the intelligentsia started demanding widening of the franchise, simultaneous examinations of administrative services, indianization of civil services, various political and judiciary reforms, agrarian and land reforms etc. In the 19th century, Indian society saw its changing face in the form of *rise of modern education, railways, telegraphs, press and hatred for British racial discrimination, economic exploitation, weakness of judiciary etc.* The press created a strong impetus for the rise of national consciousness. Many local and regional associations such as Bombay Association, Madras Natives association, Pune Sarvajanik Sabha, Madras Mahajan Sabha etc. were formed which aimed at voicing the grievances of the emerging elite and projecting their vision of the nation.

The Indian National Congress from its very birth in 1880s expressed the ambitions of Indian elite and asked for many reforms in the councils, holding of Indian civil service Examinations in India, more facilities for industry, and commerce and land reforms. INC started striving towards the

eradication of race, creed and provincial prejudices, and encouragement of natives in the political process.

Communalism in India

Communalism in India has developed through a long and complex process bearing *burden of history* and *sectarian politics.*

Burden of History

To begin with, the seeds of communal violence were sown by the British implementing the policy of 'divide and rule'. To achieve the objectives of such policy, they introduced communal historiography, whereby the people were looked through the prism of their religion. Communalism arose due to the politics of Muslim Nawabs, Hindu Zamindars and Rajas and the British policy of divide and rule.

Gradually, the Hindu communalists blamed Muslim kings for temple destruction and forcible conversions, while Muslim communalists claimed that they had been the rulers of the country. This burden of history created an atmosphere of mutual hate amongst Hindus and Muslims.

Simultaneous rise of Nationalism and Communalism

In our country, the rise of nationalism and rise of communalism was almost simultaneous. In the 19th century, leaders of various organizations used **religious consciousness** to inculcate modern nationalism amongst the people. This resulted in not only the arousal of nationalism but also of communalism on the sidelines. By the turn of the century, national and communal identities started taking prominent shapes but still, the communalism was in sharp contrast with nationalism. For example, the terms like nationalist Hindus, nationalist Muslims and nationalist Sikhs used to be contrasted with those like communal Hindus, communal Muslims and communal Sikhs respectively. During the initial decades of 20th century, the communalism was overshadowed by the Nationalism because at that time, British imperialism was the main enemy of Indian masses. Thus, Hindu communalism's anti-Muslim plank, and Muslim Communalism's anti-Hindu plank were considered a diversion from the nationalist movement and thus got isolated for the time being.

However, soon afterwards, communal parties, Muslim League and Hindu Mahasabha along with other communal formations started creating an atmosphere of mutual hate. The blame is put on British but both Hindu and Muslims also cannot be exonerated for their role in perpetuating violence.

Sectarian Politics and Partition of India

Partition was the final outcome of the British Policy of divide and rule, Muslim communal politics and Hindu communalism. The Muslim League, which was a representative of the interests of the Muslim elite, wanted maximum privileges for the rich Muslims. It stated that Muslims are 25% of the

population, but for passing any legislation two-thirds majority is needed, so they should be granted one third representations in legislatures so that they can prevent anti-Muslim legislation. This demand was rejected and Jinnah later emerged as main leader of the Muslim league. Later, the two nation theory came up and the Muslim league put forward the idea of separate nation for the followers of Islam. The Jinnah's party never got more than 3.6 per cent of votes in elections, but was promoted by the British and instigated by the Hindu fundamentalists of the day. Thus, Pakistan was created out of western and eastern Muslim majority areas of India. During partition, the Muslims, mostly affluent left for Pakistan but a majority of the Muslims in this region chose to live here in India.

Communalism in Independent India

After Independence, the Hindu as well as Muslim communal forces started taking more prominent shapes. Both India and Pakistan started seeing each other as major threats. In 1971, when Pakistan broke up in two, it proved that the *nations cannot be sustained on the basis of religion.* While, Pakistan's leaders chose to align themselves with America, inviting the uninterested Americans to make themselves a pawn; Indian leaders such as Jawaharlal Nehru proactively isolated Pakistan from other Muslim countries and the non-aligned world. One of the greater assets for India was that its constitution chose it to be a secular nation.

Jammu & Kashmir Problem

At the time of independence, India was divided into British India and the Indian India which was made up of some 562 princely states. These states were given three options:

- To merge with India
- To merge with Pakistan
- To remain independent.

The princes and kings were given the guidelines to take a decision based on physical proximity and the opinion of people. Most states merged with India or Pakistan based upon those guidelines but the Nawabs of Hyderabad, Junagarh and Raja of Jammu & Kashmir (J&K) showed a bit of a hesitation decision making. Hyderabad and Junagarh were merged into India by military action but the Jammu & Kashmir was destined for a bigger problem.

The king of Jammu & Kashmir Maharaja Hari Singh wanted to remain independent. Pakistan wanted to merge Kashmir with itself and so its army invaded Kashmir disguised as tribals. Maharaja Hari Singh began negotiations with India through emissaries asking India to send it's the army to defend Kashmir. Nehru stated that unless some agreement is signed, India couldn't send its army to a state where it has no legal standing. Accordingly, a treaty of accession was drafted with the promise of Article 370 in Indian Constitution for safeguard of the people of the state. According to the

accession treaty, India was to look after *defense, external affairs, communication and currency* while the local assembly was given powers to decide on all other matters. Similarly, the provisions of part VI of Indian constitution were not to be made applicable to Jammu & Kashmir and it was allowed to have its own Constitution. On the basis of such accession, India sent its army, but by that time one third of Kashmir was already occupied by Pakistan.

The Jammu & Kashmir council of ministers was to be headed by a Prime Minister (in place of Chief Minister of Indian states) and the constitutional head of the state was Sadar-i-Riyasat. In due course, the Prime minister was changed to Chief Minister and Sadar-e-Riyasat was changed to Governor and gradually the reach of Indian constitution was extended to Jammu & Kashmir. The Pakistan occupied Kashmir, though named Azad Kashmir, has remained dependent practically in all matters on Pakistan.

The dissatisfied Kashmiri Youths prompted by Pakistan led to rise in terrorism and Jihad. The communal angle was given to the social harmony of Kashmir by creating a rift between Kashmiri Pundits and local Muslim population. Pundits left the valley and many of them are living the wretched life in refugee camps in different places in India.

Babri Mosque Demolition

Most serious challenge to the secular idea was posed in 1980s, around Babri mosque. There is a mention of this land in Ayodhya gazette that there might have been a temple in the part of the land where the mosque is located. This reference given by *Mrs. A.F. Beeveridge*, British Gazette writer is casual but some other sources claim that the mosque was built in the sixteenth century by Mir Baqi, commander of the Mughal emperor Babur. The mosque was destroyed by Hindu Fundamentalists in 1992, maintaining that it was built on the ruins of an earlier temple of Rama. This event ensured the series of Hindu-Muslim riots throughout India, belying Ayodhya's very essence as a place of peace.

Minority Appeasement and Communalism

At the time of partition, it was only the elite of the Muslims who left for Pakistan. Officially, Indian government did not ask Muslims to leave the country but as a matter of fact, only poor Muslims and a few professionals and traders were left behind. The status of the Muslims in India in comparison to upper caste Hindus was pathetic. This condition was also highlighted by the Sachar committee appointed by the government. However, equally worse condition was dalits and other oppressed classes.

The successive governments in India have been blamed for Muslim appeasement and it is true in case of security and appeasement of the Muslim critics. However, it is also a matter of fact that Muslims are grossly underrepresented in all sectors of employment and social facilities.

Thus, it is not the democracy alone but a participative democracy that can sustain Indian society. Muslims claim that they are living in a brute force of majority.

Causes of Communalism

There are a number of economic, social and political causes which are responsible for the prevalence of communalism.

Propensity of the Minorities:

- The Muslims either don't consider themselves in the national mainstream or they believe that India was once ruled by them but now they are oppressed.
- Low participation in the secular nationalistic politics and their insistence on maintaining for separate identity.
- The elite among the Muslims and the Muslim clerics have failed to generate the appropriate national ethos.

Orthodoxy

- The orthodox members of Religious communities feel that they have a distinct entity with their own cultural pattern, personal laws and thought.
- Such feeling has prevented them from accepting the concept of secularism and religious tolerance.

Sectarian Politics

- Communalism has flourished in India because the communalist leaders flourish it in the interest of their communities.
- The demand for separate electorate and the organization of Muslim league were the practical manifestations of this line of thought.
- Ultimately the partition of the country into India and Pakistan provided further an antagonistic feeling towards each other.

Economic Status

- Communities in Rural India have failed to adopt the scientific and technological education.
- Their educational backwardness and insufficient representation in the public service, causes the feeling of relative deprivation and such feelings contain the seeds of communalism.

Geographical Causes

- The territorial settlement of different religious groups especially Hindus Muslims and Christians causes in them wide variation in the mode of life, social standards and belief system.
- Most of these patterns are contradictory and this may cause communal tension.

Burden of History

- As discussed above.

Social Causes

- Cultural similarity is a powerful factor in fostering amicable relations between any two social groups. But the social institutions, customs and practices of Hindus and Muslims are so divergent that they think themselves to be two distinct communities.

Psychological Causes

- Psychological factors play an important role in the development of communalism.
- The Hindus think that the Muslims are fanatics and fundamentalists. They also believe that Muslims are unpatriotic.
- On the contrary, the Muslims feel that they are being treated as second rate citizens in India and their religious beliefs and practices are inferior. These feelings lead to communal ill-feeing.

Provocation of Neighbors

- Our neighbours and some other countries try to destabilize us by setting one community against the other through their agents.

Impact of Mass Media

- The messages relating to communal tension or riot in any part of the country spread through not only the local and vernacular but the mainstream, English media also.

Communalism and Indian Constitution

Communal violence threatens the secular fabric, unity, integrity and internal security of India and poses a problem of rehabilitation of victims of such violence. The recent outbreak of communal violence in Muzaffarnagar once again reminds us of the *urgent and dire need for a law against communal and targeted violence* not only against the minorities but also the majority. The constitution of India via its **Article 355** says that *it shall be duty of the Union to protect every State against external aggression and* **internal disturbance** *and to ensure that the Government of every State is carried on in accordance with the provisions of Constitution.* But this constitutional provision by itself has not been able to check the sporadic events of communal violence in various parts of India.

National Integration and Role of NIC

National integration is the creation of a feeling of oneness where the diversities are recognized and respected by imbibing a sense of nationhood.

The diverse Indian society is unified by certain emotional forces thus leading to national integration. The chief objective of national integration is to encounter the separatist forces. National Integrity has its social, political, religious, regional and economic dimensions. The three basic factors of National Integration *are Structural Integrity, Cultural Integrity and Ideological Integrity*. Structural integrity calls for socio-economic unity and demands equal opportunities for all specially those who

are socially and economically backward. Cultural integrity demands abolitions of social and cultural discriminations such as untouchability and inapproachability. Ideological integrity seeks awareness about 'national objectives' among the people who hold divergent views on political and religious and similar other fields.

Challenges to National Security

Regionalism and Communalism are the two main challenges to national security supplemented by several social evils such as casteism and extremism. Regionalism gives more importance to one's own region than to one's nation. When regionalism is linked with language and religion it creates regional interests rather than national interests. This creates parochialism among the people. Communalism is not believing in any particular religion or observing its rites. Excessive affinity to one's own religion transforms into hatred towards other religions. Thus religious fanaticism arises. When religion, caste and race are used to make social and political gains, it is called communalism.

National Integration Council

In the aftermath of Jabalpur violence, in 1961 a was conference convened by then Prime Minister Jawaharlal Nehru to find ways and counter the problems that were dividing the country including attachment to specific communities, castes, regions and languages. The outcome of this conference was National Integration Council. The National Integration Council thus met for the first time in June 1962 to review national integration issues and make recommendations. At present National Integration Council works under the chairmanship of Prime Minister and has 147 including Union Ministers, Leaders of the Opposition in the Lok Sabha and the Rajya Sabha, the Chief Ministers of all States and Union Territories with Legislatures and members from wide array of social segments of India. Council aims at finding ways to combat communalism, casteism and regionalism.

Assessing its performance

The National Integration Council was formed to combat the evils of communalism, casteism and regionalism. It was meant to be a broad forum with representation from all political parties, Chief Ministers, Central Cabinet ministers and representatives from the civil society. The council is an utter failure because it has very limited advisory role to play. During the previous UPA-I regime, the NIC met only twice. During UPA-II also NIC has met only twice. NIC has been a **national talk shop** which can give vent to the voice of those who are victims of communalism in one form or the other and deliberate on solutions to this problem dogging our nation. The latest meeting of NIC was held in September 2013 in the aftermath of Muzaffanagar violence and it was not even widely reported in mainstream media.

NIC can be meaningful only if comes out of the slumber of inactivity and given some powers to effectively bridge between different religious communities.

