‘Contempt of People’

The Peoples Union for Democratic Rights (pudr) expresses deep concern over the recent Supreme Court ruling on the Haryana Panchayati Raj (Amendment) Act, 2015. On Human Rights Day (10 December 2015), the apex court upheld five disqualifications laid down in the act to particularly exclude those who are without specified educational qualifications, without a functional toilet in their homes, in debt, had arrears of electricity bills and had criminal charges framed against them, from contesting the elections to the panchayati raj. By this measure, panchayati raj—an institution designed for providing the much-needed mechanism of self-rule at the local levels—stands eroded in spirit and substance. By excluding the uneducated, the indebted and those without a toilet, the judgment not only takes away the right of those thus disqualified, but also the right of every other citizen to elect a representative of their choice. This is so because the Haryana act as well as the apex court judgment disqualifies the candidature of more than 50% of the rural population, vastly comprising women and Dalits. In our society, where economic and educational deprivation more often than not overlaps with caste and gender-based discrimination, the judgment upholds a Hindutva elitist morality at the cost of constitutional morality. By placing poverty and illiteracy on a par with criminal charges as reason for disqualification, the judgment shows a real contempt of people.

The burden of argument in the judgment is to establish that the right to stand in election is a political right but not a fundamental right, and therefore, not entitled to the same protection as a fundamental right. A second aspect is one of legislative competence. The Representation of the People Act’s criteria regarding contesting elections renders qualifications like education, economic status, etc, redundant. However, the panchayat elections are not covered under this act and the Haryana legislature has deliberately used this loophole in the law to devise disqualifications, since the Constitution allows it to do so. But neither the distinction between political and fundamental rights nor the issue of legislative competence justifies the validation of hierarchy of classes of people based on elitist considerations of eligibility rights. By creating two classes of citizens, one which can vote but not govern and the other which can do both, the judgment reduces franchise to a mere statutory privilege which can be subject to the whims of those who hold political power. Thus, the judgment makes the right to represent a privilege for those who have historically played the role of feudal leaders by dint of their caste- and sex-derived educational status and economic power.

A similar move made earlier by the Rajasthan government to amend the law by introducing functional toilets and Class VIII pass mandatory for the post of sarpanch and Class V pass as minimum for the post of zilla parishad had also shown disregard for the constitutional values of equality and freedom and demonstrated the cunning and elitist attempt of lawmakers to disenfranchise large masses of the rural poor, women and Dalits.

As much as puDr is frustrated by such attempts of the legislators, it is even more alarmed by our highest court’s dangerous move towards violating the basic principle of equality of citizenship that is the core of a true democracy. We call upon the conscience keepers of our nation to re-examine its own decision, and prevent the avoidable mistake when it is still not too late.

Megha Bahl, Sharmila Purkayastha
Secretaries, puDr
DELHI

Getting It Wrong

Ratnakar Tripathy’s “How Modi-Speak Boomeranged in Bihar” (epw, 21 November 2015) misinterprets data on the elections in Bihar and fails to compare the outcome of previous elections with the most recent assembly elections.

The data extracted from the website of the Election Commission of India clearly shows that the Bharatiya Janata Party’s (bjP) statewide vote share increased from 16.49% in 2010 to 29.86% in 2014 (Lok Sabha) and then declined to 24.40% in 2019. While the bJP’s vote share between
Micro-irrigation Neglected

In spite of the sustained efforts made by central and state governments, the adoption of micro-irrigation (MI) in the country—mainly sprinkler and drip irrigation—is rather tardy. The estimated potential of MI in the country is about 42 million hectares (mha) and the current coverage of area under MI in the country as on March 2013 is only about 6.0 mha (14%). The main bottleneck is the poor administration in implementing the subsidy by the states. Reducing the capital cost, effective subsidy disbursement and increasing the technical know-how will help the spread of MI in a bigger way. Even though Gujarat (Gujarat Green Revolution Company) and Andhra Pradesh (Andhra Pradesh Micro Irrigation Project) models have shown appreciable progress in recent years, other states have not been able to emulate due to poor governance.

Alternative MI subsidy implementation models can be considered:

(i) Incorporate the MI subsidy at the production stage itself (like fertilisers) and make the equipment available in the open market at a price lower than the current market price. The manufacturing companies can be identified and necessary incentives in terms of tax concessions can be provided. The quantum of the concessions needed for each manufacturer can be decided based on the volume of MI equipment, the type of materials (accessories or main system materials) and quality of materials produced. Uniform standards can be fixed so that all the consumers can get materials of the same quality at comparatively low prices in the open market. However, care has to be taken in accounting the MI equipment production from the manufacturers. For example, farmers receive 90% subsidy in some states (Andhra Pradesh) and 100% in some states (Tamil Nadu) where farmers’ investment is comparatively low. In such cases, small and marginal farmers may be unable to respond to the subsidised MI systems at the manufacturer level, but other farmers may respond quickly in making MI investment. In the long run, the time lag in MI investment will narrow down significantly.

(ii) Provide subsidies in the form of interest-free loans by the commercial banks with no cap on the area covered by MI. Capital will be repaid by farmers each year at 20%. Since MI systems will give returns from the first year itself, farmers can easily pay the capital cost. Also when farmers buy the MI system in the open market, it is easy to bargain and insist on quality and aftersales maintenance warranty. The concerned government departments need to verify the extent of the farmers’ area and approve the bank loans so that any misuse of loans in the name of MI systems can be avoided.

(iii) Provide MI subsidies directly to the farmers. This will follow the model of direct benefit transfer for liquefied petroleum gas consumers (Pratyaksha Hastaantarit Laabh scheme) introduced by the Government of India recently. In this way, the unit price of the MI system components will be fixed and farmers can select their MI suppliers from the list of approved suppliers, and install the MI systems in their fields by paying the full cost. Once the system installation is certified by the competent government department or third party inspection in terms of technical specifications, area and costs, the eligible subsidy will be credited directly to the farmers’ bank account by the state government. This may be initially a time-consuming process and also depend on the budget for the particular year. However, the states are expected to comply with this requirement when the aim is to increase MI area and improve existing water-use efficiency. Additional funding support for MI can also come under various other schemes from different ministries of the Government of India.

The advantages of the better performing as well as suggested models indicate that more transparency, less or no corruption and high quality of MI products are possible. Such an arrangement will help more farmers make an investment in MI without having to wait long for the release of the subsidy.

K Palanisami
International Water Management Institute,
Hyderabad

Roy Raised the Bar, Indeed!

The author Hira Singh of “Raising the Bar or a Missed Opportunity” (EPW, 7 November 2015) says Ambedkar does not understand caste in terms of political economy. I would like to point out that Ambedkar’s PhD was in economics. Also, caste is not only about social relations of production and property but also about blood relations.

After 2,000 years of such practices, those oppressed by caste attribute everything (social relations of production and property) to caste and karma. So, Annihilation of Caste makes perfectly valid arguments.

Singh says real violence of caste stemmed from the denial of entitlement: to land, to wealth, to knowledge, to equal opportunity, which he says, does not come out in Ambedkar’s writings cited by Arundhati Roy. Ambedkar has written about his personal experiences in Mumbai (then Bombay); if Roy does not cite them, that does not mean she did not know of them.

Did she raise the bar? I think she did. To ordinary people who do not have time to think about every issue, Roy makes it easy to understand what caste does. Because as far as I am concerned, I did not think about caste in the pointed way she puts it.

Karthek
(From comment on EPW website)
## Subscription Rates

### Print Edition – For India

<table>
<thead>
<tr>
<th>Category</th>
<th>Print (Plus free web access to issues of previous two years)</th>
<th>Print + Digital Archives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individuals</td>
<td>1,250</td>
<td>1,550</td>
</tr>
</tbody>
</table>

### Rates for One Year (in Rs)

<table>
<thead>
<tr>
<th>Category</th>
<th>Print (Plus free web access to issues of previous two years)</th>
<th>Print + Digital Archives (According to Number of Concurrent Users)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutions</td>
<td>4,000</td>
<td>6,000 (Up to 5)</td>
</tr>
<tr>
<td>Individuals</td>
<td>2,100</td>
<td>3,300 (Up to 5)</td>
</tr>
<tr>
<td>Students</td>
<td>1,200</td>
<td></td>
</tr>
</tbody>
</table>

### Rates for Three Years (in Rs)

<table>
<thead>
<tr>
<th>Category</th>
<th>Print (Plus free web access to issues of previous two years)</th>
<th>Print + Digital Archives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individuals</td>
<td>6,000</td>
<td>7,000</td>
</tr>
</tbody>
</table>

Concessional rates are restricted to students in India. To subscribe at concessional rates, please submit proof of eligibility from an institution.

### Print Edition: For SAARC and Rest of the World (Air Mail)

<table>
<thead>
<tr>
<th>Category</th>
<th>Print (Plus free web access to issues of previous two years)</th>
<th>Print + Digital Archives (According to Number of Concurrent Users)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutions</td>
<td>SACR</td>
<td>140</td>
</tr>
<tr>
<td>Rest of the World</td>
<td>300</td>
<td>350</td>
</tr>
<tr>
<td>Individuals</td>
<td>SACR</td>
<td>120</td>
</tr>
<tr>
<td>Rest of the World</td>
<td>160</td>
<td></td>
</tr>
</tbody>
</table>

### Web Edition/Digital Archives

The full content of the EPW and the entire archives are also available to those who do not wish to subscribe to the print edition.

#### One Year

<table>
<thead>
<tr>
<th>Category</th>
<th>India (in Rs)</th>
<th>SACR (in US $)</th>
<th>Rest of the World (in US $)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutions</td>
<td>Up to Five</td>
<td>3,500</td>
<td>190</td>
</tr>
<tr>
<td>More than 5</td>
<td>8,000</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>Individuals</td>
<td>Single User</td>
<td>1,350</td>
<td>20</td>
</tr>
<tr>
<td>More than 5</td>
<td>Single User</td>
<td>35</td>
<td></td>
</tr>
</tbody>
</table>

### Types of Web Access to the Digital Archives

Individual subscribers can access the site by a username and a password, while institutional subscribers get access by specifying IP ranges.

To know more about online access to the archives and how to access the archives send us an email at circulation@epw.in and we will be pleased to explain the process.

### How to Subscribe:

Payment can be made by either sending a demand draft/cheque in favour of Economic and Political Weekly or by making online payment with a credit card/net banking on our secure site at www.epw.in.

Address for communication:

**Economic & Political Weekly**
320-321, A to Z Industrial Estate
Ganpatrao Kadam Marg,
Lower Parel,
Mumbai 400 013, India

---

## Notes for Contributors

Contributors are requested to follow the EPW's style sheet while preparing their articles. The style sheet is posted on the EPW’s website at http://www.epw.in/terms-policy/style-sheet.html. It will help immensely for faster processing and error-free editing if writers follow the recommended style sheet, especially with regard to citation and preparation of the bibliography.

### Special Articles

The EPW welcomes original research papers in any of the social sciences.

- Articles must be no more than 8,000 words, including notes and references. Longer articles will not be processed.
- Contributions should be sent preferably by email.
- Special articles should be accompanied by an abstract of a maximum of 150-200 words.
- Papers should not have been simultaneously submitted for publication to another journal or newspaper. If the paper has appeared earlier in a different version, we would appreciate a copy of this along with the submitted paper.
- Graphs and charts need to be prepared in MS Office (Word/Excel) and not in jpeg or other formats.
- Receipt of articles will be immediately acknowledged by email.
- Every effort is taken to complete early processing of the papers we receive. However, we receive 70 articles every week and adequate time has to be provided for internal reading and external refereeing. It can therefore take up to four months for a final decision on whether the paper for the Special Article section is accepted for publication.

- Articles accepted for publication can take up to six to eight months from date of acceptance to appear in the EPW. Papers with immediate relevance for policy would be considered for early publication. Please note that this is a matter of editorial judgment.

### Commentary

The EPW invites short contributions to the Commentary section on topical social, economic and political developments. These should ideally be between 1,000 and 2,500 words. A decision on Commentary-length articles will be communicated within 6-8 weeks, or earlier.

### Keywords

Authors are requested to list six to eight keywords for their articles.

### Book Reviews

The EPW sends out books for review. It does not normally accept unsolicited reviews. However, all reviews that are received are read with interest and unsolicited reviews on occasion is considered for publication.

### Discussion

The EPW encourages researchers to comment on articles published in the EPW. Submissions should be 800 to 1,600 words.

### Letters

Readers of the EPW are encouraged to comment (300 words) on published articles.

### All letters should have the writer’s full name and postal address.

### Postscript

The EPW welcomes submissions of 600-800 words on travel, literature, dance, music and films for publication in this section.

### General Guidelines

- Writers are requested to provide full details for correspondence: postal address, day-time phone numbers and email address.
- The EPW requests writers not to send revised versions based on stylistic changes/additions, deletions of references, minor changes, etc. as this poses challenges in processing. Revised versions will not be processed. When there are major developments in the field of study after the first submission, authors can send a revised version.

### Copyright

- The EPW posts all published articles on its website and may reproduce them on CD-ROM.
- The EPW also posts all published articles on select databases.
- Copyright of all articles published in the Journal belongs to the author or to the organisation where the author is employed as determined by the author's terms of employment.

### Permission for Reproduction

- No published article or part thereof should be reproduced in any form without prior permission of the author(s).
- A soft/hard copy of the author(s)'s approval should be sent to EPW.

Address for communication:

Economic & Political Weekly
320-321, A to Z Industrial Estate
Ganpatrao Kadam Marg,
Lower Parel, Mumbai 400 013, India

Email: edit@epw.in, epw.mumbai@gmail.com
Disenfranchising the Deprived

There seems to be an undercurrent of distrust of democracy in the rulings of the Supreme Court.

The 73rd amendment to the Constitution in 1992 was meant to strengthen grass-roots democracy in India by the nationwide establishment of three tiers of local government or panchayati raj institutions (PRIs). The third tier, the gram panchayat, has members elected by universal adult franchise. The establishment of PRIs under the 73rd amendment was an attempt to deepen Indian democracy and a means to devolve political power to institutions closest to the citizens. The PRIs have had their share of successes and failures but it is undeniable that as a facet of the ongoing experiment of Indian democracy, they have gone some way in empowering the hitherto powerless, especially women in rural areas. However, the recent judgment of the Supreme Court in Rajbala vs State of Haryana, delivered on 10 December, threatens to fundamentally undo the positive effects of the PRIs by allowing state governments to disenfranchise large sections of the populace, especially women, lower castes and other deprived sections of society.

The Supreme Court's judgment in Rajbala has been delivered in a constitutional challenge to the Haryana Panchayati Raj Act, 1994 which had been amended in 2015 to disbar those candidates for panchayat elections who are not literate, or who are in arrears of their dues to electricity boards, or do not have a toilet in their residence, among other disqualifications. The amendment in 2015 was challenged by petitioners on the ground that it amounted to a violation of the right to equality under the Constitution as it creates classes among a uniform body of voters, with neither a rational basis for such classification nor any legitimate purpose sought to be achieved by such classification.

While ostensibly holding that the right to vote and stand for elections are constitutional rights, the Supreme Court dismissed the challenge to the constitutional validity of the Haryana act. The Court's “reasoning,” such as it is, utterly fails to see the latent discrimination written into the illiteracy, indebtedness and residential toilet disqualifications for candidates to the panchayat elections. The census data and detailed statistics on the possible impact of the disqualification criteria presented by the petitioners have been brushed aside with broad homilies, vague generalisations and utter callousness.

The Supreme Court has taken no note of the possibility that the Haryana law ends up punishing those who are the victims of state failure to provide education and sanitation in the first place. The Court seems blissfully unaware of the centuries of discrimination that has been inflicted on Dalits when it came to education and sanitation, the effects of which are still being felt by Dalits and other lower castes. Instead of attempting to grapple with or address such ground realities, the Court has preferred to turn a blind eye to this and for all practical purposes, blamed the victims themselves for being illiterate, poor or having no toilet in their homes.

The Supreme Court's reasoning and approach in the Rajbala case is also a setback to the development of a coherent jurisprudence on equality in India. Like with the infamous Suresh K Koushal vs Naz Foundation judgment, the Court has approached the question as one completely devoid of any real world impact, with a total lack of any empathy towards those being discriminated against under the law. India's equality jurisprudence, far from keeping step with the developments of the rest of the world, has taken several steps backward in tackling the scourge of discrimination.

Apart from its aversion to understanding and confronting discrimination, the Rajbala judgment suggests an underlying current of distrust towards democracy itself. This deep suspicion of electoral democracy seems evident in the judgment of the Supreme Court striking down the constitutional amendment and law creating the National Judicial Accountability Commission. Perhaps the judgment in the Rajbala case is yet another facet of such suspicion expressed in the context of panchayat elections.

Read along with its 2005 judgment in Javed vs State of Haryana, where the Supreme Court upheld another state law which disqualified persons with more than two children from standing for elections, one sees a pattern emerging which suggests that the Court does not think that universal adult franchise as a civil right is worth defending against state encroachment. It is somewhat incongruous and definitely inexplicable that a court which holds democracy as a basic feature of the Constitution is willing to allow this very basic feature to be eroded bit by bit. It stands in stark contrast to the vigour and tenacity with which the Supreme Court has defended its own power of judicial review, going so far as to strike down constitutional amendments that may only tangentially threaten such power.

Such expansive power of judicial review in India, widened over the decades from the very broad ambit of these powers in the Constitution, has long been justified on the basis that this
power is necessary as it is used by the judiciary to defend the civil and political rights of citizens against state intrusion. This claim is often taken at face value and rarely contested in a serious manner. With the Supreme Court’s judgment in *Rajbala*, being so destructive of the most basic of civil and political rights, perhaps the time has come to seriously call into question the Supreme Court’s claim to be a defender of civil liberties in India, and hold it accountable for its multiple failings on this front.
Punishing Nepal

The Indian government’s Nepal policy is shameful, dangerous and self-defeating.

It is almost three months since the supply of goods from India into Nepal has been choked. A few days after Nepal’s Constituent Assembly approved its new constitution on 20 September 2015, the Madhesi—the Nepalis of the plains—began protests blocking roads and access points from India. Nepal’s constitution, by denying naturalised citizens access to the top positions of the republic, barred many Madhesi whose parents or grandparents came to Nepal from India from these posts. Also, the demarcation of provinces and constituencies has been done to keep the Madhesi population—which is half of Nepal’s total population—divided through administrative boundaries. The present constitution seems to ring-fence the traditional control of the hill upper castes—the Bahun and Chhetri—over the Nepali state. The Madhesi protest in the terai regions bordering India is a direct fallout of the inability of the main political parties of Nepal—the Communist Party of Nepal (Unified Marxist Leninist), the Nepali Congress and the Unified Communist Party of Nepal (Maoist)—to address these demands.

What, however, cannot be denied and is a cause of great concern is that there is now ample evidence to suggest that this blockade of Nepal is happening with the complicity of the Government of India. Even the response of the Indian government to the adoption of the new constitution and the manner in which it demanded changes in it indicates a brusque diplomatic demeanour, bordering on arrogance. This is not the first time that India has choked supplies to this impoverished landlocked country. In the late 1980s the Rajiv Gandhi regime, angry about Nepal’s growing relations with China, informally enforced a blockade by allowing trade and transit duties to lapse. It is inconceivable that the Madhesi groups have the stamina to sustain such a massive blockade over so many months without active and direct Indian support, both political as well as from its intelligence agencies.

The result of the ongoing blockade is that a major petroleum and fuel shortage has developed in Nepal which is having a deleterious impact on all parts of the country’s economy. There is now also a substantial dearth of medical supplies, and even books and stationery for education are in short supply. The reconstruction after the April earthquake, already mismanaged by a corrupt and incompetent administration, has come to a standstill. Through this blockade, it seems that India has got Nepal in a chokehold. Will the Nepal government and its main political parties manage to hold out, or will they succumb to the pressure? In this present climate of bullying by India and distrust by Nepal, the answer to this question is difficult to find, but some other things have become clear.

First and foremost, Prime Minister Narendra Modi’s Nepal policy now lies in tatters. If we assume that Modi was initially pitching for a strong bilateral relation economically beneficial to both countries, his government has destroyed any possibility of that for the next few years. Whether it is a diplomatic and national security misstep, or an effort to teach Nepal a “lesson,” the Madhesi blockade has been a foreign policy disaster. It has alienated Nepal’s political parties as well as public opinion from India and exposed the Madhesi community to further vulnerability from Nepali national chauvinists who have always accused them of being a fifth column for India. From the Indian nationalist perspective, it has pushed Nepal “into the arms of China.” Internationally too, India is being seen as responsible for the blockade of Nepal and few are buying the government’s versions of it being an “internal” matter of Nepal. The point, as most have seen it, is that India has been unable or unwilling to use its wide influence to work towards a solution, rather it is contributing to a crippling of the daily lives of the Nepalis. Having painted itself into a diplomatic and political corner with an all-or-nothing game India may now even be losing some of its leverage with Nepal’s political groups, including the Madhesi.

How can India extricate itself from the hole it has climbed into vis-à-vis Nepal? India has to use its influence with the Madhesi groups to lift the blockade, even as they can continue to (and should) agitate for equal citizenship rights in Nepal. It also needs to rebuild its relations with Nepal’s political parties and state, though we fear that the present political establishment in New Delhi may well have lost the political credibility and diplomatic capital to rebuild ties. In the long term, the most important thing that the Indian state needs to do is to provide an assurance that it will never again use its geographical advantage to bully its Himalayan neighbour. One hopes that the Government of India will eventually show the sagacity and maturity to work towards this. Diplomats and lawyers need to find ways in which Nepal is guaranteed unhindered access to the sea and an uninterrupted flow of its goods.

Last, but most importantly, we, as India’s citizens, need to realise that the unifying thread in the present government’s foreign policy and geostrategy is to crown itself the regional power in South Asia and the Indian Ocean, in a subsidiary alliance (in deeds, if not in words) with the United States. Browbeating Nepal into submission makes sense only within this framework of a nation aspiring to become the region’s boss. While this prospect may please the hawks among India’s nationalists, such a policy is, at once, unworkable, dangerous and unethical.
Taking Food Safety Seriously

India needs to treat food-borne diseases with much more seriousness than it does at present.

The World Health Organization (WHO) in its first global estimates of preventable food-borne diseases has reported that 600 million people (one in 10) fall ill and 420,000 die every year from contaminated food. According to the report, “WHO Estimates of the Global Burden of Foodborne Diseases,” the highest number of cases occurs in Africa and South-east Asia which includes India. Children under five bear the brunt, accounting for 40% of the population that falls ill and 30% (125,000) who die from food-borne diseases mostly due to diarrhoeal diseases. The report affirms and quantifies the magnitude of what is familiar knowledge. What is disturbing is that these deaths are preventable to a large extent and the illnesses which rob so many of their productivity and well-being can be avoided if all stakeholders are serious about taking preventive measures. The suffering and deaths target the poor and marginalised sections the most.

Nutritionists point to emerging economies—India included—constituting the “hotspots” of food safety concerns. As the International Food Policy Research Institute (IFPRI) says in its “2014–2015 Global Food Policy Report,” these economies witness a rapidly growing demand for foods but a weak food governance system. The report also notes that in the poorest countries food-borne diseases cannot be separated from other diseases that are waterborne, vector-borne or due to sheer poverty. IFPRI observes that the widely publicised findings about food inspections, even negative ones (in China), “may be more positive than the situation in India, where no reports on food safety inspection or results are publicly available.”

The Food Safety and Standards Authority of India (FSSAI), an independent statutory authority under the Food Safety and Standards Act, 2006 (which replaced the Prevention of Food Adulteration (PFA), Act 1954), has been in the limelight in the past few months thanks to the controversy over Maggi noodles. But the ongoing episode has been more confusing than enlightening. Different states have come out with different test results and there is confusion about the permissible levels of lead and monosodium glutamate (MSG) that the food can contain. Overall, food safety laws and regulations need much better streamlining, better qualified staff followed by stringent implementation.

Starting from agricultural practices (use of unsafe agrochemicals and contaminated groundwater), poor hygiene in storage and handling to food cooked and distributed in unhygienic surroundings and with unsafe water there are myriad factors that need regulation and monitoring. Studies show that the diarrhoeal deaths among Indian children below five are mostly due to food and water contamination. One study of mothers with children below five in Hyderbad titled “Perceptions of Women on Food Safety” by the National Institute of Nutrition found that while the mothers had good food safety awareness and practices, what was needed was “an enabling environment” with better access to potable water, sanitation and cooking fuel along with awareness of adulteration and ways of complaining to the relevant authorities. Where the risk factors for persistent diarrhoea such as hygiene were concerned, other studies have found that caregivers need to be given health education, but keeping in mind sociocultural and socio-economic factors that come into play. Another area that needs special attention is surveillance of food-borne diseases without which there cannot be a good monitoring system. This will entail in-depth training of inspection staff and the involvement of a number of government agencies. A recent research study in the journal Epidemiology Research International finds that food-borne diseases are not categorised separately in the Health Information of India, an annual statistical publication by the Central Bureau of Health Intelligence (GoI).

The WHO report says governments and industry must “improve inspections and control of the food chain from the fields and farmyards to the factory and plate.” It points out that instead of trying to penalise street vendors it is better to invest in their training and education. Considering the proportion of the urban population in India that depends on street food for its daily meals, this recommendation is of great significance. Once again, like the monitoring of food safety regulations, the ball comes back to the authorities’ court. Consumer awareness is an important factor but basic amenities, responsiveness of the authorities and well-thought-out policy decisions form the basis for better food safety. It is obvious that food safety is a complex issue that calls for a multipronged solution. Success on this front will be directly proportional to the commitment of all stakeholders to saving the lives of future generations and the productivity of millions.
that 600 million people (one in 10) fall ill and 420,000 die every year from contaminated food. According to the report, "starting from agricultural practices (use of unsafe agrochemicals and contaminated groundwater), poor hygiene in storage and practices, what was needed was "an enabling environment" for a multipronged solution. Success on this front will be directly proportional to the commitment of all stakeholders to saving the lives of future generations and the productivity of millions.

The report also notes that in the poorest countries food-borne diseases are serious about taking preventive measures. The suffering includes India. Children under five bear the brunt, accounting for 40% of the population that falls ill and 30% (125,000) who die. Estimates of the Global Burden of Foodborne Diseases, the report affirms and quantifies the magnitude of what is familiar from food-borne diseases mostly due to diarrhoeal diseases. The highest number of cases occurs in Africa and South-east Asia which is to say the region with the highest population. What is disturbing is that these deaths are preventable, with 90% of cases estimated to be due to contaminated food. It is obvious that food safety is a complex issue that calls for well-thought-out policy decisions form the basis for better food safety. It is obvious that food safety is a complex issue that calls for well-thought-out policy decisions form the basis for better food safety. It is obvious that food safety is a complex issue that calls for well-thought-out policy decisions form the basis for better food safety. It is obvious that food safety is a complex issue that calls for well-thought-out policy decisions form the basis for better food safety. It is obvious that food safety is a complex issue that calls for well-thought-out policy decisions form the basis for better food safety.

The Food Safety and Standards Authority of India (FSSAI) says in its "2014–2015 Global Food Policy Report," these economies witness a rapidly growing demand for foods but a weak food governance system. In order to be better qualified staff followed by stringent implementation. Different states have come out with different test results and the ongoing episode has been more confusing than enlightening. From 50 Years Ago

**Trumps Played Out**

[Indo–Pak Meeting in Tashkent]

*A Correspondent writes:*

...With his visit to Washington, Ayub Khan seems to have played out his last trump. He could expect to have certain leverage with the United States owing to the central position of Pakistan and to the American air bases; but it apparently failed altogether to move Johnson. If Ayub Khan stayed put he might expect economic aid to flow again soon; and military aid might be resumed when aid to India was resumed. By putting pressure on bases he could have forfeited these promised benefits and gained nothing vis-a-vis Kashmir. So he goes now to Tashkent, disarmed, empty-handed. He has even further muffed matters by giving the impression that he is being pushed reluctantly to Tashkent by Johnson. From his experience over Kutch and Kashmir, Shastri has little reason to trust Ayub Khan; perhaps the internal political situation leaves Ayub little reason to trust himself.

What will these people do in Tashkent? What can they do? Even though Shastri does not stick to his condition that the talks must not be over Kashmir, his best tactic would be to carry a great many little proposals of release of seized goods, resumption of traffic, a trade agreement, freer monetary transfers and movement of people, another meeting after a few months and so on. The more he proposes the better, for it will reduce the time devoted to Kashmir over which there is no room for give-and-take, and it will give more choice to Ayub Khan who must be very hard-pressed at home. There is much reason for us to begin a rapprochement by however tiny steps; the hostility of Pakistan neutralises much of our military and political power internationally.
Trade in Financial Services
Disciplining Governments and Freeing Business

C P Chandrasekhar

Liberalising global trade in services, including financial services, has been on the cards for the longest time. Services trade negotiations at the World Trade Organization may “fail” at the Doha Round, but only because there has been no progress in agriculture and industrial goods trade.

Though overshadowed at the World Trade Organization’s (WTO) Nairobi Ministerial Conference earlier this week by the deep differences over agricultural subsidies and food security and on the rules governing trade in industrial goods, services have been an important bone of contention at the multilateral trade body. Developed countries had achieved a major victory in the Uruguay Round of trade negotiations, when they managed to bring trade in services, defined broadly as occurring under four modes (cross-border supply, consumption abroad, commercial presence and movement of natural persons), onto the negotiating table through the General Agreement on Trade in Services (GATS). That began a process of liberalisation of trade in services, which was crucial for the developed countries because they accounted for a rising share of output and employment in the developed countries, and because these countries had been losing their competitiveness in the production of goods, they had retained significant competitive advantages in high-end services.

However, while the Uruguay Round established a framework with four modes for examining and discussing the services trade and delivered GATS, it provided little by way of actual commitments and only a cumbersome “request and offer” regime to proceed with liberalisation. This made substantial gains in the services area, an important objective in the Doha Round for advocates of liberalisation. Among those services, financial services (dominated by agents operating in developed country financial centres such as London, New York and Frankfurt) are among those where the pressures to put in place a far more liberal multilateral investment and trading regime have been intense.

Liberalisation in services, in general, and the financial area, in particular, has two important elements among its many features. First, increased market access for firms from other member nations, which involves easing the conditions for cross-border flow of capital and cross-border movement of the carriers of that capital, namely, financial firms—or dilution of capital controls. And, second, more “transparent” and reduced domestic regulation, or dilution of the conditions, limitations and qualifications imposed on foreign service providers. The difficulty here was that the developing country experience, and the “Savings and Loans” and banking crises in the United States in the 1980s, the periodic currency and financial crises in developing countries, the South-east Asian financial crisis of 1997, and, more recently, the global financial crisis of 2008, had all made clear that deregulation of these kinds lead to loss of sovereignty in macroeconomic policy, currency instability, and balance of payments difficulties.

But the strength of finance capital had ensured that even under the Uruguay Round, financial services received undue emphasis with a special annexe to GATS dealing with the subject and a separate protocol titled “Understanding on Commitments in Financial Services,” which was not part of GATS but appended to the Final Act of the Uruguay Round. The Annexe was a concession to those who recognised that financial markets, contracts, and instruments have their specificities, were important instruments facilitating broad-based growth, and were far more prone to disruption with damaging systemic effects. Besides identifying specific areas of financial services that could be brought under new disciplines, it provided for the “prudential carve out” needed for the protection of investors, depositors and insurance policy holders,” and excluded from the ambit of the agreement, government-provided services that were important for economic management, such as measures adopted in pursuit of monetary or exchange rate objectives. The Understanding on the other hand sought to define “an optional and alternative
approach to making specific commitments on financial services” that provided the basis for a GATS-plus framework in the financial area.

This initial call for “voluntary” liberalisation in all services through the GATS framework has, in the case of financial services, sought to be extended by the “alternative approach” to liberalisation specified in the Understanding on Commitments in Financial Services to be adopted by willing members. The starting point of this approach is a “standstill” clause in which the minimum level of liberalisation in the formal offer must be such that conditions, limitations and qualifications in areas in which commitments are being made do not involve any increase in the range or intensity of non-conforming measures or any rollback of the extent of liberalisation implicit in the status quo.

The Understanding also provides for a minimum set of commitments that all agreeing to implement it must adopt. These involve, among other things, listing and seeking to eliminate or reduce monopoly rights (including those of public entities); permitting commercial presence, including through acquisition; offering foreign suppliers with a commercial presence “most-favoured-nation treatment and national treatment as regards the purchase or acquisition of financial services by public entities”; permitting foreign entry in areas such as insurance for maritime shipping and civil aviation, reinsurance, provision and transfer of financial information; and reducing restraints on consumption abroad.

In sum, the idea is to create a subset of countries that set new “standards” for the extent of liberalisation of trade in financial services. This was facilitated by the creation of so-called “friends groups,” including the “Friends of Financial Services.” There is an explicit strategy here for advancing liberalisation in the area. The standards set under the alternative approach provide the template to be accepted in time by other members of the WTO leading to full multilateralisation of the intended financial liberalisation.

This strategy is proving powerful because of the growing importance of off-WTO trade and investment negotiations with Doha-plus ambitions with regard to financial services. Of special importance here are the secret negotiations under the Trade in Services Agreement or TISA launched by a set of countries calling themselves “The Really Good Friends of Services,” and a host of bilateral and mega-regional trade agreements, including the recently concluded Trans-Pacific Partnership Agreement (TPP), which have incorporated in their texts substantial liberalisation of trade and investment rules relating to financial services. Since the extent of liberalisation in these off-WTO treaties between selected countries is far more than provided for in the Understanding on Financial Services, the ambition in the templates for liberalisation in the financial services area being pushed by the developed countries under the Doha Round is even greater. Of particular importance here are the standstill clauses that prevent reversal of liberalisation measures once they have been committed to and the incorporation of investor-state dispute settlement mechanisms that allow private financial entities to drag governments to extrajudicial tribunals for violation of treaty clauses.

Liberalisation Outside WTO

There is a view though that this trend set by old and new trade and investment treaties in general and WTO negotiations in particular is not of much consequence because actual liberalisation in the financial services area in the developing countries has been far more than prescribed under multilateral or bilateral agreements. One reason is that external liberalisation, especially in the form of dilution of capital controls and internal liberalisation with regard to entry and liberalised conditions of operation for foreign financial players has been promoted by the multilateral institutions through means such as Financial Sector Adjustment Programmes. But an equally important reason is that when the huge accumulation of liquidity in the international financial system after the 1970s forced private sector financial institutions from the metropolitan countries to drop their reticence to lend to or invest in the developing countries, most developing countries chose to exploit the “opportunity” and open themselves to the hugely enhanced cross-border flow of capital. Attracting such capital requires attracting the carriers of capital in the form of foreign financial institutions of various kinds. This requires suitably adjusting the regulatory regime as well. As a result, over the last few decades, finance is an area where liberalisation has proceeded apace.

If global and domestic forces outside the WTO are ensuring the liberalisation of finance, it is argued, interested nations would not turn to the cumbersome WTO negotiating process to realise that objective. So financial services are not seen as a real issue in the Doha Round. This argument misses out on important differences in having liberalisation mandated through a WTO treaty and “voluntarily” adopted by developing countries. First, the legitimacy associated with sanction from a multilateral institution in which each nation exercises a vote and decisions are arrived at in practice by consensus is immense. Given the evidence that financial deregulation has resulted in periodic crises in developing countries and underlies the global financial crisis of 2008, such legitimacy has much value. Second, standstill clauses, if incorporated, introduce a substantial degree of “irreversibility” to the liberalisation process, protecting financial interests in ways that bind governments. And, finally, if those interests, represented by developed country governments, manage to gain treaty sanction for a non-governmental, extrajudicial, investor-state dispute settlement process, developing country governments would be forced into submission.

This is not to say that success on this front at the WTO is inevitable. But “failure” would not be the result of the absence of desire on the part of the developed to push for financial services liberalisation. Liberalisation may be stalled only because, as services negotiators at WTO, such as those from 33 member countries who met informally in June 2015, have always recognised, “the level of ambition in services could not be higher” than in agriculture and industrial goods. And in the absence of progress in the latter, not much could be achieved in the services area.
Implications of American Islamophobia

VINAY LAL

The remarks of the United States presidential hopeful, Donald Trump, on Muslims in America have caused outrage all over the world and have led many to say that Trump is going against what the country stands for. The present rash of Islamophobia is, however, only the latest example of a deep vein of racism and xenophobia that runs through mainstream American society.

The swirling controversy that has arisen over the remarks made in recent weeks by Donald Trump regarding the place of Muslims in American society has far-reaching implications that extend well beyond the question of whether it has now become acceptable in certain circles to be openly Islamophobic. In the immediate aftermath of the Paris attacks a month ago, Trump described himself as open to the idea that mosques might have to be shut down in the United States (US). A few days later, he came out with what seemed akin to a suggestion that a national registry may have to be established for all Muslims in the US.

Trump has explicitly warned that American Muslims are incapable of extending their loyalty to the US. Thus, he has repeatedly circulated the discredited story that a large number of Muslims cheered when the Twin Towers were brought down by terrorists on 11 September 2001. Though not an iota of evidence lends credence to his narrative, Trump has sought to give it the stamp of veracity with the imprimatur of his own experience: “I watched when the World Trade Center came tumbling down,” Trump told an audience in Alabama on 19 November 2015, “and I watched in Jersey City, New Jersey, where thousands and thousands of people were cheering as that building came down.” Trump would not budge from this story when he appeared on the ABC network: “It did happen, I saw it. It was on television. I saw it.”

Responding to Trump

We shall have to leave aside for the present the question, which would be of paramount importance to a philosopher and social scientist, of how experience is theorised, the evidentiary claims behind experience, and the nature of perception. It may be, too, that Trump remembers what he heard and saw on television as something that transpired before his own eyes, and there is of course the much simpler and far more attractive explanation that Trump is a congenital liar.

To lavish too much attention on Trump is perhaps not very different than throwing pearls before swine. When Trump first announced his candidacy, he was dismissed as something of a buffoon; since then, his “staying power” has dazzled all his opponents and public commentators, even if some are convinced that each outrage from Trump is merely calculated to raise his stock precisely when it appears he might falter.

Meanwhile, however, Trump’s latest pronouncement has rattled a good many people and, not less importantly, given him a commanding lead over his Republican opponents. Following the murderous rampage in California, where a Muslim couple, now believed to share the ideological sentiments that animate the Islamic State, shot dead 14 people and wounded many more, Trump declared that he would ban Muslims from entering the US. He has admitted that his statements are “probably not politically correct,” but adds: “I don’t care.”

There has been, not unexpectedly, huge outrage around the world over Trump’s pronouncements. The most unlikely figures, none of them even remotely noted for their democratic credentials, such as Israel’s Prime Minister Benjamin Netanyahu, or the other half dozen Republican candidates who in varying degrees are convinced that Obama is a communist, have condemned Trump for his “insensitive” and “slanderous” remarks. Many ordinary Americans themselves have balked at his ideas, and the Detroit Free Press, which serves one of the largest Muslim communities in the US, took the unusual step of issuing an un equivocal denunciation of Trump’s “rank bigotry and racism” in a front-page editorial. The newspaper’s editors noted that “some slurs are so heinous that they must be answered. And some lies are so vile that they become dangerous if not met with truth, and strength.”
We can well imagine the response of film-maker Michael Moore, who is nearly singular in his suggestion that a country with an intense history of genocide mocks only itself with the insinuation that people of a particular faith are not deserving of being Americans. In a letter castigating the governor of Michigan in the most forceful terms for backtracking on his previously announced commitment to welcome Syrian refugees, Moore wrote that, 

What you've done is anti-American. This is not who we are supposed to be. We are, for better and for worse, a nation of descendants of three groups: slaves from Africa who were brought here in chains and then forced to provide trillions of dollars of free labor to build this country; native peoples who were mostly exterminated by white Christians through acts of mass genocide; and immigrants from everywhere around the globe.

In Michigan we are fortunate to count amongst us tens of thousands of Arab and Muslim Americans.

Moore’s passionately felt response permits us to grapple with some of the questions that are central to the question of Islamophobia: what defines an “American,” the nature of the American past, the essential characteristics of America as an immigrant society, and the conception of the sacred that undergirds what purports to be a secular society.

However, before moving on to explore the ramifications of the question, “to whom does America belong,” it is well to recognise, as Moore’s brief recounting of the American past tacitly does, both that Islamophobia has deep roots in American history and that Trump is at best an egregious example of a disease that is pervasive across all ranks of the Republican party and indeed in large sectors of American civil society.

Among Republican presidential candidates, the retired neurosurgeon Ben Carson, who led the pack before he was dislodged by Trump, has said that a Muslim should not be permitted to occupy the White House, and he expressed a widespread concern that the election of a Muslim to the presidency would lead to the sovereignty of Sharia and the abrogation of the US constitution. Former Pennsylvania Senator Rick Santorum has advocated racial profiling; when asked if he had any particular groups in mind, he unhesitatingly said: “Obviously Muslims would be someone you’d be looking at, absolutely.” Mike Huckabee has shed all decorum in speaking of Muslims: in a speech delivered in 2013, he asked “why it is that we tiptoe around a religion that promotes the most murderous mayhem in the planet in their so-called holiest days?”

One could go on in this vein, ad infinitum; but what remains unsaid thus far is the fact that no candidate appears to be any worse off as a consequence of their naked embrace of bigotry and ethnocentrism. Indeed, as a poll conducted on 22–23 September 2015 established (yougov.com), 57% of all Americans, and an overwhelming 83% of Republicans, agreed with Ben Carson that a Muslim ought not to be put “in charge of this nation,” only 27% of Americans expressed disapproval with this view.

‘Never Again’?

Moreover, it would be disingenuous to suppose that the call to ban Muslims is un-American or a fundamental departure from the entire course of American history. Most Americans, even those who are educated, are aware of only one major precedent for which they believe the country has atoned enough. By Executive Order 9066, the removal of over 1,10,000 Japanese-Americans, many of them US citizens, to various concentration camps— or, in the more anodyne language of the apologists, “relocation centers”—was effected after the Japanese invasion of Pearl Harbor. The Civil Liberties Act of 1988, signed into law by Ronald Reagan, offered an apology and financial remuneration to 1,00,000 people of Japanese descent for their unlawful incarceration.

Many Americans see this repentance as more characteristic of the spirit of the country, and some are bold enough to ask how and why the US seems to have so quickly relapsed to an earlier age, unmindful of the drone-like insistence on “never again.” But even the more liberal narratives have little if any room for the Chinese Exclusion Act of 1882, or the 1917 Immigration Act, repealed only in 1952, which prevented large classes of “aliens” from entering the US, among them “idiots, imbeciles, epileptics, alcoholics, poor, beggars, criminals, polygamists, anarchists, and prostitutes;” it also defined an “Asiatic Barred Zone.” Thus all Asians, except for Filipinos, were shut out from the US; they were also given the none-too-subtle message that they were no different from imbeciles, criminals, and anarchists—in a word, “undesirables,” one and all.

We may, then, simply conclude that xenophobia is intrinsic to American history, and that the fear, suspicion, and hatred of the Muslim is only the latest instantiation of an inability to live with the Other. However, such a conclusion stops considerably short of pursuing the implications of present-day Islamophobia. It is important, as well, that the difficult questions about the nature of “American” identity not be deflected by considerations that, while they are important, are not centrally important in the present debate.

Many Americans and even some Muslims, for example, will argue that Trump and his ilk are only proposing to do what Muslim nations have already done. The treatment of non-Muslims in most pre-dominantly Muslim countries is shabby at best, and more often simply horrendous. On this account, merely being a non-Muslim is hazardous in a country such as Saudi Arabia. Pakistan, to name another country, even requires all Muslims who are applicants for a passport to take an oath denouncing Ahmadis.

**Tarnishing All Muslims**

A second argument, which is increasingly being heard in Muslim communities and has been voiced by most American public officials, including President Barack Obama, is that law-abiding and “good Muslims” must increasingly take responsibility for the “bad Muslims;” or, in some what more sophisticated language, the onus falls on the vast majority of Muslims to understand how radicalisation has affected their youth, and then isolate and rehabilitate the “bad Muslims” and “evil jihadists” among them.