Brain Drain and Brain Gain

The brain drain is the migration of educated persons from one country (often a developing country) to other (often more developed ones). India is a major supplier of skilled and unskilled human capital for the advanced economies. India is sending large numbers of these specialists compared to other important origin countries.

Types of Brain drain

Primary external brain drain

It occurs when human resources leave their country (such as India) to go and work overseas in developed countries such as Europe, North America and Australia.

Secondary external brain drain

It occurs when human resources leave their country (such as India) to go and work elsewhere in the nearer region e.g. Sri Lanka, Malaysia, and Singapore.

Internal brain drain

It occurs when human resources are not employed in the fields of their expertise in their own country or when human resources move from the public sector to the private sector or within a sector. Many of our own IIT engineers take up banking jobs with alacrity. Money ultimately beckons and our companies ask for a management degree everywhere.

Push and Pull factors

The lack of opportunities, political instability, economic depression, Poor infrastructure, Corruption, health risks in India and rich opportunities, political stability, academic freedom, best research facilities and freedom, developed economy, better living conditions in host countries are the main push and pull factors.

The individual reasons like family influence, peer pressure and personal preference: preference for exploring, ambition for an improved career can also be considered.

- Higher Education
- Employment
- Lack of opportunities
- Favorable migration policies

Socio – Economic Aspects of Brain Drain in India

India– the brain reservoir in the new knowledge based economy

The growth in knowledge intensive activities in the developed world has led to a growing demand for Science and Engineering professionals. With an important reserve of trained people in this domain, India is becoming a major supplier of human capital for the advanced economies. India is sending large numbers of these specialists compared to other important origin countries.

Indian students: an important source of labour for developed economies

An important place in the flows of well-trained Indian migrants is taken by Indian students.

Increase in the immigration of Indian migrants to the European Union (EU) due to favourable Policies

The European Union has been seeking to put in place measures which comprise effective integration policies addressing education and labour market issues.

Indian immigrants who acquired European Union citizenship

Owing to its demographic profile and its English-speaking population, India, with its large reserves of highly-skilled workers, has emerged as one of the most prominent country to fill the supply gaps in the labour-deficient economies of the developed world.

India a supplier of young and well trained-people:

The tremendous demand for psychiatrists abroad and the obstacles for setting up a practice in the country are two of the primary reasons for the specific type of brain drain. The gap between supply and demand was being met by "faith healers" (*boothavaidyulu*) who do not treat the patients scientifically.

Implications of Brain Drain

- The under-developed countries are spending millions of rupees on the training of these experts. But the advanced countries are utilizing their services without spending any money on their training.
- The emigration of health professionals has negative effects on India, especially in rural areas where the density of doctors is lower than in urban areas.
- Most of the students who go abroad for higher studies do not return to India. After seeing, the affluent life of foreign countries they lose all interest in their own country.
- There is another attraction of leading a higher standard of living in foreign countries, because the technical experts and intellectuals are given special facilities there.
- The government must take speedy steps to attract back home these talented sons of India who are living abroad.
- These experts can surely help in making India a great power in the world.

Benefits of Brain Drain / Brain Gain

The expatriates help the economy with their investments back home and their participation in community development programmes. Thus, they can not be blamed for all drain and no benefits. In fact, the expatriates have become huge financial assets for India through remittances and investments. NRI remittances have been a mainstay of India's forex receipts and are motivated by self-enrichment rather than enrichment of the nation is beside the point.

Youngsters going abroad actually have very limited skills. They hugely improve their skills abroad,

mainly through job experience, so returnees bring back much brainpower. Some label it as Brain Circulation.

Internal migration of the skilled and unskilled people has resulted in formation of industrial / tech hubs such as Noida (Delhi) and Hi-Tec City in Hyderabad.

Schemes by the Indian government

The Ramanujan Fellowship, Innovation in Science Pursuit for Inspired Research (INSPIRE) Programme: To encourage scientists and engineers of Indian origin from all over the world to take up scientific research positions in India, especially those scientists who want to return to India from abroad.

The Ramalingaswamy Fellowship: For providing a platform to scientists who are willing to return and work in India.

Internal Migration

Internal Migration refers to inter-state or inter-district migration within the territories of India. Internal migrants constitute roughly about one third of India's population. Issue is related to Article 19 which gives the right to all citizens to "to move freely throughout the territory of India; to reside and settle in any part of the territory of India". Its advantage is socio-economic mobility but its adverse impacts are larger than advantage.

Various issues:

- Loss of identity due to inappropriate paperwork, exclusion from social security etc.
- Root cause of sons-of-the-soil sentiments in various states such as Maharashtra, Delhi for people from different states.
- Rajasthan, Uttar Pradesh, Andhra Pradesh, Chhattisgarh, Madhya Pradesh, Tamil Nadu, Bihar, Odisha and Uttarakhand are the source states while Delhi, Maharashtra, Gujarat, Haryana, Karnataka and Punjab are the destination states.
- Around half of the populations of Surat, Ludhiana, Faridabad and Nashik each are composed of migrants.
- Migrants are mostly employed in the construction, domestic work, textile, brick-kilns, transportation, mines, quarries, rag-picking and agriculture, many of the jobs involving hazardous, socially demeaning and low-paying work.

Types

Two types – Short term and Long Term internal migration, it is seasonal migration for employment. Another two types: Voluntary migration and Forced or Distress migration.

Drivers

- Marriage, Studies and Jobs are voluntary migrations. Marriage is responsible for 91 percent of rural female migration and 61 percent of urban female migration.
- Forced or distress migration triggered by extreme paucity of economic opportunities, environmental disparities, socio-political problems etc.

How to handle forced internal migration

- Proper implementation of PURA
- Provide proper Basic Services to Urban Poor (BSUP)
- Make farming sustainable
- Implement TRYSEM type programmes effectively.

Denotified & Nomadic Tribes (DNTs)

Crime was never absent in human society and our country is no exception to this. Right since the Vedic period, we find ample references about crimes and anti-social behaviors. The Vedic literature mentions thieves as *Taskars* and *Stayus*. The degeneration of the early religion and morals is recorded in later Vedic literature. According to Manusmriti, there was an age when Dharma prevailed in perfection but gradually Adharma made its headway giving rise to theft, falsehood and fraud. An ancient sage called *Kamandaka* wrote about the need of *danda* (punishment). He advocated that King should uphold the Dharma by means of *danda* for men of criminal tendencies.

Going ahead; Megasthenes while writing about the Maurya Empire says that theft was rare occurrence in India. However, even that period was not devoid of crimes. Kautilya has said that thieves and robbers are the pests of the society and suggested various steps to contain such criminal elements. The Sanskrit dramas *Mrichhkatika* (of Sudraka), *Charudatta* (of Bhasa) and *Dashkumarcharita* (of Dandin) mention professional thieves called *Sharvilak*s. Similarly, *Chauryashashtra* (Art of Thievery) was assigned a place among the 18 Vidyas and 64 Kalas!

There were people who excelled in this Chauryashashtra and adopted it as passion. Similarly, The word "Thug" is derived from "*Sthag*" of Sanskrit, which means "sly". The ancient Indian society was tolerating towards the petty crimes and there were regimes to punish the professional criminals in ancient India. However, by the time of colonial rule, the menace of professional crimes was costing too much to the society.

Hereditary Crimes

It is not clearly documented if some particular communities were habitually engaged in crimes. However, as we have been told, the Thugs in medieval / early modern India were the groups of (hereditary?) assassins whose profession was to deceive people and strangle them to death with their

Pugree or scarf.

These thugs used to travel in Gangs, disguised as merchants or pilgrims. They were bound together by an oath on the rites of their deity *goddess Kali.* Rather than ordinary thieves, they were the bands of the people who were first recorded by Barni, when he mentions that Firoz Shah Tughlaq captured the Thugs. But none of them was killed and Sultan put them in boats and sent them to *Lakhnauti* where they were set free, so that they don't trouble the elite "Delhites".

The thugs were brutally suppressed in British India. In suppression of Thugs, along with Lord William Bentinck, one more name cherished is William Henry Sleeman. Sleeman was initially a soldier and later became the administrator. In 1835, the *'Thugee and Dacoity Dept'* was created by William Bentinck and William Henry Sleeman was made its superintendent. He was later promoted as its Commissioner in 1839. The rigorous operations under Sleeman led to capture of 1400 Thugs who were hanged by the government or transported for life. A special prison was established at Jabalpur for Thugs. The reason of this success was the awareness creation by the Government. The department started disseminating information about the Thugee and at every Police Station or Thana, the information about the new techniques by the Thugs would be sent. The travelers were warned.

Since, Thugs could be recognized only by evidence, the department started "King's Evidence Programme". In this programme the Thugs, who turned evidences of the and provided into about the Gang members & peers would be provided protection and incentives. This was used by the government to break the code of silence, which kept the members of the gang silent.

Apart from Thugs, multi-ethinic bands of robbers, dacoits such as *Pendharis, Uchale, Ghantichor* etc. prevailed in India. These were *multi-ethinc* and not always people by birth took up crimes. But a fallacious British understanding of the Indian society particularly the caste system led to what may be called a dark chapter for the tribes of India.

The Criminal Tribes Act (CTA) of 1871

After the revolt of 1857, the British needed to take a number of preventive steps to keep India in their clutches. A foolish officer of Law and Order Commission recommended that certain communities in India were professionally criminal and their occupation as well as religion was to commit crimes. On such recommendations, the Criminal Tribes Act (CTA) of 1871 was enacted.

This extremely oppressive act notified certain communities as criminal tribes. Once a tribe became "notified" as criminal, here is what it meant for its members:

- Every member of the notified community was forced to register himself/herself at the local police station and had to give 'Hazri' (attendance) at a specified time of the day.

- Their movements were curtailed. They could not shift their residence at will and had to take proper permission before any travel or movement.
- Severe punishments were put in place for breaking these rules.
- The local police could easily round up any member of the community upon mere suspicion.

First tribe that was notified under this act was Hur of Sindh. Gradually, as many as 198 tribes were brought in its ambit.

The act was amended in 1897 and more stringent penalties were brought in. The act was draconian and slowly started getting criticism from all around. With idea of their rehabilitation gaining ground, the British Government passed the Criminal Tribes Settlement Act, 1908. This act made provisions for settlements of these communities so that they could be reformed.

This was followed by a modification of the act in 1911 and a major modification in 1923-24 with objective to integrate the criminal tribes with the mainstream society. But these acts did not change the ground realities. The notified tribes became more and more oppressed by local administration and village officials / police etc.

In 1937, the Governor of Bombay Province appointed K M Munshi committee to review the act. The Munshi Committee thoroughly and comprehensively reviewed the situation and made a number of suggestions. The most notable contribution was that the committee, for the first time, defined various terms like tribe, gang, class, habitual offender, criminal and so on.

The act started getting repealed by the provincial governments. After independence, the Criminal Tribes Act was repealed in 1952. After the repeal, the tribal were denotified and thus were known as Denotified Tribes.

Habitual Offenders Act 1952

But revoking the CTA act did not end the misery of those who were affected by this act. The CTA act was replaced by Habitual Offenders Act 1952. The major difference between the previous act and new act was that the later targeted individuals and not communities. But on ground, the same procedure kept following. The whole communities kept branded or stigmatized on the colonial model. Whenever a crime took place, the police round up all the male members of the community in the vicinity and apply third degree to extract information. It is being followed even till date. Such communities include Pardhis, Kanjars, Kanjarbhats etc. The problem is complicated because some members of these communities are still involved in crimes.

The act has attracted criticism from civil society as well as United Nations on the ground that it negates the principle of the criminal justice system – innocent until. The UN Committee on the Elimination of Racial Discrimination (CERD) had asked India to repeal the Habitual Offenders Act

(1952) and effectively rehabilitate the denotified and nomadic tribes. proven guilty.

National Commission for De-notified, Nomadic and Semi Nomadic tribes

There are 1500 Nomadic / Semi-Nomadic Tribes and around 150 Denotified Tribes, which make about 11 Crore of India's population. Traditionally the tribes wander and therefore could not integrate into Indian society. These tribes also don't have livelihood means. As mentioned above, some members of these tribes are still involved in a crime, which makes the problem more complicated.

The constitution of India identifies only scheduled castes, scheduled tribes and backwards. It does not make any special provision for denotified tribes as such. Some of the denotified and nomadic tribes got status of SCs in some states while others got status of STs. But many of them are neither SCs nor STs. In 2005, the Government of India established the National Commission for De-notified, Nomadic and Semi Nomadic Tribes (NCDNT) to study various developmental aspects of these Tribes. The Commission made several recommendations, enumerated as follows:

- Reservations as available to Scheduled Castes and Scheduled Tribes should be extended to denotified, nomadic or semi-nomadic tribe categories.
- Extension of Prevention of Atrocities Act to them. The Act currently applies to only SCs and STs.
- Government should get a "tent to tent" survey done within the next six months and also a community-wise census so as to gather specific data about 1,500 nomadic and semi-nomadic tribes and 150 denotified tribes.
- Initiation of a special housing scheme to ensure that families are provided with "small pucca houses" in the next five years. Provide permanent shelter by helping them settle down as villages. The Government should be facilitating the settlement of such tribes as villages by acquiring land for the purpose.
- A Minimum Land Holding Act should be put in place to guarantee land to these tribes in case they want to settle down and engage in agriculture.
- Suitable training should be provided to these tribals to develop their existing skills and develop livelihood options.

Conclusion

The DNTs being a transient and mobile group have always remained at the periphery of Indian society and have not received due attention. There is a need make efforts on a wider scale to bring them back to social mainstream.

Topic 6. Urbanization

For basic knowledge related to 74th amendment, please read this blog on GKToday.

Definition of Statutory Town, Census Town and Urban Agglomerations

The term "urban" is used in *demographic as well as sociological sense*. In demographic sense, the urban areas are defined as per population, population density or other such quantifiable criteria. In sociological sense, heterogeneity, inter-dependence, quality of life etc. are focused. In rural societies, the social bonds are based on close personal ties of family, caste, kinship or friendship and emphasis is on tradition, informality, consensus etc. In urban societies, the impersonal and secondary relationships predominate and the social bonds are based on formal, contractual and dependence over each other in special functions or services performed.

Definition of Town

Up to Census 1951, the definition of a town included all habitations with population of more than 5000; every municipality/corporation/notified area of whatever size; and all civil lines not included within the municipal units. In 1961, this definition was changed and a town included:

- A minimum population of 5,000 and a population density not less than 1,000 persons per square mile
- 75% of the working population should be engaged in non-agricultural activities
- The place should have a few characteristics and civic amenities like transport and communication, banks, schools, markets, recreation centers, hospitals, electricity, and newspapers, etc.

The above definition was continued till 2001 census. For the Census of India 2011, the definition of urban area is as follows

1. All places with a municipality, corporation, cantonment board or notified town area committee, etc.
2. All other places which satisfied the following criteria:
   1. A minimum population of 5,000
   2. At least 75 per cent of the male main working population engaged in non-agricultural pursuits; and
   3. A density of population of at least 400 persons per sq. km.

The first category of urban units is called Statutory Towns. These towns are notified under law by the concerned State/UT Government and have local bodies like municipal corporations, municipalities, municipal committees, etc., irrespective of their demographic characteristics.

The second category of Towns is known as *Census Town*. These were identified on the basis of

Census 2001 data.

Urban Agglomeration (UA)

An urban agglomeration is a continuous urban spread constituting a town and its adjoining outgrowths (OGs), or two or more physically contiguous towns together with or without outgrowths of such towns. An Urban Agglomeration must consist of *at least a statutory town and its total population (i.e. all the constituents put together) should not be less than 20,000 as per the 2001 Census.* In varying local conditions, there were similar other combinations which have been treated as urban agglomerations satisfying the basic condition of contiguity. Examples: Greater Mumbai UA, Delhi UA, etc. Out Growths (OG): An Out Growth (OG) is a viable unit such as a village or a hamlet or an enumeration block made up of such village or hamlet and clearly identifiable in terms of its boundaries and location. Some of the examples are railway colony, university campus, port area, military camps, etc., which have come up near a statutory town outside its statutory limits but within the revenue limits of a village or villages contiguous to the town. While determining the outgrowth of a town, it has been ensured that it possesses the urban features in terms of infrastructure and amenities such as pucca roads, electricity, taps, drainage system for disposal of waste water etc. educational institutions, post offices, medical facilities, banks etc. and physically contiguous with the core town of the UA. Examples: Central Railway Colony (OG), Triveni Nagar (N.E.C.S.W.) (OG), etc. Each such town together with its outgrowth(s) is treated as an integrated urban area and is designated as an 'urban agglomeration'.

Tier-I to Tier-VI cities

Apart from the above, the cities in India have been classified by RBI also in various tiers as follows:

- Tier-I with people 1,00,000 and above
- Tier-II with 50,000 to 99,999
- Tier-III with 20,000 to 49,999
- Tier-IV with 10,000 to 19,999
- Tier-V with 5,000 to 9,999
- Tier VI with less than 5,000.

Types of Urban Bodies

There are several types of urban bodies in India such as Municipal Corporation, Municipality, Notified Area Committee, Town Area Committee, Special Purpose Agency, Township, Port Trust, Cantonment Board etc. Brief detail about them is given below:

Municipal Corporation

Municipal Corporations are created to look after the administrative needs of large cities such as

Delhi, Mumbai, Chennai, Kolkata, etc. The respective state legislatures can establish the municipal corporations by passing an act. In case of union territories, they can be established by the acts of Indian Parliament. There may be a one single act for all municipal corporations in the state or separate act for each municipal corporation.

There are three authorities under a municipal corporation viz. the council, the standing committees and the commissioner. The council acts as the deliberative and legislative wing of the corporation. The council is made up of councillors who are directly elected by the people. The head of the council is called mayor. Mayor is assisted by a deputy mayor. Mayor presides over the council meetings.

As the council is too large in size, standing committees are created to facilitate the working of the council. The standing committees take decisions with respect their field like public works, education, health, taxation, etc. The municipal commissioner is the chief executive authority of the corporation and he implements the decisions taken by the council and its standing committees. State government appoints the municipal commissioner. Generally IAS officers are appointed as the municipal commissioner.

Municipality

The municipalities are created for the administration of smaller cities and towns. They are set up by the acts of the respective state governments. In case of union territories, they are set up by acts of Parliament of India. Municipalities are called with different names like municipal council, municipal committee, municipal board, borough municipality, city municipality, etc.

A municipality has three authorities viz. the council, the standing committees and the chief executive officer. The council acts as the deliberative and legislative wing of the municipality. The council is made up of councillors who are directly elected by the people. The head of the council is called president or chairman. He is assisted by a vice-president or vice-chairman. President/Chairman presides over the meetings of the council. The standing committees deal with different fields like public works, education, health, etc. They facilitate the working of the council. The chief executive officer looks after the day-to-day responsibilities of administration of the municipality. He is appointed by the state government.

Notified Area Committee

A notified area committee is established to take care of administration of an area which is either a fast developing town from industrialisation or a town not yet developed to fulfil all the conditions to create a municipality but is considered as important by the state government. A notified area committee is created by a notification in the government gazette. The notification also mentions the provisions of the State Municipal Act that are applied to the notified area committee. The state may also entrust to it powers under any other act. The powers of a notified area committee are equal to a

municipality. Unlike the municipality, a notified area committee is an entirely nominated body. State government nominates all members including the chairman to a notified area committee. Thus, a notified area committee is neither an elected body nor a statutory body.

Town Area Committee

A town area committee is created for the administration of a small town. It is like a semi-municipal authority. Limited number of civic functions such as roads, street lighting, and drainage are entrusted to it. It is established by a separate act passed by a state legislature. The act mentions the composition, functions, and other matters related to the town area committee. It may be a wholly nominated body by a state government or a wholly elected body or partly nominated and partly elected.

Cantonment Board

They are created for municipal administration for civilian population in the cantonment areas. Unlike other urban local bodies, a cantonment board is created as well as administered by union government. The provisions of the Cantonments Act of 2006, a central government act, are applicable to a cantonment board. A cantonment board functions under the administrative control of union defence ministry. Now, there are 62 cantonment boards in the country.

The members of a cantonment board are partly elected and partly nominated. While the elected members hold the office for a term of 5 years, the nominated members continue as long as they hold the office. The military officer who is commanding the station is the ex-officiopresident of the board and he presides over its meetings.The board's vice-president is elected by the elected members from amongst themselves and he holds the position for five years.

The functions of a cantonment board are similar to those of a municipality. Their functions are categorised as obligatory and discretionary functions.Its executive officer is appointed by the President of India. He is responsible for implementation of the decisions of the board and its committees. The source of income of the boards includes both, tax and non-tax revenue.

Township

Townships are created by the large public sector enterprises for its staff and workers near to the plant with all civic amenities. A town administrator is appointed by the enterprise to take care of the administration of the township. He is assisted by some engineers and some other staff. The township form of urban government has no elected members.

Port Trust

The port trusts are created in the port areas like Kolkata, Chennai,Mumbai, etc. The objective in their creation is to manage and protect the ports; and to provide civic amenities. A port trust is set up by an Act of Parliament. Its members include both elected and nominated. Its chairman is an official.

Its civic functions are almost similar to those of a municipality.

Special Purpose Agency

Along with the above seven types of urban bodies, the states can create certain agencies to look after specific functions that 'legitimately' belong to any of the above local urban governments. These agencies are function-based and not area-based like the above seven bodies. They are known as 'special purpose' or 'single purpose' agencies or 'functional local bodies'.

They are created as statutory bodies by an act of state legislature or as departments by an executive resolution. They work as autonomous bodies dealing with their allotted functions independently of the local urban governments. They are not subordinated to any local urban governance bodies.

Examples of such bodies are:

- Town improvement trusts.
- Water supply and sewerage boards.
- Pollution control boards.
- Electricity supply boards.
- Urban development authorities.
- City transport boards.
- Housing boards.

Social Effects & Problems of Urbanization

Urbanization is the gradual shift of population from rural to urban areas and the resulting increasing proportion of a population that resides in urban rather than rural places. The social effects of urbanization are summarized as follows:

Urbanization and Family

- Urbanization has affected family structure; intra and interfamily relations as well as functions of the family.
- The urban joint families are being gradually replaced by nuclear families. Sizes of the families are shirking and kinship relationships are getting confided to two or three generations only.
- Despite of changes in the family structure, the spirit of individualism is not growing. Further, the husband dominated family is being replaced by equalitarian family where wife is given a share in decision making process.
- Parents no longer impose their authority over children and children no longer blindly obey the commands of their parents. Even in joint families, the eldest male consults with children and this consultation is not formal.

Urbanization and Caste

- With urbanization and education development, the cast identity and caste pride has diminished. The networks of urbanites comprise people from all castes. Instead, class ties are more important than caste ties.

- At the same time, educated members of some of the caste groups come in together to make some kinds of pressure groups in urban areas. However, such pressure groups *work like a social organization* instead of caste structures in villages. Such groups also bring several sub-castes together.

- The caste norms are not followed strictly in urban areas. There is a remarkable change in commensal, marital, social and occupational relations. More and more people are in favour of inter-caste marriage.

- Jajmani system is weakening and inter-caste and inter-class relations are changing.

Urbanization and Status of Women

- The status of women in urban areas is higher in comparison to rural areas; and they are comparatively more educated and liberal. They are not only aware of their economic, social and political rights but also are able to exercise those rights.

- Average age of marriage of girls is higher in cities.

- There is a change observed in the working patterns of individuals in the urban set up. The participation rate in the labour market has increased among married women and they no longer are 'housewives'. However, urban women still face discrimination in labour market and face discrimination and have limited range of occupations. Still cities of India have low female labour force participation rate.

- Some peculiar problems faced by urban women include – difficulty to remain single; expected to subordinate career to that of husbands etc.

- Higher frequency of divorce and remarriage.

- More women are socially and politically active, hold important political positions and possess independent political ideologies.

- In summary, while rural women continue to be dependent over men, urban women are independent and enjoy greater freedom.

Urbanization and Village Life

- Urban development has led to the centrifugal movement of village people to urban areas. Most people migrate to cities for employment and business. At the same time, *rural residence and urban employment* has resulted in a new type of lifestyle in *rural-urban fringe areas*. It has resulted in modifications of social patterns as well as adjustments to a new way of life. The

rural people are influenced by urban life and don't lay undue emphasis on caste, creed, etc. Thus, more and more liberal approach is seen in village people.

Urbanization as an agent of transformation and innovation

- Cities are nodes of new ideas, communication and innovation. It spreads in immediate hinterlands as well as in the whole country, through sustained urban-rural links.
- In Asia, cities have been termed the "centre of change". This is largely due to migrants returning home for short while from urban areas and spreading awareness among rural villages, encouraging them to adopt some innovations already witnessed in urban areas. This also helps in improved health and housing, positive changes of attitudes, aspirations, behaviour and personal relationships.
- All these transmissions and innovations have a lot to contribute. Firstly, improving the quality of life of urban populations and, secondly, to enhancing the catalytic role of urban centres in rural transformation and development. The sustained urban-rural links is an important pipeline for development of rural areas.

Role of urbanization in expansion of communication mechanisms

- The most important role of major cities is their linking of different parts of the world through transport and communications. Air routes, road and rail networks, telephone, and E-mail networks are the main transport and communication mechanisms that have revolutionized the concepts of time and distance throughout the world.
- Improved facilities help to expand international trade, enhanced international travel and communication, and contributed significantly to national and regional development.