Surprisingly, however, little attempt has been made to situate the present controversy in relation to the widespread language of “diversity,” which today is conceivably the single most important issue in the American workplace. Diversity has most been understood as a way of accommodating women, ethnic minorities, and increasingly members of the
LGBTQ (lesbian, gay, bisexual, transgender, queer) communities; however, there has been scant discussion of religious diversity. Ignorance of Islam is widespread; the greater majority of Americans admit that they have never known a Muslim.

Five years ago, there was a storm of resentment over the proposed installation of an Islamic centre and mosque at “Ground Zero,” the “hallowed ground” where two planes struck the World Trade Center towers and made martyrs of some 2,500 Americans. Obama, echoing Lincoln, declared that “I understand the emotions that this issue engenders. Ground zero is, indeed, hallowed ground.” There was indignation that Muslims were being allowed to lay claim to the very ground that their fellow Muslims had desecrated: the unstated supposition, which has never been allowed to tarnish the barbarism of any white Christian, was that all Muslims stood condemned. The public remarks that were then on display could reasonably have led one to the view that the abuse of Islam is the new form of anti-Semitism in America.

Yet the implications of Islamophobia are still deeper. Arguments that the ban on Muslims will keep America safe from violent terrorists, or that America is in dire need of controlling its borders, are a smokescreen. Immeasurably, more Muslims have paid with their lives for the terrorist attacks of September 2001 than Americans, or practitioners of any other faith, though an American can only recognise this if a Muslim life is viewed as equivalent to an American life. Those who denied Muslims an Islamic centre at “Ground Zero,” on the grounds that it is sacred space, arrived at a conception of the sacred that has no room for the Muslim at all. That is the fundamental problem that lurks behind American Islamophobia.
Community Radio ‘Under Progress’ Resuming a Paused Revolution

VINOD PAVARALA

Community radio produced, controlled and owned by the people can empower the marginalised and address the “voice poverty” which afflicts South Asia. The article details the macro-level institutional environment required for a democratic and sustainable community radio sector and identifies the challenges involved in making the sector vibrant and dynamic in the South Asian region.

Some years ago I saw a perplexing sign outside a construction site in Chennai, that read, “Construction under Progress;” it was clearly a mix of the ubiquitous South Asian sign, “Under Construction” and a metaphor for a development dream forever deferred. The two-decade old community radio movement in South Asia is something that seems to be perpetually “under progress” in the sense of being under-cooked, a paused revolution that was to alter the media landscape of the region, never fully realising its potential. At the ground level, the hurdles are many, including bureaucratic delays in issuing of licences, prohibitive costs of technology, vanishing spectrum for communities, and declining volunteer support. While these are extremely important, in this article, I seek to address the macro-level institutional environment, what I call the preconditions, for a democratic and sustainable community radio sector in South Asia.

Diversity and Challenge
The diversity of community radio in South Asia mirrors the political, economic, social and cultural diversity of the region. Nepal, which boasts of the earliest advent of community radio in the region in 1996, today has about 250 community radio stations with multiple ownership models spread across 74 districts but without a distinct policy on community radio (ACORAB 2015). In India, the earliest policy guidelines for community radio were issued in 2002 (modified in 2006) and have to date spawned over 180 radio stations.1 Bangladesh, thanks to a decade-long struggle by civil society, announced a policy for community radio in 2008, leading to the setting up of community radio stations across the country, with about 16 stations on air up until now, and almost that many in the pipeline.2 There have been active conversations in other South Asian countries like Sri Lanka, Maldives and Bhutan about the exciting possibilities that community radio can bring into their respective national mediascapes.3 This is the time of unprecedented economic, social and political ferment in the entire South Asian region. Even as some countries are dealing with political uncertainty and constitutional complexities, others are having to contend with the problem of reconstruction after years of conflict have damaged their social fabric and caused untold misery to the economic situation of millions of their citizens. While in some countries, the institutionalisation of democracy is taking much longer than is desired, in the more established democracies such as India’s, elected governments have had to face extraordinary challenges to their
legitimacy from people’s movements around issues of livelihoods, corruption, and gender justice. Some countries in the region are struggling to transform the peace dividend into welfare programmes for their citizens, for provision of affordable housing, basic education for both boys and girls, and food security.

It is in this context that community radio, produced, controlled and owned by the people assumes significance. There is an urgent need to address not only poverty, but also “voice poverty.” Jo Tacchi (2009), a long-time observer of the South Asian community media scene, defines “voice poverty” as “the inability of people to influence the decisions that affect their lives, and the right to participate in that decision making.” Denial of voice comes from systematic efforts to restrict access to modes of self-expression. The policy environment needs to be changed drastically to enable access and, thereby, recognise people’s voices. It is this policy environment in the South Asian region that I seek to address through this presentation and identify the challenges that make the emergence and sustainability of a third-tier of community broadcasting (apart from public and commercial sectors) in the region a daunting task.

**Strengthening Democracy**

The most significant task is of strengthening the democratic environment in the region that is so essential for sustaining a viable, independent, and dynamic community radio sector. Political scientists have identified six different models of democracy—“electoral,” “liberal,” “majoritarian,” “participatory,” “deliberative” and “egalitarian” (Coppedge and Gerring 2011). Using this typology, one can assert that, in spite of some uneven history of democracy in South Asia, the region has not been found lacking in substantive and procedural democracy. Community media find fertile ground to take root and grow in a healthy manner when ruling dispensations promote a concept of democracy that is more participatory, deliberative and egalitarian. It is this domain that needs to be energised and reinvigorated.

Nepal, with the political environment inhibiting, until recently, consensus on a constitution governing all aspects of life in the country, is still struggling to put in place even a formal democratic structure (Raghunath 2014). Without a wider legal framework and constitutional rights, community radio in Nepal does not have special recognition or a distinct policy governing it.

In Sri Lanka, the putative community radio sector symbolised by the much-celebrated Kothmale Community Radio (an initiative of the state broadcaster, Sri Lanka Broadcasting Corporation), supported by unesco, never moved towards establishing an independent tier of community broadcasting (Raghunath 2013). The long years of civil war in the country and the gradual weakening of civil society have made the emergence of an autonomous community radio space in Sri Lanka quite challenging (Civicus 2015). Recent elections have raised some hopes among civil society organisations that a genuine community radio sector may yet emerge in the country (Rasmin 2015).

In Bangladesh, some of the recent violence directed against independent secular bloggers is being seen by some observers as symptomatic of a polarised political environment that is casting its shadow on freedom of speech and expression, adversely affecting deliberative democracy (Civicus 2015).

In Bhutan, the democratic transition from an absolute monarchy and the consequent evolution of electoral democracy has led to recent initiatives to kick-start a community radio sector in the country.

In India, where there has been a long history of a dynamic civil society playing a positive role in social movements and speaking for the marginalised, there are apprehensions that government actions in recent years have resulted in shrinking spaces for civil society. No wonder that, against the original projection of 4,000–5,000 community radio stations, the number of operational stations in India has not even crossed 200. The numbers are not only growing at a slow rate (172 to 184 in the last one year), but also in a particular direction, with fewer than a third of the stations licensed to civil society organisations (a majority of licences being given to educational institutions). 4

**NGO-isation and the Development Agenda**

However, the heavy involvement of non-governmental organisations (ngos), among key civil society actors, in the setting up and promotion of community radios in countries where there is an active community radio sector has led to all kinds of anomalies. While “media for development” is a legitimate idea for community radio, the perception of community radio as merely a channel to communicate “development” is very much a legacy of postcolonial nation-building project in which media were mobilised for “national development” (Schramm 1964). In this paradigm, people were seen as passive recipients of information in a top-down pedagogical communication process. People’s right to communicate as citizens and as active agents of change rarely got primacy. The funding imperative, the policy specifying ngos as the eligible applicants, and the overall developmental framework led to the growth of community radio in India largely through the efforts of ngos.

While some of the best examples of genuine grass-roots community radio in India still come from ngo initiatives, some organisations are beginning to enter the arena solely to further the organisational objectives, and they take to less than participatory methods under pressure from donors to “scale up” operations and to demonstrate “impact” on behaviour change. The implications of this incipient ngo-isation of community radio in India are beginning to be felt across the sector. The programmatic agendas of ngos tend to dictate the content and compel many stations to “a stultifying adoption of standardised genres and formats” (Pavarala 2013: 4).

The situation may not be much different in Bangladesh where ngos, supported by international donors, form a crucial part of the social sector, and community radio is seen primarily as a tool for development and disaster management. In the context of ngos being used increasingly by the government for service delivery, there is a real danger of ngos becoming
what Geoffrey Wood (1997) termed a “franchise state” and lose their radical political edge and autonomous voice.5

In the absence of a regulatory framework guiding the community radio sector in Nepal, there is widespread politicisation of community radio stations with thinly disguised ties to established political parties (Pringle and Subba 2007). If community radio were to contribute to the making of a truly democratic public sphere, with space for the articulation of marginalised voices, the time has come for the movement to go beyond the developmentalist agenda, towards a more radical, communication rights paradigm.

Restrictions on Communication Rights

If the political anomie in Nepal meant that no specific regulatory framework could emerge to govern community radio, the Sri Lankan government during the protracted internecine conflict had refused to even acknowledge the need for community radio in the country. Bhutan, more recently, has initiated the process for setting up a few community radio stations in the existing legal framework without making any focused policy for community radio. In countries where there is legal recognition, if not legislative sanction, the policy environment continues to be restrictive.

Communication rights, including access to information and freedom of expression, should be at the heart of democratic societies (Coyer and Hintz 2010). A critical part of these rights is the right to report freely on one’s own environment, independent of state or commercial controls. News and current affairs are still on the prohibited list of content on community radio in India, perhaps the only instance of this kind of policy outside of the subcontinent.

The Bangladesh community radio policy, modelled closely after the Indian one, also has a restrictive, “development” function for community radio. At a time when news is permitted to be transmitted through all kinds of media, radio still faces this anachronistic ban. It is ironic that in some African countries, the policy “requires” stations licensed as community radio to devote some minimal time to broadcasting news and current affairs to its audiences.6 Genilo et al (2013: 67) have pointed out recently that despite the apparent enthusiasm for the medium, the Bangladeshi authorities continue to be wary of community radio as a “potential source of opposition and dissent.” It perhaps explains, in part, the cautious approach and “planned growth” of community radio in the country, with only a couple of new community radio stations going on air in the last five years despite promises to permit a community radio station at every upazilla (488 sub-districts).7

Internal Security Prism

Apprehensions over security arising out of the activities of a variety of non-state actors in South Asia have also contributed to a somewhat tentative opening up of airwaves in certain areas. While internal conflict has completely stalled the development of community radio in Sri Lanka, other countries in the region are also dogged by similar concerns. The Ministry of Home Affairs in India tends to look at everything through the internal security prism, and it is only recently that it has begun, albeit hesitantly, to shed its opposition to licence applications for community radio from certain regions of the country that it characterises as “disturbed areas.” This position militates against evidence from different parts of the world that community media could play a potential peace-building role in conflict-prone or post-conflict societies.

Clemencia Rodriguez (2011), in her brilliant work on community media in Colombia, makes a compelling case that citizens’ media help communities “reconstitute symbolic universes that have been disrupted by violence.” Moreover, many of these places denied are the so-called “media-dark” areas, in the border regions or historically deprived rural areas where it is so vital to have community media.

Funding Question

While the social sustainability of community radio in South Asia militates against its misuse by communities for undemocratic purposes, much of the sustainability discussions within the sector are often centred on the financial health of the stations. The formidable setting up and maintenance costs of community radio have made the sector depend heavily on donor funding, NGO initiatives, and state support, all of which have concrete consequences for the independence of the radio stations. Raghu Mainali (2008: 46), leading campaigner for community radio in Nepal, noted with alarm that in the “stampede for resources,” stations make compromises with the “spirit and values” of community radio, leading even to the “death” of the sector.

The Ministry of Information and Broadcasting in India, in a well-intentioned move to address problems of financial sustainability of community radio, started a programme to empanel stations to receive government advertisements publicising state welfare schemes and their achievements. Given the low rates at which these are being offered, they would hardly make a dent in the sustainability problem, while having the strange effect of community radio, the sector that was to contribute to the constitution of an alternative public sphere, lining up to receive government largesse to promote the “achievements” of the party in power. More recently, the ministry also launched a Community Radio Support Scheme mainly to subsidise the acquisition of technology by stations.

While public funding of community radio is welcome, it should have been set up as an autonomous fund as in many other countries instead of a government ministry controlling the purse strings tightly. If the last Community Radio Sammelan, the annual convention of community radio stations organised in Delhi by the Ministry of Information and Broadcasting is any indication, it is clear that many government departments and ministries are viewing community radio as an economical, last-mile delivery platform for information on government schemes and programmes. And, under pressure for financial sustainability, many stations seem to be willing partners in taking on this uncritical transmission role. There is a lesson in the setting up and administration of a public fund for
community radio for Bangladesh, where similar proposals are being made.

**Promoting a Culture of Self-assessment**

Finally, any efforts to bolster the financial and social sustainability of community radio in South Asia must be accompanied by the institution of rigorous ethical standards and periodic performance assessment of radio stations. Concerned about promoting accountability of community radio stations to the community and to ensure that they adhere to the foundational norms of community radio, the Community Radio Support Centre in Nepal developed the Community Radio-Performance Assessment System (cR-PAS) in 2011. Touted as a tool for "process assessment" rather than "impact assessment," cR-PAS is intended to allow stations to periodically assess their own strengths and weaknesses (CRSC/NEFEJ 2012). Similarly, in India the UNESCO Chair on Community Media (2014) developed, through an elaborate, participatory process, a toolkit for self-assessment and peer review of community radio stations and also trained a cadre of peer reviewers to facilitate its application at the station level.

The Ministry of Information and Broadcasting in India has initiated and supported a sector-wide peer review process in which the toolkit played a prominent role. The toolkit has since been adopted by the community radio sector in Bangladesh and is now being validated for use in East Africa. Aimed at the continuous improvement of community radio and to instil a culture of self-assessment among radio stations, these reflexive exercises not only help in warding off misdirected efforts at external monitoring by the state, but also create conditions for the long-term sustainability of the sector in South Asia.

**Conclusions**

To sum up, a conducive environment for a sustainable community radio in South Asia requires strengthening of participatory and deliberative democracy; a vibrant civil society; freeing of community radio from the risks of commercialisation; going beyond the development paradigm, to that of communication rights; lifting of restrictions on content (while adhering to an acknowledged broadcasting code of practice); prioritising "media-dark" areas and using community radio for conflict resolution and peace-building; setting up autonomously administered public funds to support community radio; and promoting a culture of self-assessment among community radios.

If we can start and sustain this process of strengthening community radio, we would be able to take that "under progress" tag off South Asian community radio. And, the revolution will be well on its way.

**NOTES**

3  See, for example, CR News (2015).
5  See also Lewis (2011).
8  See, for example, CR News (2015).

**REFERENCES**

Kerala Civic Polls 2015
Lessons for the LDF and UDF

J PRABHASH

In the November local body elections in Kerala, the Left Democratic Front emerged victorious, and the Bharatiya Janata Party made some headway, while the Congress-led United Democratic Front came a cropper. Tainted with corruption and riven with factionalism, the UDF could not combat a resurgent left. The BJP’s alliance with the leading Ezhava organisation, Sree Narayana Dharma Paripalana Yogam, did help the party in improving its performance, but the alliance did not work as well as had been expected.

The November civic polls in Kerala have thrown up many surprises, the most important of which are the gains made by the Bharatiya Janata Party (BJP) and its allies. The narrow difference of votes between the Left Democratic Front (LDF) led by the Communist Party of India (Marxist), or CPI(M), and the United Democratic Front (UDF) led by the Indian National Congress also makes this election distinct. The poll, which was conducted in two phases, also saw a better voter turnout, 77.35%.

The election turned out to be a prestigious contest for all the three leading political players in the state politics: LDF, UDF and BJP. For the left which has been in political wilderness ever since its defeat in the 2011 assembly elections, nothing short of a clear-cut victory could have salvaged its sagging morale. Expectations were high for the BJP, given its alliance with the Sree Narayana Dharma Paripalana Yogam (SNDPY), an organisation of the largest Other Backward Class (OBC) category in the state, the Ezhavas. Moreover, its spectacular performance in the by-election for the Aruvikkara assembly constituency raised its expectations. For the UDF, however, matters stood at a different plain. The front has been on a winning spree ever since it came to power in 2011. It put up a moderately good performance in the last Lok Sabha elections and won all the three by-elections to the state assembly between 2011 and 2015. This boosted its confidence so much that the leadership was nourishing expectations of a second consecutive tenure—that has happened in Kerala only once when the Congress-led ruling front got re-elected in 1977.

All this meant the panchayat polls had the trappings of a general election. The state leadership of each party/front directly took the reins of the campaign in its own hands and hence, naturally, local issues gave place to national and state issues in the propaganda. Beef ban, lynching of Muslims, Rashtriya Swayamsevak Sangh (RSS) chief Mohan Bhagwat’s statement on the policy of reservation and the growing intolerance of the Hindutva forces, development, the performance of the UDF government and corruption charges against it became campaign themes. The LDF, on its part, harped on the dangers posed by the Sangh Parivar and criticised the newfound relationship between the BJP and SNDPY. Interestingly, for the UDF the main slogan was “development with continuity.”

**Gains and Disappointments**

The results, however, betrayed the “great expectation” of the UDF as the electorate voted only for change and not continuity. While a lion’s share of this vote for change went into the kitty of the LDF, the BJP too got a moderate percentage—the first time it could obtain such a large chunk of votes. In percentage terms, the BJP got 13.28%, a quantum jump from the 6.2% it got in 2010 (Table 1). Both the LDF and the UDF suffered erosion in their vote base compared to the 2010 civic polls. While the left lost 3,62,335 votes, the UDF lost a whopping 10,71,225.

<table>
<thead>
<tr>
<th>Year of Election</th>
<th>Votes Polled by</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LDF</td>
</tr>
<tr>
<td>2010</td>
<td>77,63,495</td>
</tr>
<tr>
<td></td>
<td>(42.3)</td>
</tr>
<tr>
<td>2015</td>
<td>74,01,160</td>
</tr>
<tr>
<td></td>
<td>(37.23)</td>
</tr>
</tbody>
</table>

Figures given in brackets indicate percentage distribution.
Source: State Election Commission, Government of Kerala.

The BJP was the major beneficiary of this erosion and independents and splinter groups made minor gains. While such a huge shift in votes in favour of the BJP is partially due to the threefold increase in the number of seats it contested this time, it also testifies to the party’s growth since the previous election, particularly in the past year.

As one moves from votes to seats, the LDF’s performance becomes commendable. In the three-tier panchayat institutions, municipalities and corporations taken together, the front secured 58.08% compared to the just 39.42% of the UDF and a meagre 1.25% of the BJP. Except...
in the district panchayats—both fronts won seven each—the left’s dominance is clear in all local self-government institutions in the state. The BJP could wrest control of a negligible 14 gram panchayats and just one municipality (Table 2).

**Table 2: Election Results 2015**

<table>
<thead>
<tr>
<th>Local Self-government Institution (LSG)</th>
<th>No of LSGs Controlled by</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LDF</td>
</tr>
<tr>
<td>Gram panchayats</td>
<td>551</td>
</tr>
<tr>
<td></td>
<td>(58.56)</td>
</tr>
<tr>
<td>Block panchayats</td>
<td>90</td>
</tr>
<tr>
<td></td>
<td>(59.60)</td>
</tr>
<tr>
<td>District panchayats</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>(50.0)</td>
</tr>
<tr>
<td>Municipalities</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td>(52.33)</td>
</tr>
<tr>
<td>Corporations</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>(66.67)</td>
</tr>
</tbody>
</table>

Figures in brackets indicate percentage distribution. Source: State Election Commission, Government of Kerala.

Compared to the previous election, the left has secured control over 22% more gram panchayats, 19% more block panchayats and 18% more municipalities. It has also slightly increased its presence in corporations and district panchayats. The ward/division-wise distribution of seats shows that the BJP’s clout is mainly concentrated in urban areas. For instance, the party won 5.85% of the gram panchayats, it secured a relatively higher 7.67% in the municipalities and a still higher 12.32% in the municipal corporations (Table 3). This order was somewhat reversed for the LDF.

**Table 3: Election Results: Ward/Division-wise Distribution**

<table>
<thead>
<tr>
<th>Front/Party</th>
<th>No of Wards/Divisions Obtained in</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Gram Panchayats</td>
</tr>
<tr>
<td>LDF</td>
<td>7,623 (47.77)</td>
</tr>
<tr>
<td>UDF</td>
<td>6,324 (39.63)</td>
</tr>
<tr>
<td>BJP</td>
<td>933 (5.85)</td>
</tr>
<tr>
<td>Others</td>
<td>1,078 (6.76)</td>
</tr>
</tbody>
</table>

Figures in brackets indicate percentage distribution. Source: State Election Commission, Government of Kerala.

Deciphering the Verdict

Anti-incumbency, corruption, failure to measure up to the challenges posed by majority communalism and intra-party and inter-party feuds in the ruling front sum up the reasons for the verdict. The four and half years of the Oommen Chandy government have been noted more for corruption than for its performance on the governance front. All ministers—except two or three—face serious corruption charges. There are corruption charges against the chief minister himself, who even after severe judicial structures has no qualms in protecting the tainted ministers. It is another matter that, despite such “brave” efforts the Finance Minister K M Mani had to resign immediately after the election as the high court expressed doubt about the veracity of the vigilance inquiry conducted against him in what came to be known as the “Bar Scam.”

Thus, for ordinary people, “development” about which the chief minister and his colleagues waxed eloquently was actually corruption and not anything that brought any meaningful change to their life.

Added to this is the malfunctioning of departments, ranging from education to civil supplies. The education department has attained notoriety for maladministration. This includes negligence in the timely supply of school textbooks, glaring irregularities in the publication of examination results and nepotism in appointments. The civil supplies department, with its failure to cushion the impact of soaring prices of essential commodities, and the cooperation department, which faces numerous charges of irregularities, complete the sordid story of mal-administration. It may be remembered that these are the three departments to which common people in the state look to for solutions to a lot of their quotidian concerns. A rise in unemployment, fall in the price of cash crops and the crisis in the plantation sector have worsened the situation. The chief minister, whose only concern was to remain in power at any cost, obviously had little time and energy to devote to such matters and instead took refuge in gimmicks like the “Mass Contact Programme.”

Further, the failure of the UDF to counter the threat posed by Hindutva forces and its attempt to soft pedal the new-found relationship between the BJP and SNDP also boomeranged on it. The calculation of the front leadership was actually twofold: to tap as much support as possible from the majority community by going soft on Hindu communalism and gain the support of religious minorities, who in any case are its traditional supporters and who now have an added reason to rally behind it in the face of rising majoritarian communalism. The election results, however, show that this strategy backfired. Neither did the UDF get any additional support from the majority community, Ezhavas in particular, nor was it successful in ensuring even the usual quantum of support from their religious minorities. Confronted by an unusual surge in Hindu communalism, a section of them decided to throw their lot with the LDF which was very vocal in denouncing the Hindutva agenda.

Inter-party relations in the UDF also touched an all time low with the Indian Union Muslim League, the second major constituent of the front, openly voicing its concerns. In fact, both the Muslim League and the Congress crossed swords with each other in as many as 50 wards/divisions throughout the state including Malappuram District, the former’s citadel. Similarly, there was also a low intensity feud between the Congress and the Kerala Congress (M) which, in its turn, resulted in “friendly contests” between the two in Kottayam District.

Incidentally, both these developments took place at a time when the Congress was riven by internal feuds which culminated in rebels contesting election in many parts of the state, especially in Kannur, Thrissur, Ernakulam and Palakkad Districts. So, it was a discredited UDF, tainted by corruption charges and scandals that finally found itself facing a crucial election with a lot of disaffection in its ranks over candidate selection, trouble over seat sharing among coalition partners, and widespread rebel menace (Krishnakumar 2015: 20).

The LDF was just the opposite. Its constituents, by and large, put up a united show and, more importantly, the two factions within the CPI(M) buried their hatchet for the first time in a decade. The successive drubbings the front had received at the hands of the electorate ever since the assembly
The elections of 2011 were an eye-opener. The change of guard in the politburo also played a crucial role in restoring unity within the party. So a united LDF confronted the divided and tainted UDF and it naturally got rich dividends.

The BJP was also upbeat because of certain political developments in the state, as mentioned in the beginning of this article. This is besides the carefully constructed image of the Prime Minister, Narendra Modi, as the “Messiah of Development.” Also, it needs to be noted that the rss has been working meticulously at the grass-roots level in the state the past couple of years. As elsewhere, the Sangh has been going about mobilising Hindus, especially the youth, around religious symbols, temple festivals and ceremonies. The Sangh has been guided by the understanding that its only route to gaining influence in Kerala politics lies in bringing together diverse Hindu communities, whose individual dalliance with politics in the past almost always ended up in failure (Krishnakumar 2015: 21).

The BJP’s somewhat impressive performance in this election is a cumulative by-product of all the above factors. At the same time, it needs to be reiterated that the party’s alliance with SNDPY has not helped it as much as expected. In many areas where the Ezhava community has a strong presence, the alliance could not make much headway. Districts like Kottayam, Kollam and Alappuzha offer the best example of this failure. In fact, both the partners have to take the blame for this. While the general secretary of the SNDPY, Vellappally Natesan, made conflicting statements about the alliance throughout the campaign, the controversy generated by the RSS and other Hindu outfits on issues like communal reservation and beef consumption, to mention just a few, had a negative impact on the alliance. Controversy over beef eating and reservation also had a dampening effect as the Hindus of Kerala, unlike their counterparts elsewhere, are not averse to eating beef and the members of the Ezhava community are the greatest beneficiaries of the policy of reservation.

As could be expected, the organised left made capital out of these issues. The election result, thus, is a severe blow to the UDF, a major gain for the LDF and a morale booster for the BJP. It has thrown up enough hints that the BJP and its allies can upset the apple cart of both the LDF and the UDF though it can hardly offer itself as a viable alternative to both fronts as of now. This, therefore, is a pointer towards the future of Kerala politics and a great lesson for the mainstream political parties and fronts to learn.

NOTES
1 Some of the office-bearers of the Kerala Bar Owners’ Association have alleged that the association has given the finance minister Rs 1 crore in return for renewing the bar license. They also pointed out accusing fingers against the excise minister, home minister and health minister all of whom together, they alleged, have taken very huge sums as bribe. For instance against the excise minister, K Babu, alone allegation is to the tune of Rs 10 crore as bribe. All these are in addition to the charges of corruption levelled against the ministers in charge of cooperation and public works departments and against the Chief Minister himself.
2 Mass Contact Programme is the one which is periodically conducted by the Chief Minister in which, in the alibi of solving the issues of the common man, he distributed doles without regard to any administrative prudence.

REFERENCES
Deccan Chronicle (2015): “LDF Secured Only 0.3% Votes More,” 10 November.
Gender Question and the CPI(M)
An Analysis in the Context of Kerala

ERINJIYAL K SANTHA

Though the Communist Party of India (Marxist) is very supportive and vocal about the Women’s Reservation Bill in Parliament and outside, the party’s record in ensuring representation of women in its own organisation or in fielding women candidates in elections to Parliament and state legislative assemblies has been very poor. There is a huge gap between precept and practice. The forthcoming plenum of the party in December 2015 needs to take a serious note of this shortcoming. A discussion of the issue in the context of Kerala.

The plenum of the Communist Party of India (Marxist)—CPI(M)—will be held in the last week of this month will come after a gap of 37 years. The last plenum was held in 1978.

The event raises many ideological questions, especially in the context of the electoral debacle of the CPI(M) in West Bengal in the legislative assembly elections in 2011, as well as in the national elections held in 2014. The focus of this article is, however, on the superordinate question pertaining to women’s representation and participation in the party, which has largely remained rhetorical. Hopefully, this plenum will take serious note of the issue and rectify this fundamental error.

The analysis is restricted to Kerala’s experience, though other communist mainstays are referred to occasionally, wherever it is relevant.

Indeed, the pre-split Communist Party of India (CPI) stood for the rights of women in general, and raised a large number of issues, such as equal rights to women, and social, educational, cultural and economic advancement of women, as early as 1956 in the Palghat Congress (Sen 1977: 571). The CPI(M), which was formed after the split in the CPI in 1964, has been supporting an array of demands connected to women’s rights. The consecutive congresses of the CPI(M) placed gender issues in the changing socio-economic and cultural context and included them in the agenda of struggle. From the 1980s onwards, the concern was extended to the question of inadequate representation of women in the party in general and in the leadership in particular, and in other mass organisations connected to the party. However, the party is yet to confront the issue head-on. This has had direct repercussions in the social, cultural and ideological domains.

To borrow the words of Lenin, who had dealt with this question extensively in the early years of the Russian Revolution, the party has yet to internalise and translate into political praxis that unless women are brought to take an independent part not only in political life generally, but also in daily and universal public service, it is no use talking about full and stable democracy, let alone socialism. And such ‘police’ functions as care of the sick and of homeless children, food inspection, etc, will never be satisfactorily discharged until women are on an equal footing with men, not merely nominally but in reality (Lenin 1964).

There is general apathy on women’s issues in Kerala, and the CPI(M) is no exception.

Representation in the Legislature

The Eleventh Congress of the CPI(M) in 1982, in Vijayawada, situated the women’s question beyond the mere issue of social reform; rather, gender equity was seen as a larger question concerning democracy and socialism. The congress was critical of the abysmal membership of women in the party and in the communist-led trade union fronts, which hardly had any women in the leadership.

Even in the industries and concerns, where women form a majority of the workers, there are hardly any women to be found among the active leaders and functionaries of the organisations. The trade unions, by and large, neglect the problems of women in their concern. They do not fight against unequal treatment, discrimination in promotion, etc.

The establishment of the All India Democratic Women’s Association (AIDWA) raised high hopes on this front, and it has been very active in fighting for women’s rights and gender issues since its inception in 1981. However, this did not bring about any major changes in the state of affairs. The Vijayawada Congress documents speak volumes about the situation of women’s organisations and their participation in the party leadership.

Considering the mass membership and large participation of women in struggles, their strength in the Party, in its higher committees and the leadership level is meagre. In Kerala for instance, lakhs of women workers are participating in struggles and their militancy and heroism are an accepted fact and their literacy level is also high, but they constitute...
only 2,700 of the 1,04,000 Party membership. In Kerala, West Bengal, Andhra Pradesh, the women's movement had been developing since the 1940s and women participation in all political activities and the organisation have lathis of members. But what is the increase in Party membership? It is a fact that we have failed to develop women cadres not only in the Party and its higher committees but also in the higher committees of the trade unions and Kisan Sabhas, even where women had participated in all struggles...A great barrier and drawback is the backward and feudal attitudes prevailing within our own Party towards...and a lack of awareness and interest in the special problems of women (CPI(M) 1982: 274–75).

The Women's Reservation Bill has been an important subject in the party's election manifesto since 1996, when the bill was placed before the Lok Sabha for the first time. The CPI(M), along with other left parties (CPI, Revolutionary Socialist Party and the Forward Bloc), has been unequivocally supporting the bill since 1996. The party's central leadership was very concerned about the women's question, especially in this context.

However, the question here is how far these concerns translate into the empowerment of women within the very structure of the party. It is evident from the various documents circulated by the party from time to time that this concern is not shared by a majority of party members and has not influenced a substantial part of the leadership as well.

Participation of women in democratic institutions is an important benchmark for analysing women's position in society. It is surprising that when it comes to placing women in the legislatures and Parliament, the CPI(M)'s (the "finest champions of the women's rights") performance was sometimes worse than that of the bourgeois parties. Gender representation of the CPI(M) in the Lok Sabha from 1967 to 2014 shows that, except in 2004 and 2014, women's representation was well below 10% or just at 10% (Figure 1). The CPI(M) could have offered a model for other parties by providing extensive reservation for women in its own party. The party did precious nothing.

The disappointing fact is that this staunch supporter of the Women's Reservation Bill in Parliament and outside has not done enough to ensure adequate representation of women in Parliament and state legislative assemblies representing the party.

For Kerala, the highest representation of women was two members of Parliament (MPs) in the 2004 elections, when the CPI(M) had 12 MPs from Kerala altogether. The situation is similar for Kerala's legislative assembly too, where the number of seats are more (Figure 2).

The representation of women in the Kerala legislative assembly shows how desperately the CPI(M), which is supposed to hold a different ideology, culture and political agenda, has to set its home right before it blames bourgeois parties for their lack of interest in women's issues, including their representation in various elected bodies.

Women's Membership and Leadership

The phenomenal growth of the membership of the AIDWA since its inception in 1981 and the corresponding figures of women's membership in the party are paradoxical. In 2005, the total membership of the AIDWA was 9 million (“What Is AIDWA?”), and Kerala, West Bengal, Tripura and Delhi constitute 90% of this figure. This has increased to 1,07,91,299 members in 2015. These figures in no way reflect the gender representation in the legislatures and in the party membership. Time and again, the party's weakness in developing women as leaders and recruiting them into the party from the mass organisations has been exposed.

The Political–Organisational Report adopted at the 19th Congress of the CPI(M) in 2008 stressed the need for promoting women in the mass organisations and said that the inclusion of adequate numbers of women in all the committees of mass organisations—peasants, agricultural workers, trade unions, students, youth and so on—is essential (CPI(M) 2008). However, this has yet to be brought to the realm of praxis, and there will be huge opposition from the existing male leadership to vacate its position for women.

As far as Kerala is concerned, the number of women party members was 3,810 in 1985 (just 3% of the total membership of the party); indeed a disappointing fact. This was less than in the previous years. The fact that between 1981 and 1985, the membership of the

![Figure 1: CPI(M)-Gender-wise Representation in Lok Sabha 1967–2014](image1)

![Figure 2: Gender Representation in Kerala State Legislative Assembly—CPI(M) 1965–2011](image2)
AIDWA in Kerala increased considerably—from 2,88,836 to 3,69,914—shows the apathy of the CPI(M) towards welcoming more women members to the party and its leadership (Kerala State Committee of Communist Party of India (Marxist) 1988). The picture is not radically different in other communist mainstays, except for Tripura which has 23.16% of women membership in the party (CPI(M) 2008). This has increased to 25.8% in 2015 (CPI(M) 2015).

A look at women’s membership over a period of 10 years (1998–2008) in Kerala substantiates this argument further. Only 7.5% of the total members of the CPI(M) were women in Kerala in 1998; 777% in 2001 and 10.11% in 2004 (CPI(M) 2008).3 According to the Political–Organisational Report, 2008, women constituted just about 12% of the party; 11.28% in Kerala, a little below the national average (CPI(M) 2008). The Political–Organisational Report of 2015 indicates that there is an improvement to 15% (CPI(M) 2015). Though the state committees in Kerala and West Bengal had taken certain steps like recruiting at least one woman in a branch, they however did not complete the task. The poverty of the political praxis of the party on gender issues is graphically indicated in the composition of the politburo and the Kerala State Secretariat. The present central committee of the party has only 14 women out of the 91 members. In the politburo, out of the 16 members only two are women, and as far as Kerala is concerned there is only one woman along with 15 male members in the party secretariat.

On the trade union front, the statistics are better than those for the party and there has been some marked improvement in women’s membership in trade unions from the 18th Congress (2005) to the 19th Congress (2008) of the CPI(M), from 18.2% to 22.6%. However, involving women in trade union work and promoting them in the committees is still seriously lagging behind in practice (CPI(M) 2008).

The general trend in the party is that women’s issues are better left to the women’s organisations. The 18th Congress challenged this view and had stressed the importance of the party directly taking up social issues, which include issues directly concerning women—the falling sex ratio, dowry and discriminatory practices against women, etc. It was felt that “still the prevalent view in the Party is that these are to be taken up by the women’s organisation. The Party should incorporate such issues in its general platform and Party leaders should address these issues in their speeches” (CPI(M) 2008: 114–15).

‘Rectification’ Campaigns

The party led two rectification campaigns in 1996 and 2006, and one of the important agendas was to rectify the low level of women’s representation and participation in the party. Significantly, the party representation and participation was attributed to the general chauvinistic attitude of the party members. Though the rectification campaign of 2009 was appreciative of the increased awareness of women’s issues in the party, it was critical of “certain tendencies” among its members. It stated that inside the party the male chauvinist outlook remains. There are some cases of sexual harassment within the Party. In many places, Party leaders and cadres are not encouraging the participation of their women family members in political activities. There is reluctance to assign women cadres responsibilities on the part of Party committees (CPI(M) 2010: 70–71).

However, the rhetoric did not help much. On the record, not much (rectification) had taken place since the 1996 rectification campaign, and thus was launched a tirade against this in 2009. As the Rectification Document of the party has noted,

some Party members succumb to social and religious practices alien to Communist standards with the family and the community on questions such as dowry giving, inter-caste marriages, child marriage, equal status to girl child etc. The tendency is to go along with family or community pressures rather than have a firm and principled stand behaving a Communist (CPI(M) 2005).

In short, it is a matter for worry that communists are deeply imbued with patriarchal culture, where “within the family he is the bourgeois and the wife represents the proletariat” (Engels 1977: 247). Even when the struggle against revisionism and bourgeois culture had been carried out in the communist parties,

---

**Journal Rank of EPW**

*Economic & Political Weekly* is indexed on Scopus, “the largest abstract and citation database of peer-reviewed literature,” which is prepared by Elsevier NV (http://tinyurl.com/o44sh7a).

Scopus has indexed research papers that have been published in EPW from 2008 onwards. The Scopus database journal ranks country-wise and journal-wise. It provides three broad sets of rankings: (i) Number of Citations, (ii) H-Index and (iii) SCImago Journal and Country Rank.

Presented below are EPW’s ranks in 2014 in India, Asia and globally, according to the total cites (3 years) indicator.

- Highest among 36 Indian social science journals and highest among 159 social science journals ranked in Asia.
- Highest among 36 journals in the category, “Economics, Econometrics and Finance” in the Asia region, and 36th among 835 journals globally.
- Highest among 23 journals in the category, “Sociology and Political Science” in the Asia region, and 15th among 928 journals globally.
- Between 2008 and 2014, EPW’s citations in three categories ("Economics, Econometrics, and Finance"; "Political Science and International Relations"; and "Sociology and Political Science") were always in the second quartile of all citations recorded globally in the Scopus database.

For a summary of statistics on EPW on Scopus, including of the other journal rank indicators, please see http://tinyurl.com/qe949dj

EPW consults referees from a database of 200+ academicians in different fields of the social sciences on papers that are published in the Special Article and Notes sections.
the women’s question had been treated in a lighter vein. This will have larger implications in the ideological and cultural domain. A serious struggle has to be waged to overcome this impediment. Lenin’s reply to Clara Zetkin, the German Marxist and a champion of women’s liberation, may be contextually relevant here:

Every such struggle brings us in opposition to respectable bourgeois relations, and to their not less respectable reformist admirers whom it compels, either to fight together with us under our leadership— which they don’t want to do—or to be shown up in their true colours. That is, the struggle clearly brings out the differences between us and other Parties, brings out our communism. It wins us the confidence of the masses of women who feel themselves exploited, enslaved, suppressed, by the domination of the man, by the power of the employer, by the whole of bourgeois society. Betrayed and deserted by all, the working women will recognise that they must fight together with us (Lenin quoted in Zetkin 1920).

Hopefully, the plenum this month will take note of this issue seriously and take measures to rectify it. What is needed is political praxis, not emaciated rhetoric.

REFERENCES


—— (2015): “Political-Organisational Report Adopted by the Central Committee to the 21st Congress of the CPI(M),” Visakhapatnam, 14–16 April.


Dimapur Lynching and the Impossibility of Remembering

ANNA KURIAN

Using the Dimapur lynching of March 2015 as an example, this article examines why certain events slip out of the net of collective and national memory. The “identifiable victim effect,” ambiguity and dangerous memories are possible reasons for forgetting events such as the lynching. The article then moves on to speak about the regimes of memory that go towards the making of the nation.

On 5 March 2015, an angry mob of more than 6,000 people stormed the Dimapur Central Prison, dragged out Syed Sarifuddin (Farid) Khan, and then proceeded to beat, stone and eventually lynched him. Images of the event, photographs and videos circulated on the internet showed a bloodied and brutalised naked man at the mercy of thousands of people. Most of them were young, and smiling and taking pictures and videos on their cell phones. The shocking event and later developments were reported widely in the national newspapers and across television channels for about a week, after which it disappeared from the news. Compare it, if you will, to the 16 December 2012 rape and its aftermath, the prominent reportage and its continued resonance in Indian public affairs till today. Indeed, the Dimapur lynching was reported alongside the outrage regarding the documentary film on the 16 December 2012 rape, India’s Daughter by Leslee Udwin, its ban, and consequently the renewed interest in and reportage regarding rape, justice for the victims, the views of the perpetrators and of the establishment, etc.

In this article, I explore the reasons why, months later, the Dimapur incident has been wiped from national memory, while 16 December 2012 continues to live on. I do not suggest that the Dimapur incident is singular in being so easily forgotten, but using the particular incident I wish to explore the reasons why certain incidents can be consigned with relative ease to the dustheap of history and national, as also cultural, memory. In this I work with the concept of memory as “produced” by and within certain regimes or frames (Radstone and Hodgkin 2003: 1), which make it possible to erase certain events while making others central to the idea of the nation.

In the fortnight after the lynching, when reportage was the most extensive, commentators such as Ananya Vajpeyi (2015) pointed to the fact that, in Nagaland, “Indian” was as alien as “Bangladeshi,” as unwelcome, as threatening, and as much the “other.” The identification of Syed Sarifuddin Khan as Bangladeshi, when he was, in fact, Assamese and Indian, led to his lynching. The New York Times report on 6 March (Najar 2015) pointed to yet another possible reason: local tensions over undocumented migration from Bangladesh might have led to the lynching. Other newspaper reports pointed to the visible public anger over sexual violence against women as another major reason for the lynching. Yet, an incident supposedly so horrific, so extensively documented across the internet and in newspapers, via real-time videos and photographs, begs the question as to why it was quick to fade out from collective memory.

Situating Dimapur

Apart from the usual reasons associated with the elision of events in the North East of India, which include distancing, cultural gaps and stereotyping, I outline the following reasons for the collective forgetting around Dimapur: the identifiable victim effect, ambiguity and dangerous memory. I conclude with an emphasis on engaged witnessing, leading to memory citizenship as essential to our concept of nationhood, even when these are “dangerous memories.”

The physical location of the Dimapur lynching situates it as occurring “elsewhere,” the people participating in it are stereotyped by “mainland” Indians as alien, the cultural gaps that exist between the “North East” (as one supposedly undifferentiated unit) and the rest of the nation are highlighted, and what occurred is readily seen as part of the cultural code of the region. As such, it fits into the narrative and perception that is always already seen as part of the cultural code of the region. As such, it fits into the narrative and perception that is always already seen as part of the cultural code of the region. As such, it fits into the narrative and perception that is always already seen as part of the cultural code of the region.
memory. It connects to questions of identity and identification vis-à-vis the rapist and the members of the mob.

As Susannah Radstone and Katherine Hodgkin (2003) assert, memories, and the work that memories do and achieve are set within frames or “regimes.” By “pointing to what historical or contemporary figurations of memory ‘forget’, exclude, render unthinkable or make marginal,” they remind us that “all productions of memory are also productions of what memory is not, and that such inclusions and exclusions constitute a politics of memory discourses” (2003: 2). Their claim that memory is located within “systems of knowledge and power” (2003: 1) as inescapably as is history is crucial to an understanding of how the Dimapur lynching could slip out of public memory.