Cities as fountains of scientific and technical knowledge

- Cities are considered to be fountain of scientific and technological knowledge which produces innovations intended for modernization and development of cities as well as the whole nation State.
- Cities are "engines of development", which have attracted human resources, unskilled labour and raw materials which ultimately leads to industrialization, commercialization and all forms of desirable elements of development.

Problems of Urbanization

The main problems associated with urbanization include urban sprawl; housing & slums; crowding & depersonalization; water-supply & drainage, urban floods, transportation & traffic; power shortage; sanitation, pollution, urban heat island etc. Further, the other social problems associated with urbanization include crimes; juvenile delinquency; begging, alcoholism and drugs problem; corruption; urban ghettoes etc.

Urbanization: Key Points from 12th Plan Documents

The 12th five year plan documents have called *cities as engines of economic growth* and have also noted that urbanization is *yet to accelerate* as surging growth and employment in cities will prove to be a powerful magnet to attract people to urban areas. If the urban influx is not well managed, this inevitable increase in India's urban population will place enormous stress on the system. Thus, the speed of urbanization poses an unprecedented managerial and policy challenge. As the urban population and incomes increase, there will be demand for every key service such as water, transportation, sewage treatment, etc. Some of the notable measures suggested in the 12th plan documents for management of accelerated urbanization include *inclusive cities, true devolution to urban governance, funding, reforms in urban planning, capacity building and low-income housing.*

Inclusive Cities

The poor and lower income groups must be brought into the mainstream in cities. This would discourage creation of slums in the cities.

True devolution of power to urban governance

To enact the 74th Amendment in spirit, it is necessary for true devolution of power and responsibilities from the states to the local and metropolitan bodies. With cities growing beyond municipal boundaries, having fully formed metropolitan authorities with clearly defined roles will be essential for the successful management of large cities in India.

Urban Financing

Devolution has to be supported by more reforms in urban financing that will reduce cities' dependence on the Centre and the states and unleash internal revenue sources. Further, we note that India spends only $17 per capita per year in urban infrastructure, whereas the requirement is of $100.

Reforms in Urban Planning

India needs to make urban planning a central, respected function, investing in skilled people, rigorous fact base and innovative urban form. The plans need to be detailed, comprehensive, and enforceable.

Local capacity building

An overhaul in the capabilities and expertise of urban local bodies is needed, which will be critical to devolution and improvement of service delivery. New innovative approaches need to be explored to tap into the expertise available in the private and social sectors. India needs to build technical and managerial depth in its city administrations.

Affordable housing

Affordable housing is a particularly critical concern for low-income groups. India can meet the challenge through a set of policies and incentives that will bridge the gap between price and affordability. This will enable a sustainable and economically viable affordable housing model for both government housing agencies and as well as private developers. India also needs to encourage rental housing as an option particularly for the poorest of the poor, who may not be able to afford a home even with these incentives.

Urbanization: Double Edged Sword for Women

Urbanization is often associated with greater independence and opportunity for women – but also with high risks of violence and constraints on employment, mobility and leadership that reflect deep gender-based inequalities.

Urbanization is a double edged sword for women. While on one hand it brings a bag full of opportunities- economic, political, social, liberty, literacy, equality, it also brings along unwelcome outcomes such as struggle for rights like 'Equal pay for equal work', transport safety, the deep rooted patriarchal outlook of the society, eve-teasing at work front, commodification of women, etc.

While women make significant contributions to their households, neighbourhoods and the city through their paid and unpaid labour, building and consolidating shelter and compensating for shortfalls in essential services and infrastructure, they face persistent inequalities in terms of access to decent work, physical and financial assets, mobility, personal safety and security, and representation in formal structures of urban governance.

Notable gender gaps in labour and employment, decent work, pay, tenure rights, access to and accumulation of assets, personal security and safety, and representation in formal structures of urban governance show that women are often the last to benefit from the prosperity of cities.The risks that women face with urbanization are related largely due to inadequate infrastructure and services and the lack of personal safety and security.

Urban crime remains a deterrent to women's development in the wake of urbanization.

Urbanisation in India is unplanned and random. This leads to crowding and development of slums. When it comes to 'public safety' especially 'safety of women', present infrastructure in urban spaces are extremely inadequate to deal with it.

To overcome this issue, various basic measures can be carried out such as –

enough lighting on the roads, continuous patrol by security forces especially in the secluded areas of the city, installation of CCTV cameras throughout the city especially in public places, office buildings, basement parking areas, proper registration and regulation on city transport operators

especially taxi and bus drivers, so that cases such as Delhi rape do not occur again, regularisation of slum areas and improvement in their condition, sensitization of youth towards women, following holistic approach to impart knowledge in educational institutions, community policing, use of technology to connect public with security forces, such as distress signal applications in smartphones, strict laws and severe punishment against law perpetrators, so as to serve as effective deterrent against such crimes, economic upliftment of weaker sections of society and reducing the gap between the rich and the poor i.e. inclusive development to tackle urban crime.

Strategies for Integration and Inclusion of Migrants in urban areas

Migration which generally happens from rural to urban areas is very much conducive for urban areas due to various benefits it offers such as labour and skills. However, there are many challenges which migrants face when coming to urban areas. Migration is largely treated as an issue of governance rather than one of development. World Bank in 2009 and UNESCO in 2013 have stated that _preventing migration could even be counterproductive_. Therefore, curbing migration would not be the right call. The need of the hour is integration and inclusion of the migrants in the urban areas. Some of the key strategies which are suggested by UNESCO in 2013 are listed below:

Registration and Identity

There is an urgent need to ensure that internal migrants are issued with a universally recognized and portable proof of identity that can enable them to access social security programmes anywhere in India.

Political and Civic Inclusion

Special provisions are needed to ensure the voting rights of internal migrants, and their inclusion in decision-making processes and urban planning.

Labour Market Inclusion

Negotiate opportunities with employers including training, placement and skill upgrade with the help of NGOs. In case of uneducated and poor migrants, create awareness about their rights and support them.

Legal Aid and Dispute Resolution

Internal migrants should be able to access legal aid and counselling to protect themselves against work- and wage-related malpractices and provide grievance- and dispute-handling mechanisms to negotiate with employers/contractors.

Inclusion through Access to Food

The public distribution system (PDS) should be made more accessible to include the migrants.

Inclusion through Housing

Provide dormitory accommodation, rental housing and also enable private housing. The slums should be upgraded and there must be provision basic services.

Educational Inclusion

Provision of schooling could be made for the children of the migrants at the worksites with the help of civil societies.

Public Health Inclusion

Migrants are usually stigmatised and are kept aloof as they are viewed as carriers of diseases and infections. Therefore, health services must be reached out to the migrants.

Financial Inclusion

Extend banking facilities to promote savings and secure transfer of remittances in the source and destination areas.

Conclusion

Migrants must be looked upon as assets rather than liabilities because ultimately they would yield returns. However, migration also depends on the kind of migration- whether it is working age population or old people in which case it is a bigger challenge. Of course, if you have only working age population, typically they send more money away and they often leave. So having the capability to integrate migrants makes a difference.

Intelligent Transport System (ITS)

Intelligent Transportation Systems (ITS) is the application of computer, electronics, and communication technologies and management strategies in an integrated manner to provide traveller information to increase the safety and efficiency of the surface transportation systems. These systems involve vehicles, drivers, passengers, road operators, and managers all interacting with each other and the environment, and linking with the complex infrastructure systems to improve the safety and capacity of road systems.

The aim of using such technologies in transport is to alleviate existing concerns including traffic congestion, air and noise pollution by enhancing data collection for addressing the transport-related concerns.

Broad categories of ITS technologies-

- Automated speed enforcement.
- Incident management.
- Electronic toll collection.
- Traveller information.
- Vehicle control technologies like intelligent cruise control
- Speed alerts.

As the Indian economy grows and urbanisation in Indian cities increases, the use of ITS and its importance will increase commensurately. Critical areas of ITS use will be air quality, road safety, traffic congestion, and communication methodologies.

Benefits

Intelligent Transport Systems (ITS) has the potential to provide three key benefits for road users and society.

Safety

Road crashes cause suffering and loss of life. ITS technologies can be used to smooth traffic flows, reduce congestion and hence reduce certain types of accidents. Information which is provided through ITS can also be used to direct traffic away from accidents and alert emergency services as soon as an incident occurs.

Productivity

Congestion lowers productivity, causes flow-on delays in supply chains and increases the cost of business. ITS can increase productivity by finding innovative ways to increase the capacity of our current infrastructure.

Environmental

ITS helps to reduce congestion and stop-start driving can also reduce fuel consumption and greenhouse gas emissions compared with normal driving conditions.

Challenges

The ITS market is very nascent in India. Some of the challenges in successful implementation of this technology are as follows-

- Lack of definite guidelines and regulations and difficulties in physical implementation.
- Developing a nation-wide ITS data archive.
- India's ITS can't be entirely modelled on the existing successful ITS of other nations due to basic cultural, geographic & practical differences among the countries.
- High cost for ITS safety systems does not allow high penetration.
- Few people are willing to pay extra for safety systems and only few technologies are sufficient to ensure safety.

Conclusion

Intelligent transportation systems (ITS) provide a set of strategies for addressing the challenges of assured safety and reducing congestion, while accommodating the growth in transit ridership and freight movement. ITS improve transportation safety and mobility, and enhance productivity through the use of advanced communications, sensors and information processing technologies. When integrated into the transportation system's infrastructure, and into vehicles themselves, these technologies relieve congestion, improve safety, and enhance Indian productivity.

Urban Infrastructure: Issues and Challenges

It has been observed that the growth of urban infrastructure does not match with the growth of urban population. Some striking facts about the challenges of urban infrastructure are as follows:

- Status of drinking water supply, public transportation, sewage and solid waste management is much lower than desired.
- No city has fully covered 24×7 water supplies.
- Only 74% of the house-holds are served by piped water.
- Only 65 of 423 class I cities have a formal city bus service in 2012.
- Only 30% cities have sewage treatment as against desired 100%.
- 7% urban population has access to the piper sewer system.
- 6% urban population still defecates in the open.
- Only 72% of the solid waste is collected and only 30% is segregated. Scientific treatment and disposal is non-existent.
- 24% urban population lives in slums.

Major Infrastructure Bottlenecks in India

There are various bottlenecks which act as impediments for growth of infrastructure. The major ones are summed up below:

Financing

Infrastructure projects are highly capital intensive and funding is considered as a major impediment in achieving the infrastructure goals. The infrastructure broadly can be divided into two types, one which is very essential for the public at large and have no or very little revenue potential and other which has handsome revenue potential. The first kind of infrastructure must be totally government financed whereas the later can be developed on PPP mode. Since resource constraints will continue to limit public investment in infrastructure, PPP-based development needs to be encouraged wherever feasible.

Land Acquisition

Another significant challenge in achieving the infrastructure goal is the way land acquisition is done for infrastructure projects. Compensation fixed in terms of registered value is always the bone of contention. There is always a substantial difference between the compensation offered and the actual value of the land. The land owners always feel aggrieved which results in dispute and litigation. However, The Land Acquisition and Rehabilitation & Resettlement Bill would be able to tackle this issue of land acquisition favourably.

Clearances from numerous agencies

Most of the infrastructure projects in India suffer from delays in completion. This is mainly due to an inadequate regulatory framework and inefficiency in the approval process. Infrastructure projects require multiple sequential clearances at various levels of government. There are various approvals needed at every stage which definitely delay the infrastructure projects.

Environmental Impact Assessment (EIA)

Environmental safeguards and guidelines have proven to be one of the major reasons for delay in infrastructure projects, especially in the power sector. While new projects need to comply with these regulations, even a project under construction may need to comply with revised standards midway through the execution stage.

Poor pre-construction planning

Due to the already adverse effect of various impediments like land acquisition, statutory approvals, delayed financial closure, etc. the pre-construction phase of infrastructure projects is pretty long. Therefore, there is delayed commissioning and completion of projects.

Suggestions and Way Forward

It must be noted that India's Infrastructure which is an essential and most important component of Urban Development, is in a poor shape and needs an immediate attention and redress both from Government and Industry. Following are some of the ways to surpass the challenges faced by infrastructure development:

- There must be a more conducive environment for potential concessionaire. There is always a worry of early clearances and investors are stuck in the bureaucratic cycle.
- There is a necessity for improvements in the investment climate.
- Migration of large population to urban centres is causing new cities to emerge and existing ones to expand. This is causing rapid urbanization. Therefore, India needs to develop satellite cities for which the need is of mass-transport systems.
- There must be Single window statutory clearance which even includes Environmental clearance to projects.
- There are good competent people working in different departments of government, however they are working in silos, we need better and effective coordination for a fast project roll out.

There is no doubt that fiscal support is the dominant factor for infrastructure development but equally important is enabling policies from the governments end. Then only the world class infrastructure dream of India can be realized and place India's economy on a high growth trajectory.

Smart City Project

There is no universally accepted definition of a smart city and it may mean different things to

different people. The concept of smart city can vary from people to people, city to city and country to country. The smart city mission of Government of India focuses on promoting the cities that provide core institutional, physical, social and economic infrastructure; give their dwellers a decent quality of life; sustainable environment and *smart solutions.*

Core Elements of Smart City Mission

The focus of the smart city mission is on sustainable and inclusive development and set examples which can be replicated in other parts of the city and other cities of the country. There are 10 core infrastructure elements viz. *adequate water supply; assured electricity supply; sanitation, including solid waste management; efficient urban mobility and public transport; affordable housing, especially for the poor; robust IT connectivity and digitalization; good governance, especially e-Governance and citizen participation; sustainable environment; safety and security of citizens, particularly women, children and the elderly;* and *health and education.*

Smart Solutions

The smart solutions under the mission refer to use of technology in such a way that it leads to Smart outcomes. Some examples of smart solutions are as follows:

- *E-Governance and Citizen Services:* This includes public information and grievance Redressal; Electronic Service Delivery; Citizen Engagement; Citizens as City's eyes and ears; Video crime monitoring etc.
- *Waste Management:* This includes waste to energy and fuel; waste to compost; treatment of waste water; Recycling.
- *Water Management:* Smart meters and management; Leakage identification, prevention and maintenance; water quality monitoring.
- *Energy Management:* Smart meters and management; renewable source of energy; green buildings.
- *Urban mobility:* Smart parking; Intelligent traffic management; integrated multi-modal transport;
- *Others:* Telemedicine; Incubation / trade facilitation centres; skill development centres.

Selection and spatial distribution of Smart Cities

Government plans to develop 100 Smart Cities distributed among the States and UTs on the basis of an equitable criteria. The formula gives equal weightage (50:50) to urban population of the State/UT and the number of statutory towns in the State/UT.

The distribution of Smart Cities will be reviewed after two years of the implementation of the Mission. Based on an assessment of the performance of States/ULBs in the Challenge, some re-

allocation of the remaining potential Smart Cities among States may be required to be done by Ministry of Urban Development.

Special Purpose Vehicle

The implementation of the Mission at the City level will be done by a Special Purpose Vehicle (SPV) created for the purpose. The SPV will plan, appraise, approve, release funds, implement, manage, operate, monitor and evaluate the Smart City development projects. Each Smart City will have a SPV which will be headed by a full time CEO and have nominees of Central Government, State Government and ULB on its Board.

Coverage and Duration

The Mission will cover 100 cities and its duration is five years (2015-16 to 2019-20). The Mission may be continued thereafter in the light of an evaluation to be done by the Ministry of Urban Development (MoUD) and incorporating the learnings into the Mission.

Strategy

The strategic components of Area-based development in the Smart Cities Mission include City improvement (retrofitting); City renewal (redevelopment); City extension (Greenfield development) and pan-city initiatives with smart solutions.

Smart City Mission promotes competitive co-operative federalism. It is the first time Ministry of Urban Development has adopted a challenging competitive method in order to select for funding and using a strategy of area-based development.

The States and ULBs will play a key supportive role in the development of Smart Cities. Smart leadership and vision at this level and ability to act decisively will be important factors determining the success of the Mission.

Challenges

Following are the key challenges for Smart City Mission:

- For the mission to be successful, the states and ULBs need active participation and support.
- There are concepts of retrofitting, redevelopment and greenfield development in the smart city mission. However, the policy makers, implementers and other stakeholders at different levels will require capacity assistance.
- There is the need of major investments in time and resources during the planning phase prior to participation in the Challenge.
- Also the Smart Cities Mission requires smart people who actively participate in governance and reforms. Citizen involvement is much more than a ceremonial participation in governance.

Key points in support

- It primly focuses on transportation, e-governance to mitigate the current misery.
- Water, energy and waste management systems, the basic infrastructural necessities will be dealt with in addition to transportation.
- This project seems to be overlooking giving impetus to making villages also smart on the lines of the concept called Providing Urban Amenities in Rural Areas (PURA).
- From an environmental point of view, the 'Smart City' programme will help reduce pollution levels in cities.
- When thousands are migrating to the cities in search of work in the wake of a deepening agrarian crisis, the move is bound to halt this tide.
- There will now be more avenues to look for rather than flock to the metropolitan cities; congestion and pollution can be reduced.
- In these cities, adequate public spaces, pedestrian plazas, traffic-free roads, electric vehicles are on prime agenda.
- There must be pedestrian plazas that are traffic-free and where free electric operated vehicles are in abundance.
- This project will work with local residents, associations and NGOs in urban centres for development activities while setting up "smart" cities and rejuvenating existing urban centres.

Key points for criticism

- To make 100 cities across India is ill-conceived especially when a majority of the population lives in villages.
- The initial move of government must be development of Smart Village not smart cities.
- The outlay of Rs. One lakh crore for this project should instead be diverted to make villages more liveable.
- Development of Smart Cities in turn will lead to greater rural-to urban migration.
- Instead, the government needs to rejuvenate rural life and focus more on solving grass-root problems.
- The vulnerable section will be far from active inclusion in this project.
- This project has a direct connection with the new land acquisition ordinance which aims to please the corporate audience.
- To make urban living more liveable, more inclusive and a driver of economic growth, government has to plan by taking a holistic view of living in harmony with nature.

Megacities: Concept, Features & Challenges

United Nations had observed as late as in 2007 that humanity will reach a significant

demographic milestone, wherein for the first time in history more people will live in cities than the countryside and by 2030, over 60% of people will live in cities. The growth rate is particularly rapid in many of the so-called megacities, cities with more than 10 million inhabitants. The megacities listed by the UN already have a total population of around 280 million. They are increasingly the growth engines of their respective national economies.

What is Megacity?

Megacities have more than 10 million inhabitants. The terms Megapolis or Megalopolis are sometimes used synonymously with Megacity. As of 2015, there are 35 megacities in existence. The United Nations predicts that there would be 41 megacities by 2030. In India there are 4 megacities-Delhi, Mumbai, Kolkata and Bengaluru.

Key Features of Megacities

The United Nations has outlined certain features which pertain to Megacities-

- Megacities prioritize economic competitiveness and employment.
- The environment matters, but may be sacrificed for growth.
- Transport overtakes all other infrastructure concerns.
- Better governance is a vital step towards better cities.
- Holistic solutions are desired but difficult to achieve.
- Cities will seek to improve services, but could do more to manage demand. Technology will help deliver transparency and efficiency.
- The private sector has a role to play in increasing efficiency.

Typical Challenges faced by Megacities

The key challenges faced by megacities are following:

Slums

It is observed that due to rising population, the absolute number of slum dwellers is rising. There are legal and illegal settlements with insufficient housing and sanitation. This is largely due to massive migration, both internal and transnational, into cities, which has caused growth rates of urban populations and spatial concentrations not seen before in history. Slum dwellers often have minimal or no access to education, healthcare, or the urban economy.

Crime

As there is lack of proper and sufficient infrastructure and public services which includes sanitation, housing, education and healthcare to support the growing population not only leads to the growth of slums, but also breeds discontent among urban dwellers, leading to high crime rates.

Homelessness

Megacities have a significant number of homeless people.

Traffic congestion

Looking within our own geographical boundaries, cities like Mumbai and Kolkata are facing huge traffic. Traffic congestion leads to increased pollution, slow speed of vehicles, etc.

Urban sprawl

Urban sprawl have the disadvantages of longer transport distances to work, high car dependence, inadequate facilities (e.g. health, cultural. etc.) and higher per-person infrastructure costs.

Air pollution

There are hazardous chemicals which are let out and are harmful to humans, other living organisms and are also damaging the natural environment. Smog is a typical form of air pollution which happens due to vehicle emissions and industrial fumes.

Lakes and Urbanization

Lakes are considered to be an important part of the urban ecosystem. They are relatively small in size, however performing significant environmental, social and economic functions, ranging from being a source of drinking water, recharging groundwater, acting as sponges to control flooding, supporting biodiversity and providing livelihoods. Also the water from the lakes acts as source for agriculture, domestic and industrial use. Lakes are of different types such as man-made or natural, fresh water or brackish playing vital role in maintaining environmental sustainability particularly in urban environments which are facing the challenges of unplanned rapid urbanization.

Threats to Lakes in urban areas

Some of the alarming threats to lakes are as follows:

Pollution

There is an increasing level of urban population which however is not having enough civic facilities such as adequate infrastructure for the disposal of waste. Therefore, lakes become the dumping grounds for disposing untreated local sewage and solid waste.

Encroachment

There is an influx of population to urban areas and there is less availability of land to accommodate them. There if huge value for land and due to scarcity of land, water bodies such as lakes are looked upon as real estate. Deepor Beel Lake in Guwahati is a good example of encroachment.

Eutrofication

Lakes are closed water bodies. Therefore, a large part of the substances that enter in the lakes become a permanent part of it. There is a rapid change in the in the lakes which leads to growth of unwanted weeds destroying ecology of the lakes.

Illegal Mining Activities

There is illegal mining carried out on the lakes for building material such as sand and stones.

Surajkund lake in Haryana is an example of illegal mining activities.

Unplanned Tourism Activities

There is unplanned tourism activities as there is no systematic planning and regulation. There is no adequate facility to dump garbage which leads to lakes becoming dumping grounds. Therefore, adequate arrangements for sustainable tourism must be made in cities like Udaipur which is filled with lakes, Dal Lake in Srinagar, etc.

Cultural Misuse

The local communities also use lakes for cultural or religious festivals such the immersion of idols. This also adds pollution to lakes.

Suggestions

Lakes are facing serious threats and challenges such as disposal of garbage, pollution, encroachment for land, etc. There is an urgent need to save the lakes.

It is recommended that there is better coordination among the government agencies which undertake lake and wetlands restoration and protection programmes. Also citizens must be made aware of the importance and benefits of lakes and wetlands in their lives. Finally, capacity building is very instrumental for better management of lakes.

Urban Heat Island

The growing urbanisation in India has caused rapid changes in land use and land cover within urban areas. These rapid changes have brought a change in the microclimatic conditions particularly with respect to its thermal structure. The phenomenon of increased higher temperatures within city compared to the surrounding rural areas is known as the 'Urban Heat Island' (UHI).

Causes and consequences of UHI

The causes for urban heat island are several. Dense high-rise buildings constructed in urban areas provide multiple surfaces for reflection and high absorption of solar radiation. Urban structures are covered with materials such as concrete and asphalt that have low albedo value causing absorption of more heat. The reduced vegetative cover in urban areas reduces the natural cooling affect from evapotranspiration mechanism. Air pollution form vehicles and industrial activities has an indirect relationship with increasing temperatures in urban areas. Air-conditioning systems and manufacturing activities further discharge heat in to environment. Geographical location of city such as proximity to water bodies and hills play crucial role in formation of urban heat island.

The presence of urban heat island poses threats to human life, animals, plants, regional and global climate patterns. The high temperatures may lead to heat stress deaths and morbidity problems. Plants growth can be effected. It leads to high energy consumption to avoid thermal discomfort,

more greenhouse gas emissions, increased air pollution, anomalies in rain pattern etc.

Planting trees and increasing vegetation is the simple way to reduce urban heat island effects. Trees substantially reduce the temperatures by increasing the albedo of the surfaces. Planting more trees directly and indirectly reduces CO_2 from the atmosphere. Trees directly reduce CO_2 from atmosphere as they use carbon during photosynthesis. Trees indirectly reduce CO_2 from atmosphere because their cooling effect reduces burden on power generation. Green roofs and cool roofs having high albedo value surfaces also reduce urban heat island effect.

National Rurban Mission

On 22 February 2016, Prime Minister Narendra Modi launched the National Rurban Mission (NRM) from Kurubhat in Rajnandgaon district of Chhattisgarh. The mission, also dubbed as "*Shyama Prasad Mukherjee Rurban Mission*" (SPMRM) aims to spur social, economic and infrastructure development in rural areas by developing a cluster of _300 Smart Villages over the next 3 years_ across the country in the first phase. More clusters will be identified depending upon the progress of the scheme. This mission was announced in the Union Budget 2014-15. NRuM is to be implemented by Ministry of Rural Development.

Objectives and vision

The objectives of this mission are to:

- Stimulate local economic development, improve basic services and create well planned Rurban clusters.
- Enable cluster based development with a "rural soul and urban amenities" along with focus on equity and inclusiveness.

Rationale and Envisaged Outcomes

As per 2011 Census data, India's rural population is 833 million, which is almost 68% of the total population. Various data show that there are inequalities in basic amenities between rural and urban India. For example, while 93% of urban households have electricity, the number stands only at 55% for rural households. Similarly, the percentage of households which has access to piped water connections is 71% in urban areas and 35% in rural areas. The recently launched mission is a pilot project to bring parity in the amenities provided in rural and urban areas.