To analyse the events in Dimapur is to see how the memory of what happened can be refracted through the social identities of the main actors in the event. News reports claimed that the mob that marched upon the Dimapur Central Prison was headed by school and college students, particularly girls, and that using force was out of the question as it would have led to “several casualties” (Firstpost 2015). Later, the men took over, as is evident from the videos that are available on the internet, young men who were “gleefully snapping pictures of a naked, blood-drenched and probably lifeless 35-year-old Syed Farid Khan” (Dowerah 2015). And, what of Syed Farid Khan? Accused of rape and arrested for the crime, Khan had not been tried and evidence was still being gathered as to his guilt/innocence. Labelled an undocumented Bangladeshi immigrant, it was later stated that he was Assamese, and Indian, not a Bangladeshi; his father and brothers had served in the Indian Army and he was married to a Naga woman. What do we make of these identifications and identities? How do they help us consign this particular event to the annals of the forgotten?

‘Identifiable Victim Effect’

The “identifiable victim effect” claims that an identified and identifiable victim is more likely to be aided and rescued than a statistical victim; numbers do not evoke sympathy, real human faces do. “Identifiable victims seem to produce a greater empathic response, accompanied by greater willingness to make personal sacrifices to provide aid,” write Jenni and Loewenstein (1997: 236), as they explain the identifiable victim effect. Yet, why is it that the victim of the lynching evokes little or no sympathy, even as we see his bloodied face, even as we watch the mob beating him and eventually stringing up his lifeless body?

One answer to this question is that while Khan is the victim in the context of the lynching, his primary identification remains “rapist” to those of us who read about him, watch the videos, or examine the photographs. His categorisation as “victim” is overwritten by his prior categorisation as the accused in a rape case. “[T]he moral standing of key characters at the time these stories are recorded impacts the fates of related memory projects,” writes Raj Ghoshal in an essay about the memorialisation of lynching in the American South, going on to say that “the moral ambivalence of commemorating a lynching victim believed to have perpetrated horrible crimes poses obstacles not present in cases where the violation of a lynching victim’s innocence is clear” (2013: 338–39). Thus, the difficulty of remembering the Dimapur lynching may also be attributed to the fact that Khan cannot be perceived as an “innocent” victim.

Another related point is that of his disputed status at the time of the lynching: was he Bangladeshi or Indian? To hold a person in a collective memory, as a victim, requires the possibility of empathising with him or her. That possibility is rendered impossible in the case of Khan: as a rapist, we do not wish to “own” him in any way as ours or akin to us. If he is a Bangladeshi, then the necessity does not arise. In addition, having been labelled an 111, his guilt is a foregone conclusion.

Following from this is the related question of the perpetrators: who were they? The answer seems blindingly obvious, you can see them in their hundreds and thousands, loitering around the prison gates, walking along with Khan in their midst, eventually using their cell phone cameras to capture the moment when they finally hanged Khan. Yet, if the label of “victim” is an uneasy fit for Khan, then maybe the label of “perpetrator” is almost as uneasy a fit for those thousands. It can be claimed that the mob was not perpetrating injustice, that what it did was vigilante justice, meted out because of their anger against the slow legal processes of the state; that the girls and women participated due to a growing feeling of anger and helplessness as sexual violence against women continues to escalate in India. All these and other similar claims work to exonerate the mob; claims that were made in various newspaper reports and in the analyses of the event in the press. Yet, is there any ambiguity regarding what the mob did? Given the actions that were performed, given the reactions on their faces (there is no remorse, no horror that you can see), are they not perpetrators of a crime?

‘Memory Citizenship’

To further focus on the difficulties of remembering the Dimapur lynching, it is useful to think via Rothberg and Yıldız’s concept of “memory citizenship” (2011: 32). Examining the difficulties of the integration of “German” memories of World War II and the Holocaust with the influx of “immigrants”—who cannot claim those memories as their own and therefore cannot be full citizens of Germany—they highlight the impossibility of claiming citizenship and national identity when there is no “shared memory archive.”

In the case of the Dimapur lynching, this gap between memory and citizenship, and the inability to bridge this gap is seen at various levels. While the alienation of the people from the North East can, in part, be based upon their separation from participation in the shared memories of mainland India, the reverse is also true. Mainland Indians have limited knowledge of the events of the North East, preferring to see it in terms of generalisations. Memories of events and the people of the North East states are not part of the social or national memory of mainland Indians on the whole.

Additionally, we can think of the contested identity of Khan as an undocumented immigrant from Bangladesh who, thus, does not fit into either the memory of mainland India or that of the North
East. If all cultures are built around memories, then the memory of the lynching can be erased as it does not fit into the memory of any community, the citizenship of the victim being questionable for the perpetrators and that of the perpetrators questionable for the large body of mainland Indians. If collective memory for India is to “accommodate a diversity of histories that resonate with each other instead of erasing each other” (Rothberg and Yildiz 2011: 33), then it has to be via “performances of memory [that] become acts of citizenship” (2011: 34).

Yet, the ambiguity contained within the roles of the major actors on that day is a significant reason for the disappearance from collective memory of the Dimapur lynching. There can be no empathetic understanding or identification with the victim of the Dimapur lynching. There might be the possibility of some identification with the members of the mob, if they are thought of as aggrieved men and women unable to gain justice from a recalcitrant and ailing state system. Given these messily interwoven strands, and the impossibility of assigning clear moral roles to any party, it is easier to forget the Dimapur lynching than to remember it. To remember Dimapur is to remember a “dangerous memory,” to adapt from the work of German theologian Johannes Metz, who differentiated between two types of memory. The more common form requires nothing of us as we see the past in a pleasing manner, bathed in a “soft, conciliatory light” (Metz 1980: 109), but it is dangerous memories that challenge us, “make demands on us ... and reveal new and dangerous insights for the present” (p 110). Most of us would prefer the former variety, and Dimapur, in not offering us that possibility, is relegated to the dustheap of both history and memory.

If dangerous memories are performance consigned to the dustheap of history (or some videos on YouTube), it then follows that we as a nation have chosen to gloss over unpleasant acts and unacceptable cultures of violence, which can be easily forgotten. Thus, to elide such dangerous memories means that we also do not learn from those memories or reflect on these kinds of events. One possibility we could consider is a more engaged mode of witnessing.

Engaged Witnessing and Emotions
Liora Gubkin, writing about the difficulty of teaching the Holocaust via empathetic understanding, offers another model in which empathetic understanding might be replaced by engaged witnessing. “Engaged witnessing,” as she formulates it in a teaching context, “includes four distinct qualities, or pedagogical strategies, for engaging historical trauma: studying the historical context; exploring multiple subject positions; including the position of the student; testing the possibilities and limits of representation; and utilizing emotion as a source for knowledge” (Gubkin 2015: 109). Following her formulation, if we are to think of the Dimapur lynching, we might want to consider the vexed Bangladeshi immigration issue, as well as the alienation many in the North East feel regarding India, which they see as exploitative in some ways, uncaring in most.

The increase in public awareness regarding rape and the harassment of women post December 2012, as also subsequently the difficult task of gaining justice for the victims of such attacks, could be some of the historical contexts that might help us be engaged witnesses. Given the impossibility of empathetic identification with either the victim of the lynching or the perpetrators, we would need to examine subject positions which could include the two main ones, and also those of being a bystander, of being horrified witnesses, of being ethical witnesses, etc. To think about the limits of representation requires us to focus on the fact that while the videos and news reports might offer us representations and reports of the events as they occurred, there are related aspects which are always outside the purview of the camera or the investigative journalist. Embedded within these reports—whether newspaper or film or documentary—there is an element of the unknowable and the unsayable. Acknowledging this will also enable us to consider these elements and reflect upon how much we are constrained by the representations that are available to us.

And, the final element in Gubkin’s formulation of the use of emotion as a source of knowledge: if we recognise emotion as “an important and fragile source of knowledge” (2015: 113), we can then interrogate the effect of events, such as the Dimapur lynching, and work further to understand how those emotional responses can be structured and engaged in the process of being an engaged witness.

In a context such as Dimapur’s lynching where we cannot empathise, might it not be possible to be an engaged witness rather than forget altogether, as we have done? In the process, we might then be able to escape the dominant regimes that have shaped our collective memories as Indians. In doing so, we would then practise a form of “citizenship and political identity [which] are the result of a fidelity to the past that is cultivated and performed in common in the present” (Rothberg and Yildiz 2011: 44).

REFERENCES
Automobile Manufacturers, Advertising and Traffic Safety in India

DINESH MOHAN, ABHAYA JHA

An analysis, based on a survey of the print advertisements and TV commercials for safety content, and the pricing policy for offering safety technology of six major automobile manufacturers, shows that manufacturers are not promoting safety issues or their safety technology in any significant manner. They are not offering airbags or anti-lock braking systems in most of the base models costing less than $12,000. It is the responsibility of the Government of India to announce strict crashworthiness standards for cars sold in India, since vehicle manufacturers generally do not provide safety features unless forced to do so.

1 Introduction

The number of vehicles officially registered in India is shown in Table 1 (Transport Research Wing 2014). These data show that the number of vehicles registered increased from 21 million in 1997 to 159 million in 2012. This represents an average annual growth rate of 10.5% for motorised two-wheelers (MTW), 9.9% for cars and 8%–9% for trucks and buses. The sales figures also show an average increase of 10% per year.

Table 1: Registered Motor Vehicles in India

<table>
<thead>
<tr>
<th>Year</th>
<th>MTW*</th>
<th>Cars/Jeeps</th>
<th>Trucks</th>
<th>Buses</th>
<th>Others@</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>14,200</td>
<td>2,954</td>
<td>1,356</td>
<td>331</td>
<td>2,533</td>
<td>21,374</td>
</tr>
<tr>
<td>2012</td>
<td>115,419</td>
<td>21,568</td>
<td>7,658</td>
<td>1,677</td>
<td>13,169</td>
<td>159,491</td>
</tr>
</tbody>
</table>

Table 2: Road Traffic Fatalities in India

<table>
<thead>
<tr>
<th>Year</th>
<th>Fatalities</th>
<th>Population, Million</th>
<th>Fatalities/ Million Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>15,000</td>
<td>548</td>
<td>27</td>
</tr>
<tr>
<td>1981</td>
<td>28,400</td>
<td>685</td>
<td>41</td>
</tr>
<tr>
<td>1991</td>
<td>56,278</td>
<td>844</td>
<td>67</td>
</tr>
<tr>
<td>2001</td>
<td>80,888</td>
<td>1,027</td>
<td>79</td>
</tr>
<tr>
<td>2011</td>
<td>36,334</td>
<td>1,210</td>
<td>113</td>
</tr>
<tr>
<td>2013</td>
<td>1,37,352</td>
<td>1,252</td>
<td>114</td>
</tr>
</tbody>
</table>

Dinesh Mohan (dmohan@iitd.ac.in) and Abhaya Jha (Abhaya_jha@live.com) are at Transportation Research and Injury Prevention Programme, Indian Institute of Technology Delhi.
windshield wipers are not particularly expensive anymore. But, none of the Indian manufacturers gives us this choice at a reasonable price. Therefore, we did a survey during January–June 2014 of the sale prices of all car models on the road in 2013 and the associated safety options offered, and also reviewed all the TV and print advertisements being broadcast by different manufacturers. We have done this study to understand the role Indian manufacturers play in promoting safer cars and the options they provide to the consumer.

2 Methods
This study included an evaluation of print and TV advertisements and the pricing policies with reference to safety of low- and mid-priced cars sold in India. Cars priced between Indian Rs 2,00,000 and Rs 1,0,00,000 (~equivalent to about $3,200–$16,000) were included in the study. The selected manufacturers included: General Motors, Hyundai Motor India, Maruti Suzuki India, Nissan Motor, Tata Motors and Volkswagen AG.

The manufacturers have been assigned numbers 1–6 randomly and these numbers will be used to identify the manufacturers in the results section.

(i) Advertisement Survey: Advertisements in TV and print media were graded on safety-related issues by assigning marks to each parameter whenever the specific incidence or word was found in the advertisements as indicated in Tables 3 and 4. The total for each advertisement was used to evaluate the importance given by the manufacturer to safety issues.

(ii) Pricing Policy Survey: Publicly available on-road price estimates were obtained for car models sold by the six manufacturers from automobile magazines with and without the following safety features: (a) ABS, (b) airbags, (c) rear windscreen defogger, and (d) rear windshield wiper.

3 Results
Manufacturers are designated by numerals 1–6 and their different models by alphabets a–z. Overall, we examined 74 print advertisements and 261 TV commercials for six of the main manufacturers in price segments selected which account for about 90% of the cars sold in India. The total number of models included was 83.

(i) Advertisement Survey: The scores assigned to TV and print advertisements for different models sold by six manufacturers are given in Table 5. The scoring is based on parameters and values specified in Tables 3 and 4.

The results show that none of the manufacturers got a perfect overall score for print or TV advertisements for promoting safety. For TV commercials, four out of six corporations scored negatively and for print advertisements all scored between 0 and 1.25 (maximum score possible +4). This indicates that safety issues are not given importance by Indian automobile manufacturers in their publicity campaigns.

The positive side was that most TV commercials showed adult passengers wearing seat belts and children were usually shown in the back seat. In the print advertisements two manufacturers mentioned availability of airbags and ABS in their advertisements of the more expensive models.

Most of the advertisements focus on:
- Price/Mileage
- Comfort/Luxury
- Speed/Power

In general, the TV commercials did not focus on safety features at all, and many of them directly or indirectly indicated the capability of the cars of high speeds and exciting manoeuvres.

(ii) Pricing Policy Survey: Out of all the models surveyed, the least expensive options offered by each manufacturer are shown in Table 6. Tables 7, 8 and 9 (p 30) show the least expensive models sold by each manufacturer that offers ABS, airbags and rear windshield wiper/defogger. As Table 7 shows, no manufacturer offered airbags, ABS and rear windshield wiper/defogger with their least expensive model. An Indian citizen has to spend at least $1,500–$2,000 extra from the base model (which offers these options)
and even if they were fitted with airbags it would not be effective in reducing the risk of serious injury.

On the other hand, the Ford Figo and Volkswagen Polo had structures that remained stable. With airbags fitted, protection for the driver and front passenger would be much improved. Coinciding with the GNCAP tests, Volkswagen has decided to withdraw the non-airbag version of the Polo from sale in India. In their present form, none of these cars can be marketed in most countries of Western Europe, the US, Japan and Australia.

What these results mean is that in a frontal crash at over 50 km/h the occupants of these cars have a high probability of being injured critically. These results inform us in a graphic manner that very unsafe cars are being marketed in India with the knowledge of the manufacturers and government officials (Burns and Lynch 2003; Peden et al 2004).

The fact that vehicle manufacturers generally do not provide safety features unless forced to is proven by the responses of the car companies involved. A spokesperson from Tata Motors is reported to have said, “All our vehicles, including the Tata Nano, meet all Indian safety regulations,” and that from Hyundai India, “Hyundai Motor India affirms that Hyundai vehicles are designed and built to meet all the prescribed safety standards set by the Indian regulatory authorities.” What they did not say is that they know that the cars they make and sell in India are not safe enough and they make safer cars for other markets. The results of our study show that at present the Indian manufacturers are not promoting safety issues or their safety technology in any significant manner in their print advertisements or TV commercials. In addition they are not offering airbags or ABS in most of the base models costing less than $12,000 (most of the vehicles sold in India). When safety features are offered as options they force the consumer to spend more than $1,500 extra. Reliable industry sources inform us that these features should not cost more than $250 or less. However, none of the Indian manufacturers give us this choice. Therefore, the responsibility lies with the Government of India for delaying the announcement of strict safety norms for cars sold in India. This delay over the years has already resulted in unnecessary deaths and disablement of thousands of Indian citizens.

REFERENCES
Mohan, D, O Tsimbini, M Sivak and M J Flannagan (2009): Road Safety in India: Challenges and Opportunities, University of Michigan Transportation Research Institute, Ann Arbor, MI, pp 1–57.

**Complete Annual EPW Sets Available**

At Nominal Rates

EPW has a few complete sets of the journal for 1986, 1988, 2001, and from 2003 to 2014 that are available at nominal rates.

The entire set for each year is available for just Rs 100 plus postage and packing charges. (The cost of postage for each set—weighing around 10 kg—by registered parcel will be around Rs 400 to Rs 500. Packing charges will be Rs 100).

The total payable amount is Rs 700. Interested buyers can also call and visit our office in Mumbai and collect the volumes by paying just Rs 100 each.

There are only a limited number of these unbound sets available. Institutions and individuals interested in buying any of the sets can call the Circulation Department for further details. **Phone: 022-40638282**
Changing Hearts and Minds through Non-violent Protest?

DAVID HARDIMAN

Besides the well-known all-India campaigns led by M K Gandhi against the British, there were a range of local-level protests that were waged during 1917–47, inspired by Gandhi and his methods. Often, these were against other Indians. Being specific grievances, these, in many cases, gained their immediate objectives, in contrast to the national campaigns, none of which won Swaraj in the short term. There are a number of studies of these discrete movements, some of them excellent, such as Rajendra Vora’s (2009) on the Mulshi Satyagraha of 1920–24 against a dam being constructed by the Tatas in the hills near Mumbai. Mary King has now provided another such study of equal distinction, in this case of a satyagraha waged for the rights of Dalits to have access to the public space around the Vykom (Vaikom) temple in Kerala during 1924–25.

Mary King is a veteran non-violence activist. She was first radicalised in her early 20s through her participation, in the 1960s, as a staff member of the Student Non-violent Coordinating Committee in the civil rights movement led by Martin Luther King (no relation) in the United States (US). She wrote a book on her experiences at the time: Freedom Song: A Personal Story of the 1960s Civil Rights Movement (1987). She became a leading thinker and writer in the US on the theory and practice of non-violent resistance. In 1999, she published a major book that examined the non-violent activism of Gandhi and Martin Luther King: Mahatma Gandhi and Martin Luther King Jr: The Power of Non-violent Action (Cultures of Peace) (1999). While being a remarkable advocate of non-violent methods, one who has toured all over the world speaking on the issue, she is also concerned about elucidating the ways in which such a form of resistance works to the best effect in practice.

In this book, she has provided a detailed study of the Vykom Satyagraha of 1924–25. One of her main concerns is to investigate the claim made by Gandhi that opponents will be won over when their consciences are stirred by the self-imposed suffering of the non-violent protestor. To what extent were the Brahmins of Vykom disarmed in this way?

Ezhavas of Kerala

The protest was launched by some Ezhavas of Travancore state in Kerala. Since the late 19th century, a small educated section of this low-caste group had begun campaigning to gain greater social status for their community, a key part of which was being allowed to enter Hindu temples. Initially, they had tried petitioning the Travancore government, which had a reputation for supporting social reform. This tactic had no success due to the reluctance of the princely government to interfere in what it saw as “religious” matters and the insubordinance of the higher castes in Kerala.

During the second decade of the 20th century, a more activist organisation emerged amongst the Ezhavas called the Sree Narayana Darma Paripalana (SNDP) Yogam led by Sree Narayana Guru (1854–1928). From 1917 onwards, it campaigned actively for temple entry for all. When, around 1920, the Ezhava leaders saw Gandhi using direct action to pressurise the government in British India, they felt that the time had come to switch to more confrontational tactics. They, accordingly, linked their struggle to that of Indian nationalism.

Travancore had its own Congress Committee from the beginning of 1921, led by caste Hindus, which campaigned, among other things, for the abolition of untouchability. Meetings were organised to demand temple entry, and in September 1921, the Ezhava leader T K Madhavan met Gandhi, who advised him to launch a campaign of civil disobedience towards this end. He told them that they must be strictly non-violent and act with self-restraint with the aim of winning over the higher castes through their exemplary behaviour. He cautioned that they must not antagonise their princely rulers in any way, and focus on the justice of this specific demand.

It was only in 1924 that the issue was taken up actively. At a meeting in February, it was decided to concentrate on a demand for the right of access to the roads in the vicinity of the Shiva temple in Vykom. This temple, which was controlled by elite Nambudiri Brahmins, was notorious in the region as a bastion of Brahmin orthodoxy. It was situated in a large complex of about 10 acres surrounded by a wall, with encircling roads that were used for religious processions. Untouchables were not allowed into the compound, and were excluded even from certain sections of the surrounding roads. As a result, they had to take inconveniently circuitous routes when walking through the town.

In focusing on the roads, the campaigners were putting forward a seemingly mild demand that they believed might be conceded quite easily. This was not, however, how the temple Brahmins saw the matter. They were determined to fight off the challenge, believing that any concession would merely give rise to further demands and a consequent unravelling of their prestige and status. They expected the state authorities to support them in this. They had a reputation for using violence to maintain what they saw as the integrity of their sacred
space. The Ezhavas of the town remembered how, when some of them had attempted to enter the temple in the mid-19th century, they had been set upon and murdered by upper-caste people.

Gandhi’s Role

Gandhi, just released from jail, was approached and asked to act as leader of the campaign, but he declined the offer. He agreed, however, to give guidance. He advised them to maintain strict non-violence, and accept beatings meekly. He told them that once people witnessed the violence of the oppressor against unarmed protestors, they would gain wider sympathy for their cause.

The protest began on 24 March 1924, with volunteers entering the disputed roads. The police, acting on behalf of the higher castes, arrested them. The first batch was sentenced to six months jail sentences. They were generally treated well in jail. On 10 April, the Travancore police commissioner W H Pitt—a British officer employed by the Travancore authorities was deplored, and to liquor-drinking. The attitude of the Travancore authorities was deployed, and

demands were made for the roads around the temple to be opened to all. Sympathisers also came in considerable numbers from neighbouring Tamil regions of British India, and joined the protest.

Although Gandhi had stated that he would not take any active role in the movement, he now began interfering. When he heard of the hunger strikes, he sent a telegram advising them to stop it, as when applied in such a way it was in his opinion a form of violence. Rather, they should stand calmly and await arrest. The protestors followed this advice and stopped fasting. Gandhi also insisted that the movement should be carried on only by Hindus. Hitherto, Muslims and Christians had been supporting it. The signatures of orthodox Hindus were to be collected for a petition condemning untouchability to the Maharaja of Travancore. Only through such self-limiting and exemplary behaviour would the hearts of the temple priests be won over.

It soon became clear, however, that rather than respect the protestors for their dignified restraint and self-discipline, the Vykom Brahmins had become more intransigent. Death threats were sent to

Must reads from SAGE!

Introducing first title from SAGE YODA Press!

Nothing to Fix: Medicalization of Sexual Identity and Gender Orientation

Edited by Arvind Narrain and Vinay Chandran

• Why are homosexual or transgender often taken against their will to medical professionals?
• Why instead of receiving affirmative support, they have distressing experiences of violence and violations?
• Why was it taken for granted that those born as women dress as ‘women’ and fall in love with and marry ‘men’?
• Why should therapists be sensitive to sexual and gender nonconformity?

This anthology brings together writing by medical professionals and queer activists which is beginning to question heteronormativity within the field of medicine.

SAGE YODA Press
2015 • 340 pages • Hardback: ₹ 995 (978-93-515-0890-8)

Order now and GET 20% OFF! To avail discount write to marketing@sagepub.in with code EPWDEC0315!

(Offer valid for book only)

www.sagepub.in

A holistic understanding of society on issues relating to gender!

Indian Journal of Gender Studies

Editors: Malavika Karlekar and Leela Kasturi

Impact Factor: 0.100
2014 Journal Citation Reports® (Thomson Reuters, 2015)

The Indian Journal of Gender Studies is a peer-reviewed journal. It aims at providing a holistic understanding of society. Its objective is to encourage and publish research, analysis and informed discussion on issues relating to gender. The journal focuses on women in politics, violence as a phenomenon, disability, the social organization of the family, women’s livelihood matters, institutional, legal and policy questions, and motherhood and child care.

Find this journal online at: http://ijg.sagepub.com

3 issues per year I 0971-5215

Annual Subscription Rates:
Institutional: ₹ 4,100 • Individual: ₹ 2,360

For Subscriptions and Free Trial Access contact jmarketing@sagepub.in

Los Angeles • London • New Delhi • Singapore • Washington DC
the satyagrahis. Gandhi’s admirers were left bewildered and hesitant and were unsure as to how to proceed. Many lost heart and dropped away. By the end of May 1924, Sree Narayana Guru, the leader of the SNDP Yogam, was beginning to voice his doubts about Gandhi’s tactics. He felt that the protestors should attack the barricades and occupy not only the roads, but the temple itself. In other words, they needed to be far more confrontational. Although he was careful not to disagree with Gandhi openly, it was clear that there was a rupture between the two.

The more dedicated satyagrahis remained at their posts, standing without protection from either the sun or rain, and singing religious and nationalist songs. During June 1924, the police made no attempt to stop the temple guards from beating them up. They were hit, kicked, their clothes torn, and limestone was thrown in their eyes. One protestor was beaten so badly that he died, another lost his sight, and others suffered permanent injury. In a message of 1 July 1924, Gandhi stated: “I hope ... that the satyagrahis will remain calm, unperurbed and withal particularly non-violent. It is a time of great trial for them” (Gandhi 1967b: 333).

News of these atrocities polarised opinion in the state. While some orthodox Hindus felt that the protestors deserved such treatment, large numbers of higher-caste people in both Kerala and other parts of India were disgusted by the actions of the temple guards. As Mary King notes, “winning over those who have, hitherto, supported the status quo is a key element in non-violent strategy.” In this respect, Gandhi’s tactics appeared to be bearing fruit.

End of Struggle
The Travancore authorities refused, however, to intervene in favour of the satyagrahis. By early 1925, the protest seemed to have reached a dead end. Demands came to the fore once more for more aggressive action, including the forcible occupation of the temple. When Gandhi heard of this, he decided to go to Vykom himself. He managed to persuade the authorities to remove the barricades and allow a group of 15 protestors to sit by the road. The Travancore government then offered to have three of the four roads opened to all. The satyagrahis refused this offer; all four roads must be opened. No attempt was then made to stop entry to the three roads, and it became clear after some time that they had, in effect, become accessible to all. The government claimed in late 1925 that as all the roads, except for one small lane that allowed access to the temple, had been opened; the satyagrahis had gained their main objective. Gandhi accepted this, arguing that the campaign had succeeded and should now be called off. In fact, the temple priests had constructed an entirely new road to the entrance which only caste Hindus were allowed to use. Following Gandhi’s advice, the campaign was called off on 23 November 1925.

King quotes the Kerala historian T K Ravindran, who in a 1973 book argued:

After 20 months of relentless fight, Congress withdrew from the scene with its finery torn, and its prestige tarnished, leaving the cause of the depressed classes at the same spot whence they picked it up in March 1924 (p 213).

King argues that in fact the movement had challenged the institution of untouchability in ways from which it would not recover. Following K M Panikkar, she observes that the initial challenge to deeply entrenched prejudices is often the hardest, and even a small victory is highly significant. The Vykom Satyagraha focused India’s attention on the issue of untouchability, and showed that Gandhi was prepared to back their agitations for access to religious sites. Gandhi played up the positive message of the movement, stating in a speech in Alleppey in 1927 that the agreement at Vykom provided a “bedrock of freedom” that was a step on the path to the eventual liberty of the community.

Vykom indeed inaugurated an ongoing struggle in Kerala. Demands were made for access to the roads around other Hindu temples in Travancore, and Gandhi was called in again to mediate between protestors and the state authorities. There was widespread agitation by nationalist activists, who put on street theatre performances to spread the anti-untouchability message. Although initially they had limited success, the Travancore government ruled in the mid-1930s that all public roads, wells, water tanks and lodges that it maintained from state funds should be open to all communities. Nonetheless, many important temples remained closed to Dalits.

A Narrow View of Civil Rights
A key element in Gandhi’s whole approach was to make this an issue for Hindus alone to decide amongst themselves. As he had stated at the Belgaum Congress session of 1924:

Untouchability is another hindrance to swaraj. Its removal is just as essential for swaraj as the attainment of Hindu-Muslim unity. This is an essentially Hindu question and Hindus cannot claim or take swaraj till they have restored the liberty of the suppressed classes (Gandhi 1967c: 479).

He went on to observe that the higher castes had, above all, to purify themselves by abandoning the practice of untouchability. They should, therefore, campaign to change the minds of the orthodox. When George Joseph, a Syrian Christian from Travancore, took a leading role in the protest, Gandhi wrote to him on 6 April 1924:

As to Vykom, I think that you should let the Hindus do the work. It is they who have to purify themselves. You can help by your sympathy and by your pen, but not by organising the movement and certainly not by offering satyagraha. If you refer to the Congress resolution of Nagpur, it calls upon the Hindu members to remove the curse of untouchability (Gandhi 1967a: 391).

He went on to note that the Syrian Christians themselves discriminated against Christians who came from an untouchable background; the implication being that Joseph should divert his energies to campaigning on this issue. Joseph, however, continued to participate actively in the Vykom Satyagraha.

Commenting on this, King notes that the issue was primarily that of the civil rights of all people, regardless of religion, sect or community, to have access to public spaces. This certainly was how George Joseph viewed the matter at the time. She also comments that almost all
modern proponents of unarmed forms of resistance insist on the central importance of building the widest possible basis of support. Restricting protest to just one religious group is tactically inadvisable. The society as a whole should be mobilised against injustices that, as a rule, cut across sectarian and religious divides. This was certainly the case in South Asia, a region in which no religion was free from the iniquity of untouchability.

Gandhi’s stance also implied that the lower classes should rely largely on the higher caste’s fight against untouchability, rather than on their own agency in the matter. These shortcomings in Gandhi’s position were ones that B R Ambedkar was to expose remorselessly over the next two decades. Although Ambedkar, then a relatively unknown Dalit lawyer, was initially impressed by the Vykom campaign, describing it in 1924 as “the most important event in the country today” for his community, he noted that the Brahmins of Kerala sought to legitimise their stance by appealing to their scriptures. He began to call upon his adherents to reject all Hindu texts that valorised untouchability and by 1927 was organising public burnings of the *Manusmriti*. For Ambedkar, it was more important to strengthen the resolve of the Dalits by such means, rather than try to win the sympathy of the oppressor. He believed that the higher castes would only change if made to do so by pressure from below that both undermined their position and forced the state to step in to actively enforce Dalit civil rights.

Gandhi claimed of the satyagrahis at this time that “their uniform courtesy towards the opponents to reform will break the edge of the opposition” (Gandhi 1967d: 438). As King notes (p 232), Gandhi believed very strongly that the oppressor could be won over through the self-sacrifice and suffering of the oppressed in a way that pierces what Joan Bondurant has called their “rational defences” and achieve a “catharsis” (1958: 228). She does not believe that the history of Vykom bears this claim out. Rather, it revealed one serious defect in Gandhi’s way of thinking, namely his erroneous belief that the suffering of the satyagrahis could sway the sentiments of those who for generations had immunities and benefits bestowed on them as high-caste landholders. If anything, Vykom proved that the satyagrahis’ appeals and suffering were insufficient to produce immediately responsive social change. Much more pressure would be required (p 232).

**Martin Luther King and Gandhi**

This issue—that of a change of heart that could theoretically be brought about through exemplary non-violence was also one of great concern to Martin Luther King. Initially, he followed Gandhi in believing in the efficacy of non-violence in this respect. There were indeed a few cases in which Southern white racists changed their minds in sympathy with the strength of feeling displayed by the civil rights activists; a notable instance being the public change-of-heart of the mayor of Nashville during the lunch-counter strike of 1960 (Ackerman and DuVall 2000: 326–28).

---

**new from PRIMUS**

**A Sanskrit Dictionary of Law and Statecraft** edited by Patrick Olivelle, and David Brick and Mark McClish


HB • 472 pp. • ₹ 1795

This Dictionary contains technical terms used in Sanskrit texts of ancient and medieval India dealing with law and statecraft within Dharmaśāstra and Arthaśāstra. Each entry is provided in both Devanāgarī and Roman scripts.

**Dictionary of Historical Places: Bengal, 1757–1947** edited by Ranjan Chakrabarti


HB • 686 pp. • ₹ 1295

This volume is the first of its kind to deal with the little known histories of hundreds of places in Bengal. Given the recurring geophysical and climatic disruptions in West Bengal, repeated changes of administrative units and names, lack of collective memory or adequately documented folk sources or oral traditions, the compilation of such a dictionary is a minor miracle.
Wars as Sources of Meaning

MANJARI KATJU

The world may have seen an end of “world wars” in this day of nuclear deterrence. But interstate wars localised in regions never really went away. Conflicts within states involving armed groups in open confrontation are today amongst the varieties of violence on the global scene. Deeply divided societies at war with themselves have been a feature of the postcolonial world, and of late situations have worsened for many of them or more cases have been added to this list. The global ideological polarisation, also called the “Cold War,” contributed in its own way to these wars; similarly the end of the Cold War brought its own tribulations. These armed conflicts often found external support that escalated the already troubled relations between and within states. Often, external interventions to “protect democracy” trampled upon democratic freedoms, actively encouraged “Talibanisation” of society, fuelled neighbourhood clashes, fanned civil strife and furthered the interests of global capital—not to talk about death, destruction and mass migrations. The present destabilisation of West Asia and the Syrian refugee crisis is part of the same script where the capitalist West has played an extremely damaging role.

Together, interstate and intrastate wars, both in the past and the present, have been a matter of thought for policymakers, peace activists and social scientists. The book under review looks at some of these issues by focusing on the past and contemporary conflicts through an anthropological lens. Anthropologists have often seen wars or faced such possibilities in areas of their research and among people with whom they worked. This book is an effort by some of them to elaborate their experiences and expand the frontiers of research on war itself. Instead of focusing on wars as occasional occurrences symptomatic of social anomalies and economic scarcity, they highlight how wars produce and reproduce certain socio-cultural and economic practices. They attempt to bring out the manner in which wars strike at the existing social networks and replace them with new social links and value systems. Those involved in wars, either as combatants, non-combatants, arms dealers or peace workers, see themselves and their cause in distinct ways.

The contributors point out how war becomes a source of meaning and derivative of life purposes. Entire generations come up in environments where war becomes normalised into daily routine. It then lives on in memory, institutions and state action in “a culture or habitus of war” (p 5). Elisabeth Colson in the “Introduction” highlights that war tries to escape legalities which steer civilian life and thus claim the right to be above law (pp 1 and 14)—this arms the combatant force with a moral claim to use any means to dominate the “other.”

Guns as Means of Production

Part One of the book deals with three case studies—from northern Kenya, southern Ethiopia and western Uganda by Michael Bollig and Matthias Osterle, Jon Abbink, and Heike Behrend, respectively. These look at aspects of low intensity warfare. The authors point out that the gun culture, which includes the massive use of AK-47s, has brought about deep transformations in the socio-economic systems of pastoralist societies putting the pastoralists themselves at risk in some of these countries in an unprecedented manner. The gerontocratic order, social values and household economy are undergoing drastic changes in a situation where the guns become “means of production” and “change agents.” Creation of a vicious cycle of crime and breakdown of civic life has left many Pokot men in Kenya without an education and hence unable to compete for jobs in the country’s cities. The consequence is a rise in banditry and criminalisation of social life. Western Uganda has seen the intensification of occult activity that includes ritualised witch and cannibal hunting where “healers” not only perform healing tasks but also reproduce the witch/cannibal enemy who needs to be expunged. This enemy is the victim in the violent power struggles that go on between various Christian movements and churches in the country (p 80).

The contributions in Part Two of the book deal with high intensity wars. The authors Jan-Bart Gewald, Edna Lomsky-Feder and Eyal Ben-Ari, and Mariam Abou Zahab look at violence in Namibia between 1904 and 1940, the psychological consequences of war in contemporary Israel and activities of the Lashkar-e-Taiba across the Indo–Pakistan border, respectively. These essays highlight how war becomes etched in collective memory and a nation’s psyche. It pervades the institutional apparatus as well as national or group identity. Edna Lomsky-Feder and Eyal Ben-Ari highlight how the Israeli–Palestinian conflict has created a convenient “culture of trauma” (p 112) in Israel which constructs Israelis as victims and their victimhood becomes equalised with that of the Palestinians. “Trauma” here acts as a critique neutralising agent for the Israeli state. In contrast, violence unleashed by the Lashkar-e-Taiba aims to complete what it sees as the unfinished task of partition and achieve integration of Kashmir with Pakistan. Mariam Abou Zahab’s study points out how the organisation is a source of a substitute identity and moral superiority for young men who join the movement.

Reproducing Hierarchies

Part Three of the book has contributions by Elaine Martin, Iris Jean-Klein and Yoginder Sikand. They demonstrate the ways in which violence makes use of kinship, gender and religion to move ahead. Elaine Martin has looked at women’s roles during the Third Reich and World War II to show that sexual hierarchies and gendered relations in a society are reproduced in wars. Basing...
her study on interviews and written accounts of German (non-Jewish) women who lived through the Hitler era, she brings out the experiences of these women who fall in the middle of the victim–perpetrator continuum to highlight the replaying of patriarchy, authoritarianism, sexism and anti-Semitism in war.

Iris Jean-Klein’s study of the first Palestinian Intifada demonstrates that genealogy as the main basis of social and political organisation often fails. In the case of the Intifada, nationalist interest and commitment came above kinship ties to bring about associations of closeness. Those kin relations that falter in their commitment to the nationalist cause are kept at a distance in an ingenuous manner by those who suspect their devotion to the cause.

Yoginder Sikand details the origin, functioning and ideology of the Lashkar-e-Taiba which owes allegiance to Ahl-e Hadith with its “strict scripturalist literalism” (p 218). Significantly, as pointed out by Sikand, the Lashkar’s appeal (still limited) among the Kashmiris is more due to its ideology than its ideology that runs contrary to Kashmir’s strong Sufi traditions.

Popular Imagination

Part four deals with aspects of communication and focuses on conflict and war in cyberspace. It discusses the varied ways in which films and the new media build and shape meanings of violence and peace. Marilyn B Young points out that the Vietnam syndrome continues to make its presence felt in the “popular imagination of war” (p 241) despite efforts by the US establishment, notably the first President George Bush, to obliterate “Vietnam” from collective memory after the US victory in the first Gulf War. Her analysis of US war films shows that the depiction of the Vietnam War in them is such that Americans can feel proud of it. As these films depict courage and suffering during the event, new meanings of nationhood emerge. In some films the US simultaneously becomes a saviour and a victim—thus raising the moral quotient of its international interventions, but, as scholars point out, this carries within it real dangers.

Aparna Rao, Monika Bock, Katharina Schneider and Michael Schnegg look at the Kashmir turmoil in virtual space. They focus on the role information technologies play in forming and reshaping communities in cyberspace. These communities are trans-local and transnational in nature but their concerns are local. These virtual communities replace old networks with vast spread-out social ties that were hard to imagine in the past. The authors show how the internet has been playing a major role in politics in South Asia and how conflicts centring around identity are negotiated and discussed by a worldwide audience. The online interactions of Kashmiris reflect “both the divergent views and aspirations of the community members when designing a future beyond conflict and the social tensions prevalent ‘offline’ in the Kashmir valley” (p 275).

Henner Kirchner focuses on the internet representations by Palestinian Islamists and Julia Pauli and Michael Schnegg look at cyber networking in Mexico that has given the Zapatistas and their sympathisers international attention. Both show how the internet has given space for activism beyond the “real world” and opportunities for influencing public opinion worldwide.

Why Peace Is Fragile

The final section (Part Five) discusses peace processes as analysed by John Darby. While opening the chapter, Darby highlights that most of the 38 peace accords signed between 1988 and 1998 did not last beyond three years. According to him, “A ceasefire may initiate a peace process, but it never brings a complete end to violence” and it also leaves open the option of returning to war (p 325). Darby identifies three main categories of violence: by the state, by militants and in the community—these interact with each other and each has different effects and implications for policymakers (p 326). Peace processes, according to him, have four phases: first, pre-negotiation, which also involves secret negotiations where terms of refraining from violence are agreed upon; second, the formal ending of violence; third come the negotiations themselves; and finally the peace-building efforts that come post-settlement. Darby points out that violence may intensify temporarily during the pre-negotiation phase because each
side tries to strengthen its bargaining position during peace negotiations (p 327). Moreover, a bit of violence is unavoidable at all stages of negotiating peace because “all sides fear the cost of continuing the war and the consequences of making peace” (p 337). Similarly mutual fear may accelerate the implementation of a peace agreement.

The manner in which war is understood by social anthropologists as reproducing or replacing existing social ties and value systems adds a significant dimension to the way wars have been looked at by scholars of international relations and military history. It reminds one that conflict is not only about military strategy, national interest, conquering armies and vanquished people; that there are new entrants to it like the new media; and that massive gun cultures have overtaken social organisation in many areas. It also tells us that the identity question is at the core of war today where the state becomes party to war or is rendered ineffective in bringing an end to conflict on its own. Sharpening and politicisation of ethnic, religious and tribal identity coupled with easy availability of weapons and communication technology have created internal wars and torn societies apart and have escalated tensions between neighbours.

The book with its varied essays is a commendable contribution to war studies. Though its main focus is on some specific conflicts in Africa, South Asia and West Asia, it equips one with analytical tools to look at effects of conflict in other regions as well. The anthropological studies, however, have to be seen together with the roles played by colonialism and neocolonialism in politicising identities and generating conflicts around them. If war is profitable to the powerful, efforts at de-escalation face a tough situation. One’s attention turns to these issues while going through the book, which would definitely interest those engaged in areas of comparative politics, international relations, social anthropology and contemporary politics.

Manjari Katju (mkatju@gmail.com) teaches political science at the University of Hyderabad.
Clubs of the British Empire

SHAKTI KAK

This is an interesting study of the “soft power” of the British as they established their control over the territory of South Asia. The setting up of clubs provided the functionaries of the Empire with a level of uniformity of rules and behaviour as they travelled across the breadth and length of the sub-continent. As the author puts it,

Clubs were gateways for officials moving in or out of the colonial realm, and as such their spaces were a kind of buttress helping to shore up imperial power (p 52).

Exclusive Places

These were exclusive spaces for the colonial officials and their families. The army officers, civil administrators and other personnel maintaining the colonial paraphernalia were allowed to be members of these associations. The first of its kind, the Bengal Club, was set up around 1826–27; the rules were based on those of the United Services Club in London. The Bengal Club had a category of “original” members consisting of those gentlemen who arrived on or before 1 March 1828. The original members had several privileges not granted to the later arrivals.

In the Club: Associational Life in Colonial South Asia by Benjamin B Cohen, Orient BlackSwan, 2015; pp x+217, Rs 695.

Clubs as exclusive spaces catered not only to social activities but were places for networking for

[t]hose in service of] His Majesty’s and honourable Company’s Military Service, Captains ...Officers of the Medical Department.... Captains of Honourable Company’s Marine and regular service. [And] The Bench, Bar, and Clergy, on their arrival in the country (p 31)

became members. In addition, membership of the clubs was given to members of the business community from Britain who were the residents of Calcutta at that time and civil servants of five years’ service. The three clubs that were set up in the middle of the 19th century were the Bengal Club in 1827, the Madras Club in 1832 and Byculla Club in Bombay in 1833.

An important element was the establishment of clubs in big and small towns. It is this aspect of colonial life that Cohen brings out in his book. The clubs had a dining room, library, reading room, bar, lounge and a billiards room. These were standard facilities in the clubs. Several of these clubs had overnight staying facilities, a few guest rooms. These clubs were imperial enclaves, used for socialising and networking while in India:

…the larger effect of 1857 was to produce a rise in associational life in the decades that followed. Clubs and other forms of associational life as communities of individuals—some shaken by the uprising—bonded and bridged together (p 50).

In fact, the evidence indicates that “the heyday of India’s club growth was in the three decades after 1857” (p 9). The club provided “an ideal escape” as Britons abstained from mingling with Indian society (p 10). In addition to these, a number of gymkhana, shikar clubs and other sporting clubs were set up in the subcontinent. The word gymkhana is derived from gend-khana referring to European racket courts (p 4). Over a period, gymkhana clubs offered facilities for social activities. Incidentally, the game of snookers was an innovation which happened in the billiards room of Jabalpur Club in 1875 and the Ootacamund Club refined its rules (p 55). Some transnational organisations like the Freemasons, the Rotary, the Lions Clubs International, YMCA and YWCA also had set up branches in South Asia.