Further, many villages in India are part of clusters of settlements and not stand-alone settlements. *The relative proximity to each other portrays economic drivers and potential for growth and has locational and competitive advantages.* Hence, if there is a proper policy directive for the development of these clusters, it can change the fate of rural areas in India. This Rurban mission has been launched as per this rationale. The major outcomes envisaged are as follows:

- Bridge the rural urban divide- economic, technological and those related to facilities and services.
- Spreading development in the region.
- Attracting investment in the rural areas.
- Stimulating local economic development with emphasis on reduction of poverty and unemployment in rural areas.

Rurban Cluster

A Rurban cluster comprises of geographically contiguous villages with a population of around 25000 to 50000 in plain and coastal areas and a population of around 5000 to 15000 in desert, hilly or tribal areas. As far as possible, the clusters of village will be in a single block/tehsil for administrative convenience. The mission outlines 14 desirable components linked to developing skills and local entrepreneurship, economic activities and providing necessary infrastructural facilities.

Selection of the Clusters

The clusters which have latent potential for growth in rural areas are selected from all States and UTs. Under NRuM, the clusters are classified in to two groups viz. **Tribal** and **Non-Tribal**. The selection process varies for each of these two categories which are summarized below.

Non-Tribal clusters

The Ministry of Rural development prepares a list of leading sub districts based on the following parameters:

- Decadal Growth in Rural Population,
- Decadal Growth in Non-Farm work participation,
- Presence of Economic Clusters,
- Presence of places of Tourism and Religious significance and
- Proximity to Transport Corridors.

The state governments could select the clusters from the list of leading sub districts prepared by the Ministry of Rural Development based on the following parameters:

- Decadal growth in rural population,
- Rise in land values,
- Decadal growth in non-farm work force participation,
- Percentage enrollment of girls in secondary schools,
- Percentage households with bank accounts under Pradhan Mantri Jan Dhan Yojana.
- Performance in Swacch Bharat Mission (Grameen) and
- Good governance initiatives by gram panchayats.

Further, it is provided that the States may include any other relevant parameter if necessary. But a

total weightage of 80% has to be given for the first 4 parameters above while the states have flexibility to choose the last three parameters subject to a total of 20%. While selecting clusters, the States have to identify a large village/gram panchayat like block headquarter villages, census towns etc., which are growth centres with availability of resources and has the ability to lead the economic transformation of the region.

The Ministry of Rural development prepares a list of leading sub districts falling within the top 100 tribal districts of the country based on the population of Scheduled Tribes. The parameters for selection are as follows:

- Decadal growth in tribal population,
- Current tribal literacy rate,
- Decadal growth in non-farm work force participation,
- Decadal growth in rural population, and
- Presence of economic clusters.

The state governments could select the clusters from the list of leading sub districts to each state prepared by the Ministry of Rural Development based on the following parameters:

- Decadal growth in tribal population,
- Growth in tribal literacy rates, and
- Decadal growth in non-farm work force participation.

Further, it is provided that the States may include any other relevant parameter if necessary. But a total weightage for the above three parameters should not be below 80%.

14 Components of Rurban Mission

The 14 components which are envisaged as desirable in each cluster under this mission are as follows:

1. Skill development training linked to economic activities
2. Agro Processing, Agri-Services, Storage and Warehousing.
3. Fully equipped mobile health unit.
4. Upgrading school /higher education facilities.
5. Sanitation
6. Provision of piped water supply.
7. Solid and liquid waste management.
8. Village streets and drains.
9. Street lights
10. Inter-village road connectivity.

11. Public transport.
12. LPG gas connections
13. Digital Literacy.
14. Citizen Service Centres- for electronic delivery of citizen centric services/e-gram connectivity.

Also, while developing the clusters special emphasis should be given to the components pertaining to agriculture and allied activities.

Budget & Funding

It is estimated that total mission budget will be around Rs. 5142 crore for the period 2015-16 to 2019-20.

Under this mission, the State governments need to identify existing State government schemes, centrally sponsored schemes, central sector schemes which are relevant to the development of the cluster and integrate their implementation in a time bound manner. The central government will provide the *Critical Gap Funding (CGF)* to the clusters to supplement the shortfall in the availability of funds. The critical gap funding is capped at 30% of the capital cost or Rs. 30 crores whichever is lesser. The expenditure incurred from operation and maintenance of the project will be recovered by levying user charges and the shortfall has to be supported by the state government budgets.

Comment

The scheme will help address the problem of overcrowding of cities due to migration of people from rural areas to urban areas in search of better quality of life. With the development of villages, some people residing in the cities may also return back to their villages. It will help in achieving twin objectives of strengthening the rural areas and de-burdening the urban areas thereby leading to a balanced regional development and growth of the country.

The clusters will also have citizen service centres which will pave way for electronic delivery of citizen centric services and the 14 components to be implemented in each cluster will emancipate the rural areas and trigger the overall development in the region. Also, the mission has an innovation budget to facilitate research, development and capacity building.

However, critics say the mission is old promise and as a concept it has been there for 70 years. Such efforts have been taken earlier also but the implementation, monitoring and funding is a constraint in such projects. They cite the example of Provision of Urban Amenities in Rural Areas (PURA), which was launched by the previous UPA government. So there is a need to take proactive steps towards project development, capacity building and other institutional arrangements with adequate budgetary provisions.

Urbanization: Other Short Notes, Pointers & Observations

Factors for Urban Floods

This topic gets its importance from recent floods in Chennai, Srinagar and other parts of the country. Urban areas are centres of economic activities with have vital infrastructure. Damage to this infrastructure can have a bearing not only on the country but also globally. Major cities such as Mumbai in 2005 and Chennai recently have witnessed loss of life and property, disruption in transport and power and incidence of epidemics. This demands the need for management of urban flooding.

Meteorological Factors

These include rainfall, cyclonic storms, small-scale storms, temperature, snowfall and snowmelt

Hydrological Factors

These include soil moisture level, groundwater level prior to storm, natural surface infiltration rate, presence of impervious cover, channel cross-sectional shape and roughness, presence or absence of over-bank flow, channel network, synchronization of runoffs from various parts of watershed and high tide impeding drainage

Human Factors

The most important human factors are: Land use changes (e.g. surface sealing due to urbanization, deforestation) increase runoff and sedimentation; Occupation of the flood plain and thereby obstructing flows; Inefficiency or non-maintenance of infrastructure; Too efficient drainage of upstream areas increases flood peaks; Climate change effects, magnitude and frequency of precipitation and floods; Urban micro-climate may enforce precipitation events; Sudden release of water from dams located upstream of cities/towns ; Failure to release water from dams resulting in backwater effect; Indiscriminate disposal of solid waste etc.

Reasons for migration to urban areas

- Differential in rural and urban wages.
- Employment-related migration for males.
- For females it is marriage-migration.
- Proximity to workplace.
- In search of better employment for males.
- Education purpose.
- Movement with parents and family members.

Positive Impacts of Rural to Urban Migration

There is a general view that Rural to urban migration is not viewed positively in many countries including India. Policies are usually aimed at reducing rural to urban migration, for example

MGNREGA. However, curbing migration is not a good idea as there are many opportunities which are offered by influx of people to urban areas. Some of the fruits which migration offers to urban areas are summed up below:

- *Labour Demand and Supply* – Migration fills the gap in demand for and supply of labour. Further it also helps to allocate skilled and unskilled labour and provides cheap labour.
- *Remittances* – Migration helps to provide insurance against risks to households in the source areas, helps to increase consumer expenditure and investment in health, education and assets formation.
- *Return Migration* – Migration tends to bring with itself knowledge, skills and innovation.
- *Skill Development* – It can also be believed that migration is an informal process of skill development. It helps to enhance knowledge and skills of migrants through exposure and interaction with the outside world. New skills are learnt from co-workers and friends at the place of destination.

National Urban Information System (NUIS)

Planning Commission had recommended that all the components which relate to spatial and attribute data must be integrated into one scheme known as the *National Urban Information Scheme*. The National Urban Information System Scheme (NUIS) of the Ministry of Urban Development can be considered as a vital step to achieve the ambitious dream of achieving smart cities in India. The NUIS was developed in 2006. It enables mapping of the city and its surroundings and core areas with a number of add on layers and related attribute data. Other parameters such as housing and transport pattern, access to educational and commercial facilities, parks and playgrounds and other amenities are also given by it.

The National Urban Information System Scheme (NUIS) comprises of broadly two major components-

- Urban Spatial Information System Scheme (USIS): Seamless integration of databases in two scales- 1:10 000 & 1:2000 and Utility mapping at 1:1000 Scale.
- National Urban Databank and Indicators: Attribute Data on periodic basis.

Key Challenges to Provide Urban Services

The World Cities Report (WCR) 2016 by UN Habitat titled "Urbanization and Development-Emerging Futures" has identified three key trends as challenges in the provision of urban services.

Slums are on high rise in Asia particularly India. Coupled with slums is the inadequacy in provision of basic services such as water, sanitation, electricity, health and education.

The MDGs and the recently adopted SGDs have placed considerable emphasis on the improvement of basic services – in both urban and rural areas. But with increasing population, even provision of basic amenities remains a big question!

The trends of challenges observed include-

- With rapid increase in population cities have not been able to keep up with the demand for services.
- The second trend is that though cities are trying to find innovative ways to deal with the infrastructure challenge, they do not have the humanresources, large-scale capital and technical capabilities to keep up with rapid demand.
- The third general trend in the supply of basic urban services is that common public services are still very poor. Facilities like public toilets and running water to one's premises are next to impossible for a huge lot. Also there is the challenge of well-funded public education, qualitative health services, transport facilities, leisure and open spaces.

Therefore, what is utmost needed is investment in infrastructure in order to tackle the challenge of providing basic services to urban areas.

Steps for Improvement of Slums in urban areas

Developing countries like India and Brazil are facing the slum challenge and it symbolises poverty, inequality and deprivation. The UN-Habitat has defined slums as a contiguous settlement that lacks one or more of the following five conditions: access to clean water; access to improved sanitation; sufficient living area that is not overcrowded; durable housing and /or secure tenure.

Slums are the products of failed policies, poor governance, corruption, inappropriate regulation, dysfunctional land markets, unresponsive financial systems, and a lack of political will.

Steps that can be taken for improvement of Slums

- Leadership and political will can go a long way in delivering change.
- Slum communities themselves are pivotal to improving their own living conditions
- Additional and affordable land and housing are made available for growing low-income communities.

The only lasting solution to the challenge of slums can be achieved through concerted efforts of all stakeholders which includes government, civil societies, NGOs and slum dwellers themselves. A conducive and inclusive environment must be created wherein the authorities can engage themselves in the slum challenge more directionally. Slum development must form an important part of public planning and urban management systems that govern cities and not mere piecemeal approach is adequate.

Rural-urban Fringe

In simple terms, rural-urban fringe is a transitional zone wherein rural and urban areas meet, mix and sometimes even clash. Rural-urban fringe is also known as outskirts or urban hinterland. There is an emergence of this phenomenon in order to prevent urban sprawl.

Rural-Urban Fringe and India

In the Indian context, Rural-Urban Fringe is a recent phenomenon as India is seeing an influx of population in urban areas and there has been a dramatic change in transformation of urban space. Due to the rapid increase in the size of cities, there has been an encroachment by the urban areas in the rural areas.

Characteristics of Rural-Urban Fringe

1. Motorway-In the Indian context, we would call the motorways as express highways which are on surge of development. Such construction require huge piece of land. Therefore, this edge effect which is man-made is fulfilled by the arteries of express highways which connect areas.
2. Residential Development- Housing has encroached into the rural-urban fringe, and small villages have grown as more people move out of the cities to commute to work.
3. Recycling and landfill- Facilities such as recycling centers and landfill sites require large tracts of land near good transport links, both of which are characteristics of the rural-urban fringe.
4. Recreational-Golf courses and leisure centers have also grown in the urban-fringe, taking advantage of the good transport links as well as the well-populated nearby towns.
5. Business Parks / Industrial estates- The land is generally cheaper in the rural-urban fringe. Because of which many factories mushroom in these areas.
6. Out-of-town shopping- Large and open space is available in rural-urban fringe. This leads to development of factory outlets of major brands and malls.

Urbanization impact on Environment

Some of the major side effects of urbanization on environment are as follows:

The creation of heat island

There are materials like concrete, asphalt, bricks etc., which are used in the construction. These absorb and reflect energy differently than vegetation and soil. Therefore, cities remain warm in the night when the countryside has already cooled.

Changes in Air Quality

There is an increased emission of various gases such as carbon dioxide, carbon monoxide, ozone, sulphur oxides, nitrogen oxides, lead, and many other pollutants in the environment. This leads to a changed pattern in the quality of air which is inhaled and ultimately leads to respiratory issues.