Indians-only Clubs

A reaction to the exclusive white clubs was the formation of clubs by the Indian elite which either included specific communities or had only non-white members.
Some of these were the Ripon Club for the Parsis in Bombay, Hindu and Parsi Gymkhana Clubs in Mahabaleshwar and Orient Club in Sri Lanka. As an alternative to the British Secunderabad Club, the Nizam of Hyderabad set up the Nizam Club in 1884 for the city's Indian elite as well as British members. Victoria Memorial Club in Bikaner, the Annamalai Club, the Coonoor Club, and the Bamboo Club were set up in small towns and rural locations. The Calcutta Club opened by Sir Rajendra Nath Mukerjee in 1907 and allowed both Indian and British members. On a later date, Alfred Tennyson noted that all Europeans were excluded from most of these clubs in revenge for being excluded from the clubs set up by the whites (p 124).

There was a strong club movement started by women as well; these had a diverse membership. The Begum of Bhopal opened the Princess of Wales Club in 1909, and the Ladies Recreational Club in Madras was set up in 1911. The Nilgiri Ladies Club of Ootacamund was also set up around this time. Cohen states that women's clubs crossed the boundaries of the ruler and the rules, thereby creating a complex web of associations. Thus...“the categories of colonizer and the colonized were constantly shifting and being renegotiated” (p 147). In such clubs, women could meet others with similar interests. Several of these members also actively participated in the nationalist movement.

The book has an interesting chapter entitled “Race, Class and the Club.” The author argues that there were a small number of clubs that were exclusively British but a larger number did allow Indians as members. “Some British clubs had no definitive policy concerning race, but rather made their membership requirement so narrow that no Indian could become a member.” Rich Indians or princes as patrons were accepted but no Indian could vote in the club elections and participate in the club’s operation (p 123). “In 1891, the Club of Western India forbade Indians from entering its premises” (p 127). No strangers were allowed on the club premises unless they happened to be whites. Ootacamund Club maintained that the club was for those in Her Majesty’s or the Company’s Service (p 136). Some of the wealthy businessmen were allowed to become members of the British clubs. Patrons like the Maharaja of Bhavnagar, the Rao of Kutch, the Aga Khan, the Chief of Jamkhandi were given honorary membership of the Mahabaleshwar Club. The Maharaja of Gwalior was accorded honorary membership of the Jhansi Club in 1924.

Cohen mentions the concerns about interracial mingling. Even when invited to attend the club activity, the Indian ladies would not accompany their husbands. This was resented by the British members and they complained that the Indian members had their women in purdah although these men had no problems mingling with British women (p 137).

‘Servants and Assistants’

No club activity could be complete without an array of servants and assistants who were largely natives. These clubs provided a new opportunity of employment to natives. The servants got their annual increments and bonuses. The “imperial paternalism” meant that servants were seen but not heard and were subservient and loyal. In some clubs, peons were numbered for easy identification. So you had No 27 or No 55 performing different tasks in the club. An elaborate system of provident fund and increments provided financial security to the workers in these clubs. Club servants were responsible for several critical services. There were dhobis, assistant cooks, clerks, watchmen, masalchi, ayahs, sweepers, carpenters, tennis markers, billiard markers and the hall porter. “The ability to distinguish strangers from members was among the most important skills a hall porter had to master” (p 108).

The professional class of club employees were mostly from Britain. There was recruitment from international networks with advertisements placed in international newspapers for chefs, stewards and secretaries. During the early parts of the 19th century, chefs were usually recruited from Europe with preference for a French national. The Madras Club brought French chefs from Pondicherry and Hyderabad as well as from England. The Byculla Club employed French chefs since its inception. Interestingly, “the Cosmopolitan Club of Madras hired both a Brahmin and a sudra cook” (p 106) keeping in mind the caste affiliations of its Indian members.

Entry of Indians

The prevalent attitude in these clubs regarding membership was changing as the nationalist struggle took hold. It was increasingly felt that more Indian members should be taken in. With an increase in the number of Indian Civil Service officers and army officers, they were permitted to be members of these clubs. The Indian members actively socialised in these clubs.

By 1946, attempts were being made to close some of the clubs, auction the assets, pay up the pending bills and share the remaining proceeds. Some clubs like the Jhansi Club, the United Services Club in Shimla and the Byculla Club in Bombay held extraordinary meetings, and started the process of liquidation around 1946–47. Several other clubs could not do so because the Indian members refused to follow. The author gives interesting details about the correspondence between the West Bengal government, the home minister of India, the British high commissioner to India and finally the British Secretary of State for Commonwealth Relations regarding the continuation of the Tollygunge Club as many of the British businesses were still active in the country.

Any attempts to shut these clubs at independence were thwarted by the Indian members. As many British officers/functionalies stayed in India into the 1960s, local clubs were for them a site for socialising.

Overall, Cohen provides interesting details about the club activities and networking by the officers serving in India. The book should have, though, covered the transition from whites only clubs to interracial clubs in greater detail. This book would be of interest to historians as well as to general readers.

Shakti Kak (shaktikak@gmail.com) teaches at the Centre for Jawaharlal Nehru Studies, Jamia Millia Islamia, New Delhi.
Humans can move from one place to another, and they do so for various reasons. In the post-World War II years, no country was more associated with guest workers, the gastarbeiter, than Europe. We need to remember all this as a necessary backdrop for understanding the current migration crisis. It will help us to ask: is the migration a crisis, or is it that migration appears as a crisis of Europe in the particular conjuncture of today?

2 Migration History

Europe achieved continental unification through economic means, liberal constitutionalism and a currency union. It set goals of peace and security that encourage everyone to be liberal with unfettered freedom to access the market, and, on the other hand, allow the European Union to follow interventionist policies near abroad. The consequences of the union are to be found in Europe's restrictive and contradictory policies and programmes relating to immigration and refugee protection. The European migration crisis originates from this contradiction.

Thanks to Madhura Chakraborty, Ravi Palat, and Sucharita Sengupta for their inputs.

1 Introduction

Crossing borders might be a banal routine for cosmopolitan elites, yet reports, everyday, show that it continues to be a death-resistant and not infrequently death-trapping journey for refugees, and immigrants in search of life and security. Yet, undeterred by the risk that borders represent, the Palestinian–Italian film-maker Khaled Soliman al–Nassiry said recently at the Sydney premiere of the documentary comedy On the Bride’s Side, “Our hearts are broader than borders.” He continued,

...we shall change the colour of the border from blood red to a different aesthetic... In the context of the documentary and immense sufferings that borders are imposing on the people on the move, we are witnessing the production of a new culture, which is both innovative and post-colonial and post-globalisation.1

The entanglements between various spaces the travellers are passing through deserve the attention of scholars and human rights activists. After all, the history of humanity repeatedly shows that borders are there to be crossed. People who have chosen not to have a homeland repeatedly take decisions to cross borders, pass through them connecting the spaces they walk or sail through with new destinies that these spaces had never been assumed to be associated with.2 Migration has emerged through the recent events in Europe as the unconscious tool of history to end the last liberal empire in the modern age.

The end days of any empire present a surrealistic picture. Blame games, last tangos and futuristic talks prevail while the end draws remorselessly close. For instance, when Syria was already burning after the Western intervention, and refugees from Syria were pouring into Europe, the glory-crazy French President Francois Hollande, on arrival in New York to attend the United Nations General Assembly, announced on 27 September that French warplanes had attacked a training camp in eastern Syria. With a flourish he said,

Our forces reached their objectives: The camp was completely destroyed. Six jets were used, including five Rafales, and they were able to ensure that our operation did not have any consequences for the civilian population.

He added that France might launch other strikes in the coming weeks, if necessary, with the goal of “identifying targets that are training camps or places where we know that terrorists can threaten the security of our country.”3

Last Liberal Empire

Europe was the last liberal empire in history. It achieved unification after World War II through dialogues on coal and steel, peace, and economic means. It established a charter of rights, it founded a European Court of Human Rights, it curbed nationalism, it broadly attained currency union, held peace and security as the goal of the union, and, finally, as Ralf Dahrendorf remarked after the annus mirabilis of 1989 it encouraged everyone to be a liberal with unfettered freedom to access the market. So much so that countries in the east of Europe joined the union one after another to make it a true empire, two centuries after Napoleon Bonaparte had failed to create one and had provoked unwittingly the first concert of the continent in 1815. Yet crucial fault lines remained. The peaceful empire was built in the last 50 years on whiteness of skin, a particular faith called Christianity, anti-communism, stringent anti-immigration laws and practices, neo-liberal tools of economic coordination, massive banks, and geopolitically what turned out to be most uncertain for the fate of the continent: doing away with the old fuzzy division of the continent into west, middle, and the east. The present crisis of Europe in the wake of the entry of massive numbers of migrants from West Asia and North Africa is perched on all these fault lines. The immigrants are non-Europeans, they are predominantly Muslims, quite a lot of them are not white, and they have disturbed the seamless nature of the united space called Europe because the old divisions into west, middle, and the east have now resurfaced in the wake of the migrant rush.

One more thing as an introductory comment: Europe's migration crisis follows in quick succession Europe's currency crisis. The two in combination have dealt a blow to the liberal empire from which the latter will find it hard to recover. Is there a connection between the two? While many left-leaning intellectuals in Europe think that the coincidence was only god willed, the connections are deep and structural. Suffice to say that the European Monetary Union could not have been achieved without defining what the borders of the union were. In other words, while empires have frontiers and states have more defined borders, in this case the empire wanted to achieve state-like clarity. Thus the old historical divisions were replaced with a new seamless unity. Migration to Europe hurts the core of the unification project. If the old concert vanished into history with its failure to define the respective boundaries and borders of the Great Powers, and folded up after the Berlin Congress (1878) that divided Africa, the present union is facing the same problem of settling boundaries.

Yet the prehistory of this European empire is marked by massive migrations. Greeks travelled extensively and built cities in Asia and North Africa. The Romans created an empire stretching from England to Turkey. Europe between the fourth and seventh centuries witnessed what is called the “migration of the nations,” when Huns, Goths, Franks and Angles moved into new homelands, in the process creating the foundation of the nation states of today’s Europe. Around the 17th century and lasting for more than 400 years, Europeans moved from one part of the continent to another in no coherent pattern. In the core West European countries, large parts of the working classes were formed in the 19th and early 20th centuries by migration from the Mediterranean nations. In these two centuries, migrants from all over the world also travelled to Europe with ease, and Europeans migrated to the vast lands of the Americas and Australia.

In the post-World War II years, no country was more associated with guest workers, the gastarbeiter, than Europe. We need to remember all this as a necessary backdrop for understanding the current migration crisis. It will help us to ask: is the migration a crisis, or is it that migration appears as a crisis of Europe in the particular conjuncture of today?
It is not that post-war Europe is facing immigration flows on a large scale for the first time. It is also not true that this time it is the biggest flow that the continent has received. After the Algerian war, the Algerian population in France between 1962 and 1975 doubled from 3,500,000 to 7,000,000, and France became a country of massive immigrant population. While the headlines have outlasted the media’s usual attention span this time, they will inevitably fade, as they faded after the Balkan wars in the 1990s, when there were 6,700,000 asylum applications to 15 European Union (EU) countries. In fact, last year 6,26,000 people (44,000 fewer than 1992) applied to the 28 EU countries for asylum. And to be truthful, many more refugees and shelter-seekers have sought and found shelter elsewhere. Turkey hosts 1.8 million Syrian refugees, Lebanon 1.2 million, and Jordan 6,000,000. Turkey now shelters more refugees than any other country in the world, and four countries (Turkey, Pakistan, Lebanon and Iran) host as many as 36% of global refugees. Europe also wants to think that Germany and others are helping refugees, but Germany’s refugee-to-native ratio is about 40 times less than Jordan’s. In the United States (US), refugee admissions have dropped to 70,000 from a peak of 1,22,000 in 1990. Twenty-five percent of the world’s refugees are in the least developed countries (LDCs).

And although the United Nations High Commissioner for Refugees (UNHCR) is still the institutional focal point of refugee protection, individual governments in the rich West determine how many asylum seekers they will admit while camps are mostly in the LDCs, and the structure of power and influence in the global protection regime is decidedly skewed.

If many are straggling into Europe, no one is asking how many are simply left behind, how many stopped, and, most importantly, how many are dying? Warnings of the great humanitarian disaster were aplenty in the last few years when the roulette parleys among the European powers went on with absurd regularity and monotony on stricter currency union norms. Undeterred by the Mediterranean boat tragedies, the European powers forged yet another tool against human migration. They met in Marseilles in April 2015, decided to further tighten the immigration rules, strengthened FRONTEX (the European border agency), and forged one more policy, targeting the migrants as the evil outcome of climate change.

One of the spectres looming over this script of the twilight age of the anthropocene is the massive migration to the West from the supposedly climatically inhospitable regions of the South. Millions, we are told, will want to escape the floods, earthquakes, droughts, and famines to crowd the rich countries of Europe, Japan, North America and Australia. These are the climate refugees. They sail through the Mediterranean, pass through the snow fields, cross barbed wires, and crawl into the bellies of ships, wagons, and aircraft to reach the Promised Land. This is the final disaster that will strike the world marking the end of the age of human intervention in nature—the twilight of the anthropocene.

Those historically minded will remember that this was the spectre that haunted the rulers in colonial India also in the last quarter of the 19th century when the El Nino famines struck the country, and became, in the memorable words of Mike Davis, the late Victorian holocausts. In that age, climate change, social factors, abrupt economic transitions, and particular political command structures combined with devastating effect to cause millions of deaths in India and across large parts of the world. The colonial organisation of power accentuated the environmental impact on the peasantry and destroyed the customary ways of providing relief to the distressed and the victims. Famine foods (foods that rats can eat but humans cannot) and migration facilitated the spread of epidemic diseases like cholera, dysentery, malaria, and smallpox. Similarly, the managers of global governance are now worried: how will they stop migration? How are they to make these dangerous migrants resilient and stay put in the face of war and climate change? How can they find a way to make migration an appropriate adaptive strategy? How are they to prevent the travelling diseases from entering safe countries? These indeed are the concerns voiced this time by European politicians.

Yet as the present phase of migration from West Asia, North Africa and the Aegean Sea boat tragedies occur, remember that when the Marseilles discussion was taking place, migrants from Africa were sinking and dying in the Mediterranean.

**Tragedies of Past Five Years**

Therefore, it will be good to view the present migration with some historical sense. Let us quickly glance through some of the most conspicuous reports in the last five years:

- **Left-to-die in the boat on the Mediterranean:** A boat left Libya carrying 72 Africans, but quickly ran into trouble and began losing fuel. Using a satellite phone, the passengers contacted a priest in Italy who alerted the authorities. A military helicopter dropped water for those on the boat and was never seen again. The boat drifted for days and then at one point near a French aircraft carrier. No rescue operation was mounted, despite international law dictating that any ocean-going vessel must help another in distress. All but nine of the passengers died. An inquiry by the Council of Europe blamed the disaster on a “catalogue of failures” and recommended that Europe overhaul its immigration policy. The United Nations declared that all migrant vessels in the Mediterranean be considered “in distress.” That was in April 2011.

- **Then on 18 September of the same year, as many as 15,000 migrants were stranded in Croatia, as the Croatian Prime Minister said his country could no longer accept refugees and began sending people up north. The migrants had been booted out from Serbia, and Hungary and Slovenia had closed their borders. Critics said that years of tight immigration policies in Europe had forced migrants to attempt even more dangerous crossings. With European countries struggling to control the influx of migrants from Syria and North Africa, the European Council president called a meeting of EU leaders to discuss the crisis on 23 September.**

- **Tragedy again struck on 6 September 2012 near Greek shores, 160 feet east of Samos, when a fishing boat carrying Iraqis, Syrians and Palestinians travelling from Turkey capsized, killing 60, nearly half of them children. The boat was only around 160 feet from shore; around 45 people managed to swim to safety. Meanwhile the Greek police announced that they had caught tens of thousands of migrants trying to cross by boat or via the strip of land connecting the country to Turkey. Three months after the fishing boat accident, Greece completed a 6¼ mile fence along its border with Turkey with funding from FRONTEX. Bulgaria followed suit with a fence of its own. Human Rights Watch told the Guardian that closing the land bridge simply forced more migrants to opt for the “most deadly route”: crossing the sea.**

- **On 18 October 2013, after another boat carrying 200 people capsized, Italy rescued more than 1,000,000 people with a special rescue programme, but 2014 was the deadliest year yet for migrants. Nearly 3,500 died or went missing. Yet other European countries, instead of appreciating Italy, criticised the latter for not coordinating with them and argued that through the special rescue mission Italy was encouraging migrants to come over to Europe. The EU governments asked Italy to shut down the special mission and launched its own operation, Triton, which emphasised that its duty on the Mediterranean Sea was not rescue but surveillance with the help of data from helicopters, drones and satellites.**

- **The second week of February 2015 saw more than 300 migrants drown in failed crossings.**

- **On 18 April 2015 a ship carrying an estimated 950 people sank 17 miles off the Libyan coast with 800 people on the ship drowning. Amid an international outcry, European ministers agreed on a 10-point plan to address the migrant issue, which meant in effect systematic efforts to destroy smuggling boats, tighter border controls on refugee routes, and a scheme to offer migrants resettlement options.**

- **Decomposed bodies of 59 men, eight women, and four children who had suffocated in the back of an abandoned, unventilated truck travelling from Hungary were found on 27 August 2015. The police found a Syrian passport on one of the victims and the authorities believed that the victims were migrants being smuggled into Europe. The lining of the truck, registered in Hungary by a Romanian national and bearing the logo of a Slovak chicken company, was well ventilated.**
ripped from the inside, suggesting the victims had made a desperate attempt to escape. Yet another tragedy happened on the same day, with two boats carrying 500 migrants sank off the Libyan coast killing up to 200, some while trapped inside one of the boats after it capsized. Survivors said the smugglers had beaten them with sticks to keep them below the deck.9

- Finally, on 2 September 2015, photographs of Kurdish–Syrian toddler Alan Kurdi’s body brought reckoning to Europe’s halls of power. Nilufer Demir’s photograph of the dead body of a drowned boy lying on a tourist-heavy beach became the My Lai girl’s counterpart in this crisis. It instantly became a media sensation. European politicians claimed that they would reconsider their refugee policies. The British Prime Minister and the German Chancellor promised a more open-door policy, while migrants and refugees stuck in Hungary protested against the shabby treatment by that country’s government. No one of course forgot that the same British government had refused to accommodate the migrants trapped in the English Channel tunnel few months back.10

- Yet, after Alan Kurdi’s death further tragedies happened. Among many more deaths, prominent was the death of 22 migrants in the Aegean Sea in more than one boat disaster on 30 October 2015. Migrants were from Syria and trying to cross the Aegean to reach Greece.11

Who are these boat survivors and the boat people who died? While European powers have been playing their ping-pong diplomacy around the boat survivors, similar events are taking place nearer our part of the world. It probably began with the Komagata Maru ship, travelling from coast to coast for days and months and refused entry by the biggest colonial power 100 years ago in the early part of the last century. Then came the Haitian boat people, the Vietnamese boat people, and now the Rohingyas, many of whom after being pushed out of Myanmar do not have formal access to food, shelter, or work, and in search of secure life are now being compelled to take to the sea in perilous journeys to South-east Asian countries like Malaysia, with Bangladesh and Thailand being the main transits. Labelled as “Asia’s new boat people” their plight is being compared to the Vietnamese exodus by boat in the 1970s. But which European Power cares for Asia’s boat people perishing in the Bay of Bengal, Strait of Malacca, and Indian Ocean, with Australia denying the shelter seekers any right of entry and in fact quarantining them in offshore islands?12 And Europe needs to be reminded of the 10 million refugees in India from East Pakistan in 1971.

3 Outcome of European Policies

Europe’s 10-point (now 17-point) action plan is faulty, to say the least. In the first place, Europe aggravated the Syrian situation by joining the US bombings and intervention in Syria and Iraq. In trying to force regime changes in Syria, earlier in Iraq, Egypt and Libya, it caused its own borders to shrink inward. Its compromise on the issue of Palestinian self-determination had already aggravated the insecurity of a liberal empire. On top of all this, its policies against Iran and Lebanon had worsened the situation in West Asia and had contributed to the instability of the region. The liberal empire had and still has no coherent foreign policy; it only knew how to hold on to the trans-Atlantic alliance and keep on producing a consumerist happy continental economy. It is now receiving its just due. Europe now has to carry the burden of its actions and must shelter the thousands that move into the continent.

Remember the “Coalition of the Willing?” Since the US invasion of Iraq in May 2003, more than four million Iraqi civilians were uprooted in one of the largest humanitarian crises of our times. Approximately two million of these refugees lived for long thereafter in desperate conditions and legal limbo in Syria, Jordan and Lebanon, whose governments received barely any support from the international community. In comparison, only 1,00,000 Iraqis claimed asylum in the EU countries between 2003 and 2007. There were no legal routes to Europe for Iraqis fleeing persecution; this was exacerbated by the fact that the coalition troops and embassies within Iraq did not accept asylum claims. The vast majority of successful Iraqi asylum claims were made in Sweden, with European countries joining the Coalition of the Willing and later displaying not even the minimum humanitarian concern for displaced Iraqis.

The EU plan now focuses only on the Balkans. Yet, as one source mentions, through September 2015 2,04,630 illegal border crossings were identified on this route, while 3,59,171 people attempted to cross through the eastern Mediterranean route and 1,28,619 opted for the central Mediterranean. Over the past six months, this sort of piecemeal approach allowed the crisis to spiral. The EU now wants to pay Turkey €4.6 billion to settle its borders with the latter, which implies that Turkey with that money would henceforth confine the migrants within its boundaries and not allow them to move into Europe. EU candidacy is also a bargaining chip. This is truly a “boats and camps” approach with necessary bribe to the boat and camp managers.13

But cash and other financial incentives to secure borders of Europe will only create greater problems for the empire. However we are mistaken if we view this step mainly as privatising security or subcontracting the security of the borders of the East. Its economic rationale must not be lost upon us. Money as protection is not something as scandalous as the idea at first hearing suggests. After all, to protect one needs resources. With resources one can provide care, care in turn functions as an element of power. Also the fact that the global protection regime is marked by power and influence should not also astonish us to death. What is new is the fact that money, resources, care, and protection are now globally deployed to enhance the market economy, make the weak and the vulnerable also economic agents of the market. What Europe is doing today as a strategy to cope with migration marks a broader transition of the continent towards becoming a neo-liberal empire. Therefore, we have to at least have a sense of the changes in the patterns of migration flows prompting changes in the strategies of care and power.

Three Fundamental Changes

Let us note in this context three fundamental changes, each of which demands full-length scientific study. So, we can only barely mention them here:

First, today’s migration flows are massive and mixed. Thus, the way in which the Refugee Convention of 1951 conceptualised forced migration as a single individual’s decision to leave his/her country and seek shelter elsewhere is not the case today. Population flows are massive today because all types of migrants—refugees, illegal immigrants, economic migrants, climate and environmental refugees, previously internally displaced persons, asylum seekers, trafficked men, women, and children, escapees of war, violence, and natural disaster—are mixed up in these population flows. Not only are persons and groups mixed up, but the reasons to migrate are also mixed up and complex. This is the fundamental reason as to why the UNHCR is becoming increasingly ineffective and inadequate in the protracted nature of displacement.

Second, the ideology of humanitarianism is overwhelmed with humanitarian practices that must depend on market norms. Therefore, we shall see more and more public—private partnerships in protection strategies and policies like camp management, sale of refugee products, health management, management of refugee economies, etc, and more importantly, celebrity endorsement, all of which we first saw in the wake of Hurricane Katrina. Angelina Jolie began endorsing refugee causes from then on.

Third, the international legal structure of protection is becoming weaker, while on the other hand, regional protection pillars are not being strengthened. Even the fact that most of the care of the vulnerable is borne by societies across the world in informal ways is dismissed by models of global governance. Add to these the fact that war-induced population flows is not discussed at all in the 1951 convention, which refers to war only in the context of the aftermath World War II.

In the 1950s and 1960s in the last century when the refugee protection norms were put in place, the Cold War was the context. European protection of refugees now has a different context. In place of the Cold War, there is the global postcolonial predicament which flows from the postcolonial world, also flows from the poorer parts of Europe to its richer part. In this changed context, Europe does not adhere any more to global protection principles. European powers are today discussing and distributing the “refugee burden” among various EU members—something unthinkable under the 1951 convention. What will be the norm of such distribution? Wealth, the gross domestic product (GDP), population, size of the country, population—wealth ratio, labour market needs,
country of first, second, and then the later order of access, ethnic or other similarities with the refugee population flow? It will be like marketing commodities and distributing public goods. Angela Merkel in fact demanded a binding quota for all EU members for relocating around 1,20,000 refugees from Italy, Greece and Hungary. The transition to neo-liberal economic policies takes place this way.


15 On Turkey and West Asia in the wake of the war-caused devastation and refugee flows, Nergis Canafe, “Post-Colonial State and Violence: Rethinking the Middle East and North Africa outside the Blindfold of Area Studies,” Refugee Watch, 45, June 2015, pp 7–31.


Indian Insolvency Regime in Practice  
An Analysis of Insolvency and Debt Recovery Proceedings

APARNA RAVI

While there is much anecdotal evidence on the abysmal track record of courts and tribunals in resolving insolvency proceedings, there have to date been few empirical studies of how the Indian insolvency regime functions in practice. This paper is based on an analysis of select high court and tribunal judgments with the aim of gaining a better understanding of the existing insolvency resolution process for companies and to identify where the delays and bottlenecks lie. Three themes that emerged from this exploratory study are: (i) the significant inefficiencies and conflicts that have resulted from having a number of different laws and legal forums to govern companies in distress, (ii) various judicial innovations and weak institutions that have contributed to enormous delays in insolvency proceedings, and (iii) misinterpretations of the law by debt recovery tribunals when considering cases of debt enforcement under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act. As India moves towards enacting a new insolvency and bankruptcy legislation, it is hoped that this study will be helpful in understanding the urgent need for reform and in providing initial insights on the direction the new law should take.

A recent exception to the lack of literature on insolvency proceedings in India is a study by Kristin van Zwieten (2015). This article is based on a working paper available at the website of the Finance Research Group, Indira Gandhi Institute of Development Research, at http://www.ifrogs.org/releases/Ravi2015_indianInsolvencyRegime.html. The author would like to thank Susan Thomas for her comments and suggestions on the paper and acknowledges funding from IGIDR towards this work. The views expressed in this paper are personal and not those of the Bankruptcy Law Reforms Committee.

Aparna Ravi (aparna.ravi@clpr.org.in) is with the Centre for Law and Policy Research, Bengaluru and was a member of the Bankruptcy Law Reforms Committee.

Introduction

On 4 November 2015, the Bankruptcy Law Reforms Committee, a committee constituted by the Ministry of Finance, submitted its report and a draft for a new insolvency and bankruptcy legislation. The committee's report and draft bill envisage far-reaching reforms, including an overhaul of India's existing legal framework for dealing with debtors in distress and the creation of new institutional infrastructure for resolving insolvency and bankruptcy of both firms and individuals. These reforms were a response to advocacy from several quarters, which identified India's weak insolvency regime, on paper and in practice, as one of the reasons for the malfunctioning of the country's credit markets (Bannerjee et al 2012; Sane and Thomas 2012; Rajan 2008). The World Bank's Ease of Doing Business Index 2015 ranked India 137 out of 189 countries on the ease of resolving insolvencies based on various indicators such as time, costs, recovery rate for creditors, the management of a debtor's assets during the insolvency proceedings, creditor participation and the strength of the insolvency law framework.

These concerns are not new. Almost since its enactment, the operation of the Sick Industrial Companies (Special Provisions) Act (SICCA), 1985 has attracted scathing criticism for its lengthy delays in determining the viability of sick enterprises and for lending itself to significant abuse by debtor companies looking to siphon off their assets from creditors. Another commonly heard complaint was the implementation of liquidation proceedings in the high courts, which could take years or decades to be completed. However, while the Indian insolvency law regime has been subject to universal condemnation, there has to date been little systematic study of how insolvency and insolvency-related laws have been implemented in practice. In this paper, I have attempted to piece together the process that a company in distress goes through upon entering the legal system through an analysis of the judgments of the high courts and debt recovery tribunals in insolvency and debt enforcement proceedings. The goal of my analysis is to gain a better understanding of the implementation of the Indian insolvency regime and to identify where the delays, inefficiencies and bottlenecks in the process lie. As India sets on the path towards enacting a new insolvency and bankruptcy code, I hope that this analysis provides some insights for the structure and direction that the code must take to avoid the pitfalls of the current regime.

A recent exception to the lack of literature on insolvency proceedings in India is a study by Kristin van Zwieten (2015).
Based on an extensive study of high court judgments relating to liquidation proceedings and the implementation of sica, van Zwieten points to certain judicial innovations that contributed to the delays and ineffective resolution of corporate insolvencies in India. These innovations relate in large part to the pro-debtor stance of the high courts and their reluctance to liquidate even unviable businesses. My analysis of the case law confirms some of her findings and provides additional insights on the functioning of insolvency and debt recovery proceedings by looking beyond sica into the interactions among the patchwork of different laws in India that together govern companies in distress.

Section 1 provides an overview of the existing legislation and the legal forums that deal with companies in distress in India. Section 2 describes the scope and methodology of the study and, in particular, the methodology used for selecting and analysing the cases reviewed. In Section 3, I present my findings from the case law review that focus largely on three themes: (i) the significant inefficiencies, confusion and conflicts that have resulted from having multiple forums and laws to govern companies in distress, (ii) the reasons for enormous delays in insolvency-related proceedings, in particular liquidation, and (iii) issues that have arisen in the context of the implementation of debt recovery proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act. I conclude by briefly considering the implications of these findings for structuring and implementing a new insolvency and bankruptcy code.

1 Existing Legal Framework

When a company defaults on a debt payment, there are three kinds of legal procedures available to creditors and debtors that are common to all jurisdictions: (i) foreclosure or enforcement of the debt by a creditor or group of creditors, (ii) liquidation of the debtor and a distribution of its remaining assets to creditors, and (iii) a reorganisation or revival of the business, which results in a continuation of the business in some form or in the sale of the business as a going concern. (Djankov et al 2008). The first of these options is a debt recovery procedure, while the latter two fall into the camp of corporate insolvency procedures. Though closely related, debt enforcement and corporate insolvency are distinct concepts. Debt enforcement refers to a mechanism by which individual creditors attempt to recover the debt due to them upon a default by the borrower, typically by enforcing the collateral securing the debt. By contrast, corporate insolvency procedures provide a collective mechanism to deal with a distressed company’s overall position and affect the rights of all stakeholders.

In India, the legal framework that deals with companies in distress is multilayered, involving a combination of collective insolvency and debt enforcement laws. Further, each of these types of legal proceedings are often applicable to specific stakeholders (for example, only secured creditors or only-banks and financial institutions) and are dealt with in different legal forums. Below is a brief description of the main pieces of legislation that affect debtors in default and their creditors.

Collective Insolvency Laws: In the area of collective insolvency proceedings, India has separate laws to deal with rescue and rehabilitation, on the one hand, and liquidation, on the other. The only law currently in force that provides for the rescue and rehabilitation of distressed companies is sica, which applies exclusively to industrial companies. Under sica, industrial companies in distress (based on a test involving an erosion of their net worth by 100%) make a reference to the Board for Industrial and Financial Reconstruction (BIFR), which, after considering the viability of the debtor company, either sanctions a rehabilitation scheme or refers the company to the high court for winding up. However, it did not take long for sica to acquire a reputation for delays and for lending itself to significant abuse by debtors who often used the BIFR as a “safe haven” to siphon off assets from creditors (van Zwieten 2015). In fact, sica had been universally condemned from so many different quarters that an act was passed for its repeal in 2002. However, the repeal legislation could not be notified as accompanying amendments to the older Companies Act 1956 (CA 1956) could not be operationalised. More recently, Chapters xx and xx of the Companies Act 2013, which provide for rescue and liquidation frameworks, respectively, for all companies and take into account some of the criticisms of sica, have been introduced, but these provisions too are not yet operational. As a consequence, sica remains the only statutory mechanism for the rehabilitation of distressed companies, though it only covers a subset of companies.

The governing legislation for liquidation proceedings continues to be the CA 1956 as the new provisions in the Companies Act 2013 have not yet been notified. Under the CA 1956, winding up could be voluntary at the request of the debtor (an option for solvent debtors) or compulsory upon a winding up order passed by the high court. Compulsory liquidation proceedings upon an insolvency of the debtor may either reach the high courts upon a winding up petition filed by the debtor or creditors or through a reference from the BIFR.

Debt Recovery Laws: The most basic mechanism for debt recovery that is available for all types of creditors involves filing a petition in a civil court of competent jurisdiction and this mechanism remains available today. However, a series of laws were enacted in the 1990s and 2000s to facilitate debt recovery for certain classes of creditors given the high pendency of cases in the civil courts and experience of abuse with laws such as sica. The Recovery of Debt Due to Banks and Financial Institutions Act (RDBFI Act) was enacted in 1993 to make it easier for banks and financial institutions to recover debt. The RDBFI Act is available to both secured and unsecured creditors, but they need to be banks or notified financial institutions. This act provided for the establishment of debt recovery tribunals (DRTs) and debt recovery appellate tribunals (DRATs) and any cases pending before the civil courts that involved debt of over Rs 10 lakh were automatically transferred to the DRTs.

Another act passed nearly 10 years after the RDBFI Act was the SARFAESI Act 2002. This act provides a mechanism for secured creditors to take possession of the securities and sell
them to recover debts due. The most interesting feature of SARFAESI is that its enforcement does not require the involvement of a court or tribunal.  

Section 13 of the SARFAESI Act allows secured creditors to take steps to enforce their security interest in respect of any debt of a borrower that is classified as a non-performing asset without the intervention of a court or tribunal if certain conditions specified in the act are met. Any debtor who then wants to contest the action taken by a creditor under the SARFAESI Act may do so through an appeal to the DRT within 45 days of the enforcement action being taken.3

The enactment of the SARFAESI Act involved an accompanying amendment to SICA to provide that (i) a reference to the BIFR could not be made once an enforcement action under the SARFAESI Act had commenced, and (ii) to the extent that a reference to the BIFR had already been made and was pending, such a reference would abate if secured creditors holding at least three-fourths in value of the outstanding debt of the borrower commenced proceedings under SARFAESI.4 Thus, SARFAESI intended to protect secured creditors by ensuring that their enforcement under the act would take precedence over any reference by a debtor to the BIFR. It appears that SARFAESI has been at least partially effective since its enactment in terms of debt enforcement, though as described below there still remains much confusion over the interpretation of SARFAESI by courts and tribunals.

2 Analytical Framework, Scope and Methodology

In this paper, I attempt to understand how the legal framework described above works in practice through an analysis of selected court and tribunal judgments. In analysing these judgments, we tell us about the efficacy of the Indian insolvency regime, I have broadly relied on the benchmarks provided by the United Nations Commission on International Trade Law (UNCITRAL) Legislative Guide on Insolvency that lists nine general objectives of any insolvency law regime (UNCITRAL 2015):

(i) Provision of certainty in the market to promote efficiency and growth, (ii) maximisation of value of assets, (iii) striking a balance between liquidation and reorganisation, (iv) ensuring equitable treatment of similarly situated creditors, (v) provision of timely, efficient and impartial resolution of insolvency, (vi) preservation of the insolvency estate to allow equitable distribution to creditors, (vii) ensuring a transparent and predictable insolvency law that contains incentives for gathering and dispensing information, (viii) recognition of existing creditor rights and establishment of clear rules for ranking priority of claims, and (ix) establishment of a framework for cross-border insolvency.

The objectives outlined above are interrelated and rest on three fundamental characteristics that are shared by most well-developed insolvency law regimes either in the law or through practice (Mukherjee, Thyagarajan and Anchayil 2015; Sengupta and Sharma 2015): (i) a linear step-by-step process for a debtor and creditors to follow when insolvency is triggered, which allows for predictability and certainty in terms of process and outcomes, (ii) a collective mechanism for resolving insolvency (as opposed to individual debt enforcement actions) that helps preserve value and also serves to advance principles of equity and fairness by involving all stakeholders in the process, and (iii) a time-bound process for resolving insolvency that either ends in a rescue and restructur- ing of the debtor’s business or a liquidation and distribution of the debtor’s assets to various stakeholders. The purpose of reviewing these judgments is to gather insights into the functioning of the corporate insolvency resolution process in India and, in particular, on the efficacy of the insolvency regime in providing for these three features.

Case Selection: My analysis is based on a detailed review of 45 judgments of the high courts and 15 judgments from the DRATs and DRATs, as well as a review of important judgments of the Supreme Court that have had a significant impact on the interpretation of existing insolvency legislation. The BIFR’s orders do not include the details of its reasoning as they are in the form of Summary of Proceedings (SOPs) and are, therefore, not a part of this analysis. However, because the high courts consider references from the BIFR for liquidation as well as appeals from the BIFR, it has been possible to gain an insight into the BIFR’s adjudicatory processes as well as interpretive issues with SICA from high court judgments. All of the judgments reviewed are from the period after June 2002, the year when the SARFAESI Act came into effect, and are intended to provide a picture of how a debtor in distress or a creditor seeking recovery goes through the legal system as it exists today.

The judgments selected for the detailed review were chosen from a much larger group of high court and tribunal judgments with the goal of obtaining judgments that covered the various types of insolvency-related matters that were heard by the courts and tribunals. For the high courts, the types of cases can be broadly classified into four categories. For each of the categories, I have reviewed at least 10 judgments and have tried to choose cases that involve a range of common fact patterns and stakeholders: these include cases with a single secured creditor, multiple secured creditors and those that involved other complicating factors, such as the presence of labour or workmen whose claims had to be adjudicated by the courts. In addition, I have chosen these judgments from different high courts across the country. The four categories are as follows:

(i) References from the BIFR for liquidation: Under SICA, if the BIFR determines that the rescue of a sick company is not feasible, it may make a reference to the high court for liquidation of the debtor. The role of the high court in such instances is to implement the liquidation decision of the BIFR by passing a winding up order.

(ii) Winding up petitions in the high courts: These cases involve winding up petitions filed by creditors under the CA 1956.

(iii) Appeals from the BIFR or the BIFR’s appellate tribunal: The decisions of the BIFR and AAIFR may be appealed to the high courts. These cases typically involved the interpretation
of specific provisions of SICA and other laws and play an important role in the development of jurisprudence in this area.

(iv) Appeals from the DRT/DRAT and the interaction between debt enforcement and collective insolvency laws: The decisions of the DRTs are also appealable to the high courts and typically involve the interpretation of the RDBDFI Act or the SARFAESI Act and, very often, the interaction between these two laws. Many of these cases also involved conflicts between the RDBDFI Act or SARFAESI Act, on the one hand, and collective insolvency laws, such as SICA or the CA 1956, on the other.

The judgments of the DRTs and DRATs that were selected involved enforcement proceedings under the RDBDFI Act or an appeal by a debtor from enforcement action taken under SARFAESI. Most of these judgments centred on the interpretation of particular provisions of these acts or the interaction between the two acts and I have selected judgments that involved different questions of law and a mix of issues under both the RDBDFI Act and SARFAESI Act.

The methodology and case selection described above has its limitations and is not intended to be an exhaustive review of all insolvency or insolvency-related proceedings in these forums. I also do not claim that the specific cases reviewed provide a representative sample of insolvency-related proceedings before the high courts and tribunals. However, I believe that the selected cases do capture the range of the categories of cases heard by the high courts and tribunals on the subject and are, therefore, a useful starting point for insights into the resolution of insolvency cases in the legal system.

Unlike other reviews of insolvency proceedings, this review includes both collective insolvency and debt recovery proceedings. I have chosen this approach because these two types of proceedings are closely related and often interact with each other. On the one hand, secured creditors tend to use security enforcement tools such as the SARFAESI Act even after collective insolvency proceedings have commenced and, often with a view to superseding the collective insolvency proceeding. Conversely, winding up petitions are often filed in high courts as a tool to aid debt recovery, that is, situations where creditors use the possibility of a winding up order being passed to induce repayment by the debtor. I believe that understanding this interaction between collective insolvency and debt recovery proceedings is a key to understanding how the insolvency legal framework works in practice.

3 Findings

Two major themes emerged from my case review that point to the current system being unable to achieve two fundamental principles of any insolvency law regime—certainty in the law and, consequently, a certain degree of predictability in outcomes, and the timely resolution of insolvency. These are, first, the existence of a multilayered insolvency law framework with multiple forums for hearing different types of proceedings and, second, various judicial innovations and weak institutions that have contributed to significant delays, particularly in liquidation. Finally, I look briefly at one other theme that was reflected in my case review on the enforcement of SARFAESI.

3.1 Problem of Multiple Fora, Parallel Proceedings and Conflicts

A very large majority of cases reviewed did not involve a single legal proceeding in one forum, but multiple proceedings across different forums. Each proceeding was typically initiated by a different party and the high courts were left with having to decide which proceeding was to take precedence over the others and how conflicts among the different laws were to be resolved. The case of BHEL vs Arunachalam Sugar Mills (ASM) that was decided by the Madras High Court in 2011 provides a good illustration of such a pattern. ASM and its sister concern defaulted on their credit facilities which gave rise to numerous proceedings by secured and unsecured creditors alike:

- A bank, the main secured creditor, filed an application in the DRT for debt recovery.
- Another creditor of ASM, filed a company petition for the winding up of ASM.
- Another secured creditor that had lent funds to ASM through a credit facility, entered into a memorandum of undertaking with the bank for the bank to sell the debtor’s properties and pay the secured creditor its due from the proceeds.
- A company that had leased machinery to ASM, initiated proceedings invoking the arbitration clause in the agreement and filed an application in the high court restraining ASM from transferring/selling its assets.
- A secured creditor of ASM’s sister concern initiated proceedings under the SARFAESI Act, took possession of its assets and sold the same by auction.
- An unsecured creditor, which had supplied a boiler to ASM, filed a civil suit against ASM for recovery of money due to it by sale of immovable properties of ASM.

While this might be at the extreme end of the spectrum in terms of the number of parallel proceedings, almost all the cases reviewed involved proceedings in at least two forums and more often than not proceedings going on in parallel. There were situations where the debtor company had made a reference to the BIFR under SICA while a secured creditor had filed a winding up petition in the high court or initiated enforcement action under the SARFAESI Act7 and other cases where creditors had each initiated proceedings in different forum or under different statutes.8 In all of these situations, the task before the high courts was to resolve the conflicting rights of these different parties arising from different statutory provisions. Oswal Foods Limited,9 for example, involved a situation where the debtor company had made two references to the BIFR, while a creditor filed a winding up petition in the high court. In BST and PSP Workers Union vs Union of India,10 secured creditors sought to enforce under the SARFAESI Act while the BIFR was considering the sickness of the debtor company and made a reference to the high court for liquidation. In Jeevan Diesels and Electricals vs HSBC,11 the Calcutta High Court had to consider whether a creditor could file a winding up petition in the high court.
while another creditor had initiated enforcement action in the DRT under the RDDBFI Act.

Apart from the obvious delays and inefficiencies that arise from having to traverse multiple legal forums, the piecemeal structure of insolvency proceedings in India has had at least two major consequences. First, having a combination of winding up petitions and debt recovery proceedings run in parallel means there is little clarity for creditors (or debtors) on the overall position of the insolvent debtor or even on the actions of other creditors. This goes against the very grain of the one of principal objectives of insolvency law of having a linear and orderly process to preserve value, provide certainty and maximise recovery for creditors.

For example, in *Kritika Rubber Industries vs Canara Bank*, one group of secured creditors had initiated an action in the DRT, while another group subsequently filed a winding up petition in the Karnataka High Court. The DRT decided in favour of the creditors and a recovery officer at the DRT ordered the attachment of the property securing the debt, which was subsequently sold in an auction. In the meantime, the high court had ordered the winding up of the debtor and appointed an official liquidator (OL) to oversee its liquidation. The OL, upon learning of the DRT’s actions, sought an order to set aside the sale by auction, which the high court allowed. An interesting fact in this case is that it appears that the parties to the DRT proceedings were unaware of the winding up petition in the high court. Indeed, one of the secured creditors claimed to have had no knowledge of the winding up petition (that was filed in 1999) until it received notice of the OL’s action to set aside the sale authorised by the DRT (which occurred in 2008). Such cases reveal the complete lack of clarity that creditors have about their recovery under the existing legal framework.

Second, the existence of multiple laws and forums brought to light numerous conflicts among the legal provisions and the rights of various stakeholders under different statutes. The courts have also had to deal with conflicts over jurisdiction and, in particular, on the extent of the DRT’s jurisdiction. Some illustrative examples below show that the high courts across the country did not always resolve these conflicts in a consistent manner.

**Conflicts between SICA and Debt Enforcement Laws:** Many of the cases that involved conflicts between the SARFAESI Act and SICA were relatively straightforward as they often involved a factual question of whether 75% of creditors had indeed sought enforcement action under the SARFAESI Act in which case the BIFR proceedings would need to abate. However, there were still nuances that required the courts to use their interpretive powers. For example, in *BST and PSP Workers Union vs Union of India*, the BIFR had made a reference for liquidation in the high court while secured creditors had sought enforcement action under the SARFAESI Act. The Kerala High Court held that as the secured creditors had not notified the BIFR of the SARFAESI enforcement action, the BIFR retained jurisdiction and the winding up order passed by the high court was valid. In another case that proceeded along similar lines, the BIFR had made a reference to the high court for liquidation but the high court was yet to pass a winding up order. In such a situation, the Orissa High Court held that the proceedings in the DRT could not proceed ignoring the recommendations from the BIFR for winding up. These cases suggest that despite the SARFAESI Act’s attempts to override SICA, this has not always worked in practice.

The most recent decision of the Supreme Court that dealt with the conflict between rescue and rehabilitation and debt enforcement laws was in *K.S. Industries vs Arviant Threads Ltd.* In this case, the conflict was between SICA and the RDDBFI Act. The provisions in conflict were Section 22 of SICA that provides for a stay of all proceedings against the debtor and Section 34 of the RDDBFI Act that provides that the act has overriding effect. The Supreme Court considered the objects of both laws in detail and decided that SICA took precedence over the RDDBFI Act. The Court gave a lot of weight to one clause in the RDDBFI Act that stated that the act was in addition to and not in derogation of, other statutes, including SICA.

This has been considered a regressive judgment and goes against the grain of standard statutory interpretation. Typically, as both SICA and the RDDBFI Act are special legislations, the later enactment being the RDDBFI Act would prevail. Further, it is curious that the Court placed much emphasis on the context of SICA’s enactment but failed to consider the current status of SICA and that an act had even been passed for its repeal!

**Conflicts between Winding up Proceedings and the SARFAESI Act:** The SARFAESI Act also often clashed with winding up proceedings that had been commenced pursuant to the CA 1956. The primary question in most of these cases was whether enforcement action could proceed under SARFAESI in situations where a winding up petition had been filed in the high court. Unlike in the case of the conflict between SICA and the SARFAESI Act, the interaction between SARFAESI and the CA 1956 is not spelled out as clearly in the legislation and it was not surprising that the high courts and the DRTs resolved this conflict in different ways. In *Indian Bank vs Sub-Registrar*, the high court of Telangana and Andhra Pradesh held that the debtor’s assets could be sold in an auction pursuant to a SARFAESI Act enforcement action without the leave of the Company Court where a petition had been filed for winding up. By contrast, in cases involving very similar fact patterns, both the Madras and Karnataka high courts held that the consent of the OL was required for such a sale. The Supreme Court came to quite a different conclusion in *Official Liquidator, UP and Uttarakhand vs Allahabad Bank* which involved the role of the Company Court and the OL where the company subject to winding up proceedings was also subject to recovery proceedings under the RDDBFI Act. The Supreme Court upheld the precedence of the RDDBFI Act and held that the Company Court did not have jurisdiction over matters that were pending before the DRT.

**Conflicts between SARFAESI and RDDBFI Act:** Courts have also had to grapple with the interaction among different debt enforcement laws. Enforcement proceedings under the RDDBFI Act and the SARFAESI Act involve different mechanisms for debt enforcement (with SARFAESI not requiring the intervention of
a court or tribunal). An issue that has often arisen is whether creditors may institute parallel proceedings under these two laws. In Bank of India vs Ajay Finsec Pvt Ltd and Ors,23 the DRT ruled that banks and financial institutions may simultaneously pursue proceedings under the SARFAESI Act and RDBBF Act. This view was also upheld by the Supreme Court in M/s Transcore vs Union of India,24 where the Court stated that the two acts were complementary to each other. However, despite both these rulings, nearly two years after Bank of India vs Ajay Finsec Pvt Ltd, the Patna High Court held that the proceedings under the RDBBF Act could not be initiated if SARFAESI Act enforcement action had begun.25

My analysis of the case law reveals that the multilayered framework for insolvency and debt recovery has been ineffective in ensuring an orderly process for winding up or for recovery by creditors. First, the prevalence of numerous parallel proceedings and the lack of a coordinated insolvency process, means that in a majority of cases most stakeholders have no clarity of their position vis-à-vis the debtor or other creditors. Even where a creditor is successful in debt enforcement or in having its petition disposed in one forum, there is nothing to prevent its recovery from being impacted by another parallel proceeding initiated by a different stakeholder. Second, as the numerous cases involving conflicts between different statutes reveal, there are several issues on which the interaction among the different laws is unclear and the inconsistent interpretation of these conflicts by the courts has only muddled the waters further. In some situations, these conflicts are a result of unclear laws or the failure to consider the collective impact of different statutes while in others it appears to be innovative interpretations of relatively clear laws by the courts.

### 3.2 Causes of Delay

In assessing the effectiveness of insolvency regimes, the efficiency and timeliness of the process are emphasised as delays go against the grain of preserving and maximising the value of the debtor’s assets. Tables (1a) and (1b) provide the time taken between the commencement of the first legal action (such as the making of a reference to the BIFR, initiating enforcement action under SARFAESI or filing a winding up petition in the high courts) and the date of the judgment. These time periods are likely to be an underestimate as the disposal of a case did not mean that the resolution of the insolvency process has been completed.

Though the samples are too small to provide statistical or average data on the time periods for resolution, they do suggest that resolution is extremely slow in the high courts with 17 of the 42 cases taking over 10 years for resolution. While cases in the DRT/DRAT were disposed more quickly, even these tribunals do not have a track record for particularly speedy disposal. Below are some reasons for these delays that I could glean from my review of the judgments.

**Existence of Multiple Forums:** The existence of multiple forums described in Section 3.1 is at least one of the causes for delays as parties move back and forth between these different forums. In several cases, there was typically at least a few years of time lost between the BIFR providing a liquidation opinion and the high court issuing a winding up order. In Re: Consolidated Steel and Alloys,26 the Delhi High Court actually failed to issue a winding up order following the BIFR’s reference and creditors subsequently had to file a separate winding up petition in the court. In that case, the BIFR made a reference for liquidation in 1998, but the high court issued a winding up order only in 2005 in response to a winding up petition filed by a creditor in 2002. The reason for the high court’s failure to act in this case is unclear, but such delays only lead to further depletion in the value of the debtor’s assets and dilute any recovery that creditors might otherwise have been able to obtain.

**Pro-debtor Stance and Deference to the BIFR:** As has been observed by other commentators, the high courts and Supreme Court have typically adopted a pro-rehabilitation stance and been reluctant to order winding up proceedings. There is a whole line of Supreme Court precedent, for example, which suggests that a winding up order does not signal the closure of the process. In Rishabh Agro Industries Ltd,27 a division bench of the Supreme Court held that it was open to the directors of the company to explore the possibility of rehabilitation even after the winding up order had been passed. This judgment has since been cited in several later cases when former management of a debtor attempted to revive a company in the final stages of being wound up.28

**Passing a Winding Up Order Does Not Signal the End of the Matter:** In many of the liquidation cases reviewed, the issuance of a winding up order did not necessarily signal the close of the insolvency process. There were numerous instances of liquidators struggling over the priority of claims and payments many years after the winding up order had been passed. Often these related to issues with workmen’s compensation. For example, in Mining & Allied Machinery Corp vs The Official Liquidator,29 nearly 10 years after the winding up order was passed, the Calcutta High Court was asked to consider whether contract labourers could be treated as workmen and, therefore,
be entitled to proceeds from liquidation as secured creditors. Interestingly, the high court did not provide an opinion on this issue, but instead directed the official liquidator to make a decision within 12 weeks. In Official Liquidator, Suganti Alloys Castings Ltd vs Edupuganti Subba Rao, while the Andhra Pradesh High Court passed the winding up order in 1990, the ol was struggling to complete the liquidation process as late as 2006. The ol finally filed a petition in the high court alleging that the ex-managing director of the debtor had not been cooperative in providing information required for liquidation and distribution of assets, which the court allowed, holding the ex-managing director guilty of negligence and breach of trust.

As one of the goals of the insolvency regime is to preserve value, delays in proceedings that lead to further erosion of value are particularly important to guard against. My case review suggests that a combination of factors to do with the law and its interpretation by the courts have contributed to these delays. The courts have often been reluctant to issue winding up orders and appear willing to allow the ex-management of the debtor to explore rehabilitation options during all stages of the process. Further, my case review shows that many of the delays also occur after a winding up order has been passed. This process is often invisible from public scrutiny as the court no longer has a role to play. Yet, it would be a mistake to assume from this that the issuance of a winding up order implies that the insolvency has been resolved and the liquidation completed.

### 3.3 Challenges to SARFAESI

Fourteen of the 45 cases from the high courts and five of the 15 cases from the dRTs/dRATs involved applications by debtors to stay enforcement action under the SARFAESI Act. In a majority of these cases (12 of 19), the court allowed SARFAESI action to continue, but these judgments are nevertheless worth examining further as they reflect situations where SARFAESI enforcement was not as smooth as the statute intended it to be. These judgments also reveal instances of courts either misinterpreting the act or significantly expanding the scope of their review powers in adjudicating challenges to SARFAESI enforcement action.

First, there were instances of applications to stay SARFAESI enforcement actions being filed in civil courts and instances of civil courts adjudicating such challenges despite the explicit provision in the act that the dRT ousts the jurisdiction of the civil court in SARFAESI actions. In Bank of India vs N Natarajan and Ors, the civil court issued an interim stay on the enforcement of SARFAESI proceedings, which it continued to extend over a one-year period. The secured creditor ultimately appealed the decision to the high court which ruled that the civil court had no jurisdiction over SARFAESI actions, let alone the power to issue an interim stay. While this was the correct result, much time was lost as a result of a completely contrary understanding of the SARFAESI Act by a civil court judge.

Second, there were situations where the dRTs went beyond the scope of their permitted review when dealing with challenges to SARFAESI. Under the SARFAESI Act, the role of the dRT when considering a challenge to enforcement action is to examine whether the secured creditor’s action was taken in accordance with the provisions of the SARFAESI Act and related rules. In practice, however, the dRTs and dRATs often overstepped this line to go on to adjudicate the substance of the claim itself. For example, in Lakshmi Sankar Mills vs Indian Bank and Ors, the dRT did not allow the debtor’s application to stay SARFAESI enforcement, but imposed a condition. The dRT held that the asset sale under SARFAESI could proceed only if the debtor did not deposit a fixed amount by a specified date. The debtor appealed this condition to the dRAT which went on to lower the amount of the deposit. Ultimately, the Madras High Court remanded the decision back to the dRT to consider only the narrow question of whether the secured creditors had complied with the provisions of SARFAESI, but this was three years after the banks had initiated enforcement action. In another similar case, the dRAT granted the debtor additional time to pay the deposit before the bank could initiate the sale, while the narrow question it was supposed to consider was whether the bank had adhered to the enforcement of security rules under SARFAESI.

The purpose of the SARFAESI Act was to provide a relatively quick mechanism for secured creditors to enforce their security interests without court intervention. To the extent that the debtor has the ability to challenge the enforcement action in court, Section 17 of the act requires the debtor to bring such an application within 45 days and also makes clear that the review by the dRT should be limited to whether the secured creditor has complied with the provisions of SARFAESI. These and other provisions of SARFAESI are all aimed at enabling the efficient and timely enforcement of security without much scope for delays. My review of cases, however, suggests that the enforcement of security pursuant to SARFAESI has, in practice, not been immune from the judicial delays and uncertainties that arise in other insolvency proceedings. It is, of course, difficult to ascertain the proportion of cases in which SARFAESI enforcement has been allowed to go unchallenged as opposed to those occasions on which it has been challenged in court. However, where a debtor does challenge SARFAESI enforcement, creditors have experienced long-drawn-out struggles in the courts.

### Conclusions: Implications for a New Insolvency and Bankruptcy Code

The case review in this paper suggests that a significant problem with the insolvency regime in India is its multilayered structure. India’s patchwork of insolvency laws that each applies to a different class of stakeholders or processes has resulted in parallel proceedings, conflicts between different statutes and uncertainty for creditors over their recovery. I have also argued that, apart from the multilayered legal framework, various factors to do with the law and its implementation have caused major delays in insolvency proceedings, particularly when it comes to winding up and liquidation. These include the reluctance of courts to issue winding up orders and their willingness to allow debtors to explore rescue and rehabilitation even when such an approach may no longer be feasible. Further, there is a need to have an effective legal framework to control the liquidation process post-issuance of the winding up order which is when the greatest delays often occur.
I believe that the conflicts and multiple proceedings that have arisen from the multilayered insolvency law framework point to a strong need for a unified law that applies to all aspects of a company in distress and for all stakeholders. While different stakeholders in an insolvency process do (and should) have different rights and interests, setting these out in a single code, as the draft insolvency and bankruptcy bill does, provides a framework for balancing the competing interests of debtors, secured creditors and other stakeholders. Such an approach would also minimise the possibility of conflicts between the different rights and priorities of various stakeholders as well as the instances of parallel proceedings.

Another critical issue to consider is the relationship between insolvency resolution and debt recovery proceedings. Insolvency law has often been described as a mechanism to provide debtors as well as the instances of parallel proceedings.

More importantly, the insolvency regime has to date been characterised by a fragmented and piecemeal approach that has fragmented the insolvency process rather than pressing ahead with individual insolvency laws. By contrast, the insolvency process rather than pressing ahead with individual insolvency laws has often been described as a mechanism to provide a unification in insolvency and bankruptcy law. As my case review suggests, the insolvency regime has to date been characterised by weak institutions, whether it is the high courts, the IBBI or the official liquidators, and a new law alone cannot fix these issues. The institutional infrastructure proposed in the draft bill—a regulator, insolvency professionals and a tribunal, among others—need precise mandates, sufficient resources and training to ensure that the proposed law is effectively implemented and the timelines provided in it are followed. Equally important is the need for a careful review of the draft bill to analyse how it interacts with existing laws and to repeal or amend overlapping or conflicting laws. Yet, by providing for a linear, time-bound and collective insolvency resolution process, the draft bill is certainly a step in the right direction towards minimising delays and providing greater predictability for debtors and creditors in both process and outcomes.

NOTES

1 Sick Industrial Companies (Special Provisions) Repeal Act, 2002.
2 The changes made in the older companies act legislation, the CA 1956, have not entered into force as Chapter VIA of the CA 1956 which provided for the National Company Law Tribunal (NCLT) to exercise powers in relation to sick industrial companies could not be notified as the NCLT was subject to a long-drawn-out litigation. The Supreme Court on 14 May 2015 delivered its judgment on the constitutionality of the NCLT. A few amendments to the operation of the NCLT are required before these provisions can be notified.
3 SARFAESI Act, Section 17.
4 SICA 1985, Section 15(1).
5 BHEL vs Arunachalam Sugar Mills Ltd, (High Court of Madras), OSA Nos 58, 59, 63, 64 and 81 of 2011, decided on 12 April 2011. See, for example, in re: Oswald Foods Limited, [2008]145CompCas259(All), decided on 16 November 2006, In re: Consolidated Steel and Alloys, CA Nos. 165, 385, 706 and 99/02 and 103/01 in CP No 428 of 2002, decided on 7 November 2008.
6 Asset Reconstruction Co India P Ltd vs Shamken (I) Ltd, [2015]283CompCas509(All), decided on 15 April 2015.
7 Kritika Rubber Industries vs Canara Bank (Karnataka High Court), CA No 190/2008 in CP No 167/1999, decided on 13 June 2013.
11 Kritika Rubber Industries vs Canara Bank (Karnataka High Court), CA No 190/2008 in CP No 167/1999, decided on 13 June 2013.
12 Kritika Rubber Industries vs Canara Bank (Karnataka High Court), CA No 190/2008 in CP No 167/1999, decided on 13 June 2013, para 5.3 and para 32.
13 See, for example, Triveni Alloys Ltd vs Board for Industrial and Financial Reconstruction and Ors, WP No 4181 of 2005 and 3259 of 2003, decided on 19 July 2005.
14 CP 23 of 2006, decided on 03 August 2009.
15 Sri Bireswar Das Mohapatra and ARI vs State Bank of India, WP (C) No 8567 of 2006, decided on 17 August 2006.
16 Supreme Court, Civil Appeal No 5225 of 2008, decided on 27 October 2014.
17 RDBFI Act, Section 34(2).
18 This was indeed the view of two-judge bench of the Supreme Court from which this decision was appealed.
19 Indian Bank vs Sub-Registrar, Writ Appeal Nos 1420 and 1424 of 2013 and OSA Nos 34 and 35 of 2013, decided on 11 November 2014.
20 BHEL vs Arunachalam Sugar Mills Ltd, OSA Nos 58, 59, 63, 64 and 81 of 2011, decided on 12 April 2011; Kritika Rubber Industries vs Canara Bank, CA No 190/2008 in CP No 167/1999 decided on 13 June 2013.
21 AIR 2013 SC 1823.
23 AIR 2007 SC 712.
28 See, for example, In re: Oswald Foods Limited, [2008]145CompCas259(All), decided on 16 November 2006.
29 See, for example, Triveni Alloys Ltd vs Board for Industrial and Financial Reconstruction and Ors, WP No 4181 of 2005 and 3259 of 2003, decided on 19 July 2005.
30 CP 23 of 2006, decided on 03 August 2009.
31 Sri Bireswar Das Mohapatra and ARI vs State Bank of India, WP (C) No 8567 of 2006, decided on 17 August 2006.
32 Supreme Court, Civil Appeal No 5225 of 2008, decided on 27 October 2014.
33 Kritika Rubber Industries vs Canara Bank, CA No 190/2008 in CP No 167/1999 decided on 13 June 2013.
34 SARFAESI Act, Sections 17(2) and (3).
35 Lakshmi Sankar Mills vs Indian Bank and Ors, WP Nos 37148 and 37534 of 2007, decided on 15 April 2008 (Madras High Court).
36 SARFAESI Act, Sections 17(2) and (3).
37 Lakshmi Sankar Mills vs Indian Bank and Ors, WP Nos 37148 and 37534 of 2007, decided on 15 April 2008 (Madras High Court).
Diffusion of Broadband Internet in India
Trends, Determinants and Challenges

SUNIL MANI, V SRIDHAR

India has one of the lowest diffusion rates for broadband among the Brazil, Russia, India, China and South Africa grouping, or BRICS. India has also been very slow in terms of the diffusion of mobile phone services. While it took only five years for mobile phone services to reach a diffusion rate of 75%, after 10 years the diffusion rate of broadband has not even reached 10%. In this context, this study attempts to measure the rate of diffusion of broadband in the country, identifies the factors that determine its adoption at the subscriber level, and discusses the policy challenges for hastening the diffusion rate.

An interesting aspect of India’s economic liberalisation efforts set into motion in 1991 is that India now has a very modern and state-of-the-art telecommunications services sector. The sector is almost entirely driven by mobile phones as the ratio of mobile phones to fixed phones now (30 April 2015) stands at 37. India has now close to a billion mobile phones, and the density of mobile phones is now touching almost 77 per 100 people. There has also been considerable decline in the rural–urban divide in the availability of mobile phones and this has largely been achieved through significant reduction in the average price of voice communication services.

India has now one of the cheapest telecom services anywhere in the world. It is hypothesised that the country has achieved the high diffusion of mobile phones through promoting competition in provision of communications services. The Herfindahl Index (H-Index) has never exceeded 0.16 over the period 1998 through 2014. However, this significant improvement in the availability of mobile phones have not been matched by the availability of broadband services in the country. Broadband, despite policy support, has diffused very slowly— as on 31 March 2015 there were only 99.20 million broadband subscribers in the country and a lion’s share of these were mobile internet subscribers (TRAI 2015a).

Unlike many other countries, diffusion of wired broadband in India has been very slow, partly due to poor landline infrastructure in the country. Though the National Telecom Policy (NTP) 2012 envisioned broadband-on-demand by 2015, this is far from reality. Further, it is assumed that a majority of these subscribers are in urban areas and there are frequent complaints about the price and quality of broadband connections. Both mobile and broadband are distributed mostly by the same providers, but the concentration in the provision of broadband is higher than in mobile services with the H-Index for the former working out to 0.19. Broadband provisioning can be modelled using two-sided market theories. Broadband service providers act as a platform to connect content and application service providers on the one side, and the users on the other. There are strong cross-side network externalities between these two sets of users that can enable diffusion of broadband services. An example is the over-the-top (OTT) services, such as those enabling communication (Skype, Viber, etc), social networking (Facebook, Twitter, LinkedIn) and messaging (WhatsApp) over the internet are now being increasingly used by the younger sections of the population, and is bound to increase the diffusion of broadband in the country. In such a
context, the present study attempts to answer the following questions:

- What is the rate of diffusion of broadband internet in India and also the trends in it over time?
- What are the factors that determine the observed trends in the diffusion of broadband and the trends in its diffusion across urban and rural areas and across the states in the country?
- What are the specific policy challenges to increase the rate of diffusion of broadband especially in the rural areas of the country?

1 Trends in Broadband Diffusion

According to the International Telecommunication Union (ITU), the proportion of individuals using the internet is the least in India in the Brazil, Russia, India, China and South Africa (BRICS) grouping. The usage seems to increase over the last three years, 2011–13 (Table 1).

Table 1: Percentage of Individuals Using Internet across BRICS

<table>
<thead>
<tr>
<th></th>
<th>Brazil</th>
<th>China</th>
<th>India</th>
<th>Russian Federation</th>
<th>South Africa</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>2.87</td>
<td>1.78</td>
<td>0.53</td>
<td>1.98</td>
<td>5.35</td>
</tr>
<tr>
<td>2001</td>
<td>4.53</td>
<td>2.64</td>
<td>0.66</td>
<td>2.94</td>
<td>6.35</td>
</tr>
<tr>
<td>2002</td>
<td>9.15</td>
<td>4.60</td>
<td>1.54</td>
<td>4.13</td>
<td>6.71</td>
</tr>
<tr>
<td>2003</td>
<td>13.21</td>
<td>6.20</td>
<td>1.69</td>
<td>8.30</td>
<td>7.01</td>
</tr>
<tr>
<td>2004</td>
<td>19.07</td>
<td>7.30</td>
<td>1.98</td>
<td>12.86</td>
<td>8.43</td>
</tr>
<tr>
<td>2005</td>
<td>21.02</td>
<td>8.52</td>
<td>2.39</td>
<td>15.23</td>
<td>7.49</td>
</tr>
<tr>
<td>2006</td>
<td>28.18</td>
<td>10.52</td>
<td>2.81</td>
<td>18.02</td>
<td>7.61</td>
</tr>
<tr>
<td>2007</td>
<td>30.88</td>
<td>16.00</td>
<td>3.95</td>
<td>24.66</td>
<td>8.07</td>
</tr>
<tr>
<td>2008</td>
<td>33.83</td>
<td>22.60</td>
<td>4.38</td>
<td>26.83</td>
<td>8.43</td>
</tr>
<tr>
<td>2009</td>
<td>39.22</td>
<td>28.90</td>
<td>5.12</td>
<td>29.00</td>
<td>10.00</td>
</tr>
<tr>
<td>2010</td>
<td>40.65</td>
<td>34.30</td>
<td>7.50</td>
<td>43.00</td>
<td>24.00</td>
</tr>
<tr>
<td>2011</td>
<td>45.69</td>
<td>38.30</td>
<td>10.07</td>
<td>49.00</td>
<td>33.97</td>
</tr>
<tr>
<td>2012</td>
<td>48.56</td>
<td>42.30</td>
<td>12.58</td>
<td>63.80</td>
<td>41.00</td>
</tr>
<tr>
<td>2013</td>
<td>51.60</td>
<td>45.80</td>
<td>15.10</td>
<td>61.40</td>
<td>48.90</td>
</tr>
<tr>
<td>2014</td>
<td>54.20</td>
<td>47.40</td>
<td>19.70</td>
<td>61.40</td>
<td>51.50</td>
</tr>
</tbody>
</table>

Source: International Telecommunications Union and Internet World Stats.

Mani (2008) had argued that diffusion of broadband in the country is likely to be low and the pace of diffusion slow. This was in turn due to the fact that most broadband subscribers in the country were accessing the service through mobile phones most of which are connected through 2G or 2.5G networks. However, the recent diffusion of smartphones and the upgrading of telecommunication networks to 3G is expected to raise the pace of diffusion.

1.1 Concepts and Database

There are three issues that we need to clarify. First, is the unit of reference, namely, whether we are discussing the diffusion of broadband in terms of users or subscribers? Second, is the definition of what we mean by broadband? Third, which database is going to be used to measure diffusion?

It is essential to distinguish between internet subscribers and users. The number of users is always a multiple of subscribers, as there can be a large number of users per subscriber, especially in institutions—educational or otherwise. Of the two sets of indicators, data on subscribers is more accurate while the data on users are very often wild estimates. Therefore, in this paper, the unit of reference is the number of broadband subscribers. In short, when we are referring to the diffusion of broadband, our unit of reference is to the number of subscribers, although in the literature both subscribers and users have been used interchangeably, which is misleading.

The second issue to be settled is the definition of broadband. According to the ITU, broadband combines connection capacity (bandwidth) and speed. Recommendation 1.113 of the ITU Standardization Sector defines broadband as a “transmission capacity that is faster than primary rate Integrated Services Digital Network (ISDN) at 1.5 or 2.0 megabits per second (mbps).

In India, the definition of broadband has undergone two changes. Until July 2013, it was a data connection able to support interactive services including internet access and has the capability of minimum download speed of 256 kilobits per second (kbps) to an individual subscriber from the point of presence (POP) of the service provider intending to provide the broadband service. Thereafter, the download speed has been revised upwards to 512 kbps.

The third issue is about the database. There are essentially two databases that one can use to measure diffusion based on number of subscribers. The first source is the monthly data on the number of broadband subscribers in the country released by the Telecommunications Regulatory Authority of India (TRAI). This data are available for the seven-year period, 2008–14. But the problem here is that this, by and large, refers only to fixed broadband subscribers. As mobile broadband became available in the country only from 2011–12, and TRAI started reporting the number of fixed and wireless broadband subscribers only since December 2013. The second source of data is the detailed Census of India tables in 2011, which has data on the number of households with internet connections in 2011. This data are available for various states and union territories in the country as well.

1.2 Policy Support

There has been strong policy support for diffusing broadband in the country. In India, the first pronouncement on broadband manifested itself in the form of the National Broadband Plan of 2004. One of the important planks of the policy was to increase the number of broadband subscribers from 3 million in 2005 to 20 million or so by 2010. The policy discussed the implementation of infrastructure for accessing internet in the form of various types of access technologies and fiscal incentives for domestic manufacturing of internet equipment in the country. The policy also envisaged the development of other institutional support for developing broadband networks in the country. Following the plan, there were a number of new attempts to develop broadband diffusion in the country. The most important of these are:

- Review of broadband policy on 3 November 2005.
- Improving effectiveness of National Internet Exchange of India (nixe) on 22 April 2009.
- Initiation of the National Optical Fibre Network (NOFN) in 2011, and setting up of Bharat Broadband Network to implement it.
- But the next major policy on broadband is discussed in the NTP 2012, which had envisaged broadband connections to touch 175 millions by 2017. As against this, the actual connections as on
30 April 2015 were only 100.76 million. Further, a majority of the broadband subscribers have connected themselves to the internet through mobile wireless technology embodied in smartphones and dongles. Hence the connection speeds are usually lower.

The major problem with the policies is that they focus, almost entirely, on setting targets on the number of subscribers to be connected through broadband. An appreciation of the physical infrastructure constraints that act as a barrier to sustained adoption of this technology is lacking in these policy pronouncements.

### 1.3 Diffusion Rate Over Time

The total number of internet subscribers has been increasing at a rate of almost 34% per annum during the period 2000–14. See Table 2 for a distribution of the number of internet subscribers according to the type of connections.

#### Table 2: Structure of Internet Subscribers in India, 2014–15 (in millions)

<table>
<thead>
<tr>
<th></th>
<th>Wired</th>
<th>Broadband</th>
<th>Total</th>
<th>Share of Broadband (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrowband</td>
<td>3.55</td>
<td>15.52</td>
<td>19.07</td>
<td>81.38</td>
</tr>
<tr>
<td>Fixed wireless</td>
<td>0.03</td>
<td>0.44</td>
<td>0.47</td>
<td>93.62</td>
</tr>
<tr>
<td>Mobile wireless</td>
<td>199.57</td>
<td>83.24</td>
<td>282.81</td>
<td>29.43</td>
</tr>
<tr>
<td>Total internet</td>
<td>203.15</td>
<td>99.20</td>
<td>302.35</td>
<td>32.82</td>
</tr>
</tbody>
</table>


There are four discernible trends. First, almost 94% of subscribers connect to the internet through a mobile device, either a smartphone or a dongle. Second, broadband subscribers form only a third of the total number of internet subscribers. Third, 84% of broadband subscribers also connect through mobile wireless. With the price of smartphones and tablets plummeting, this kind of usage is bound to increase manifold in the future. Fourth, if a subscriber accesses the internet through a fixed phone, there is a really high probability of it being a broadband connection. In short, diffusion of broadband is also very much a function of the type of connection that the subscriber has opted for.

The spectrum for 3G services was auctioned only in 2010. Hence the network roll out happened in 2011–12, and the adoption of 3G services started. It may not be correct to say that mobile broadband existed prior to 3G spectrum auction. First, the spectrum that were assigned prior to 2010 were technology-specific and restricted to provisioning of only 2G and 2.5G. Second, the maximum theoretical downlink speed using 2.5G technology is only 144 kbps, which was well below the then threshold of 256 kbps broadband speed.

We define the diffusion rate—\( DR_{t-1}^{TBBS/sTP} \) for broadband internet as follows:

\[
DR_{t-1}^{TBBS/sTP} = \frac{TBBS_{t-1}}{TP_{t-1}}
\]

where \( TP_{t-1} = \text{Total number of broadband subscribers} \)

\( TP = \text{Total population} \)

The diffusion rate for broadband thus computed is presented in Table 3. A comparison of broadband diffusion with mobile phones is also presented in Figure 1.

The diffusion rate for broadband shows that it is not only low, but also very slow compared to the diffusion of mobile phones (Figure 1). In 10 years, the diffusion rate has touched only eight as compared to mobile phone, which has touched almost 80 during the same period. The sharp increase in diffusion rate in 2011–12 is purely a statistical artefact due to the inclusion of mobile broadband data from that year. Further, the rate has been virtually stagnant at around five subscribers per 100 people since 2012, although there is a sharp increase in 2015, by as much as 38% over the previous year. This stagnation correlates with the observed stagnation in the diffusion of mobile phones as well. Despite strong policy support, the diffusion rate for internet in general and broadband in particular has been very low at the country as a whole. At this rate, the target for broadband connections is unlikely to be met, which means that ambitious projects like “Digital India” and indeed the spread of e-governance to benefit a sizeable chunk of the nation’s population will remain a distant dream for many years to come.

How does India compare with other countries, especially with those in the BRICS grouping? Although due to data limitations, one is constrained to have this data only for one year, namely, 2013, India has the lowest diffusion rate and is significantly behind the other BRICS countries in terms of ranking (Table 4).
There are various demand- and supply-side factors that explain the low diffusion of broadband. These are discussed in some detail in the next section.

1.4 Rural–Urban Divide in Broadband Diffusion

According to the latest data from TRAI (2015a), there are only about 26 million rural broadband subscribers in the country (Table 5). This number is only about a quarter of total broadband subscribers in the country. A counter-intuitive finding from Table 5 is that Assam, Bihar and Rajasthan have, relatively speaking, a larger share of broadband subscribers residing in rural areas.

Table 5: Diffusion Rate across Rural and Urban Areas of Various States

<table>
<thead>
<tr>
<th>State</th>
<th>Rural Broadband</th>
<th>Diffusion Rate–Rural</th>
<th>Urban Broadband</th>
<th>Diffusion Rate–Urban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>2.08</td>
<td>3.69</td>
<td>5.46</td>
<td>19.35</td>
</tr>
<tr>
<td>Assam</td>
<td>0.51</td>
<td>1.90</td>
<td>0.76</td>
<td>17.27</td>
</tr>
<tr>
<td>Bihar</td>
<td>1.21</td>
<td>1.31</td>
<td>1.96</td>
<td>16.67</td>
</tr>
<tr>
<td>NCT</td>
<td>0.4</td>
<td>95.24</td>
<td>8.7</td>
<td>53.15</td>
</tr>
<tr>
<td>Gujarat</td>
<td>2</td>
<td>5.77</td>
<td>4.89</td>
<td>18.99</td>
</tr>
<tr>
<td>Haryana</td>
<td>1.09</td>
<td>6.60</td>
<td>1.17</td>
<td>13.24</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>0.46</td>
<td>7.44</td>
<td>0.28</td>
<td>40.58</td>
</tr>
<tr>
<td>Jammu and Kashmir</td>
<td>0.35</td>
<td>3.84</td>
<td>0.49</td>
<td>14.29</td>
</tr>
<tr>
<td>Karnataka</td>
<td>2.77</td>
<td>7.39</td>
<td>5.64</td>
<td>23.87</td>
</tr>
<tr>
<td>Kerala</td>
<td>2.52</td>
<td>14.42</td>
<td>3.35</td>
<td>21.03</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>1.24</td>
<td>2.36</td>
<td>3.41</td>
<td>16.99</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>1.79</td>
<td>2.91</td>
<td>7.44</td>
<td>14.64</td>
</tr>
<tr>
<td>North East</td>
<td>0.4</td>
<td>4.07</td>
<td>0.59</td>
<td>15.32</td>
</tr>
<tr>
<td>Odisha</td>
<td>0.41</td>
<td>1.17</td>
<td>1.1</td>
<td>15.71</td>
</tr>
<tr>
<td>Punjab</td>
<td>0.02</td>
<td>5.88</td>
<td>2.35</td>
<td>22.60</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>1.43</td>
<td>2.78</td>
<td>2.64</td>
<td>15.48</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>2.27</td>
<td>6.10</td>
<td>7.56</td>
<td>21.65</td>
</tr>
<tr>
<td>UP</td>
<td>2.05</td>
<td>1.32</td>
<td>4.78</td>
<td>10.74</td>
</tr>
<tr>
<td>West Bengal</td>
<td>1.22</td>
<td>1.96</td>
<td>1.39</td>
<td>4.78</td>
</tr>
<tr>
<td>India</td>
<td>25.51</td>
<td>3.06</td>
<td>73.69</td>
<td>19.54</td>
</tr>
</tbody>
</table>

Source: Computed from TRAI (2015a).

Admittedly, much of the broadband subscribers are in urban areas. Although in the case of mobile phone subscriptions, the share of rural subscribers has increased to 43% of the total by 30 April 2015 (TRAI 2015a), the same kind of increase in the share of rural areas in broadband is unlikely to be the case. The government has of course an ambitious plan to increase the diffusion of broadband through the NOFN. However, given the current progress of this project, it is unlikely to result in large-scale diffusion of broadband in rural areas.

The role of the state is very important for fast diffusion of broadband in rural areas. There are two important factors that are required for fast diffusion. First, it is cost-effective technologies that would take into account the specificities of rural areas (lack of electricity, difficult terrain, etc). Second, is the availability of subsidies to service providers for provision of broadband services in rural areas. Regarding the first, the Centre for Development of Telematics (C-DOT), the public telecom laboratory, has developed and released in July 2015 a set of technologies which when used may result in faster diffusion of broadband in rural areas. Regarding subsidies, the government has so far provided Rs 2,010 crore to the NOFN project discussed earlier.

Thus, although we do not have detailed data available, based on the information that we have, it may safely be concluded that broadband is yet to diffuse in rural areas. Almost the entire diffusion rate mapped out in Table 3 is based on its diffusion in urban centres. Hopefully, with the fuller implementation of the NOFN project, the picture may change.

1.5 Statewise Diffusion Rates

The statewise diffusion rates of broadband present an interesting picture (Table 6). Excluding Delhi, the diffusion rate is higher (relatively speaking) among the southern states of Kerala, Tamil Nadu and Karnataka. Combining the data provided in Tables 5 and 6, it is clear that the rate of diffusion is higher when the state is more urbanised. Another finding is that states like Kerala, which has higher diffusion of fixed phones, also has a higher diffusion rate of broadband. Finally, in all the states, the diffusion of broadband is significantly lower than the diffusion of mobile phones.

Table 6: Diffusion Rate across States

<table>
<thead>
<tr>
<th>State</th>
<th>Diffusion Rate (as on 31 March 2015)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NCT</td>
<td>51.83</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>11.65</td>
</tr>
<tr>
<td>Kerala</td>
<td>11.35</td>
</tr>
<tr>
<td>Karnataka</td>
<td>10.93</td>
</tr>
<tr>
<td>Gujarat</td>
<td>9.24</td>
</tr>
<tr>
<td>Punjab</td>
<td>9.11</td>
</tr>
<tr>
<td>Andhra Pradesh</td>
<td>7.84</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>7.60</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>5.59</td>
</tr>
<tr>
<td>Haryana</td>
<td>5.33</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>4.93</td>
</tr>
<tr>
<td>North East</td>
<td>4.60</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>4.49</td>
</tr>
<tr>
<td>Jammu and Kashmir</td>
<td>4.16</td>
</tr>
<tr>
<td>UP</td>
<td>3.99</td>
</tr>
<tr>
<td>Odisha</td>
<td>2.96</td>
</tr>
<tr>
<td>Bihar</td>
<td>2.96</td>
</tr>
<tr>
<td>Assam</td>
<td>2.87</td>
</tr>
<tr>
<td>West Bengal</td>
<td>2.35</td>
</tr>
<tr>
<td>India</td>
<td>8.19</td>
</tr>
</tbody>
</table>

* These are weighted average diffusion rate across rural and urban areas.
Source: Computed from TRAI (2015a).

The number of indicators presented by us point to the important finding that broadband diffusion in the country is extremely slow and low compared to the hype about its usage. So some of the debates that took place in India regarding issues such as “net neutrality,” etc, must be seen against this context of very few Indian’s being online through the broadband route.

1.6 Two Dimensions of Broadband Diffusion

We now discuss two other dimensions of broadband diffusion:

(i) Structure of the Broadband Market: According to official data, there are about 20-plus internet service providers (ISPs) who distribute broadband internet across the country. Most of them are confined to specific states, while the larger nine (having at least over 2% of market share) have a presence across the country. Another aspect is that excepting for one or two of the larger ISPs, all the rest are confined to the distribution of mobile wireless broadband. Hence, the competition between service providers is difficult to interpret from such summary measures as the H-Index: the index was 0.1633 in 2014. Further, the five-firm concentration ratio is as high as 84%. Bharat Sanchar Nigam Limited (BSNL), with its virtual monopoly in fixed phones, has the largest share. From this it could be concluded that the market for broadband is not as competitive as the market for mobile phone services.
(ii) Access Technologies: The access technology used is basically a function of the type of broadband service. Much of the fixed broadband services are accessed through digital subscriber lines (DSL), which have an inherent disadvantage in terms of the trade-off between speed and distance from the head end. Also, with the number of fixed telephone subscribers on the downswing, this technology is unlikely to be important. Much of the wireless internet access is through low-speed access technologies such as GPRS/EDGE.

In this section we are primarily concerned with measuring the diffusion rate of broadband in the country, not only at the level of the country as a whole, but also across rural and urban areas and across the various states in the country. Despite the importance attached to the diffusion of broadband through proactive policies, its actual diffusion rate is extremely low. Two specific aspects of the diffusion rate were noted; its low level and its apparent slow speed. The level is low when compared with other countries in the BRICS grouping. Its apparent slow speed becomes very evident when we compare it with the diffusion rate of another complimentary technology in the country, namely, mobile phones. As seen in Figure 1, while it took only five years for mobile phones to reach a diffusion rate of about 75%, even after 10 years, the diffusion rate for broadband is just about to touch the 5% level. This low and slow diffusion rate is taking place despite the existence of some proactive public policies for its fast diffusion. Recently, the government has embraced an ambitious national project called, Digital India, and the success of the policy will also depend on a fast diffusion rate.

Given the low and slow nature of the diffusion rate, we now set out to analyse the factors that determine the rate of diffusion.

2 Factors Determining the Diffusion of Broadband

The literature on adoption of broadband by individual subscribers has identified three broad factors or constructs (Dwivedi et al 2008). These are attitudinal, normative and control factors. TRAI (2014) has used a demand–supply framework to explain broadband diffusion, although no estimates are provided for the influence of each of these factors in explaining broadband diffusion. In this section, we will discuss the factors that explain the reasons why we have such a low and slow diffusion rate for broadband in terms of an eclectic framework.

\[ \text{DR}_{\text{bb}} = f(\text{D}_{\text{bb}}, \text{S}_{\text{bb}}) \]

where \( \text{D}_{\text{bb}} \) = demand for broadband and \( \text{S}_{\text{bb}} \) = supply of broadband

The demand for broadband is determined by a number of factors, such as the literacy level in general, and consumer awareness, digital literacy, diffusion of hardware that can enable access to broadband like smartphones, computers and fixed telephones, availability of content in local languages other than in English, domain-specific content, spread of e-governance, spread of e-commerce, diffusion of internet telephony, spread of online entertainment, participation in social networking, etc.

The supply-side factors include the cost of acquiring this technology, which includes subscriptions to broadband services, and indeed the cost of acquiring complementary technology inputs, ease of acquiring a connection, quality of broadband speeds, availability of public access points, existence of government policies, etc.

We now discuss each of these demand- and supply-side factors in some more detail.

2.1 Demand-side Factors

2.1.1 Literacy Levels and Awareness: India has the highest rate of adult illiteracy among BRICS countries. Even among those who are considered literate, the quality of their education is often called into question. Further, a majority of Indians in non-metros are not comfortable in English. Unofficial estimates place the number of Indians who can speak English to be not more than 10% of the population. Further, none of the major Indian languages figure in the top 10 languages that are used on the internet, and hence about 83% of users operate their phones in English.

This means that a majority of the Indians are unlikely to find sufficient content in their local languages, and this feeling may discourage them to graduate to broadband which to the initiated, is just a speedy way of accessing the very same content on the internet. While unofficial estimates indicate that 92% of newspaper circulation is in local languages, and there are over 700 television channels in local languages. This indicates the huge need for making local-language content/apps on the internet through mobiles to generate demand for broadband.

2.1.2 Digital Literacy: This is a corollary to the above point. Digital literacy refers to the knowledge and skills, which are required to operate a computer and a smartphone. Although most potential consumers are more adept at using a smartphone, they are less so in the case of a computer. Although some state governments such as Kerala have interesting schemes to enhance the functional literacy to use computers. The lack of digital literacy among even otherwise literate populations is still another factor determining the diffusion of broadband.

2.1.3 Diffusion of Hardware: Diffusion of computers and smartphones, which are hardware required to access broadband, is low. This is due to the high prices (related to personal disposable income) of these devices although prices of both these devices, especially smartphones, have been falling. As per Census 2011, for every 100 households in India, there were only three households with a computer with internet although data on broadband were not separately collected in the census. No official sources of data exists on the number of devices used to access (other than the limited data in Census 2011).

The unofficial source that is frequently used by analysts is the Visual Networking Index (vni) database of cisco. According to this database, in 2014, smartphones accounted for just 15.3% of all networked device connections in India, while laptops and tablets accounted for 0.5% and 0.2%, respectively. But this is forecast to rise in the years to come. Recent International Data Corporation (idc) estimates5 indicate that the smartphone market share in India is close to 35%. However, as per Indian Council for Research on International Economic Relations (icrier 2014) estimates, the price point for mass
uptake of smartphone in India is about Rs 2,700, much lower than the average price prevailing at about $135. Hence, the need for innovations by handset manufacturers in lowering the bill of material cost of smartphones for large-scale adoption.