Changes in Patterns of Precipitation

Cities often receive more rain than the surrounding countryside since dust can provoke the condensation of water vapour into rain droplets.

Erosion and other changes in land quality

The rate at which development is taking place in urban areas, it results into very high levels of erosion and sedimentation in river channels.

Pollution

Pollutants are often dispersed across cities or concentrated in industrial areas or waste sites. Lead-based paint used on roads and highways and on buildings is one such example of a widely dispersed pollutant that found its way into soil.

Degraded Water Quality

The water quality has degraded with time due to urbanization that ultimately leads to increased sedimentation and also can cause serious water borne diseases.

Therefore, the need of the hour is to pay serious attention to improving urban strategies, which would promote efficiency in resource use and stop environmental degradation. From an individual perspective, every individual can contribute by avoiding dumping of waste and controlling vehicular pollution.

Urbanization and Traffic Congestion

Urban growth occurs when there is a migration of the population from rural areas and there is relocation to urban areas. These changes influence the urban density. In developing countries like India, the rapid growth of urban area involves the use of private car, energy consumption, the deterioration of urban environment, particularly the number of injuries and deaths of people on road. India which is a fast developing country, transportation sector by motor vehicle plays a significant role to the economy and urban development.

With increasing number of vehicles be it two wheeler or four wheeler, there has be resultant traffic congestion in urban areas.

Traffic congestion prevents people from moving freely and it can also slow and disrupt the conduct of business activities.

It must be noted that cities and traffic have developed hand-in-hand since the earliest large human settlements. The same forces that draw inhabitants to congregate in large urban areas also lead to sometimes intolerable levels of traffic congestion in urban streets.

Therefore, there is a need for effective urban governance wherein there is balance between the benefits of agglomeration and the dis-benefits of excessive congestion

Impacts of Congestion

Congestion results in queuing, slower speeds, increased travel times, indirect impact on

environment, impacts on quality of life, stress, safety and impacts on non-vehicular road space users such as the users of sidewalks and road frontage properties

Probable Solution for traffic congestion

There is no readymade universally acceptable solution to the urban transport problem. Road traffic congestion poses a challenge for all large and growing urban areas. Keeping this in mind, following few steps can be implemented-

- Development of Additional Road Capacity- Herein, the additional roads can act as bypasses to divert the traffic when there is congestion.
- Effective Use of Bus Service
- Parking Restrictions- Herein, there must be banning of all-day parking by commuters or making it prohibitively expensive.
- Promoting the use of bicycle as in many western countries. It is not most environmental and traffic avoidance formulae as it is noiseless, non polluting and energy and efficient.
- Other measures such as Encouraging Walking; Car pooling; Public transport improvement; alternative transport such as Metro Rail and Monorail

AMRUT Mission

AMRUT is a flagship programme of Modi government to transform 500 cities. It was launched in the year 2015.

Purpose

- To ensure that every household has access to a tap with assured supply of water and a sewerage connection.
- To increase the amenity value of cities by developing greenery and well maintained open spaces (e.g. parks).
- To reduce pollution by switching to public transport or constructing facilities for non-motorized transport (e.g. walking and cycling).

Thrust Areas-

- water supply
- sewerage facilities and septage management
- storm water drains to reduce flooding
- pedestrian, non-motorized and public transport facilities, parking space enhancing amenity value of cities by creating and upgrading green spaces, parks and recreation centers, especially for children.

Fund Allocation

The total outlay for AMRUT is Rs. 50,000 crore for five years from 2015-16 to 2019-20 and the Mission will be operated as a Centrally Sponsored Scheme. The AMRUT may be continued thereafter in the light of an evaluation done by the MoUD and incorporating learnings in the Mission.

AMRUT and JNNURM

AMRUT is actually a new avatar of the existing JNNURM and will extend support till 2017 to those projects that are at least 50% complete under the earlier JNNURM.

Topic 7. Globalization

Globalization which initially arose as merely an economic phenomenon has had a spill over effect on the socio-cultural and even political arenas. Though it has had a milieu of negative effects on society, some of the outcomes have been decidedly positive.

Meaning and overview of impacts

Globalisation is the phenomenon which has brought the world together at one flat platform where there is an apparent blurring of all differences in all aspects of contemporary life ranging from social, cultural, economic, political, life-styles etc. It is a remarkable phenomenon by which many geographical and cultural barriers have come down gradually and the entire world has become a global village. It is the rapid expansion of communication and transportation which has reduced distances and generated an everlasting interdependence among people and nations at all levels.

Meaning of Globalisation

The term globalisation is derived from the word "globalize" which stood for an international network of economic systems where all economies are directed towards a global market. Global and multinational financial institutions exercise great control on the economic decision-making and processes of the world nations. Furthermore, economic globalisation has resulted from increased trade, foreign direct investment, capital flows, migration and spread of technology. It is popularly described as "*widening, deepening and speeding up of worldwide interconnectedness in all aspects of contemporary social life, from cultural to criminal, the financial to the spiritual.*" Globalisation can thus be seen as a phenomenon of transformation of economic, technological, socio-cultural and political forces at local or regional levels to international scale. The ever-increasing relevance and importance of the term has led different famous individuals describe it in their own unique way:

Tom G. Palmer of Cato Institute has defined it as "*the diminution or elimination of state-enforced restrictions on exchange across borders and the increasingly integrated and complex global system of production and exchange that has resulted.*"

Likewise, Thomas L. Friedman in his book, "The World is Flat" has stressed the role of globalisation in terms of trade, outsourcing, supply-chains and political forces which have made lasting impacts on the world and have changed it for good or bad.

Noam Chomsky has also presented his views saying the term globalisation is used in a doctrinal sense primarily to describe the economic globalisation.

As per Manfred Steger, professor of global studies and leader of research at Global Cities Institute, RMIT University, there are four dimensions of globalisation namely-economic, political, cultural and ecological along with a fifth dimension i.e. the ideological which cuts across the other four. It is actually the ideological dimension which covers a whole range of norms, claims, benefits, narratives and the phenomenon itself.

It is thus proven that the advance of globalisation is inevitable and it will leave a lasting impact on all facets of humanity. It has brought in a new pace of development which was unheard of till a few decades ago. Change has become the new norm and it is the only thing that has stayed constant.

Indian Scenario

India brought down its Berlin Wall way back in 1991 when she opened her economy to the world. This brought in the much needed freshness in its economic health of the country. It helped boost its economic growth and brought many international players to tap the huge and the then nascent Indian market. Along with the economy, people also opened to the new avenues of growth and unexplored realities of life. The western onslaught however, could not uproot the deep seated traditions and values which are a hallmark of our society, the basic thread which has held the diversities together over the ages. India has so far smartly embraced the West within limits of its ethos and stands tall as the fastest growing economy of the world. Indian society which has been labelled as intolerant by some analysts has not only given way to Western values but is also home to diverse languages, religion and traditions. People although are less mobile in terms of their cultures yet have immense tolerance for others.

Overview of Impacts of Globalization
Economic Impacts

Globalisation is worldwide economic integration and alignment to international financial norms and standards. The opening of the Indian economy had ushered in a new era of growth. Indian markets changed from being a seller's hub to a consumer's market with one of the largest and demographically youngest consumer base in the world. This served as a great attraction for international players who have rapidly made way to Indian soils. Also, the economic liberalisation and relaxation of trade norms, the foregoing of licence raj things were made easier for international investors to put their money here. Along with new technologies, products and practices economic

integration opened many vistas of opportunities for Indians.

Political Impacts

Unlike the traditional ways of political practices where the governmental decisions and policies affected only the national political systems, today such decisions have a ripple effect across the globe. The decision of one national government has multi-level effects on other economies too. Political integration has become evident by the growing number of bilateral or multilateral political blocks which have the power to unanimously decide on major issues of the world. The growing integration of all spheres has also led to problems which are global in dimension and outlook viz. climate change, terrorism, human trafficking, refugee crisis etc. These are massive issues which can only be tackled let along solved by world nations on a same platform. This holds as good for India as for the most advanced nation of the world.

Cultural Impacts

Culture has many facets, and each one has had its share of change due to globalisation of values and ethos. India which is culturally rich has maturely walked the line. It has helped Indians to open to new realities of life, women empowerment, great work culture, education, jobs etc. It has also enhanced consumerism as the young population of India doesn't mind spending despite the inflation. The technological advancement and reach has brought mobile phones at each doorstep. Likewise, the rapidly growing social networking community has raised awareness about social causes, brought people on a level platform and rekindled old relationships. It has enhanced ease of living. Religion which is an important component of culture has had many positive impacts of the phenomenon of globalisation. People have embraced the values of mutual respect for other people. Terrorism which stood to divide and scare people has failed in its basic ideology as people of the world have become more united against the extremist vision.

Ecological Impacts

This primarily deals with the impact of global integration on ecology and environment. The growth in industry has unleashed many ecological issues like food shortages, resource depletion, widespread climatic changes, irreversible damage to ecosystems etc. India has witnessed each one of them and is struggling to grapple with it effects. India has voiced its concerns on many international platforms to bring attention to the damage being already done by the developed world and the one that is happening in the growing suburbs of the developing nations.

Thus, globalisation has touched and left an imprint on each sphere of life.

Impacts of Globalization on School Education

Globalization has impacted the schooling in India in complex and conflicting ways. The children today have more _avenues for learning_. There has been an upsurge in demand for English language

learning; more popularity of international schools; need for revising the curriculum as per changing times; inclusion of internet and ICT in imparting the education.

However, at the same time, children _face a highly competitive_ world today. Although the basic aim of education is to enable children to develop their potential, the globalization has put _an extra pressure upon education system_ to create "winners" who would be ready to battle in the race for survival of the fittest. The _curricula of schools have been revised to make them acceptable internationally_ and also include an unconventional component of "overall personality development" instead of rote learning; new ways of teaching; demand for quality infrastructure etc. Last but not the least, students are seen now as customers of education services.

Impacts of Globalization on Higher Education

The higher education structure in India has served as both agent and object of the globalization and impacts of Globalization on it are immense and diverse, encompassing positive and negative changes. Globalization has not only underlined the need for higher education reforms but also wider utilization of IT, emphasis on R&D, and investment in development of human capital.

Commoditisation / Privatization of Education

As a result of globalization, higher education is becoming a marketable commodity and has emerged as a multi-billion dollar business. The increasing need to set up a chain of educational institutions which are accredited, globally acceptable, has led to gradual privatization of higher education. This shift of education from social good to marketable commodity would also make the poor and disadvantaged people to suffer.

Entry of Foreign Universities

One of the important tools of Globalization is FDI. The need for substantial investment in higher education; global competitiveness; perception about India as a great market for higher education; increasing demand etc. have led the foreign universities to try to open campuses here. The entry of foreign universities is expected to bring quality infrastructure in teaching as well as research and check brain-drain to a great extent.

However, so far the government policy towards entry of foreign universities is "protectionism". Currently, it is not possible for foreign universities to set up campuses in India. Recently, NITI Aayog has recommended allowing the foreign universities to set up campuses in Special Economic Zones (SEZs).

Teacher education

The global competitiveness, rapid changes, lifelong learning and flexible routes of learning have their implications over teacher's training also. Globalization has underlined the need to take steps to

qualitative expansion, value based, competency based and ICT based teaching learning.

Education policies

Globalization has also affected the education policies on higher education in India. In the last two decades Indian government has formed various committees, commission and also different kinds of economic bodies came to existence like NAAC.

E-learning

People with disability get benefit from globalization only if they endowed with knowledge, skills, capabilities and rights needed to pursue their basic livelihoods. The introduction of technology into the classroom is changing the nature of delivering education to students is gradually giving way to a new form of electronic literacy , more programs and education materials are made available in electronic form, teachers are preparing materials in electronic form; and students are generating papers, assignments and projects in electronic form. Video projection screens, books with storage device servers and CD rooms as well as the emergence of on-line digital libraries are now replacing blackboards. Even exams and grades are gradually becoming available through electronic means and notebooks are starting to give way to laptops. Also, students can be examined through computer managed learning systems and do tutorial exercises on a computer rather than in a classroom.

Impacts of Globalization on Women

Over the ages, women in India have faced the problems such as patriarchy and social pressure; caste based discrimination and social restrictions; inadequate access to productive resources; poverty; insufficient facilities for advancement; powerlessness and exclusion etc.

However, the new circumstances created by globalization are diverse, encompass all women in the country and cover almost all aspects of their life. Some of these are as follows:

Positive Impacts

Changing role in work

Globalization has undermined the traditional role of women in homemaking, farming, livestock, animal husbandry, handicrafts, handlooms etc and resulted in a relatively better environment for women. Women have _more jobs_, become more active in avenues generally reserved for men, have played a more prominent role in society and not just restricted to the household. It has affected both the quantity and the quality of work available to the majority of women in India.