2.1.4 Role of Government and Market: The government has been jump-starting the demand for broadband through the diffusion of e-governance. The National e-Governance Plan (NeGP) was approved in 2006, with the objective to make all government services accessible to citizens through common services delivery outlets, while ensuring efficiency, transparency and reliability of such services at affordable costs. However, diffusion of e-governance has been tardy. Many of the services are still not available online to the citizens despite contrary claims.8

The slow progress on e-governance, especially at the state-level, is still another factor impacting the demand for broadband. The role of the market manifests itself in the form of spread of e-commerce. According to studies conducted by the Internet and Mobile Association of India, cited in a report by PricewaterhouseCoopers (pwc)9 an estimated 70% of market share of e-commerce in India is dominated by online travel. However, e-retailing in terms of online retail and marketplace has become the fastest growing segment and consequently has increased its share from just 10% in 2009 to 18% in 2013. Despite this fast growth, the share of e-retailing is only about 1% of the total retail market in India. Although the demand for broadband suffers because of the slow growth of e-governance and the low share of e-retailing, it is bound to increase with the faster diffusion of these two activities. The newly initiated Digital India project is likely to give a fillip to these two.

2.1.5 Diffusion of Internet Telephony: Demand for broadband is also determined by the demand for various services such as internet telephony. However, governmental regulations have restricted the use of internet telephony.10 The limited data on the growth of internet telephony shows that it has actually declined in more recent times.

Apart from lack of clarity on policy, mobile service providers were also strongly opposed to internet telephony. The growth of internet telephony is another factor that can have a bearing on the demand for broadband in the country.

2.1.6 Diffusion of Over the Top Services: According to TRAI (2015b), “OTT refers to applications and services which are accessible over the internet and ride on operators’ networks offering internet access services, e.g. social networks, search engines, amateur video aggregation sites, etc.” The most commonly used examples of OTT services are Skype, Viber, WhatsApp, ChatOn, Snapchat, Instagram, Google Talk, e-commerce sites (Amazon, Flipkart, etc), Ola, Facebook Messenger, video games and movies (Netflix, Pandora).

The applicability of two-sided markets (2SM) principles and associated cross-side network effects in wireless broadband services is well documented (Rochet and Tirole 2003). In wireless broadband services, users are on the one side and the OTT players are on the other side of the platform glued by the ISP platform. Hence, the adoption of OTT services is expected to create demand for mobile broadband.

There are no official sources of data on the growth of these OTT services. Instead, we have data on the amount of mobile data usage since 2011, and this shows a phenomenal increase from 11 petabytes in 2011 to 85 petabytes in 2014 (Nokia 2015). India ranks second in the world on the average number of mobile apps actively used by mobile internet users (about 7.5).11

If this trend continues, the demand for mobile broadband is expected to increase substantially. This is also reflected in the increased data usage in 3G networks. Although the total mobile data usage has increased, it is likely to be largely due to an increase in average data usage per user. In turn, this may be due to the switch over to the faster 3G network.

2.2 Supply-side Factors

2.2.1 Cost of Acquisition: There are two broad components to the cost. First, the cost of the broadband itself, and second, the cost of the hardware (either a smartphone or a computer). The cost of the broadband itself is composed of two separate costs, namely, the fixed one-time connection charge, and the variable monthly or annual plan. Admittedly, the price of the equipment (smartphones and computers) and average revenue from data per user has been falling. Nevertheless, non-adopters of broadband find both the price of broadband plans and its transparency itself as a major barrier. This is brought out by a recent survey of eight metros in India by Ericsson ConsumerLab (2015): 88% of the non-adopters surveyed cited cost as the most important barrier to its non-adoptions. So cost is an important consideration for switching from narrowband to broadband.

2.2.2 Quality of Broadband Connections: Hitherto, we have been discussing only the quantity of broadband connections in the country, but its quality has also come up for much discussion. In very specific terms, subscribers have been complaining of the speed of connections, which very often is more like narrowband speeds. The TRAI monitors the performance2 of the service providers against the quality of service (QoS) benchmarks laid down by it through quarterly Performance Monitoring Reports (PMRs) submitted every quarter by the service providers for licensed service areas. Although the PMRs are self-reported by the service providers, TRAI is supposed to be doing random audits as to whether the service providers are achieving the pre-specified service parameters. Consistent failure to meet with the prescribed parameters is met with stiff fines.13 An analysis of the quarterly QoS reports submitted by the service providers does not indicate any major problems on this front. However, the total number of complaints registered against BSNL—one of the leading ISPs—has been rising. Nevertheless, the TRAI has received only

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Unit</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average speed</td>
<td>Mbps</td>
<td>2.23</td>
</tr>
<tr>
<td>Peak speed</td>
<td>Mbps</td>
<td>17.4</td>
</tr>
<tr>
<td>Number of subscribers above 4 Mbps</td>
<td>Percent</td>
<td>9.9</td>
</tr>
<tr>
<td>Number of subscribers above 10 Mbps</td>
<td>Percent</td>
<td>1.8</td>
</tr>
<tr>
<td>Number of subscribers above 13 Mbps</td>
<td>Percent</td>
<td>0.7</td>
</tr>
</tbody>
</table>

Source: Akamai (2015)
383 complaints (this is until September 2014) regarding speed of internet connections. So despite the existence of a “stick” one cannot say that the consumers are satisfied with the provisioning of broadband by the ISPs. According to Akamai (2015), India has one of the lowest broadband speeds (Table 7, p 59).

Many non-adopters of broadband are not sufficiently convinced that speed of internet access has actually increased due to a graduation from narrowband to broadband. Again according to a recent Ericsson ConsumerLab (2014), Indian mobile users judge the quality of their network based on two major indicators: how often the internet connection drops, and how quickly web pages load. Other top perception drivers include time taken to download applications, indoor coverage, and time taken to transfer media, such as videos and pictures via chat applications.

The following table gives the assignment of spectrum in different bands across telecom circles.

### Table 8: Spectrum (in megahertz (MHz)) Currently Assigned (CA) and in Pipeline (P) across Different Bands across Countries

<table>
<thead>
<tr>
<th>Band</th>
<th>CA P</th>
<th>CA P</th>
<th>CA P</th>
<th>CA P</th>
<th>CA P</th>
<th>CA P</th>
</tr>
</thead>
<tbody>
<tr>
<td>700 MHz</td>
<td>70</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>800 MHz</td>
<td>64</td>
<td>60</td>
<td>60–60</td>
<td>40</td>
<td>65</td>
<td>20</td>
</tr>
<tr>
<td>900 MHz</td>
<td>70</td>
<td>50</td>
<td>20</td>
<td>52</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>1,800 MHz</td>
<td>15</td>
<td>120–150</td>
<td>20</td>
<td>150</td>
<td>90</td>
<td>60</td>
</tr>
<tr>
<td>1,900 MHz</td>
<td>130</td>
<td>15–35</td>
<td>20</td>
<td>20</td>
<td>35</td>
<td>20</td>
</tr>
<tr>
<td>2,100 MHz</td>
<td>130</td>
<td>120</td>
<td>120</td>
<td>110</td>
<td>30</td>
<td>90</td>
</tr>
<tr>
<td>2,300 MHz</td>
<td>20</td>
<td>98</td>
<td></td>
<td></td>
<td></td>
<td>40</td>
</tr>
<tr>
<td>2,600 MHz</td>
<td>194</td>
<td>150–190</td>
<td>140</td>
<td>175</td>
<td>190</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>608</td>
<td>55</td>
<td>540–615</td>
<td>478</td>
<td>230</td>
<td>554</td>
</tr>
</tbody>
</table>

CA: Currently Assigned; P: in Pipeline.

Source: Authors compilation.

The low spectrum Herfindahl–Hirschman Index (HHI) of 0.13 with a large number operators is indicative of excessive spectrum fragmentation. The average amount of spectrum assigned across all bands in a telecom circle is about 155 megahertz (MHz), as indicated in Table 9.

### Table 9: Spectrum Holding across Bands across Telecom Circles

<table>
<thead>
<tr>
<th>Band</th>
<th>800 MHz</th>
<th>900 MHz</th>
<th>1,800 MHz</th>
<th>2,100 MHz</th>
<th>2,300 MHz</th>
<th>Total Spectrum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>5.81</td>
<td>3</td>
<td>7.00</td>
<td>6.51</td>
<td>4.50</td>
<td>20.00 0.14</td>
</tr>
<tr>
<td>Assam</td>
<td>4.95</td>
<td>4</td>
<td>6.20</td>
<td>8.47</td>
<td>4.50</td>
<td>20.00 0.13</td>
</tr>
<tr>
<td>Bihar</td>
<td>4.04</td>
<td>1.60</td>
<td>9</td>
<td>4.68</td>
<td>5.00</td>
<td>30.00 0.12</td>
</tr>
<tr>
<td>Delhi</td>
<td>4.68</td>
<td>3.53</td>
<td>7</td>
<td>6.86</td>
<td>4.50</td>
<td>20.00 0.12</td>
</tr>
<tr>
<td>Gujarat</td>
<td>3.25</td>
<td>5.50</td>
<td>10</td>
<td>4.80</td>
<td>5.00</td>
<td>20.00 0.11</td>
</tr>
<tr>
<td>Haryana</td>
<td>4.66</td>
<td>3.61</td>
<td>9</td>
<td>5.23</td>
<td>4.50</td>
<td>20.00 0.10</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>3.72</td>
<td>3.61</td>
<td>7</td>
<td>6.15</td>
<td>5.00</td>
<td>20.00 0.11</td>
</tr>
<tr>
<td>Jammu and Kashmir</td>
<td>4.13</td>
<td>3</td>
<td>6</td>
<td>4.18</td>
<td>5.00</td>
<td>20.00 0.13</td>
</tr>
<tr>
<td>Karnataka</td>
<td>3.75</td>
<td>3.69</td>
<td>8</td>
<td>6.58</td>
<td>4.50</td>
<td>20.00 0.14</td>
</tr>
<tr>
<td>Kerala</td>
<td>4.06</td>
<td>3</td>
<td>6.20</td>
<td>8.66</td>
<td>4.50</td>
<td>20.00 0.12</td>
</tr>
<tr>
<td>Kolkata</td>
<td>4.06</td>
<td>2</td>
<td>7.00</td>
<td>4.11</td>
<td>4.50</td>
<td>20.00 0.15</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>3.73</td>
<td>5</td>
<td>6.20</td>
<td>6.69</td>
<td>4.50</td>
<td>20.00 0.12</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>4.57</td>
<td>3.70</td>
<td>9</td>
<td>5.27</td>
<td>4.50</td>
<td>20.00 0.14</td>
</tr>
<tr>
<td>Mumbai</td>
<td>4.97</td>
<td>2</td>
<td>8.00</td>
<td>6.71</td>
<td>4.50</td>
<td>20.00 0.10</td>
</tr>
<tr>
<td>North East</td>
<td>3.95</td>
<td>4</td>
<td>8.80</td>
<td>6.31</td>
<td>4.50</td>
<td>20.00 0.14</td>
</tr>
<tr>
<td>Odisha</td>
<td>3.73</td>
<td>3.10</td>
<td>9</td>
<td>5.83</td>
<td>4.50</td>
<td>20.00 0.12</td>
</tr>
<tr>
<td>Punjab</td>
<td>3.74</td>
<td>3</td>
<td>10.00</td>
<td>6.21</td>
<td>5.00</td>
<td>20.00 0.10</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>3.75</td>
<td>3</td>
<td>6.20</td>
<td>8.63</td>
<td>4.50</td>
<td>20.00 0.15</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>4.17</td>
<td>3</td>
<td>0.00</td>
<td>9</td>
<td>5.07</td>
<td>4.27 0.09</td>
</tr>
<tr>
<td>UP(E)</td>
<td>3.74</td>
<td>3</td>
<td>5.60</td>
<td>10.93</td>
<td>4.50</td>
<td>20.00 0.11</td>
</tr>
<tr>
<td>UP(W)</td>
<td>4.06</td>
<td>3</td>
<td>0.00</td>
<td>9.63</td>
<td>4.50</td>
<td>20.00 0.12</td>
</tr>
<tr>
<td>West Bengal</td>
<td>3.43</td>
<td>4</td>
<td>2.20</td>
<td>8.43</td>
<td>5.00</td>
<td>20.00 0.12</td>
</tr>
<tr>
<td>Pan India</td>
<td>4.18</td>
<td>3.57</td>
<td>5</td>
<td>5.90</td>
<td>4.49</td>
<td>20.00 0.13</td>
</tr>
</tbody>
</table>

N: No of Spectrum Holders; A: Average spectrum assigned per operator (in MHz); HHI: Herfindahl–Hirschman Index.

Source: Authors compilation.

The following table gives the assignment of spectrum in different bands across telecom circles.

### Table 9: Spectrum (in megahertz (MHz)) Currently Assigned (CA) and in Pipeline (P) across Different Bands across Countries

<table>
<thead>
<tr>
<th>Band</th>
<th>CA P</th>
<th>CA P</th>
<th>CA P</th>
<th>CA P</th>
<th>CA P</th>
</tr>
</thead>
<tbody>
<tr>
<td>700 MHz</td>
<td>70</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>800 MHz</td>
<td>64</td>
<td>60</td>
<td>60–60</td>
<td>40</td>
<td>65</td>
</tr>
<tr>
<td>900 MHz</td>
<td>70</td>
<td>50</td>
<td>20</td>
<td>52</td>
<td>19</td>
</tr>
<tr>
<td>1,800 MHz</td>
<td>15</td>
<td>120–150</td>
<td>20</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>1,900 MHz</td>
<td>130</td>
<td>15–35</td>
<td>20</td>
<td>20</td>
<td>35</td>
</tr>
<tr>
<td>2,100 MHz</td>
<td>130</td>
<td>120</td>
<td>120</td>
<td>110</td>
<td></td>
</tr>
<tr>
<td>2,300 MHz</td>
<td>20</td>
<td>98</td>
<td></td>
<td></td>
<td>40</td>
</tr>
<tr>
<td>2,600 MHz</td>
<td>194</td>
<td>150–190</td>
<td>140</td>
<td>175</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>608</td>
<td>55</td>
<td>540–615</td>
<td>478</td>
<td>230</td>
</tr>
</tbody>
</table>

CA: Currently Assigned; P: in Pipeline.

Source: Authors compilation.

2.2.3 Increased Competition: Competition in mobile broadband is expected to intensify in the years to come due to the following reasons:

- The Broadband Wireless Access (BWA) service providers (namely, Reliance Jio) who won spectrum in 2,300 MHz band in the 2010 auction are expected to operationalise the 4G technology (namely, Long Term Evolution or LTE) based networks in the country.
- The 1,800 MHz spectrum auctioned earlier this year is liberalised and hence is technology and service agnostic. Hence, the winners of this spectrum block are expected to deploy 4G LTE networks in dense urban areas of the country.
- All the incumbent mobile operators have migrated their 900 MHz spectrum holding by repurchasing the same in the February 2015 auction. This spectrum can now be used to provide 3G (for example, Wideband CDMA-WCDMA) service.

All the above are likely to lead to price reduction for mobile broadband services, and hence improved adoption, much similar to the exponential growth of narrowband voice services triggered by the entry of cdma operators way back in 2003.

2.2.4 Lack of Wi-Fi Deployment: Most fixed-line service providers integrate their offerings with Wi-Fi access at home. Corporates are also increasingly deploying Wi-Fi connected to their intranet at workplaces to provide mobility. A recent study by Sridhar and Prasad (2015) indicates that subscribers prefer to shift their mode of access from mobile broadband to Wi-Fi connected to landline broadband as much as possible, while at home or offices. Main reasons for this include (i) price of fixed broadband compared to mobile broadband, and (ii) capacity of fixed broadband especially for downloading bandwidth-intensive activities. This underlines the importance of fixed-line broadband as a preferred mode of access for security, reliability, bandwidth and price. Mobile broadband supplements users while they are on the move. If the fixed broadband penetration increases, we can expect to see adoption of bandwidth-intensive applications in the areas of education, healthcare, as well as entertainment.

2.2.5 Government Policy: We had earlier discussed the evolution of government policy with respect to broadband (see Section 1.2). Government policy initially has been to increase the number of broadband subscribers in the country in general. Subsequently there has been a clearer articulation of the policy of increasing broadband connections in rural areas. This manifested itself in the establishment of NOFN project to provide the basic infrastructure for facilitating provision of broadband services in rural areas by telecom service operators. Further, attractive tariff packages are offered by BSNL to make rural broadband connections affordable in addition to Universal Service Obligation Fund (USOF) approved tariff plans under Rural.
Wireline Broadband Services (RWLBS). Yet another policy has been the installation of rural broadband kiosks across the states through the franchisee mode. However, the actual achievement rate for this was only about 55% of the target (Table 10).

Table 10: Broadband Internet Kiosks in India—Statewise Achievement of Targets (as on 31 January 2015)

<table>
<thead>
<tr>
<th>Telecom Circle/Metro Telephone District</th>
<th>Target for Kiosks</th>
<th>Kiosks Installed up to 31 January 2015</th>
<th>Achievement Rate (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tamil Nadu</td>
<td>1,182</td>
<td>1,171</td>
<td>99.07</td>
</tr>
<tr>
<td>Kerala</td>
<td>1,143</td>
<td>1,104</td>
<td>96.59</td>
</tr>
<tr>
<td>Uttar Pradesh (West)</td>
<td>491</td>
<td>468</td>
<td>95.32</td>
</tr>
<tr>
<td>Chennai Metro District</td>
<td>123</td>
<td>111</td>
<td>90.24</td>
</tr>
<tr>
<td>Karnataka</td>
<td>2,217</td>
<td>1,964</td>
<td>88.59</td>
</tr>
<tr>
<td>Punjab</td>
<td>1,271</td>
<td>1,076</td>
<td>84.41</td>
</tr>
<tr>
<td>Odisha</td>
<td>942</td>
<td>747</td>
<td>79.30</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>1,959</td>
<td>1,486</td>
<td>75.86</td>
</tr>
<tr>
<td>Haryana</td>
<td>805</td>
<td>593</td>
<td>73.66</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>1,982</td>
<td>1,310</td>
<td>66.09</td>
</tr>
<tr>
<td>Chhattisgarh</td>
<td>449</td>
<td>274</td>
<td>61.02</td>
</tr>
<tr>
<td>North East I (Meghalaya, Manipur and Tripura)</td>
<td>149</td>
<td>70</td>
<td>46.98</td>
</tr>
<tr>
<td>Bihar</td>
<td>1,000</td>
<td>462</td>
<td>46.20</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>291</td>
<td>134</td>
<td>46.05</td>
</tr>
<tr>
<td>Andhra Pradesh and Telangana</td>
<td>2,665</td>
<td>1,217</td>
<td>45.67</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>4,353</td>
<td>1,873</td>
<td>43.03</td>
</tr>
<tr>
<td>Assam</td>
<td>429</td>
<td>132</td>
<td>30.77</td>
</tr>
<tr>
<td>North East II (Arunachal Pradesh, Manipur and Nagaland)</td>
<td>221</td>
<td>68</td>
<td>30.77</td>
</tr>
<tr>
<td>Jammu and Kashmir</td>
<td>209</td>
<td>56</td>
<td>26.79</td>
</tr>
<tr>
<td>Uttarakhand</td>
<td>341</td>
<td>91</td>
<td>26.69</td>
</tr>
<tr>
<td>Gujarat</td>
<td>1,988</td>
<td>522</td>
<td>26.26</td>
</tr>
<tr>
<td>Uttar Pradesh (East)</td>
<td>2,273</td>
<td>439</td>
<td>19.31</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>811</td>
<td>145</td>
<td>17.88</td>
</tr>
<tr>
<td>West Bengal</td>
<td>1,387</td>
<td>157</td>
<td>11.32</td>
</tr>
<tr>
<td>Andaman and Nicobar</td>
<td>45</td>
<td>1</td>
<td>2.22</td>
</tr>
<tr>
<td>Total</td>
<td>28,672</td>
<td>15,671</td>
<td>54.66</td>
</tr>
</tbody>
</table>


However, the earlier experience of diffusing fixed telephones through Public Call Offices (PCOs) was not successful, except in the case of specific states such as Kerala. Hence, this kiosk mode does not appear to be a practical way of diffusing broadband in rural areas.

2.2.6 Other Supply-side Factors: According to TRAI (2014), there are at least three other technological factors, which have hampered the diffusion of broadband in the country. These are: (i) right of way (RoW) permission and its high cost provision of optical fibre and tower infrastructure; (ii) lack of availability of sufficient quantum of globally harmonised spectrum in contiguous form; and (iii) lack of adequate connectivity in backhaul and lack of backhaul transmission facilities.

3 Policy Challenges

Our study has shown that diffusion of broadband in terms of the number of subscribers is low and has also proceeded slowly. India has one of the lowest diffusion rates among BRICS countries. This is despite the government’s policy for increasing the number of broadband subscribers, especially in the rural areas. Further, the government also has a separate national e-governance policy through which a number of governmental services are diffused.

3.1 Improving Infrastructure

The first policy challenge is to broad base the broadband policy to cover problems faced by mobile broadband, as the main striking thing about the existing policy is that it is geared towards encouraging fixed broadband and not mobile broadband. But as noted before, a majority of Indians are online through the mobile broadband route and there are specific supply-side problems that need to be addressed to which a reference was made earlier. So the broadband policy will have to factor this in.

For mobile broadband to scale up with guaranteed quality of experience for the users, assigning adequate and contiguous spectrum to mobile operators is the key. The digital dividend spectrum in 700 MHz has good penetration characteristics, and is ideally suited for rural and remote areas of the country. Though mentioned in NTP 2012, the government is yet to take concrete steps to relocate most of the spectrum blocks in this band, which is currently being used by Doordarshan for commercial mobile services. Moreover, the spectrum swapping proposal to release 15 MHz in 2,100 MHz spectrum in lieu of 1,900 MHz with Department of Defence also has not seen the light of the day (Sridhar 2013).

Apart from releasing more spectrum, the government along with TRAI should also initiate steps towards reforming the spectrum, especially 1,800 MHz, which is a globally organised band for 4G LTE services so that contiguous spectrum is assigned to mobile operators to provide good quality mobile broadband services.

3.2 Local Content Generation

Second, is to specifically address the demand-side issues, one by one. The most important one is to have more local content, which people can access in their own languages. A concerted effort will have to be made especially by state and local governments. Mobile governance services are being rolled out by some of the states. For example, Karnataka unveiled Mobile One services to bring all government services under a single platform. The platform has attracted the attention of many mobile app start-ups to provide services in the areas of social relevance including education and healthcare. Many more such initiatives are required to create an ecosystem for local-language and locality-specific services to create demand, especially in semi-urban and rural areas of the country.

3.3 Wi-Fi as Complementary Access

The prevailing view amongst policymakers is that the vast majority of economic value from the usage of the spectrum is derived from licensed rather than unlicensed usage. But the value of unlicensed spectrum has always been undervalued. There are many studies that have illustrated the economic value of use of Wi-Fi in the unlicensed spectrum using data from the United States (us) (Thanko 2009; Katz 2014). It is estimated that the sum of consumer and producer surplus effects of the
technologies operating in unlicensed spectrum bands in the US generated a total annual economic value of $222 billion in 2013, and contributed $6.7 billion to the nation’s gross domestic product (GDP). Katz (2014) estimated that by 2017, at least, $547.22 billion in economic value and $49.78 billion in contribution to the GDP, a significant increase from the 2013 estimate, will be contributed by unlicensed spectrum and associated technologies. The study by Sridhar and Prasad (2015) also estimates much similar to the work of prior studies in the US, whereas the digital economy is very poor. Government policies and regulation may take place.

However, the adoption of Wi-Fi in India is poor. Sridhar and Prasad (2015) indicates that deployment of Wi-Fi by telcos, especially in public places and corporate offices is very poor. Government policies and regulation may take place.

The regulations allow only ISPs to offer Voice-over-Internet Protocol (VoIP) services. VoIP within the country is also restricted. The regulation may take place.

Therefore, the definition of the term “operational” is subjective to some interpretation.

According to an unstarred question answered in the Lok Sabha, the National e-Governance Plan, envisages to provide 223 services under 31 Mission Mode Projects (MMPs) covering various sectors. Out of these, 222 services have been made operational (as on 24 November 2014). See unstarred question no: 101, http://164.100.47.132/LssNew/psearch/QResult.aspx?qref=56266 (accessed on 12 July 2015). Hover the definition of the term “operational” is subjective to some interpretation.

The regulations allow only ISPs to offer Voice-over-Internet Protocol (VoIP) services. VoIP within the country is also restricted to communication between PCs and specialised IP-based terminals, except in the case of international calls where communication from a PC to a telephone abroad is allowed. The VoIP networks also have to operate independently of the domestic Public Switched Telephone Networks (PSTN), and VoIP calls cannot originate or terminate on a PSTN network within the country.


Communal Riots in Gujarat
Examining State Power and Production of Marginality in the Attempt to Constitute the Past

Pooja Bakshi

This paper analyses the exercise of state power in production of “truth” claims pertaining to the Godhra incident in 2002 in Gujarat and the riots that followed. This has been juxtaposed with an analysis of factual reportage produced by civil society actors, narratives from films, poems and an analysis of public opinion. There is much more in-depth analysis that has been done on each of these separately, but this study brings them together. It is in the coming together of insights from different sources that we can begin to see the historical event holistically. It is through this exercise that the interplay of state power and the production of marginality take place. Marginality of certain aspects of the truth as well as marginality of the Muslim community in the case need to be understood in this context.

On 27 February 2002, one of the compartments of the Sabarmati Express was burned at Godhra in Gujarat. That day the train housed many kar sevaks and Hindu pilgrims who were coming back from Ayodhya. After this, riots broke out in Gujarat to avenge the killing of people aboard the Sabarmati Express. The incident and the communal riots which followed it have been investigated many times from different vantage points; there are detailed accounts of what happened and what did not. These accounts provide a grim picture of the contours of the modern state in India, and specifically, Gujarat; both of which claim democratic credentials. The manner in which this incident and its aftermath have been dealt with, provides significant insights for understanding state power and creation of marginalities in India.

This study examines the exercise of state power and the production of Muslim marginality in Gujarat. It explores the construction of power and marginality in history and in public memory. The study was conducted through an intertextual exercise, wherein a range of sources (including state sources as well as non-state sources) have been examined. These include a film, a set of poems, a fact-finding report, a book claiming to be a “public archive of the tragedy,” the report of the commission of inquiry instituted by the Gujarat government to look into the matter. The paper also examines public opinions on the Gujarat riots of 2002. The choice of selection of sources has been done considering, on the one hand, the differences which exist between the narratives regarding truth produced by the government and by the “neutral” agencies claiming to be working on behalf of the state (such as commissions) and on the other, narratives produced by factual reportage carried out by non-state actors as well as narratives present in the form of films and poems.

Status of Truth: Juxtaposing State Narratives with Factual Reportage

Foucault (1977) has contested the singular and unidirectional accounts of history. Instead, he suggests fragmentation within historical accounts need to be acknowledged and recovered. His enumeration of effective history lays a lot of emphasis on disaggregating the seemingly well-ordered and aggregated historical accounts. This implies breaking the linear causality implicit in the account. It has been argued that there exists a need to meticulously recover details regarding the event being...
studied from a variety of sources. Further, it is important to point out that events do not follow a singular trajectory, but are an amalgam of haphazard chances. It is necessary to understand the interplay of power in interpretation of facts in the process of deconstructing a historical account. One of the distinctive traits of effective history and the use of the genealogical method for understanding history is “its affirmation of knowledge as perspective” (Foucault 1977: 90).

In the context of the current study, taking on from Foucault, I would urge a deconstruction of the accounts of the state government pertaining to the Godhra incident and the communal riots. In order to engage with the selective presentation of facts as historical evidence by the state, it is important to examine accounts of the Godhra incident and the riots which have been written by civil society groups, narrations in the form of films and poems and study the changing public perception regarding these events. My central argument in this context is that a holistic historical account of what transpired would have to incorporate insights from these different sources. Each source challenges the state’s accounts by laying bare different aspects of the events which have not been taken into account by the state.

Since the state lays claim to being a democracy, it is assumed that in the case of conflict in society it would act as a neutral arbitrator. Additionally, the state has access to power and legitimacy as a sociopolitical organisation. Both power and legitimacy share a complex interaction with each other towards the production of “truth” about social conflicts. These truth claims are created by the state through a variety of processes, including appointing commissions to look into the conflict (in this case the train burning incident and the riots), through legal and judicial interventions, etc. The state’s account is one of the most powerful accounts about an event as it is backed by legal sanction and legitimacy. My study shows that the democratic state is also vulnerable to majoritarian impulses, under the impact of which it departs from its role as a neutral arbitrator. It does so by supporting sectarian impulses in a tacit manner keeping the garb of neutrality. In this process justice is compromised and marginality is produced by state power by its support of majoritarian interests, thereby sideling the experiences and needs of the minorities.

In order to connect this theorisation with the current context, it is important to begin with a brief account of the manner in which the state has presented its account of the Godhra incident in the Nanavati Commission report, a report by the Commission of Inquiry: “Part 1: Sabarmati Express Train Incident at Godhra.” It is important to point out that the Nanavati Commission was instituted to look into the Godhra incident and the riots which followed it in 2002 in Gujarat. One of the oft-repeated explanations cited by the Gujarat Government for the communal riots was along the lines of Newtonian physics (Varadarajan 2002). It was argued by the Government of Gujarat that the communal tension was a “reaction” in retaliation to the planned murder of 59 people travelling in S-6 coach of Sabarmati Express on 27 February 2002 by Muslims. It was projected as if the communal riots were an almost justified reaction to what happened in Godhra.

On the basis of the intertextual exercise, which has been followed during this study, it can be argued that the communal riots may have chronologically followed after the Godhra incident. But the Hindu communal violence aimed at Muslims in Gujarat was a rigorously planned activity which took place in compliance between communal forces and the state institutions such as the police and non-state institutions such as the local media (Varadarajan et al 2002). Articles published by journalists, activists and researchers in the book, Gujarat: The Making of a Tragedy (2002) as well as the Peoples Union for Democratic Rights (pudr) report titled Maaro, Kaapo, Baalo: State, Society, and Communalism in Gujarat (2002) point out significant aspects of the Gujarat riots. This material suggests the meticulous manner in which the selection of Muslim areas was done in Gujarat, whereby certain areas were cordoned off or marked, the details of the Muslim households published in newspapers and these publicly shared details used by the Hindutva mobs to plan their attacks. Trishul Diksha or distribution of trishuls (a ceremony where trishuls and swords are distributed) was being conducted by the Vishva Hindu Parishad and Bajrang Dal much before the Godhra incident; perhaps in preparation of/for a communal massacre (Sundar 2002).

Aggregative Narrative

What emerges from a detailed analysis of the sources is a deeply troubling account that seems to be an aggregate narrative of a planned act of riots against a minority community aimed at killing, terrorising and disempowering and displacing them. There is a clear pattern of the exercise of the Hindu majoritarian power. Perhaps the search for disaggregation should not blind one to the patterns of exercise of power through acts of violence in consonance with the state and the possibility of systematically appropriating state apparatus by the government towards these ends over protracted periods of time. There seems to be a linearity to this narrative, one that the state in consonance/tacit support of the Hindu communal forces seems to have accomplished in terms of being able to execute acts of mass violence and simultaneously subvert this “truth.”

The Nanavati Commission submitted Part 1 of its report dealing with the Godhra train burning incident in 2008. This report has been widely criticised for being politicised and biased towards the state government’s account of what transpired in Godhra on 27 February 2002. The proceedings have been accused of being based on insufficient evidence on the one hand, based on testimonies brought out of bribes, threats and political motivations on the other (Khetan 2008). In fact, even before the commission submitted its report, Justice Nanavati in 2003 declared that during the inquiry, he had found no evidence of the state machinery or police involvement in the communal violence of 2002 (Engineer 2003). Such a statement served as a clear indication to the victims about the slant that the inquiry would take towards the state government’s narratives. Clearly, claims to neutrality of the working of the commission and the authenticity of its report have come under scrutiny and questioning.

The report produced by the commission clearly stated that the inquiries into the Godhra incident as well as into the communal
violence were being conducted simultaneously to “get an overall view." This paragraph goes on to say how the inquiry did not find any connection between these two incidents, and hence, would be submitting reports on each differently. Part 2 of the Nanavati Commission Report was submitted in 2014, it deals with the riots, which followed in Gujarat after the Godhra incident in 2002. This report has not been made public. Out of the 2,000 page report, the only aspect of this report which has been shared with the public is that the Gujarat government of 2002 was not culpable for the riots; it played no role in supporting the Hindus during the riots.8 The fact that this part would come out many years after the submission of the first part of the report shows the manner in which matters were prioritised, that is, investigation into Godhra had to happen first as it was supposedly the causative factor for the riots and that the investigation on the riots would naturally follow later (to be read in reference to the action–reaction theory). If, indeed, these matters were being looked into simultaneously, why has there been such a significant gap between the reports submitted on these matters?

Additionally, it is interesting to note how the narrative of the Gujarat government regarding the planned nature of the Godhra train burning incident is interwoven into the report from the beginning to the end. It almost seems as if the people who participated in producing the report had pre-decided what they would find at the end of the inquiry. The report does not seem to be written from a neutral perspective at all. The report seems to be written from a neutral perspective at all. The report that will follow is that Godhra was a planned act of communal violence and the communal riots, which followed in the 15–17 districts of Gujarat, were a fallout of this or were a reaction. It is impossible to deconstruct this claim unless it is brushed against the factual reportage produced during and after that period, only some of which has been covered in this study due to lack of time and resources.

Some of the factual reportage seem to have inadequacies of their own kind. It becomes very difficult to be able to cover different perspectives or to resist providing homogenising accounts within neat binary categories of victims and perpetrators (Pandey 1991). Given the acts of majoritarian violence on minorities, it is difficult to deconstruct these categories. Additionally, each factual report is only able to examine certain selective aspects of the incidents of violence. The report of 2002 provides an account of the manner in which the state government abused the extraordinary law, the Prevention of Terrorism Act (POTA), while filing cases against Muslims who were alleged to have participated in the Godhra train burning incident in 2002. Yet to an extent this report falls prey to providing an account which homogenises Muslims as victims. This is true partially as there have also been accounts of Hindus who were targeted for not being a part of the Hindutva groups or for helping Muslims during the riots. In fact, the report does not take into account the testimonies of the Hindus at all. While this could be justified given the extent of the damages incurred by the Muslims, it nevertheless provides an incomplete understanding about the heterogeneity within victim groups.

Gujarat: The Making of a Tragedy by Siddharth Varadarajan (2002) takes these heterogeneities regarding categories into account. The pursuit of homogeneous and unilinear accounts, whether they are produced by the state government or certain factual reportage, needs to be questioned.
Among the various directions that these insights could potentially take one into, one of the directions is regarding the manner in which the task of history writing is understood. Menon (2010) has argued that the process of history writing can be understood in two ways, “history as a modern academic discipline and history as political intervention.” Taking on from her work, the task of pursuing history writing as a modern academic discipline implies the acknowledgement that this process is one which involves the juxtaposition of competing narratives claiming the status of “truth.” The search for an absolute truth seems to allow for the possibility of totalitarian impulses in the process of writing and understanding reality. In the second sense, history writing implies the task of intervening in the debates with certain specific political intentions with the understanding that the manner in which the past is written about would affect the manner in which it is understood in the present and in the future.

Placed within this debate it becomes important to be able to map out the amount of power associated with the truth claims, which the state manages to produce. It is imperative to question the truth claims produced by the state narratives. In spite of “evidence” against such state-sponsored truth claims, the latter possess the potential of remaining unaltered unless a competing axis of power is able to challenge them. Yet, in the state versus central government tussle over truth claims, innocent people are convicted, those responsible for acts of violence go scot-free, and those who have suffered due to the communal violence continue to suffer more at the hands of the state and communal forces. Most importantly, the complicit support of the state machinery during acts of mass violence goes unquestioned at times, while at others, it continues in spite of questioning. It is important to examine the competing truth claims made by factual reportage by groups of academics and activists critically engaging with the issue and that produced by the state machinery. It is critical to keep questioning the “neutrality” of state processes of ascertaining the truth or the inability to be able to affect the procedures of securing justice. This might allow for falsifying state-sponsored truth claims, but do not allow for action against those responsible for altering them or acting upon them. In cases where issues of state accountability and justice are involved, history writing as understood as political intervention becomes more prominent.

We now disaggregate the homogeneous constructs of the Hindus as perpetrators, Muslims as victims, and police as an ally in acts of communal violence. We also examine the manner in which acts of brutality and subsequent individual and collective trauma can be understood.

Representations of Films, Poems and Factual Reports

Perhaps it would be useful to begin with a word on the different spaces which diverse mediums seem to provide in their attempts to engage with contemporary social reality. Films and poems (Quasim 2005) can be placed somewhere in between the spectrum defined by factual narratives at one end, and imaginary narratives about social reality at the other end. The insights which emerge from an analysis of the narratives from films and poems need to be counterposed to the linear narratives of the Godhra incident and the riots produced by state power. Taking on from the conceptualisations of Foucault towards creating a holistic historical understanding of these events, these narratives from films and poems need to be seen as the fragmented and contingent elements.

In the context of the material being looked at for the purposes of this study, both the films studied here, Parzania and Firaaq, claim to be inspired by true stories. The poems are the poet’s reflections on specifically what happened in Gujarat and perhaps, in other parts of India during the riots in 2002 and continue to happen after that. Both media have different forms. However, I bring them together to explore them as spaces where it becomes possible to deconstruct the communal riots and their aftermath along various axes, such as the projections of Hindu and Muslim community, or the role played by the police.

The police have been projected as being an active accomplice in the acts of communal terror. In the film Parzania, the police is shown to alert the Muslim neighbourhood about the call for a bandh (shutdown/strike), this is followed by shots of a mob attacking the neighbourhood. The abusive attitude of the police during the process of investigations has also been highlighted. Yet the factual reportage problematises this singular understanding of the role played by the police by mentioning the narratives of the few police officers who managed to avert the mobs from their violent intentions in some areas in Gujarat. The account goes on to mention that these few police officers were mostly transferred out of their posts.

Even though factual reportage makes it possible to disaggregate seemingly homogeneous groups and seemingly unilinear narratives, films and poems offer more space to engage with individual experiences of people, their responses, their coping mechanisms in a way in which one is sensitised to these specific narratives. This allows the reader/viewer to be able to recover individual narratives of experience of brutality and trauma from the cacophony of the collective mayhem. Yet these mediums also throw light on the collective experience of trauma, pain and disillusionment. For instance, Parzania does so by highlighting the structural inadequacies of having an inquiry by the National Human Rights Commission in the same state immediately after the riots. In this condition, the confidentiality of the testimonies of the victims is not maintained, and the victims are not provided enough safeguards against political pressure and the pressure put on them by the police.

Another theme that runs through the films and factual reportage is the deliberate attempt to disaggregate seemingly homogeneous understandings of Hindus and Muslims. At the collective level, it is clear that in the act of organised mass violence, the social group which formed the base of the perpetrators was Hindu, and the social group which formed the base of victims was Muslim. However, all Hindus were not involved in the acts of perpetration. Amongst those who participated in the pogrom, most seem to have done so out of their own volition, some were tacit supporters who either did not do anything to avert the violence or did not aid the Muslims.
out of the fear of being implicated (the character of the Hindu housewife who is Shernaz's friend in Parzania but refuses to take in Shernaz's children when the riot breaks out). In fact, in the film Firaaq, the character of a Hindu Gujarati middle-class housewife who closes the door on a Muslim woman during the riots offers deep insights into the manner in which Hindu women dealt with their inability to be able to help other women. This character battles guilt by hurting herself. Later in the film she provides shelter to a Muslim boy who has lost his father.

Real experiences of women and children who belonged to the Hindu community seem to have been completely lost in the welter of facts and categorisation of victims. Guilt is an individual as well as a collective emotion. In the context of the communal riots which followed the Godhra incident, there seems to have been a strange kind of guilt experienced at a collective level which seems to stem out of disillusionment with the democratic system and its collapse at the hands of communal political forces, traces of this can be read into factual reportage, especially in the book, Gujarat: The Making of a Tragedy. But the book is also about frustration, of being able to ascertain the facts and truths of what happened and yet not having been able to push towards justice for the multitude of victims in this case. There are also stories of Hindus who helped Muslims and later became targets of communal violence themselves.

Muslims as a group suffered the most and within this category the bodies of Muslim women and children became sites on which the battle was fought. It is appalling to discover the multiplicity of ways in which women can be hurt, mutilated, molested, raped, literally split open and burnt. It really challenges one’s imagination to read about wombs split open and yet-to-be born children burnt with their mothers. This was done to avenge the hurt caused to the Hindu women, it is argued. Against the backdrop of the assumption that Muslims procreate more in number than Hindus, was this an attempt to act in a warped way? What prepares groups of people to enable them for such barbarity? How do acts of avenging alleged wrongdoing include the murder of children?

The reproduction of these images in the films is an attempt at visually mapping out the level of brutality experienced by victims. It serves as an act of remembering and archiving a memory. One of the poems puts it this way:

In a white-washed room
Where Muslim women weep
A visiting bishop speaks,
‘Let God erase
Your grief, He will forgive
Those who hurt you’.
A priest tells me,
‘They cannot forgive
But they can forget’.
But forgetting
Will make it happen
Again; and that’s
The main problem.
— Quasim (2005: 9)

This captures the paradox of remembering and forgetting on the part of the victims and the larger public. Remembering is important for fighting for justice, with this hope that such incidents do not repeat themselves. Yet forgetting seems to be one of the only real coping mechanisms available in a situation where justice seems to be a far cry and there is continuous pressure put on the victims to retract their testimonies, to give fake testimonies. Perhaps to pretend that it never happened. This will be taken up again below where public opinion on forgetting the riots of 2002 will be analysed.

The manner in which both films deal with the planning of acts of counterterrorism by small groups of Muslims is significant. In Parzania, the lover of the leader of such a group finally manages to convince him of the futility of his actions by arguing that even if they succeed in conducting the planned act or terror, they would end up hurting people who were not responsible for the violence endured by the Muslims, while those who were responsible would go scot-free and would become even more vengeful. In Firaaq, on the other hand, the group of lower class Muslims who are planning an act of terror do not have the means to carry it out to begin with. Whatever little means they are able to gather ultimately end up destroying/killing the Muslims themselves.

One of the interpretations could be to project the futility of counterterrorism and more so to point out that it is not necessarily the easiest available option to all members of the minority community as against what is constructed in popular seemingly commonsensical accounts produced by the majority community. Perhaps an attempt has also been made to suggest that a belief in the democratic system and in redressal mechanisms is the best/only option in such circumstances. The disillusionment with regards to this claim is self-evident in both films.

Reading into Public Perception in India and Gujarat

In this section I analyse public perception in India, and, more specifically, in Gujarat about the Godhra incident and the riots that followed it in 2002. This analysis is based on the data collected through election surveys conducted by cses-Lokniti over a period of years. The data has been selectively extracted from the following surveys—the Gujarat Pre-poll Survey 2002, the National Election Survey (nes) 2004, the Gujarat Pre-poll Survey 2007, and the Gujarat Pre-poll Survey 2012. The objective of these surveys has been to map out public opinion and voter behaviour on important issues in the Indian politics. The selection of the sample of people interviewed for these surveys was chosen using multistage stratified random sampling. This implies that the samples of people selected for these surveys by the Lokniti group are representatives of the opinions held by the population of Gujarat and India. This ensured that the analysis done of these surveys would be representative of the opinions held by people residing in India and in federal states, including Gujarat. The National Election Surveys as the name suggests have been done all over India, whereas the Gujarat election surveys have been done only in Gujarat.

An analysis of the Gujarat Pre-poll Election Survey 2002 data of cses-Lokniti reveals some interesting insights into the manner in which the people of Gujarat thought about the Godhra incident and the riots on 2002. Seventy-three percent
of the people in Gujarat had the opinion that the riots, which took place in 2002, were absolutely wrong. About 50% of the people in Gujarat expressed the opinion that the state government could not do enough to control the riots. This shows that the people in Gujarat condemned the riots. More interestingly, 80% people said that the Godhra incident would not make any difference to their vote preferences.

An analysis of the NES 2004 data reveals that all over India 67% people knew about the Godhra incident. In response to the question, “mostly who were killed in the Godhra incident,” 46% people had the opinion that the Hindus were killed in the incident, whereas 35% people thought both Hindus and Muslims were killed in the incident. Clearly in public perception, there has been an overlap in the Godhra incident and the riots which followed it. After this, people were asked whether they had heard about the riots which took place in Godhra, and 67% people all over India responded that they had heard about the riots. When the people were asked whom they thought were killed during the riots, 48% people said that they thought that both Hindus and Muslims were killed. Whereas 38% people said that only Muslims were killed. When people were asked whom they thought was responsible for the riots, about 50% people said that they did not know, but about 24% people said that they thought that the government was responsible.

Further, according to the analysis of the NES 2004 data, there exists a relationship between religiosity and people’s opinion about who was responsible for the riots in Gujarat in 2002. Amongst those Hindus who practised religious practices daily, relatively more seem to think that the Muslim extremists were responsible for the Godhra riots (44%) as compared to those amongst the Hindus who do not practise religious practices daily (32%). Amongst those who practise religious activities daily, relatively more seem to think that the Hindu extremists were responsible for the Godhra (26%) riots as compared to those who do not conduct religious practices daily (11%). Amongst Muslims, those who do not practise religious activities daily, relatively more seem to think that the Muslim fundamentalists were responsible for Godhra riots (24%), as compared to those Muslims who do practise religious activities daily (8%). Across Hindus and Muslims, those who said that they never practised religion, they had the opinion that the government was responsible for the riots in Gujarat in 2002.

According to an analysis of the Gujarat pre-poll survey data of 2007 (survey specific only to Gujarat), Hindus (40%) and Muslims (51%) in Gujarat tend to agree with the statement that the government must protect the interest of the minorities. Muslims tend to agree more with this statement as compared to the Hindus. A significant section of Hindus (42%) and Muslims (38%) tend to think that in a democracy the opinions of the majority should prevail. I look at this more as an expression of fear and an expression of dismay at having learnt that in a democracy also majoritarianism prevails. Hindus and Muslims both think that Muslims have not been able to return to their villages after the riots in 2002. This is a clear acknowledgement of the marginalisation of the Muslim community. Most importantly, when people in Gujarat were asked before the 2007 polls what would determine their voting preferences, most of the Hindus and Muslims said that the work done by the government and the economic condition of the people would affect their choice of vote. Whereas, across Hindus and Muslims less than 10% people said that the government’s role in procuring justice for the victims of Gujarat riots 2002 would affect their choice of vote. This shows the marginality of the discourse of justice itself to the lives and decisions of people in Gujarat in the process of selecting a government.

A comparative data analysis of public opinion in Gujarat is presented in Figures 1 and 2. This would be done to map out the changing pattern of public opinion and public understanding regarding the 2002 riots in Gujarat.

**Figure 1: Tabular Representation of Changing Public Opinion on Gujarat Riots of 2002**

<table>
<thead>
<tr>
<th>Public Opinion</th>
<th>2007</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Those responsible for the riots of 2002 in Gujarat should be punished</td>
<td>67</td>
<td>75</td>
</tr>
<tr>
<td>Muslims</td>
<td>72</td>
<td>66</td>
</tr>
<tr>
<td>Hindus</td>
<td>66</td>
<td>52</td>
</tr>
<tr>
<td>Others</td>
<td>45</td>
<td>49</td>
</tr>
</tbody>
</table>

**Figure 2: Tabular Representation of Changing Public Opinion on Whether or Not the 2002 Gujarat Riots Should Be Forgotten**

<table>
<thead>
<tr>
<th>Public Opinion</th>
<th>2007</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>The incidents which followed the Godhra Train burning in 2002, Hindus, Muslims and Everyone Should Forget it</td>
<td>67</td>
<td>71</td>
</tr>
<tr>
<td>Muslims</td>
<td>69</td>
<td>66</td>
</tr>
<tr>
<td>Hindus</td>
<td>66</td>
<td>66</td>
</tr>
<tr>
<td>Others</td>
<td>59</td>
<td>59</td>
</tr>
</tbody>
</table>

As Figure 1 shows, there is not much change in the percentage of Hindus who agree with this statement (in 2007, 67% Hindus agreed with this statement, and in 2012, 66% Hindus agreed with this statement). It is significant that a considerable portion of the Hindus have the opinion that those responsible for the riots in 2002 should be punished. But the more interesting
finding is the considerable drop in the percentage of Muslims (in 2007, 75% of Muslims agreed with this statement, and in 2012, only 52% Muslims agreed with this statement) and minorities (in 2007, 72% of minorities agreed with this statement and in 2012 only 49% of the minorities agreed with this statement) have the opinion that those responsible for the riots in 2002 in Gujarat should be punished. This is a clear reflection of the disbelief that the Muslims and minorities have developed in the processes of ensuring justice in this given context. Perhaps the Muslims and the minorities have begun to reconcile to their own marginality in Gujarat.

Figure 2 represents the public opinion of Hindus, Muslims and minorities in Gujarat in 2007 and 2012 in response to the statement—"the incidents which followed the Godhra train burning in 2002; Hindus, Muslims and everyone should forget about it." A significant section amongst the Hindus has this opinion, and there is not much change in the percentage of Hindus who have held on to this opinion from 2007 (67%) to 2012 (66%). But over a period of years, a smaller percentage of Muslims (in 2007, 71% Muslims had this opinion and in 2012, 66% Muslims had this opinion) and minorities (in 2007, 69% of minorities had this opinion and in 2012, 59% of minorities had this opinion) seem to have the opinion that the incidents, which followed the Godhra incident, should be forgotten.

The significant aspect that emerges here is that the majority of people across religions in Gujarat seem to think that the riots of 2002 need to be forgotten. This raises many questions—how is the process of “forgetting” the way in which the public wants to remember the riots of 2002 in Gujarat? Does this reflect the feeling of getting back to “normalcy” and “business as usual”? Has the desire to fight for justice amongst people worn out completely or is there apathy and lack of trust in the democratic process and in legal-juridical process?

Can There Be Multiple Conclusions? What Is New?
The study has attempted to point out the manner in which an engagement with truth is an extremely contested exercise insofar as it pertains to the questions of legitimacy of the state regarding whether or not it was able to provide justice in the given instance. The ranges of sources which have been looked at allow for a reflection on how social actors (civil society groups, etc) struggled to make sense of the events and their disillusionment with the democratic process of pursuit for justice. An attempt has been made to engage with the truth claims of each of these sources, that is, how these sources have contributed towards constituting what happened during the period under study. To understand how groups of people distinguished on the basis of religious identity engaged with each other, the role played by the police, and, most importantly, how brutality and trauma can be understood. To examine the manner in which people make sense of the state, injustice/justice and choose to chronicle events such as the riots of 2002 in their memory. This has been done by examining public opinion data on the Godhra incident and the riots of 2002.

Silent histories of those pushed to the margins need to be recovered, such as the story the film Firaq narrated about the Hindu Gujarati woman. Making women and children from the margins, the central sites of violence during communal riots needs to be condemned. Perhaps it is important to keep reiterating that this is unacceptable and unjust, the act of reiteration should be/needs to be continued till the time the message seeps in, not just in popular imagination but also in the archives of state power. The state seems to be carrying on its own parallel exercise at the process of reiteration. The marginalisation of the issue of the communal riots continues and so does the marginalisation and displacement of the Muslim community. It seems that whenever there is an official/state and non-official/non-state version of the “truth,” the entity of truth will remain contested. Yet it is the official/state version which will be more powerful and yet will need to be critically engaged with and challenged based on the findings of non-official sources. This exercise of contestation needs to be carried on till the time justice is ensured. But then again, does the act of reiteration ascertain claims to truth, legitimate history writing or justice?

NOTES
1 A kar sevak is someone who offers services for free for a religious cause. The kar sevaks being referred to here were volunteers of the Vishva Hindu Parishad (VHP) and Rashtriya Swayamsevak Sangh (RSS) which are Hindu religious organisations. These also have political connections with parties such as the Bharatiya Janata Party.
2 Ayodhya is an important sight for Hindus as they argue that this was the city in which Lord Ram lived and ruled. In 1991, the Babri Masjid was demolished by groups of religious Hindus who argued that a Ram temple should be built in its place.
3 This is based on an analysis done on the basis of the National Election Survey and Gujarat State Election Survey conducted by CSDS-Lokniti over a period of years. In these surveys people were asked questions about the Gujarat riots.
4 For the purposes of analysis I have examined some newspaper reports such as Menon (2002). However, the perspective captured by newspaper reports about the Gujarat riots of 2002 has adequately been reflected in the articles present in the book Gujarar: The Making of a Tragedy (2002). I have used this book for the current analysis and hence I have not quoted newspaper articles specifically.
5 The role of the police has been questioned in all accounts that have been examined for the purposes of this study. However, for specific account look at the following— Setalvad (2002); Rai (2002).
6 Manoj Mitta has argued in his book that the state government has been able to not only tacitly/actively support the riots, but has also been able to suppress evidence of this and fabricate evidence to prove their non-involvement in the riots of 2002 (2014).
7 Commission of Inquiry (2008) Report by the Commission of Inquiry, Part I: Sabarmati Express Train Incident at Godhra (Ahmedabad: Commission of Inquiry) p 10. Additionally the concluding section of the report reiterates the same (p 175).
Economic Growth and its Distribution in India

Edited by Pulapre Balakrishnan

After a boom in the early 21st century, India witnessed a macroeconomic reversal marked by a slowdown in growth that has lasted a little longer than the boom. A fresh criterion of governance, namely inclusion, has emerged and become a priority for the state. Written against the backdrop of these developments, the essays in this volume represent a range of perspectives and methods pertaining to the study of growth and its distribution in India; from a long view of growth in the country, to a macro view of the recent history of the economy, to a study of the economy at the next level down, covering its agriculture, industry and services, and, finally, to an assessment of the extent to which recent growth has been inclusive.

Authoritative voices on the economy of contemporary India, this volume will be indispensable for students of economics, management, development studies and public policy. It will also prove useful to policymakers and journalists.

Orient Blackswan Pvt Ltd

Website: www.orientblackswan.com

Contact: info@orientblackswan.com
Narratives of Health and Well-being
Migrant Road Workers in the Upper Himalayas

ANU SABHLOK, HOIWAN CHEUNG, YOGESH MISHRA

This paper deliberates upon the physical body of labourers as well as their health and well-being in order to reveal the contradictions in the state’s discourse of national development and defence. Narratives of and interviews with the imported casual paid labour working on the Manali–Leh highway as for the Border Roads Organisation show us that illness, death and injury accompany the dangerous work of building roads in the high altitude of the upper Himalayas. The “unskilled” or “disposable” labourer is never able to accumulate additional utility or human capital even after many years of experience. His only capital—the body—is treated as a disposable and inanimate piece of machinery that loses its value in order to generate value for the nation.

S

Introduction

Sajjad first came to Lahaul–Spiti in Ladakh from Jharkhand to work as a labourer at the age of 17. Tired of carrying coal on his cycle since he was 10, he thought this would be a new experience with possibilities of earning extra money. He imagined “adventure and apples” as the labour gang mate talked 40 young men into undertaking the long haul to Kashmir. In any case, Sajjad pointed out, there was not much to do at home, where “even graduates were unemployed and there was no water for their fields.”

The novelty of leaving his village was exciting at first. He could not believe how big the trains were when he first saw them, but was disappointed at how cramped they were inside, “with men packed together like common commodities transported for sale.” The train was so crowded that Sajjad could not even move his feet, and remained standing for most of the three-day journey between Jasidih in Dumka District, Jharkhand, and Nagrota near Jammu in Jammu and Kashmir. In his rail coach, the heat and sweat of so many bodies packed together and the stench of human waste all mingled together. After arriving in Nagrota, Sajjad paid Rs 5 to a local household for a shower and rested on the open ground, waiting for his evaluation by the Border Roads Organisation (BRO), with perhaps 10,000 other men. As their turn came closer, the men stood in the line, shirtless. One medical officer took measurements while two others entered data into computers. Other BRO personnel came and circled marks on their upper bodies for identification if selected.

With nothing to do, the days stretched on. Sajjad was slowly shuffled from one long line to another. One line was for medical checks; another was for medical data entry and another was to collect demographic information and photographs. It took 21 days of living in the open field until Sajjad’s mate collected their official dispatch papers. The wait was over, he had been hired. Sajjad and his gang boarded the back of an open truck and left for the cold and high deserts across Khardung La (18,000 feet above sea level (ASL)).

As Sajjad arrived close to his destination, he saw snow for the first time. His excitement soon waned as it started snowing heavily and their truck did not have enough cover. Moreover, as they reached their destination the gang needed to set up a makeshift tent. Since this was the first time for most of his gang members, they were unable to fix the bivouac that evening and slept under the tart fabric. The high altitude environment was hard on Sajjad’s body; he had trouble breathing and “the water froze in (my) lungs.” Sajjad was admitted to a hospital.
with high fever the next day. He remembered that “some sort of tube was entered into (his) chest and blood and fluid drained out.” After a few days in the hospital, Sajjad was discharged and dispatched back to Jharkhand, alone, with barely enough money to see him through the journey. When he reached his home in Jharkhand, he paid a local doctor to stitch up what he argued was “an open wound left by the tube.” Not sure of what the ICPL doctors had done and afraid his internal organs had been plundered, he also asked the local doctor to make sure his kidneys had not been removed. They were still there (authors’ field notes and Sajjad’s narrative, July 2013).

We met Sajjad near Upshi on his next trip to Kashmir a few years after this incident. He proudly lifted up his shirt and showed us the marks from the stitches left behind by his hospital stay. Years later, Sajjad had moved up the chain. He was now 26 years old, a zoology graduate and a second mate accompanying his gang of 40 labourers.

Sajjad’s story is not unusual among the “imported casual paid labourers” (ICPL) working for the BKO in the remote areas of the country. Sajjad’s story, along with many others, reflects the plight of the “disposable worker,” one who labours for the “defence” and “development” of a nation that ultimately fails to protect them. All the labourers we met expressed an understanding of their own disposability. In fact, most considered themselves lucky, as one in thousands with this opportunity to have guaranteed employment for the next six months. From the way the labourers’ bodies were stripped waist upwards, marked, checked for any deficiencies, and transported no differently than inanimate objects on crowded trucks and trains, it is clear that the ICPL are viewed as yet another cog in the machine, a body required for a function, then “employed long enough to extract their usefulness until the process of injury, illness, and death overcome them” (Wright 2006).

This paper focuses on the labouring body and chronicles the intersection between health and economic circumstances within the lives of the BKO labourers who construct border roads for the nation’s defence and development. We unravel the links that connect the scale of the body—in this case the labouring body and the political-economies of the nation state. We deliberate upon the body of the labourers, their health and well-being, in order to reveal the contradictions that engulf the state’s discourse of national development wherein the development of the nation rests upon the exploitation of the bodies of its poorest citizens.

Labouring Bodies of the Nation

We focus here on the physicality of the body, its health, its well-being and its relation to other bodies. “The body is both an agent and object of our survival” (Seabrook 1998 quoted in Waite 2007: 227). The body here is seen both within a biological and social context. Drawing on Louis Waite’s (2005, 2007) study on embodied working-class lives in Maharashtra, this paper attempts to further the understanding of the bodily condition and experiences of manual labour in the upper reaches of the Himalayas.

The concept of embodiment emerges as an attempt to bridge together the discursive and the materialist understanding of the body. In most of medical research, the body is understood as primarily biological. On the other hand, the social constructivist perspective, to which Michel Foucault has contributed significantly, argues that the body is a product of historically specific regimes of power that situate the body in a network of practices and meanings. The bringing together of the naturalistic and the constructivist perspecives can be attributed to a push from disability studies which argued that an understanding of bodily condition cannot be separated from the barriers and discrimination that society imposes (Oliver 1990).

A significant strand of scholarship today is paying explicit attention to the body (Shilling 2012). This scholarship questions “the a priori ontological status of the body,” thereby highlighting the political nature of bodies, their corporeal experiences and the social relations that defines bodies in particular ways (Silvey 2005: 142). Marx’s analysis of the processes of assimilation of the corporeal body into the technologies of capitalism and Weber’s discussion of the rationalisation and instrumentisation of the body both reveal a concern, albeit less explicit, for the labouring body.

Although social scientists have reclaimed the body back for social theory, we argue that there is still very little attention paid to the corporeal experience of the labouring body (Bremar 1996). Much research on embodiment has focused on issues central to the more developed economies such as obesity, bodily representation, manipulation and identity politics but questions of bodily health have largely been ignored in this literature (Dorn and Laws 1994). Embodiment research has often neglected the “physical presence of the body” (Par 1998: 28), the health or impairment of “blood, brains and bones” (Hall 2000: 22). This is attributed both to the predominantly medical understanding of the body as a site that is invaded by disease or the social theorist’s rejection of any explicit medical description as biological determinism (Hall 2000). Lovelock’s study from 2011 is an exception and points out that in order to reduce the instances of injury and fatality amongst agricultural workers, it is important to understand the larger sociocultural milieu (including their engagement with technology and livestock) within which these instances take place. The work of Sogaard et al (2006), published in a radical geography journal, also stands out for the attention paid to micro-dynamics of muscle movement, cardiovascular pressures and bodily positions involved in different cleaning tasks.

This paper emerges out of a conversation between social scientists and a health professional. We pay explicit attention to bodily health of the ICPL without losing sight of the larger political economy in which these bodies are embedded. The focus on the bodily scale and embodiment is pertinent as it helps bring health and well-being to the forefront. It allows us to add a deeper and equitable dimension to the idea of national “defence” and “development.” Development is often associated with economic growth leading to increased employment opportunities and subsequently, to well-being. However, our investigation deeply questions the assumed straight trajectory
between employment and well-being, especially in the context of the “bodily effects of effort intensive work” (Waite 2001: 2393). Moreover, in the case of the icpl, the bodily capital of the labourers is being transformed into the symbolic and material capital for the nation state. By telling the story of the deteriorating body of the icpl employed in constructing border roads for national security, we direct attention to the contradictions inherent in the rhetoric of national defence and development.

This project is dedicated to Hira Lal who, during his interview, asked the insightful question: Main bhi to Hindostaan hoon, fir meri hifazat kaun karega (I am also India, and so who will protect me?). While the bro claims it is building for the defence of the nation, it forgets that the nation is the summation of its people; and by exploiting labourers the government is failing to defend the individuals who are in most need of protection. We bring up strong concerns regarding the health and well-being of workers who contribute literally and materially to the “construction” of the nation. We show how the bodily process of health, fatigue and labour intersect with economic processes of uneven development and endless cyclic poverty to ensure a constant pool of surplus labour.

**BRO and the Manali–Leh Highway**

The bro is a semi-military engineering agency that constructs critical infrastructure in the border areas such as Kashmir, Ladakh, the North East and Lahaul–Spiti for defence; in the “troubled” interiors such as the Naxalite belts of Andhra Pradesh, Chhattisgarh and Maharashtra for increased legibility and mobility of the state; as well as in international locations like Bhutan and Afghanistan for facilitating strategic alliances. It was formed in 1960 to sew together the disparate pieces of a newly emerging and fragile nation state and to protect it from external exigencies. The bro employs more than 90,000 casual paid labourers who are primarily seasonal migrants (www.bro.nic.in). Because much of their work is set in extremely remote locations, often on partially constructed roads, the life of the migrant labourer is hidden from the public eye.

Our study centres on the Indo–Tibetan border, specifically along the Manali–Leh highway completed in 1973. The highway is one of only two roads connecting Leh with the rest of India (the other being the Srinagar–Leh highway, completed in 1962) and has strategic importance as it serves as a link to both the Indo–Pakistan and Indo–China border. Though the Manali–Leh highway was constructed by the state’s Public Works Department (PWD) it passed into the hands of the central government’s bro after the Kargil war. This crucial road also requires constant reconstruction due to flash floods, landslides, and cold winter weather, and expansion to accommodate the increasing traffic to these remote areas.

We observed two distinct ethnic groups of migrant labourers living along the road in Lahaul–Spiti and Ladakh. The first group was made up of semi-permanent migrants from Nepal, while the second group consisted primarily of men from Jharkhand who are circular migrants, spending four to six months working in Lahaul–Spiti during the summer months before returning back home to work in coal mines or rice fields. Although some locals from Lahaul–Spiti or Ladakh also work as labourers, they are a small minority. We observed that these two groups of people, from Jharkhand and Nepal have distinct approaches to the same working conditions, possibly creating differential health needs within these two communities.

To begin with, the icpl from Jharkhand were accompanied by a mate who facilitated their recruitment to the bro. Every year in April, each shortlisted mate receives a letter from the bro indicating the number of men needed for his gang and the date by which they must report for recruitment. Through the social network in the surrounding villages, the mate recruits his labourers, sometimes with the promise of a quick loan to meet the immediate needs of their family or by marketing this employment opportunity as an adventure. The mate also offers to take financial responsibility for their transport, meals and familial needs. All expenses are later deducted at extraordinarily high interest rates out of their bro salary.

There is a decades-long history of recruitment from Dumka District. During Operation Vijay, 1,300 young labourers were recruited from Dumka to help create and clear roads for access to military equipment and troops (Noatay 1999). Labourers told us that until 2004 the bro officials would come to Dumka and recruit directly. However, pressures from the local government and a larger government policy on flexibilisation led to the abandonment of this practice, making the journey to Jammu an uncertain one for the labourer. Almost all the labourers we spoke to mentioned the tough and crowded railway journey and the fact that while they were travelling a long distance, they do not know if they would be hired. The trains are so packed that there is no space to move and even going to the bathroom is a socially mediated process, with little privacy. The themes of bodily stench, hunger, thirst, anxiety and nausea were inescapable in descriptions of their yearly journey from Dumka to Nagrota.

In contrast, the Nepalese labourers we met take a somewhat different approach. They uproot their entire families and migrate, setting up a semi-permanent existence in a foreign country. Instead of returning home during the winter months, the Nepalese remain in India but migrate to lower altitudes. Many of the Nepalese icpl are women, bringing their young babies to the construction site, carrying them on their backs as they haul large sacks of sand and break rocks. Because the Nepalese labourers sometimes remain with the bro even during the winters, they are able to develop a long-term relationship with the bro personnel. However, this does not mean that the Nepalese icpl have permanent employment with the bro. All workers are required to be on a new contract every 179 days—with a day off in the middle. This is a governmental strategy to ensure that the icpl do not demand regular government employment and the associated benefits. As an informal practice though, Nepalese icpl, especially the women, are often hired as household help or cooks in the homes of the bro officers in addition to the road-building tasks; many of these relationships, though exploitative in nature, allow them better access to healthcare and
often improved living conditions as compared to their counterparts from Jharkhand.\(^3\)

**Injury, Death and Illness**

The limited health and demographic data that we had access to during the BRO recruitment process in Nagrota showed that 89% of the men hail from Dumka, a single district in Jharkhand. The ICPL was, on average, 26 years old, with an average height of 158 cm (standard deviation=6.51), an average weight of 47 kilograms (sd=5.6), and an average body mass index (BMI) of 19.0 (SD=1.8). While the average BMI among the four gangs we followed were borderline underweight, the percentage of labourers who were underweight (BMI <18) ranged from 21% in one gang to as high as 57% in another, prior to the commencement of labour. In this section, we will highlight the multiple health risks and the dangers that afflict the lives of those that construct the nation’s border roads in the upper Himalayas.

High altitude sickness appeared to be a common problem among the ICPL stationed along the Manali–Leh highway which quickly rises to heights of over 15,000 ft in Pang and even up to 17,480 ft in the Tanglang La. They reported severe headaches, fatigue and shortness of breath upon arrival. Based on these subjective reports, we spoke to the nursing staff at the BRO medical facility in Upshi, which is responsible for an estimated 3,000 labourers. They reported that they see 15 to 20 individuals every day with symptoms related to respiratory issues, chest pain, headaches and sometimes more serious conditions such as pulmonary oedema, all due to the low oxygen within these high altitude environments. It is reported that six ICPL died from pulmonary oedema during Operation Vijay\(^4\) (Noatay 1999). Despite the fact that ICPLs have a five-day compulsory rest period for acclimatisation upon arrival, adherence to this rule is minimal and inconsistent. Some excerpts from the workers’ narratives highlight this point:

- How can you rest? Once you reach the RCC it is a busy time. If we want to sleep we need to pitch the tent—for these we need to gather stones, cut them to the right size, build the side walls that hold the tarpaulin—we might even need to go all the way to Leh to buy the tarpaulin. If we want to eat then rations must be bought, food must be cooked. Firewood has to be gathered, if kerosene is not available, and as you can see there is no firewood here, no trees, it is a desert. What rest? If you rest you die. Rest at high altitude is for tourists and foreigners. We have to work.
- I had a bad headache and difficulty in breathing. I rested for one day but then if I asked for a rest day everyday, I will be sent back. I need to work. I just work slowly and ignore the pain.
- This time all the passes were closed until late May. We had to cross over them on foot. Many of us were short of breath, and we slipped and fell on the snow many times. A few of us did not have the warm clothes with us. It was freezing. It was a dangerous trek just to reach our work site at high altitude.

While some mates allow their workers to rest for a few days, other labourers reported performing physical labour, such as setting up tents, acquiring rations, etc. immediately upon arrival. We did not observe any enforcement by the BRO of the five-day compulsory rest period for the ICPL. The management of the ICPL is primarily left to the mate.

Working and living on the road, we also observed the constant exposure to respiratory contaminants faced by the labourers. The men sleep, eat and cook with kerosene within the same roadside tents with little ventilation resulting in daily smoke exposure, a known risk factor for pneumonia, stroke, heart disease and chronic obstructive pulmonary disease, and lung cancer. According to the World Health Organization (WHO), inefficient cooking fuels produce high levels of indoor air pollution, causing 4.3 million premature deaths each year through small soot particles that penetrate deeply into the lungs (Desai and Mehta 2004). The problem is compounded by the closed and cramped spaces of the tent raising exposure levels. Furthermore, the use of explosives on rock faces, drilling, and the cutting of concrete and stone generates huge dust clouds which can be particularly hazardous due to the generation of free silica, a component of rocks in this particular geological area (Ogden 1999). Exposure to free crystalline silica causes silicosis and progressive restrictive lung disease from chronic irritation and inflammation of the lung; it also has a cytotoxic effect and is a known carcinogen. Symptoms of silicosis begin with dyspnoea and can progress to silico-tuberculosis and restrictive lung disease. At one road construction site, 20% of individuals had upper respiratory tract symptoms at the time of our interviews.

Based on our observation of the worksites, the labourers are at increased risk of silica lung deposition, due to the fact that they breathe in particles deeply from physical exertion combined with the low moisture content of the area which increases the amount of dust released from construction activities. Even a low grade exposure, if sustained over a long period of time, can result in serious health effects. Additionally, the health effects of exposure usually appear many years after the exposure period, at a time and space when the BRO is no longer responsible for the care of its labourers.

So what has been done? The BRO has not taken any visible measures to assess the extent of this health hazard nor to prevent occupational exposure by providing protective gear such as masks designed to filter out environmental dust. We observed the labourers using their own preventative measures—wrapping head scarves around their faces leaving only their eyes open. The following narratives reveal the strategies they use to minimise the effect of dust and pollution while working on the road:

- There are always some of us who are down with cough and cold. The dust does irritate the throat but then we tell our mate and he gives us gudh (jaggery) to eat. That helps. Whenever a vehicle passes by on the road we are constructing we look to other side and stop our breath for a few seconds. It blackens our clothes, our faces—it must even be blackening our insides.
- There is nothing much we can do—this is our work. We have no choice.

The workers from Jharkhand continue to have exposure to respiratory irritants even upon returning home, where scavenging for coal in abandoned mines is common (Lahiri-Dutt 2007) and puts the labourers at risk for coal-miner’s pneumoconiosis (Chaulya 2004).

One General Reserve Engineer Force (GREF) supervisor estimated that 90% of his workers have digestion issues due to eating dry rations, and many labourers lose weight during
their contract work period. Their meals, consisting mostly of dal, potato, roti and rice, are highly deficient in protein. In addition to our concerns regarding nutritional deficiencies, the labourers also stay in poor conditions which allow for the easy spread of communicable diseases. Many icpl camps contain around 150 people, with close to 40 men sharing a tent. Housing for the icpl showed great diversity, ranging from makeshift blue plastic tarp tents (Himachal BRO), larger and comparatively spacious canvas tents with standing room (Ladakh BRO), and structures erected using flattened tin barrels (mostly Nepali icpl). Each labourer has just enough space to sleep and hang his or her belongings on the low stone wall behind the sleeping space.

Some of the Nepalese tin-shacks we visited were extremely clean and well-kept, furnished with cabinets, tables, a television set, seat cushions, shining steel utensils and pictures of family members thus showing signs of their semi-permanent migrant status. On the other hand, the occasional pucca place rented by the icpl from Jharkhand was dusty and unfurnished except for perhaps a wooden board covered with a mat, where six to eight men would sleep. The icpl have access to bath water either once a week (in Upshi) or once a month (in Pang) or sometimes none at all (in Tanglang La). One labourer in a gang we interviewed, desperate for a wash, died after bathing in a glacial stream, presumably from hypothermia. In any case, the high density of labourers within a single room, the lack of access to water supply and the lack of any toilet facilities on the roadside ensures that any communicable disease or condition, detected or undetected is likely to be passed on quickly among the labourers’ camps. The labourers who had also worked for the BRO in north-eastern India told us that Ladakh is better as it is a drier region. The icpl in the North East frequently suffered from scabies and insect bites.

Recurring Theme of Death

The recurring theme of death among the narratives that we collected, among such a young population of workers (average age of 26), requires further investigation. Some of the narratives that highlighted this theme are reproduced below.

Last year, one of the labourers was working on breaking stones at the edge of the road. A truck came and its wheels dislodged a loose rock which flew and hit his head. The man died on the spot. Drilling is very dangerous. Blasting is even more dangerous. Sometimes we tell the GREF supervisors not to become too ambitious in blasting. One never knows how much of the mountain will fall. I myself have seen four men being washed away with the debris of a mountain into the river. That year most of us ran away – back home. We were afraid of losing our lives. Why be afraid of drilling work? We live on the same road we are building. Any time there can be a landslide and we can get buried in it. We live with death, madam.

Attempts to solicit information from officers stationed with the BRO in Ladakh regarding death statistics revealed conflicting reports, a lack of documentation, or an unwillingness to share data. One BRO official expressed lack of knowledge regarding casualty rates or even the number of icpl labourers hired by the BRO, and reported that mortality rates were not a concern: “These workers are very hardy ma’am…nothing ever happens to them.” The same officer also talked about the tribal origins of the icpl: “Ma’am these people are jungle. They are rugged and are used to dangers. I must add that they are also very loyal.” In this discourse, circulated amongst the BRO, the icpl have naturalised, embodied attributes that legitimise their presence in arduous and dangerous work.

Offering another perspective, an official of the BRO argued that the BRO’s fatality rate of nine every 10 days was much higher than the fatality rate of any army battalion (Samir 2010). Another internal BRO document at the Upshi health centre reported 291 deaths among the GREF, army and casual labourers in 2009 and showed the breakdown for cause of death as follows:

- 58.4% natural death
- 10.65% motor transport accidents
- 17.2% worksite deaths
- 13.75% miscellaneous (includes murders and suicides)

Naturally, questions arise from this breakdown. First, why are the mortality rates for army personnel, GREF personnel, and icpl not calculated separately? Furthermore, under the assumption that the majority of these deaths happened among icpl, why are there so many natural deaths within a young population? The contrast between the narratives of the BRO officers and the documented evidence calls for further research and transparency within the organisation.

Our attempts to correspond with the BRO headquarters in Delhi yielded no response for many months, followed by a letter stating that the central headquarters did not maintain such data. The BRO officer we met during recruitment in Nagraota refused to share any data when we approached him again in Leh, arguing that all such data had already been sent to the central headquarters and that he no longer had access to it. The inadequacy of the health-related data and healthcare for the icpl reveal the attitude of the BRO and the Indian government towards the very citizens that are engaged in constructing critical infrastructure for the nation state.

The icpl are separated from their families and sometimes their entire community or country to work in an inhospitable environment and under demanding physical conditions resulting in high rates of psychological stress. Sociocultural influences and psychological stress are also seen in the icpl’s leisure activities such as alcohol consumption, gambling and for one of the gangs that we interviewed—watching porn films on a hired player. Many of the labourers also suffer from alcohol abuse, with one mate estimating that about 40% of his gang had “problems with alcohol,” although no reliable statistics were obtained from the BRO. Alcohol is looked at by most of the workers as a coping strategy:

What can we do madam? We do hard labour. At the end of the day if we drink a bit to wipe away our pain and tiredness then what is the problem?
In this cold and dry place there is only one way in which we can entertain ourselves. We all do Bhajan on Saturday nights.
We know alcohol is dangerous in high-altitude. But so is life here. Then why should we deny ourselves the little pleasures?

Despite this, the emotional and psychological lives of the icpl are not considered worthy of consideration by the BRO
health set-up since labourers are viewed primarily as bodies hired for road construction—bereft of emotional needs.

The numerous health risks these migrant labourers face indicate a great need for comprehensive and accessible healthcare, including screening for chronic diseases, especially since physical health is a prerequisite for their livelihood. Are these needs currently met by the BRO? Our interviews revealed varied opinions regarding this question. Some of the labourers were satisfied with their healthcare, with one labourer in Jharkhand stating that the BRO doctors were less likely to treat them differentially by caste and were nicer to talk to than the government doctors in Jharkhand. Additionally, the provision of free healthcare at work by the BRO is viewed as a significant employment benefit to labourers who are accustomed to out-of-pocket expenditure at home. Another labourer repeatedly asserted that he is “working for the central government. This is government work. The whole of Indian army is behind (me) and will come to help when needed.” That being said, none of the workers we interviewed were able to use the BRO healthcare system for self-initiated medical check-ups or chronic conditions; labourers only saw physicians under emergency situations such as trauma injuries, high altitude sickness, and high fever when referred by the supervisor. Many of the workers feared they would lose their jobs if they reported health issues.

One labourer narrated, “If you die on a Sunday, there will be no compensation because it is a non-working day,” regardless of whether the cause of death was due to the precarious working environment in which these labourers live. A BRO document outlining procedures for ex gratia payments states:

Casual Paid Labourers, MWR (Muster Roll Workers) who die as a result of accidents/acts of violence by terrorists, naxalites, insurgents, anti-social elements or die/disabled while performing their duty during their engagement on muster roll and who have worked for at least 179 days in the service of the BRO as on the date of the accident leading to death/disability of CPL will be entitled for Payment of ex-gratia grant under this scheme (emphasis added).

According to this policy, none of the ICPL we interviewed will ever be eligible for compensation since their contracts are set between 120 and 179 days. In practice, however, most ICPL we interviewed discussed knowing someone who had received some sort of compensation. Death compensation to families amounts to about Rs 5 lakh, but these interviews revealed that sometimes only Rs 2 lakh actually reached the family after officials and mates have taken their cuts. Similarly, whether labourers are compensated for sick leave is also dependent on the goodwill of the BRO officer in charge. If a worker is sick or injured, it is up to the jurisdiction of the supervisor whether the labourer is marked as “absent” for unpaid sick leave or “present” for paid sick leave. In this way, a laissez-faire system of healthcare and worker’s compensation is generated.

Moreover, there is an absence of any long-term or comprehensive healthcare for labourers, which makes a marginal population increasingly more vulnerable. Labourers tend to seek healthcare only under circumstances of fever or emergency, ignoring all else. One Nepalese man reported having chronic pain in his chest after exertion for several years now but he had never seen a physician. None of the health assessment records we obtained indicated any history of illness or injury, although later interviews with those same labourers told a different story: labourers are incentivised to hide any health conditions they have in order to obtain employment with the BRO.

Finally, there is a significant gap in patient education when labourers do happen to receive care. They had only a very vague description of what was happening to their bodies and little understanding of the cause or name of their illness. Sajjad, for instance, reported having “water frozen in my lungs” with little comprehension of either the diagnosis or treatment he had received.

Whose Bodies? Whose Nation?

Turner and Wainwright (2003) in their study of classical ballet dancers and Waquant (1998) in his study of boxers argue that pain and injury in these vocations is taken as a sign of commitment. Drawing on Bourdieu, they address together the understanding of the body and the mechanisms that work to enable or disable human agency as constituting the field within which actions make sense—the habits. Habitus, as Bourdieu defined it, is an “acquired system of generative dispositions” which the individuals accept without reflection and is shared amongst the social group (1997: 95). In this habitus, “discomfort, pain and injury are marked by a ballet culture that is committed to the notion that “the show must go on”” (Turner and Wainwright 2003: 272). In the lives of the migrant road builders too, the collective contract, the gang solidarity, the economics of their home situation, their dreams and desires all contribute to a shared understanding that “the show must go on,” even as their bodies fall apart.

The “show must go on” because for the labourers, their bodies are the only capital they have. “Our labour power is the only means whereby a majority of humankind can sustain our physical being, our existence and our identity” (Seabrook 1998: 30). Waite wrote, “Bodies are pivotal resources for the working poor” (2005) and yet the work itself deteriorates their bodies.

Prior to delving into the relationship between the labouring body and the political economy of the nation state, it is important to understand the employment structure that the BRO road construction activity follows. While the BRO officials are responsible for the majority of administrative duties, the everyday management of the labourers is handled by mates, often opportunistic young men from the same villages as the labourers themselves. Mates are responsible for recruiting labourers, ensuring they are fed, securing their work contract, monitoring on-site work, loaning money to families while the labourers are away, and handling any conflicts that should arise. Though the nominal salary paid to mates by the BRO only differs by a few hundred rupees per month from the labourers, their real salary is much higher. Mates make money by charging 50% interest on loans to labourers, taking cuts from labourers’ contracts and charging additional fees for food and rent. One mate reported that he and his father made around Rs 2,00,000 over a six-month trip, while many labourers reported taking home only Rs 15,000 to Rs 25,000.
During each trip. A new mandate from the BRO headquarters required the establishment of bank accounts on behalf of their workers in an attempt to improve the financial security of the ICPL and to limit corruption.

During our visit to the Nagrota recruitment in 2013, two private banks were in the process of opening accounts for all the recruited ICPL. Despite this initial progress, salaries have remained as cash payments. A BRO official argued that the labourers had failed to provide the BRO with their account numbers. However, there was suspicion amongst the labourers that the same BRO official took a cut equivalent to two days of work from each of them and therefore it was in the official’s own best interest to keep payments in cash. While it is impossible for us to verify such narratives, we still feel it important to bring the financial insecurity of the ICPL and the governmental structures that determine it into view and to call for further investigation and transparency regarding the compensation structure of BRO’s labourers.

Though the BRO may argue that they are providing a much needed and reliable employment opportunity for labourers who have limited financial resources, they do so in an exploitative manner that ensures few savings and no financial security for the labourers over the course of their four to six month contract. Ironically, because the ICPL are working for the country’s defence, they operate under the Army Act and therefore basic citizen rights such as the right to form a union or an association contained in the Minimum Wages Act and the Industrial Disputes Act do not apply to them (Daily Excelsior 2005). The few times that the ICPL have attempted to collectively ask for their rights, their action has been termed “illegal and unjustified” (Demenge 2011). For example, when 306 workers were laid off in February 2005, their attempt to form an association was met by the following response:

Para 503 of Border Roads Regulations clearly says: “The personnel may be employed on daily or monthly rates of pay. If on monthly rates, the period of their employment shall be for a maximum of six months at a time and the personnel shall not be eligible for any of the privileges of continued employment under government. The services of the personnel are liable to be terminated at any time without notice and no terminal benefits shall be payable (Daily Excelsior 2005).

We met several “casual” workers who have been travelling for the past 20 to 25 years to remote regions every summer to work with the BRO. Yet every year they are recruited at the same income and skill level as first-time hires. Demenge (2011: 320) discussing the ICPL in Zanskar wrote,

Working on the road provides them with a means to meet the basic needs of their families but not more, as potential savings are sucked into diverse expenditures, living costs, payments to the mate and officers (particularly during the recruitment process), alcohol consumption, gambling, and so forth.

The structure itself determines that there will be minimal to zero accumulation of wealth thereby ensuring that the labourer will return year after year to work for the BRO. In such circumstances, Karl Marx’s words ring true even today: “the worker becomes all the poorer the more wealth he produces.” Uneven development in the country ensures that the BRO maintains a continuous supply of abysmally inexpensive labourers with little bargaining power to negotiate any of their working conditions.

Low Management Costs
Yet another boon to the BRO is the low management costs for its 90,000 ICPL. While it may seem daunting for an organisation to hire a sufficient number of managers for the overwhelming number of labourers, the system of mates ensures that administrative costs for the BRO remain minimal. Although not compensated much officially, mates increase the real wages of their management work by taking cuts from the workers’ salaries and through extraordinarily high interest rates for loans, food and shelter. Thus, it is not the BRO that bears the burden of the administrative costs of their labourers; it is the labourers themselves who are financing their own management costs through cuts in their wages.

This situation creates the great disconnect between nominal and real wages for the workers, further deteriorating their economic circumstances. The labour system has been set up in such a way that it encourages the abuse of workers who are in a powerless position in relation to the larger structures in which they are embedded. In fact, with use and reuse, the labourers may deteriorate in perceived value, since they are less able to withstand the difficult working conditions with age, compared to other industries where wages would appreciate with the skill level. Such is the case with the unskilled or disposable labourer, one who is never able to accumulate additional utility or human capital even after many years of experience; whose only capital—the body—is treated as a disposable inanimate machine that loses value even as it generates value for the nation.

During our participant observation with the labourers along the Manali–Leh highway, we realised that contrary to the label “unskilled” the work actually involves tremendous skill. It has been argued that most manual workers “learn by doing” and that such learning “revolves around the inculcation of embodied knowledge” (Waite 2005). One needs to know how to swing the arm to hit the hammer on the rocks so they break in a way that the splinters do not fly towards the face. Drilling in the mountains requires not only physical strength but careful coordination and angle adjustments much of it achieved by bodily manoeuvres. Evenly spreading the small rocks on the road surface too is also not an easy task and requires an ability to perceive even gentle slopes and dents with the naked eye. It is not the lack of expertise required for the job, but the devaluation of manual work coupled with the availability of a surplus pool of labour that sustains the attitude that labour is “disposable” and “if one leaves there are 10 waiting to be hired.”

The fact that it is primarily the tribal, Dalit or Muslim population from Jharkhand that migrates for work leads to a discourse of bodies accustomed to hard labour, thereby depoliticising the uneven development that creates the need to migrate. The lack of economic development in Jharkhand produces a steady supply of labourers and as such, poverty in a faraway state.
becomes an asset for the nation state’s border development—with the prime motive being military access. The structural violence in the lives of the ICPL is evident not just in their economic and health contexts but in the erasure of the history of their contribution to India’s development. These are labouring bodies that in their anonymity participate in the construction of the nation’s roads even as their own health deteriorates and the much promised development does not touch their lives.

Conclusions

The annual return journey to Jharkhand is a much more joyous occasion for the ICPL. The labourers that led “suspended lives” packed together in tents, bodies and clothes covered with roadside dust undergo a bodily transformation before reaching their village.

As soon as we reach the railway station we rent the best looking taxi to take us back to the village. All of us sing songs along the way, buy sweets, gifts and clothes for our family. We stop the taxi at the first stream or pond, have a really good bath and wear new clothes. When we reach the village we are treated like heroes, there is celebration—but no one really knows the risks we have taken in the past few months.