Changing role in Family, Marriage, Caste

Globalisation has posed a _major challenge to the institution of patriarchy_ in India. As women take up jobs and achieve social mobility, they have also begun to stand up for their rights. As nuclear families have become more common, it has become easier for women to assertively claim their rights and ask for equality in an environment not stuck in ancient mores. Marrying within the same caste has

become less important, and women have in many cases reserved the right to marry whoever they choose irrespective of caste. As countries come closer, and boundaries disappear in the globalised world, women in India are inspired by women the world over to fight for their rights. Of course, there are some notable exceptions to the above generalisations. But, to a large extent, these changes have received a great push from the new era of globalisation.

Other Positive Impacts

- Prospects of higher and quality education have become feasible for those women who can afford them, economically and socially.
- Employment in technological and other advanced sectors, which have global bearing, has opened up for suitably qualified women.
- With changing attitude towards women, especially in the urban areas, women enjoy more egalitarian set of gender relationship.
- Augmentation of women's movements through exposures at the international level will help bring about major changes in the economic, social and political lives of women.
- Reduction in gender inequalities will have positive effect on women's empowerment in the socio-economic context.
- Attitudinal changes towards women's role in the family due to good education, benefits of family planning and health care, child care, good job opportunities etc. will surely help in the development of more confident and healthy women.
- Positive approach to economic and cultural migration will facilitate women to be exposed to better prospects at the international level.

Negative Impacts

Globalization has increased the number of low paid, part time and exploitative jobs for women. Increased prices due to open economy demand more cope up with changes from women. With increasing nuclear families, the older women's life has become pitiable, sometimes spending their later days in old age homes and isolation. The feminization of population has further aggravated this problem. Similarly, male migration from rural areas to urban centres has put the women under triple burden of home making, farming and job in rural sector. At the same time, migration of women for economic reasons has led to increased exploitation including sexual exploitation and trafficking.

Impacts of Globalization on Religion

Religion and globalisation have always shared a relation of struggle and conflict. Globalisation has generally been linked with economic and political interdependence which ultimately has brought people closer and effect of no event is isolated but is felt in far-off places too. It has

shifted the cultural build up of the world and led to formation of a 'global culture'- a common minimum which is accepted by all.

Globalisation stands for increased and daily contact while religions are becoming more self-conscious for themselves as being the world religions. The basic tenets of globalisation stand against religious parochialism. By diminishing the barriers between different cultures, globalisation lands religion in a quagmire of conflicts which reinforce social identities as some do not accept the new realities and turn to religion to rediscover their own identity. Religion provides a sense of belongingness to a group in the world. Religion has stood the complexities and onslaught of the modern world and is seen to be further intensified under the conditions of contemporary development.

Although some groups have made religion as a weapon to both integrate and terrorise masses, generally people have become more tolerant of other religious beliefs and practices and have come to associate all acts of terror as anti-religious.

In third world nations, where the vulnerable sections find themselves more marginalised by the forces of globalisation, religion takes a prime welfare role and acts as a cultural protector for these sections. Religion thus plays a social role by helping in social causes and successfully gets greater recognition. Here it presents a direct challenge to globalisation.

India is home to a massive rural population to whom the benefits of globalisation will take time to reach. In this fast pace life, religion acts as 'home' for personal peace and gives a message of peace in times of crisis. Urbanisation has attracted many rural youth and continues to bring them to cities for better life. Religion can use the new possibilities presented by the global forces to reach to more people and also rediscover the essence of other religions. All religions have fixed texts but none has fixed beliefs. Religions can come together and stand for increased peace in the world with mutual tolerance and respect.

Impact of Globalization on Older People

Globalization along with industrialisation, urbanization and technological changes has affected all segments of population including aged persons everywhere. The positive and negative impacts of Globalization on older people can be summarized as follows:

Positive Impacts
Healthcare
This is one of the major benefits to the old age as healthcare has become more efficient. The treatments are now available at doorstep for many ailments. The technological advancements have given shape to many devices which can help the aged people who are little aware gauge their own

body condition. Average life expectancy and health has increased because of improvement in technology, medical facilities, living standards.

Communication

Old age is reduced to a mere number if one is surrounded by loved ones and is financially independent. The rapid growth in communication technologies has made the world a small place. Aged people who could not be lucky to live with their children due to job pressures of the young, can now easily interact with them at click of a button. It has connected hearts once again and has presented the old a new reason to smile.

Technology

It is now possible for young residing in foreign lands to send money back home to their old parents in fraction of seconds. This monetary assistance not only helps them to carry their expenses with grace but also foster love. This goes a long way to instil a feeling of being important and wanted amongst the old who otherwise find themselves deprived and secluded.

Food

The opening of shop by many international supermarkets and brands in India has also introduced amazing and highly beneficial food and medicines for the geriatric population.

Economy

On the positive note, the people now have become more economically prosperous because of better employment opportunities across the world; and due to this they are able to save more for their old age.

Negative Impacts

Fallouts of disintegration of joint families

The cumulative implications of globalization, industrialization and urbanization have imparted irreversible change into the structure of families in India. With more and more nuclear families, young people leave their aged parents in far away places in search of employment opportunities and better living standards. This has resulted in isolation, rejection and loneliness of aged persons leading to psychological distress; and the crimes against older people.

The result of disintegration of the joint families and ever increasing influence of modernization is that care of the elderly has emerged as an important issue in the country.

Fallouts of unclear roles

Ageing marks change transition of role of the person from one to another. In earlier times when there was farm based economy, the expertise and experience of the older people was utilized when children followed parents' occupation. With improved education, rapid technological changes and modernization have rendered their knowledge obsolete. With this, once they are at verge of retirement, they are unable to find clear role and this realization leads to loss of status, loneliness and

worthlessness. Problem is aggravated when parents are economically dependent on children.

Impacts of Globalization on Indian Economy

Globalization is seen as a process defining the growing interdependence between various economies of the world. The term is also used specifically for economic globalisation which stands for aligning regional economies with the global economies through the vehicle of trade, FDI, flow of capital, technological advancement and also wide-scale migration. It was only after the economic liberalisation in 1991, Indian economy tasted freedom in real sense. The LPG Policy of 1991, had four basic premises:

1. Devaluation: Indian currency was devalued by 18-19%.
2. Disinvestment: Many public sectors were sold to the private sector
3. Allowing FDI: FDI was allowed in both in Insurance and Defence sector.
4. NRI Scheme: NRIs were given same benefits as FIIs.

Thus, the policy opened Indian economy to new horizons and embraced privatisation in a big way. This served as the first footprint of globalisation on Indian economy. Due to the increased global interdependence, all economic policy formulations on a domestic front is not done in isolation from the outside world. They are heavily dependent on international economic health and norms. Likewise, any decision taken at a global platform has direct or indirect impact on domestic policies. Thus, it can be deduced that government has lost policy autonomy to the global forces.

Various sectors of Indian Economy:

- Agriculture: India is an agrarian economy as agriculture is the primary source of living for over 55% of the population. In addition to this, agriculture also provides wage goods and raw materials for various non-agriculture sectors and industry. It is blessed with natural endowments of 23 agro-climatic zones and huge diversification of crops.
- Globalisation has touched every aspect of agriculture like technological advancement, improved production techniques and quality based enhancement. All three sectors of agriculture viz. farming, marketing and industrial support have made tremendous progress.
- In farming, globalisation has introduced complete mechanisation of the farms. Many new techniques are being used for seed development and production. Introduction of organic and hybrid varieties of seeds has revitalised the entire sector. Furthermore, new irrigation methods and techniques have also been used.
- In marketing of the produce, globalisation has helped farmers fetch new markets. This has given a boost to the agricultural exports. Introduction of big retailers from abroad to India has also come in favour of the farmers who work hard to feed the nation. They offer them

good procurement price and a continuous market for the produce. Also, e-commerce has helped in the post production activities like selling.

- Industrial development also is a direct by-product of globalisation as it has led to highly sophisticated farm machinery, fertilizer etc. Also, there is a growth in food processing industry due to increased consumerism.

- On the other hand, there are issues like GM crops, competition in pricing, WTO compliance issues which limits the support the governments can extend to farmers etc. Relaxation of import duties has also harmed the Indian farmer.

Impact on Industry

The last decade has been highly pressurising for the world economy. Many nations could not recover completely from the 2008 financial downturn. However, India managed to register growth when other nations were falling apart. This sent positive signals to the world about the robustness of the economic framework in India. As a result investor confidence was sky-high. The country provided promising future for both domestic and foreign investors. Entrepreneurial ventures also started booming on home front. The entire procedure of doing business with India changed in terms of psychology, methodology, technology, ease of doing business and work culture. Indians were more aware of the global business ethics and therefore contributed immensely as human capital to the foreign firms. Moreover India is demographically a young country which is another major attraction for firms to invest in India. Furthermore, there is an apparent trend towards rapid urbanisation and many government-aided schemes to help people gain required skills to be able to become more employable.

- It has become possible for the present-day government to start schemes like Make in India, Skill India, Digital India as government has relaxed many norms for doing work.

- Many Indian industries have invested abroad and have entered into various kinds of agreements like joint ventures or mergers and acquisitions etc. This has raised their global competitiveness.

- Relaxation of investment norms and licences has attracted huge amounts of foreign investment especially in services, telecommunications, electrical equipments etc.

- The export-orientation is also increasing by setting up of various Special Economic Zones. These have made international presence felt through the route of mergers and acquisitions.

- The government is giving a lot of impetus to the small scale industrial sector. There is abundant availability of loans, microfinance and even other forms of easy credit. This has made them grow into medium scale operations.

- On the contrary, opening of some sectors to foreign investment led to the exploitation of their resources by the MNCs. Also, MNCs resort to less sophisticated technology in their Indian subsidiaries.
- The entry of MNCs has added to competition in the market and has led to excessive pressure on domestic companies to both raise quality and productivity to ensure survival.

Impact on Banking and Financial Sector

Financial sector reforms have been a major driver of Indian economic liberalisation.

- Globalisation has opened door to foreign investors to enter the domestic market. This has led to more competition as innovation has become the new norm. Due to rise in awareness people have also become less averse to the industry.
- The domestic financial intermediaries have taken on more risk-intensive roles to ensure survival in this highly competitive age.
- The industry has been transformed from a conservative outlook to a highly dynamic one as many new regulatory bodies and financial institutions have come up.
- The whole industry is undergoing an apparent transition due to large-scale market shifts, competition and technological developments.
- Banking structures and products have become more streamlined and efficient. A new work culture ethic has been embraced even by the domestic banks to live upto the sophistication of procedures presented by the foreign banks.

Alter-globalization

Alter-globalisation stands for alternative globalisation. It is a social movement that seeks to retain and preserve the positive aspects of globalisation while simultaneously doing away with the negative effects of globalisation. Simply put, it aims to make popular a better and alternative version to globalisation. The movement is not anti-globalisation, but just lobbies and works towards correcting the ills of globalisation while actively supporting and encouraging its advantages.

Origin of the alter-globalisation movement

The concept of alter-globalisation emerged from the World Social Forum, which is an annual gathering of civil society organizations. Alter-globalisation is believed to have been inspired from the World Social Forum's slogan of 'Another world is possible.' In fact, the World Social Forum is still the largest forum for alter-globalization activity.

Opposition to neo-liberal globalisation

The alter-globalisation movement mainly opposes the outcomes of neo-liberal globalisation. It

postulates that new age globalisation gives free rein to international institutions such as the World Bank, World Trade Organisation, International Monetary Fund and others that favour developed nations and turn a blind eye towards other issues. This is especially true of the adverse effects of economic globalisation which are largely ignored by such international institutions.

While proponents of alter-globalisation are not opposed to free market economics, they are opposed to the culture wherein extensive importance is attached to business interests that often lead to violation of human rights and myriad human values. Though globalisation has increased co-operation and promoted exchanges between the people of different nations, it has also made many issues such as climate change, protection of labour interests, economic equality, civil rights, protection of local cultures etc. secondary to business interest and economic gain.

Is alter-globalisation a viable alternative?

Alter-globalisation highlights the fallout from globalisation that the world is grappling with. Economic globalisation has resulted in a scenario where a seemingly inconsequential event in one country results in repercussions the world-over. This domino effect knits together the global economy and its people. What affects one person affects us all. Hence, correcting the adverse effects of globalisation is in all our interests. While bringing unprecedented growth and access, globalisation has also increased economic inequality, a nation's vulnerability to external events, destruction of the environment etc. The development of international institutions which is more participatory and inclusive in nature will help set the process of globalisation on the right track. Hence, any movement calling for the same, however nascent, must be promoted and encourage. Therefore, an approach that promotes retaining the benefits of globalisation, while eliminating its disadvantages is highly desirable and must be at the least attempted to be implemented.