Gidwani and Sivaramakrishna (2003) show how the seasonal migration of “footloose proletariat” brings transformations in their lives: visible through dress styles, bodily demeanour, modes of consumption and amendments in language. While we see such transformation in the returning ICPL, we have also directed attention to the other things the migrants bring back with them—degraded bodies, chronic diseases and injured limbs. Our purpose has been to go beyond the reductive corporeal understanding of the labouring body, yet not lose focus on the health effects of manual work in high altitude environments. We present narratives of the ICPL experience with injury, death, disease, fear and precarious living. We deliberately bring back a medical and biological lens into the social sciences. The struggle for health is broadly embedded in the struggle for social justice (Singer 1990).

We have attempted to show how health and economic issues in the lives of BRO labourers are tied to a larger political economy that thrives on the uneven regional development of the nation state. In bringing the materiality of the body into the forefront, we showed how the macro-discourses of the nation state, its “defence and development” rely upon the work of its poorest citizens engaged in precisely the construction that fixes their position in a fundamentally asymmetrical developmental matrix.

The results of this research, though by no means conclusive, highlight the need for additional research on the health and economic circumstances of the ICPL working for the BRO. As emphasised in this paper, economics and health of these workers are bound together—and one cannot fully solve one issue without the other. It is time for India to enable some of its poorest citizens to invest not only in the nation, but in themselves.

NOTES

1 Anu Sabhlok has been conducting ethnographic research every summer along the road construction sites of the upper Himalayas since 2009. In 2013 Hoiwan Cheung received a Global Health Fellowship instituted by the Dartmouth Center for International Understanding to accompany her on fieldwork for the summer. Yogeesh Mishra has assisted with fieldwork on this project in Himachal, Ladakh and Jharkhand.

2 The ICPL salaries are generally higher than the state minimum wage. In 2014 it was ₹8,404, in 2013 it was ₹7,500.

3 The focus in this paper is on ICPL from Jharkhand.

4 Of the 1,300 recruited from Dumka during the 4th week of October 2013. 10 were reported to have died due to shelling in addition to the six cited above.


REFERENCES


A Note on the Elementary Macroeconomics of Austerity

Prabhat Patnaik

When austerity as a means for dealing with a recession is counterproductive, why is it recommended to deal with a deficiency in aggregate demand? Or can it be justified as a way to reduce the current account deficit by lowering domestic absorption? A critical analysis of the macroeconomics underlying austerity policies.

1 Austerity as Irrational

Let us assume that there are only two countries in our universe and confine our attention to a single period (in which the capital stocks are given and output is demand-determined since both countries are operating below the ceiling of full capacity output). The exchange rate is fixed; so, the variables of the two countries and the import propensity of each country (for the other’s export) can be unambiguously defined. Using subscripts 1 and 2 to denote the variables of the two countries, we have:

\[(I_1 + G_1 + Y_2m_2) / (s_1 + t_1 + m_1) = Y_1 \quad \ldots (1)\]

\[(I_2 + G_2 + Y_1m_1)/(s_2 + t_2 + m_2)= Y_2 \quad \ldots (2)\]

where \(Y\), \(I\), and \(G\) refer, respectively, to income, private investment and government expenditure, and \(m\), \(t\), and \(s\) to the import–income ratio, tax revenue–income ratio, and private savings–income ratio, respectively (the last ratio incidentally is different from the saving propensity calculated on private disposable income). If \(I\), \(G\), and these ratios are given for the period in question, then the incomes of the two countries are determined by these two equations: each equation then becomes a straight line with \(Y_1\) and \(Y_2\) on the two axes, and their point of intersection gives their respective levels of income (point \(A\) in Figure 1). At these incomes, however, trade will not be balanced. For balanced trade, what is required is:

\[m_1Y_1 = m_2Y_2 \quad \ldots (3)\]

that is, that the two incomes must have a certain proportionality. But there is no reason why with autonomously given investment and government expenditure decisions in each country, and also the values of the various ratios assumed to be given in each, the incomes determined from (1) and (2) should have this proportionality. Hence, one of the countries will have a trade deficit and the other a trade surplus. As can be seen in Figure 1, point \(A\) does not fall on the line corresponding to (3); it falls below the line; and, therefore, country 1 has a trade surplus, while country 2 has a trade deficit.

Prabhat Patnaik (prabhatptnk@yahoo.co.in) is professor emeritus at the Centre for Economic Studies and Planning, Jawaharlal Nehru University, New Delhi.
The trade balance between the two countries can be brought about in two alternative ways (or some combination of the two). Of these two pure cases, one entails that the trade surplus country increases its $t$ or $g$, or lowers its $s$ or $t$ (but not $m$, for that would be counter-productive), while the trade deficit country does nothing, that is, it continues with the same parameters. This would increase the incomes in both countries, until the point where trade has become balanced, that is, the intersection between the two lines corresponding to $(1)$ and $(2)$ occurs exactly on the line corresponding to $(3)$. This happens at point $b$ in Figure 1, where, it can be verified, both countries have larger incomes.

The other entails that while all the parameters of the trade surplus country remain unchanged, the trade deficit country lowers its $t$ or $g$, or raises its $s$ or $t$ (but not $m$, for that would be counter-productive). This reduces the income in both countries until trade balance is achieved, that is, the lines corresponding to $(1)$ and $(2)$ intersect exactly on the line corresponding to $(3)$, which happens at point $c$ in Figure 1. The imposition of austerity on the deficit country as a means of overcoming its deficit constitutes this second way of achieving trade balance. It follows therefore that while austerity, imposed for recovery from a recession, is actually counterproductive, its imposition for overcoming a trade deficit (or squeezing out a trade surplus for debt repayment) is not necessarily counterproductive (on this more later); but it is patently irrational.

Of the two ways of adjustment, the first, where the surplus country does the adjusting by increasing its domestic absorption, is obviously Pareto-superior, in the sense that it makes both countries better off. On the other hand, adjustment by the deficit country by reducing its domestic absorption, which is what the imposition of austerity amounts to, makes both countries worse off. Both countries suffer a loss of employment and output compared to the initial situation whenever adjustment is through the imposition of austerity while both countries experience larger output and employment compared to the initial situation whenever adjustment eschews austerity and occurs through greater absorption by the surplus country.

**Loss to Both Countries**

The fact that both countries suffer through the imposition of austerity is sometimes lost sight of: in the recent case of Greece, for example, the fact that Germany too would be worse off in terms of employment and output because of the imposition of austerity on Greece, is scarcely ever considered. The reason lies in the fact that in the real world there are many countries, and not just the two we are assuming; so, the impact of austerity imposed on one country is felt in a diffused manner by others. But that there is such an impact is undeniable. Even if the surplus country is close to full capacity output in the initial situation, so that no increase in employment or output is possible within it, even then adjustment through an increase in its domestic absorption is distinctly Pareto-superior, because, instead of holding claims on another country, it thereby actually improves the living conditions of its population. And the other country, far from being a loser owing to not being able to borrow any longer, actually experiences an increase in its employment, output, and also in the living conditions of its population, because its domestic consumption (and consumption goods output) also goes up via the multiplier.

This is the reason why Keynes had wanted the Bretton Woods system to make surplus countries too bear the burden of adjustment. This was not accepted; but at least the mode of adjustment by deficit countries under the Bretton Woods system was a depreciation of the exchange rate, rather than a compression of aggregate demand through austerity. For the deficit countries to bear the entire burden of adjustment, and that too through the imposition of measures of austerity (as is being currently done vis-à-vis Greece), constitutes the most irrational mode of adjustment.

The reason why austerity is imposed nonetheless is that austerity is preferred by finance capital, which is the proximate source of credit for the deficit country. It prefers austerity for two reasons. One is material: finance capital can hardly be expected to favour the non-austerity route which entails greater employment and workers’ consumption all around. Such larger employment and consumption by workers improves their resistance against capital, which is why even in the surplus country capital prefers to hold claims against the other country (which also becomes a source of power) rather than to better the lot of the workers.

**Ideological Reason**

The other reason is ideological. Austerity being conventional (“if you are in a deficit you must curtail your domestic absorption of goods and services”), finance capital which abhors any departure from “convention” prefers it. Its abhorrence for any departure from “convention” in turn arises because such departures undermine its ideology and the scope for its domination. It is for this reason that finance capital abhors all “cooperative solutions” which make everyone better off, even in situations where they are feasible, including even the Keynesian remedy for overcoming a recession.

The fact that Keynesianism was opposed by finance capital is not because of the reason that Keynes himself had adduced, namely that it was under thrall to a wrong theory. The reason was that the pursuit of the Keynesian-style state intervention, in a situation of recession undermined its hegemony, by admitting that a capitalist economy left to its own devices could not function adequately and required state intervention (other than through “incentivising” finance capital itself) to make it do so.

The ideology of finance capital in other words admits only certain policy options as being appropriate in particular situations; and these options are in keeping with the context of the hegemony of finance capital. Deviations from such options are impermissible, except when finance capital faces a threat to its very existence, such as in the post-World War II years when the socialist threat was serious. Austerity is such an option; and any deviation from it is impermissible. (And to the extent that
the logic of austerity gets extended to creditors’ obtaining control over the debtor’s assets, which is happening in Greece and which had been common with the village moneylender vis-à-vis the peasant in colonial India, so much the better from the point of view of finance capital.)

The welfare implications of “free markets” and of free trade that mainstream economic theory emphasises appear particularly ironical in this context. If they were treated merely as logical propositions whose validity was confined only to situations, non-existent in the real world, where their assumptions obtained, then matters would be different. But they are made the basis of policy regimes (such as, for instance, the World Trade Organization invoking the benefits of free trade), which is dangerous because behind the façade of such welfare propositions what is institutionalised is the hegemony of finance capital and its penchant for oppressive “irrational” solutions that achieve the very opposite of the claimed welfare outcomes (like Pareto-optimality).

I have so far argued that austerity even though it may reduce the current deficit is “irrational” in the sense of being Pareto-inferior. This is because a reduction in domestic absorption in the deficit country was assumed, because of a constant m, to reduce imports for any given value of exports, thereby improving the current deficit. But suppose there is a floor to the level of imports, below which they cannot fall through a mere reduction in t or G or a mere increase in s and t in the deficit country; in that case austerity as practised through such measures ceases even to be effective for improving the current deficit. (And if the current deficit is still sought to be curtailed in such situations through direct measures, such as the rationing of imports, then they take an even heavier human toll, for example, through the non-availability of essential medicines, etc.) Austerity, in other words, apart from being “irrational” when it works, may not even work. But from the point of view of finance capital, this provides a welcome opportunity for getting hold of the assets of the deficit country “for a song” (as is happening in Greece). Instead of “flow adjustments,” such as reducing domestic incomes and absorption, the deficit country in such cases is forced to undertake “stock adjustments,” such as handing over its assets, which is all the better for finance capital.

2 Logical Inconsistency and a Class Measure

There is an additional aspect of austerity that needs discussion. It is clear from Figure 1 that the purpose of the imposition of austerity is to bring the deficit country’s income to the level represented by point c, or some other specific point depending upon whether the objective is merely to eliminate the deficit or to generate a surplus to pay back debt; let us, for simplicity, assume that the objective is merely to eliminate the deficit, that is, to reach point c. At c there is a specific level of Y which must obtain, such that its level of X, over which the deficit country has no control, exactly equals imports mY. Let us denote this level of income by .

We have so far talked of s, t, and m as separate parameters, but it must be remembered that s is the ratio of private savings to total income; assuming that private savings bear a fixed ratio with private disposable income, it follows that s will fall as t rises, that is, for the deficit country:

\[ s_c = s(t_c), \text{ with } s' < 0 \quad \ldots (4) \]

From (4) and the fact that the current account is balanced at point c, we get

\[ I - Y_s^* = t_c - G_2 \]

It follows from (5) that for every level of G there would be some level of t, at the point c, that is, at the “austerity equilibrium,” if one can use that term, and hence some level of fiscal surplus. In other words, the fiscal surplus at the “austerity equilibrium” becomes a function of the government expenditure, and cannot be independently specified as a target in addition to the level of government expenditure. And yet we find that the imposition of austerity typically entails the specification of both government expenditure and fiscal surplus targets, as for instance has happened in the case of Greece, which is logically inconsistent. In other words, the imposition of austerity, even assuming it is effected owing to the insistence of finance capital, must take the form of specifying as the independent target either the level of government expenditure or the level of the fiscal surplus, but not both. And if both happen to be specified, then they cannot be independent targets; only one of them can be independent while the other must strictly conform to what emerges from (5).

Let us assume, however, that there is no logical inconsistency and that the fiscal surplus target specified is simply that which is in conformity with the independently fixed government expenditure target. Even then there is a problem which is as follows.

From (5) we do not get any unique level of government expenditure that alone can eliminate the current deficit. A whole range of (G, t) combinations are compatible with the elimination of the current account deficit (we are ignoring the possible effect of m on s for simplicity). Hence the specification even of a particular G, amounts to additional specification over and above the specification of a zero current balance. But this is typically what the imposition of austerity entails, namely, not just pushing the deficit country to point c in Figure 1, which, as mentioned earlier, is irrational, but doing so through an additional specification of G which, even when it does not raise any problems of logical inconsistency (we have assumed such problems away), amounts to a further imposition on the deficit country.

The implications of such imposition becomes clear if we consider a further point here. A current account deficit, we have seen, can get eliminated at a whole range of (G, t) combinations; or, put differently if the government fixes G to eliminate the current account deficit, then t gets endogenously determined. A higher G obviously entails, in terms of comparative statics, a higher t. What is striking however is that it also entails a lower fiscal deficit. Or, put differently, at the zero-current-balance-equilibrium, there can be alternative levels of government expenditure in country 2, with corresponding tax rates which ensure this equilibrium; and at higher levels of...
government expenditure, the tax rate which ensures this equilibrium must be such as to give rise to a lower fiscal deficit. This can be seen as follows. From (5) it follows that if $G_2$ rises, then $t_2$ cannot remain unchanged, nor can it fall (as long as we assume, reasonably, that all taxes do not fall exclusively on savings); it must increase, for maintaining $Y^*$, at any given level of $I$ and any function $s(t_2)$. But as $t_2$ rises, since $s'(.)<0$, the lhs must increase, which means that the rhs too must increase, that is, the fiscal deficit must fall. Hence at zero current balance equilibrium, the higher the level of government expenditure, the lower is the level of the fiscal deficit. In other words, even when austerity in the sense of a decline in aggregate demand (and hence in output and employment) is imposed upon a country, so that its current account deficit gets eliminated, there still remains available to it a residual possibility of providing some relief to the poor and the unemployed through larger government expenditure that does not impinge on the current deficit. And what is more, if the government does provide such relief and raises appropriate taxes to ensure that the current deficit does indeed remain at zero, the fiscal deficit that ensues is smaller, and hence the addition to private wealth is smaller. Even an economy undergoing current deficit-removing austerity, therefore has available to it, in principle, alternative possibilities; and those possibilities, which are associated with the provision of larger relief to the poor, also entail lower wealth inequalities (because of smaller fiscal deficits).

But the measures of austerity typically imposed on a deficit country do not allow these possibilities. Not only do they specify both a government expenditure target and a fiscal deficit (or surplus) target which are logically inconsistent if the objective is to eliminate the current account deficit, but the government expenditure target they specify typically entails cutbacks in such expenditure which are both unwarranted even by the purported objectives of the creditor countries and socially regressive for the debtor country. (In the case of Greece, of course, the creditors were not content just with specifying such general targets: they even specified in which exact areas government expenditure had to be cut, and these included even pensions for the elderly.) It follows therefore that austerity, even in cases involving a current account deficit, where it may appear at first sight that there is some justification for its imposition, is not really imposed for the declared purpose. It is not imposed merely because the creditors “want their money back.” It is above all a class measure. The imposition of austerity hurts not only the workers in the debtor country in an obvious manner through a fall in output and employment, but also the workers in the creditor country, where “adjustment without the imposition of austerity on the debtor” would have resulted in larger employment and/or consumption. And the specific measures of austerity imposed on the debtor country are always such that they negate any succour for the poor and the working population, even though there is absolutely no need for it. Austerity is a gratuitous means of squeezing the working population. It is Pareto-unoptimal, which is hardly surprising, since Pareto-optimality, unlike what textbook economics teaches, is actually shunned by capital. And once we look at austerity as a weapon in class war, it also becomes clear why it is advocated even when no current account deficits are involved, that is, even for stimulating an economy, when it has, quite palpably, the very opposite effect.
Muslim Women’s Views on Muslim Personal Law

A survey of Muslim women and their views on Muslim personal law reveals that the women feel the rights enshrined in the Quran have not reached them; an overwhelming number of the women want personal law to be reformed. As it exists today, Muslim family law is piecemeal and disjointed and neither the community nor the government has tried to make it comprehensive.

The Sachar Committee¹ was established in 2005 to study the socio-economic condition of Indian Muslims. The findings of this committee showed how India’s largest minority lagged behind educationally, economically and socially. The committee carried out extensive research, studying the conditions of the community in the run-up to its final report. However, the terms of reference of the Sachar Committee did not include a look at the socio-economic condition of Muslim women and their status vis-à-vis Muslim personal law. There has not been any data collection or evidence gathering by any government agency or social organisation that could be found in the public domain. The situation of Muslim women in matters of family and marriage remains an uncharted area that requires empirical probing in order to understand it and also to move towards gender-just solutions to the problems they face.

In 2013, the Bharatiya Muslim Mahila Andolan² conducted a national study on the Muslim women’s condition as well as views on reforms in Muslim personal law. This article is based upon the key findings of this study.³

The objectives of the study were to study the conditions of Muslim women pertaining to issues of family law; to ascertain their views on Muslim family law and to develop evidence in support of codification of Muslim family law.

For the study, 4,710 Muslim women from the 10 states of Bihar, Gujarat, Jharkhand, Karnataka, Maharashtra, Madhya Pradesh, Odisha, Rajasthan, Tamil Nadu and West Bengal were contacted. A detailed interview schedule was prepared and community-based women activists trained to collect data did the data collection. This was done from July to December 2013 with an average of 470 women per state.

A number of questions pertaining to age of marriage, divorce, maintenance, custody of children, polygamy, property ownership, etc, were posed to the women who gave very interesting answers. A couple of critical conclusions can be drawn from the answers given by the overwhelming majority of women: that the rights of women enshrined in the Quran have not reached women in reality, and that an overwhelming number of Muslim women demand reform in Muslim personal law as it obtains in India today.

Socio-economic Status

The socio-economic status of Muslim women that came up in the research established that Muslim women have a negligible share in formal employment. Out of the 4,710 respondents in this study, it was observed that an overwhelming 78.7% of the women were homemakers whereas only 7.9% worked in the organised sector and the remaining 13.4% worked in the unorganised sector. This emphasises the need for special measures, including budget allocations, towards inclusion of Muslim women in the workforce of the country. Governments and policy bodies must study this dimension and devise policies towards inclusion.

Low Income: The annual income of 73.1% of the families was below Rs 50,000, out of which 39.1% families earned less than Rs 35,000. Only 18.3% of the families had an annual income between Rs 50,000 and Rs 1 lakh and 8.6%, that is, 407 families had an annual income of over Rs 1 lakh indicating their overall poor economic condition. The Sachar Committee had established the high incidence of poverty amongst Muslims. Yet, nearly eight years since the Sachar Committee report, there is no sign of improvement.

Age: Of the 4,710 women surveyed, 15.5% were married below the age of 15 years, and 39.8% were married between the ages of 15–18 years. If these figures are combined, a good 55.3% were married before the age of 18 years. Only 10.6% got married over the age of 21 years which when combined with the above figures show that a large number of women are getting married and perhaps starting a family at a time when women from other communities are busy preparing for their graduation. One of the encouraging

---

Noorjehan Safia Niaz (Noorjehan.sn@gmail.com) and Zakia Soman (zakiasoman@gmail.com) are co-founders of the Bharatiya Muslim Mahila Andolan.
trends is that despite early marriage, 46.5% of the women surveyed had one or two children. Only 4.9% of the women had more than six children, 20.7% of the women had three children closely followed by 20.8% having four–six children while 7.1% women did not have children.

When asked about desirable age of marriage for girls, 75% of the respondents wanted it to be above 18 years for girls and 88% wanted boys to marry above the age of 21. It is important to note here that age of marriage is a key factor in the life cycle of a woman and her family.

Some conservative quarters insist on puberty as the right age for marriage. The meaning of puberty needs to be defined not just in terms of physical attributes but an overall mental and emotional development and maturity. Marriage is an important social relation that calls for mature handling of relatives and social responsibilities. Besides the ill-effects of pregnancy on adolescent girls' bodies, their ability to raise children needs to be considered too. The Quran encourages comprehensive and judicious understanding of various concepts, including puberty, and there is no ban on delving deeper into this. The clarity demonstrated about age of marriage by such a large number of respondents should guide this debate and not the rigid insistence on a narrow definition of the word puberty.

**Sect:** Only 4.1%, that is, 195 women surveyed belonged to the Shia sect, while 87.6% or 4,126 women belonged to the Sunni sect. The remaining 8.3%, that is, 389 women were not aware of their sect.

**Caste:** Of the women surveyed, 45%, that is, 2,156 belonged to high caste followed by 26.2%, that is, 1,235 to the Other Backward Class (OBC) and 5.2%, that is, 245 women to the Dalit and backward castes. There were 22.8% of women who did not know which caste they belonged to.

**Jurisprudence:** Just over half, or 55.5%, that is, 2,614 women interviewed were under the Sunni Jamaat, followed by 10% or 473 women under the Barelvi. Deobandi, Wahabi and Ahle-Hadees were at 5.4%, 4.1% and 4.4% respectively. Of the total surveyed women, 20.5%, that is, 967 did not know which jurisprudence they fell under. The data reinforces the fact that Muslims in India are not a monolith and there is a clear diversity in terms of beliefs and practices. It also brings out the existence of a caste system within Muslims.

**Domestic Violence:** This study brings out the fact that 53.2% of the surveyed women have faced domestic violence. An overwhelming 82% women said they did not have any property in their name and 83.9% women confirmed that their current residence was not in their name. They did not own any property despite ownership of property being a Quranic right.

**Dispute Resolution Mechanism:** Over half or 53.2% women reported having faced domestic violence at some point in their lives. Most women said they go to the family followed by police and then to social organisations or non-governmental organisations to complain about their domestic issues. Only 1.4% women reported having gone to a *qazi* or *Darul Qaza*. An overwhelming 95.5% women had not heard about the All India Muslim Personal Law Board (*AIMPLB*).

**Mehr:** *Mehr* is an important Quranic right given to a Muslim woman that she can demand from her groom. It can be in the form of cash or any other form such as gold, property, etc, and it should be given to her at the time of marriage. Our findings suggest that this important affirmative measure favouring women has been diluted in practice. More than 40% women had received less than Rs 1,000 as mehr while 44% women did not receive mehr at all. Most respondents were not aware of the empowering provisions about mehr and that it is their right to decide the amount. The majority or 85.7% women wanted mehr to be given at the time of marriage while 83.9% of respondents wanted equivalent of the annual income of the husband to be the minimum mehr amount.

**Polygamy:** An overwhelming majority of women surveyed, 91.7% or 4,320 women, spoke out against polygamy saying that a Muslim man should not be allowed to have another wife during the subsistence of the first marriage. On being probed further, 72.9%, thought that polygamy should not be allowed even if the first wife consented. While 2,959 women said that polygamy should not be allowed even if the first wife was ill, 2,983 women felt that polygamy should not be allowed even if the first wife could not conceive. Husbands should not be allowed to take widows as second wives was the view of 2,949 women. On being asked if men should be allowed multiple marriages to balance out the sex ratio, 83.4%, that is, 3,929 women said that the husband should not be given the permission for a second marriage irrespective of the ratio of women to men.

The views of ordinary Muslim women on polygamy are very clear; they do not want it under any circumstances.

**Divorce:** Of the 525 divorced women, 65.9% were divorced orally and 78% women were divorced unilaterally. The study indicates that an overwhelming 88.3%, or 4,159 women, want the legal divorce method to be the *talaq-e-ahsan* method spread over a period of 90 days and involving negotiation and avoiding unilateralism on the side of the husband. An overwhelming 92.1% wanted a total ban on oral/unilateral divorce, 93% women wanted arbitration process to be mandatory before divorce and 72.3% wanted the arbitration process to last between three to six months. Also, 88.5% women wanted the *qazi* who sends notice of oral divorce to be punished by law. On custody of children, 88.0% of respondents wanted the mother to retain the custody while 95.6% wanted ex-husbands to pay for children’s maintenance even if they were in the wife's custody. The deciding factor for custody, in the view of 92.7% of the women, was consent and the well-being of the child.

Oral and unilateral divorce is one of the key issues being faced by Muslim women. We have come across a high incidence of oral divorce through various means such as uttering the word thrice, through a post card, notice from the phone, communication...
through relatives, etc. In several instances, the oral divorce takes place in the absence of the wife. This practice is in violation of the Quranic tenets of justice and is utterly unfair. It happens without any participation by the wife or without taking her views into consideration. Most times it happens in her absence and yet is passed off as a valid divorce by different shariat courts which are male-dominated bodies. It is important to recount that a large number of women respondents called for banning this practice.

**Maintenance:** Half the women respondents received maintenance from the husband during the marriage but 27% reported receiving none. Almost half of the divorced women were either being supported by their own parents or were supporting themselves by working as they did not receive maintenance from the husband.

**Codification of Family Law:** An overwhelming 83.3% women felt that their family disputes could be resolved if a law based on Quranic principles was codified and 89% wanted the government to intervene in helping to codify Muslim personal law. Over 86% women wanted religious leaders to take responsibility for enabling Muslim women to get justice in the family and wanted these leaders to support the bringing about of a gender-just law based on the Quranic tenets of justice and fairness. An overwhelming 86% wanted the community-based legal dispute resolution mechanism to continue but at the same time wanted the functionaries to be made accountable to law and to principles of justice. They wanted the government to help ensure this accountability through a legal mechanism. While 88.5% women wanted a partnership between the court and the qazi, 90% women wanted qazis to be brought under legal accountability mechanisms. On legal aid, 95.4% respondents wanted Muslim women to provide legal aid to other Muslim women.

**Existing Legal Framework**

Let us briefly take a look at the existing legal framework for personal laws concerning Muslims in India. The British enacted the Shariat Application Act, 1937 which was an attempt at applying Shariat law and not customary laws to the Muslim community. This act states that the Muslim community will be governed by the Shariat and not customary laws. Although it states that Muslims will be governed by Shariat, it does not specify much on aspects such as the age of marriage, divorce, maintenance, custody of children, polygamy, etc. This is of no help to women as it does not list the various issues that they face. In practice, followers of different schools of thought continue to apply their own varied understanding and interpretation of the Shariat. There are, therefore, many conflicting views on several significant issues, especially those concerning divorce. The irony is that each view claims to be based on their respective interpretations of the Shariat. And the practice of unilateral oral divorce continues. Several Muslim countries have codified their laws and tried to ensure justice to women. Several socio-religious communities in India, including minorities, have codified personal laws as per their religious texts. But such a move has not been taken up for the Muslims owing to the politics over leadership.

The Dissolution of Muslim Marriages Act 1939 gave a Muslim woman the right to seek dissolution of her marriage on nine specified grounds. This is the only legislation enacted by the British, which introduced a substantive codification of the divorce law. However, although the act benefits women, it is rather piecemeal. It only lays down the grounds on which women can seek divorce. It does not lay down any procedure or a time frame within which she can get a divorce. The man can divorce his wife without assigning any reason and even in her absence. He may or may not approach the court or any authority to seek divorce. This act does not question or restrict the man's unbridled right to oral triple divorce. The act deals only with divorce and not with related matters such as maintenance, custody of children, payment of mehr, etc. For these matters, the woman has to file separate cases under other laws, sometimes in other courts. This law is a welcome measure but it needs more elaboration and matters under its purview. Our findings clearly indicate that it has not stopped Muslim women from being divorced unilaterally and instantly.

The latest development in recent times has been the Shah Bano controversy and the Muslim Women (Protection of Rights on Divorce) Act 1986. The Shah Bano case is one of the most significant law suits in the history of the Indian judicial system. The case pioneered the Muslim women's fight for justice on the right to claim alimony. There was a huge uproar at the time over the right to maintenance granted by the courts to Shah Bano. It was dubbed “interference in religious matters” by some conservative male sections. In the aftermath, the Muslim Women (Protection of Rights on Divorce) Act 1986 was passed by Parliament.

According to this act, the husband is liable to pay alimony during the time of *iddat* or for the span of three months after the divorce. In case the divorced woman has no close relatives to look after her or she is incapable of providing her own maintenance, the magistrate has the right to order the Waqf Board to take up the responsibility of providing support to the woman and her children. The act shifts the responsibility of maintenance from the husband to the relatives and the Waqf Board. The husband knows that if he does not provide maintenance, he could still control and harass his divorced wife to beg at different places for maintenance. The husband takes responsibility for the children till they are two years old. After that the responsibility falls on the wife to claim maintenance for them. The efforts by a lone woman to rightfully claim maintenance after divorce got converted into a huge political storm and the concerns of the woman were relegated to the background, the Quranic injunctions on gender justice notwithstanding. Since then there has been no effort either by the various governments or by the community to revive the process of gender-just reforms in Muslim personal law.

These three laws exist in India in the name of Shariat or Muslim personal law. But as is evident from our survey, these are highly inadequate in enabling justice for women in the matters of marriage and family. There is no codified law that...
covers all aspects of family and marriage matters. In Muslim society there are multiple implementing agencies that dispense justice in family matters. There exist Shariat courts, qazis, muftis (religious clerics), jamaats (sect arbitration councils) that also take in cases of family dispute. These bodies are readily accessible and have closer contacts with the community unlike the secular court structures. Poor people find going to a court expensive, cumbersome and time-consuming. The community mechanisms are accessible but are dominated by men who arbitrate and settle disputes, which more often than not go against the interest of the women. These individuals and institutions have adopted patriarchal, conservative and anti-women interpretations of the religious texts. In some cases there is little recognition of the Constitution and the values of justice and equality. Besides, the Muslim law being followed by these bodies is not homogeneous and its provisions vary according to the different sects and subsects.

Furthermore, it is an amalgamation of customary law and practices, statutory law and interpretations of the verses of the Quran. So while a Muslim woman is required to go to the court to seek divorce, a Muslim man is not required to do so. He can pronounce divorce thrice and terminate the marriage contract instantly and unilaterally. The presence of wife or witnesses is not required. These courts are mostly approached by men as most of these places may not be woman-friendly. However, Muslim women do approach Shariat courts regularly with the help of male relatives or directly. Our findings suggest that women also approach family courts and other localised government-run legal structures but the time and money required to pursue a legal case is beyond the reach of most women. Poor economic conditions and lack of sustained resources necessary to approach legal mechanism prevents them from going to court. While gender-just reforms within the Parsi and Christian matrimonial laws have been enacted through the initiative and support of the government, there is no political will to bring about reforms in Muslim personal law that would benefit Muslim women.

Muslim family law as it obtains today is piecemeal and disjointed with no effort from the community or the government to make it comprehensive. There is no monitoring or review of male-dominat-ed community-based bodies for dispensing justice. As a result Muslim women are left with no choice but to suffer the injustices done to them. It is hoped that with increasing awareness and mobilisation of Muslim women, their voices will be heard.

**Conclusions**

This study establishes that Muslim women have been denied justice and fair treatment in matters of family and marriage. The ground reality for an ordinary Muslim woman is quite grim despite the Quranic tenets of justice and fairness. She suffers from practices such as under-age marriage, oral divorce and polygamy in the absence of a codified law and knowledge of Quranic principles. She suffers injustice in family matters owing to misconceptions emanating from patriarchal mindsets and interests. The community justice mechanisms may or may not be friendly places for a woman and she is left with very little legal recourse.

The ordinary Muslim woman has faith that the Quran is just and fair to all. Her clear thinking on what should be her legal rights is heartening. Her desire to have a clearly laid down legal mechanism needs to be taken up at all levels within the community and by the government. She wants a codified law based on the Quranic tenets to resolve her issues such as age of marriage, divorce, maintenance, polygamy, custody of children, property, etc.

Clearly, the existing male-oriented community justice framework has not helped Muslim women to get justice in matters of marriage and family. It is important to understand the meaning of the popularly held perception about Indian Muslims being governed by Shariat in matters of personal laws. Do we have codified Shariat laws in India that adequately address all aspects concerning marriage and family matters? The study establishes that the existing legal framework is far from adequate when it comes to upholding rights of women granted by the Quran. This is true in the Indian context where the Muslim women’s quest for justice is viewed with scepticism or even hostility. The secular democratic state has failed to enable fair representation for all sections of the population, including women, by only recognising the conservative religious voice as the voice of the whole community. The conservative sections are unaware and unconcerned about the issues of Muslim women and therefore they cannot continue speaking for them.

Furthermore, Muslim women and girls face several challenges of safety, security, survival and dignity in modern times like women and girls from all other communities. They are gradually learning to cope with these challenges. The solution cannot be that of confining them to homes for their own safety and well-being. They have aspirations like other citizens and it is binding on both the government and the community to recognise and support their concerns. Muslim women cannot forever live with the threat of instant oral unilateral divorce or polygamy or post-divorce economic uncertainty. These must be resolved by evolving a just and fair legal framework based on the principles of the Quran.
**GDP of Financial Corporations: Errors in Critique?**

**K Syama Prasad**

The article, “Size and Structure of India’s Private Corporate Sector: Implications for the New GDP Series” by R Nagaraj (7 November 2015) shows certain computations of the author in conjunction with the published estimates of the gross domestic product (GDP), thereby creating artificial and false information.

The GDP estimates of financial corporations published by the Central Statistics Office (CSO) and those published in the article are given in Table 1.

From Table 1, it may be seen that in the article, the contribution of private financial corporations for the year 2011–12 has been derived by the author’s own calculations (wrongly claimed as CSO’s estimate by the author) which are different from the published figures. The author has not noticed that the Gross Value Added of the entire public sector, which is till now the major contributor in financial services, becomes negative through his procedure of computation.

K Syama Prasad is additional director general with the Press Information Bureau, Government of India.

---

**Table 1: Comparison of CSO Published Numbers and Nagaraj (2015) Estimates of GDP of Financial Corporations**

<table>
<thead>
<tr>
<th></th>
<th>Gross Value Added (Current Prices, Factor Cost)</th>
<th>Gross Value Added (Current Prices, Basic Price)</th>
<th>Percentage Increase in New Series over Old</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Public</td>
<td>Private</td>
</tr>
<tr>
<td>National Accounts Statistics (CSO)</td>
<td>Statement No 69</td>
<td>Statement No 25.1</td>
<td>By Subtraction</td>
</tr>
<tr>
<td>2011–12</td>
<td>4,81,495</td>
<td>2,83,005</td>
<td>1,98,490</td>
</tr>
<tr>
<td>2012–13</td>
<td>5,49,500</td>
<td>3,35,870</td>
<td>2,13,630</td>
</tr>
<tr>
<td>2013–14</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Nagaraj (2015) numbers, Table 5, page 43</td>
<td>Row 1 By Subtraction</td>
<td>Row 3.2 Row 1 By Subtraction</td>
<td>Row 2 Row 3.2</td>
</tr>
<tr>
<td>2011–12</td>
<td>4,81,495</td>
<td>2,67,471</td>
<td>2,14,024</td>
</tr>
</tbody>
</table>


Reply to PIB’s Rejoinder

R Nagaraj

The rejoinder of the Press Information Bureau (PIB) shows that the absolute size of GDP in the financial corporations of the private sector has gone up by just 16.1% compared to that in the old National Accounts Statistics (NAS) series (with base year 2004–05) at current prices for 2011–12. But, by our estimate, the corresponding figure is 319.2% (Nagaraj 2015b). Faulting our estimate, PIB has criticised us for making wrong statements.

In reply, we redo the arithmetic to identify the problem. To keep the text simple, all numbers reported are in Rs crore at current prices for 2011-12, taken from CSO (2015); GVA and GDP, and financial sector and financial corporations are used synonymously; and ignore differences between GDP at factor cost and GVA at basic prices.

Table 1 is the same as Table 5 in our study (Nagaraj 2015b), with detailed data sources added. No arithmetical error is found in Table 1, unlike what PIB has claimed. So why are our estimates so much larger than PIB’s?

This is because they are drawn from different tabulations of the data in the new NAS. Table 2 (p 88) provides a comparative picture, step by step, with explanations.

Thus, from Table 2, two distinctly different distributions of GDP in private corporate sector (PCS) emerge from the graphs. Which one is correct, and for what reasons? The CSO needs to clarify.

Simply put, the absolute size of GDP in financial PCS (using the institutional classification of NAS) is significantly larger than that obtained by GDP in private financial corporations (using the industry-wise tabulation, as used by PIB). What accounts for the discrepancy?

It is because of the differing size of GDP in non-financial PCS in two different tabulations in CSO (2015).

To conclude, the new NAS showed a sharp rise in PCS’s share in GDP compared to the old series, which has been questioned for the underlying methodology and the new database used (Nagaraj 2015a). Now we find that the distribution of GDP in PCS (between financial and non-financial sectors) also seems problematic. One set of estimates shows that most of the

### Table 1: GDP by Financial and Non-financial Private Corporate Sector for 2011–12 (Rs crore)

<table>
<thead>
<tr>
<th>Series</th>
<th>Old Series</th>
<th>New Series</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 GDP</td>
<td>83,91,691</td>
<td>81,95,546</td>
</tr>
<tr>
<td>2 GDP in financial services</td>
<td>4,81,495</td>
<td>4,80,232</td>
</tr>
<tr>
<td>3 GDP in PCS</td>
<td>19,87,055</td>
<td>28,44,259</td>
</tr>
<tr>
<td>3.1 GDP in Non-financial PCS (NFPCS)</td>
<td>17,73,031</td>
<td>19,46,989</td>
</tr>
<tr>
<td>3.2 GDP in Financial PCS (3–3.1)</td>
<td>2,14,024</td>
<td>8,97,270</td>
</tr>
<tr>
<td>4 GDP in PCS/GDP (3/1) (%)</td>
<td>23.7%</td>
<td>34.7</td>
</tr>
<tr>
<td>4.1 GDP in NFPCS/GDP (3.1/1) (%)</td>
<td>21.1%</td>
<td>23.8</td>
</tr>
<tr>
<td>4.2 GDP in Financial PCS/GDP (3.2/1) (%)</td>
<td>2.6%</td>
<td>11.0</td>
</tr>
</tbody>
</table>

Figures in brackets refer to percentage change in the new series compared to the old series. NFPCS refers to non-financial private corporate sector. Data for the New Series in rows 1–3 are drawn from Annexure 2.1 on page 13, and row 3.1 from Table 2, page 34 of CSO (2015).
### Table 2: A Comparison of PIB and Nagaraj (2015) Estimates

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>GDP in private financial corporations = GDP in financial corporations (–) GDP in public sector financial corporations.</td>
</tr>
<tr>
<td>2</td>
<td>That is: 2,30,427 = 4,80,232 – 2,49,805; this estimate is the same as in Annexure 2.1, page 13 of CSO (2015) as PIB has shown.</td>
</tr>
<tr>
<td>3</td>
<td>By definition the above two estimates should be identical but they are not. Why?</td>
</tr>
<tr>
<td>4</td>
<td>As per Annexure 2.1, page 13 of CSO (2015) GDP in the non-financial PCS is 26,13,833. But as per Table 2, page 13, it is 19,46,989. This is the source of the difference, which cannot be on account of the small omitted item, “quasi corporate sector.”</td>
</tr>
<tr>
<td>5</td>
<td>As per Annexure 2.1 of CSO (2015) the composition of GDP in PCS as a % of GDP is given in Figure 1a. This is the same as reported earlier (Nagaraj 2015a).</td>
</tr>
</tbody>
</table>

### Figure 1a: Disaggregation of PCS Share in GDP—Estimate I

![Figure 1a: Disaggregation of PCS Share in GDP—Estimate I](image)

### Figure 1b: Disaggregation of PCS Share in GDP—Estimate II

![Figure 1b: Disaggregation of PCS Share in GDP—Estimate II](image)

R Nagaraj (nag@igidr.ac.in) is at the Indira Gandhi Institute for Development Research, Mumbai.

### References


---

**China after 1978: Craters on the Moon**

The breathtakingly rapid economic growth in China since 1978 has attracted world-wide attention. But the condition of more than 350 million workers is abysmal, especially that of the migrants among them. Why do the migrants put up with so much hardship in the urban factories? Has post-reform China forsaken the earlier goal of “socialist equality”? What has been the contribution of rural industries to regional development, alleviation of poverty and spatial inequality, and in relieving the grim employment situation? How has the meltdown in the global economy in the second half of 2008 affected the domestic economy? What of the current leadership’s call for a “harmonious society”? Does it signal an important “course correction”?

A collection of essays from the *Economic & Political Weekly* seeks to find tentative answers to these questions, and more.


---

**Windows of Opportunity**

By K S KRISHNASWAMY

A ruminative memoir by one who saw much happen, and not happen, at a time when everything seemed possible and promising in India.

K S Krishnaswamy was a leading light in the Reserve Bank of India and the Planning Commission between the 1950s and 1970s. He offers a ringside view of the pulls and pressures within the administration and outside it, the hopes that sustained a majority in the bureaucracy and the lasting ties he formed with the many he came in contact with. Even more relevant is what he has to say about political agendas eroding the Reserve Bank’s autonomy and degrading the numerous democratic institutions since the late 1960s.


---

Available from Orient Blackswan Pvt Ltd

www.orientblackswan.com

Mumbai Chennai New Delhi Kolkata Bangalore Bhubaneshwar Ernakulam Guwahati Jaipur Lucknow Patna Chandigarh Hyderabad

Contact: info@orientblackswan.com
Wholesale Price Index

The year-on-year (y-o-y) inflation rate based on WPI stood at -1.99% in November 2015. Thus, the deflationary trend persisted for 13 months in a row since November 2014 (-0.17%). The inflation rate of primary articles group increased by 2.3% in November 2015 compared to -0.4% in October 2015 and -1.6% in November 2014. The inflation for food articles rose to 5.2% in November 2015, the highest in the last 7 months. The fuel and power index remained negative at -11.1%, y-o-y in November 2015. The index for manufactured products declined by -1.4% in November 2015 against inflation of 1.9% a year ago.

Consumer Price Index

CPI inflation rate rose to 5.4%, y-o-y, in November 2015, from 5% in October 2015 and 3.3% in November 2014, led by food prices. The food price inflation rate rose by 6.1%, y-o-y, in November, compared to 5.3% a month ago. Inflation rate in the miscellaneous group inched up to 3.8% in November 2015. Both industrial workers and agricultural labourers increased to 6.3% and 3.3% in November 2014, led by food prices. The food price inflation rate rose to 5.4%, y-o-y, in November 2015, from 5% in October 2015 and 3.3% a year ago.

Movement of CPI Inflation

<table>
<thead>
<tr>
<th>Year-on-Year in %</th>
<th>Industrial workers (2001=100)</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPI (Combined)</td>
<td>5.95</td>
<td>8.2</td>
<td>10.6</td>
</tr>
<tr>
<td>Rural</td>
<td>5.41</td>
<td>7.8</td>
<td>10.5</td>
</tr>
<tr>
<td>Urban</td>
<td>4.71</td>
<td>6.5</td>
<td>9.7</td>
</tr>
</tbody>
</table>

* November 2015 is provisional; Source: Central Statistics Office (CSO), Base: 2012=100.

Inflation in CPI and Its Components

<table>
<thead>
<tr>
<th>November 2015 (%)</th>
<th>Financial Year (Avg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>CPI combined</td>
<td>100  126.6  0.4  5.4  9.4  5.9</td>
</tr>
<tr>
<td>Consumer food</td>
<td>39.1  312.9  0.4  6.1  12.1  6.4</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>28.3  118.1  0.2  3.8  6.5  4.6</td>
</tr>
</tbody>
</table>

* Provisional; Source: CSO (rural & urban); Labour Bureau (IW and AL).

Movement of WPI Sub-indices

<table>
<thead>
<tr>
<th>April 2014—November 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufactured Products</td>
</tr>
<tr>
<td>Primary Articles</td>
</tr>
<tr>
<td>Fuel and Power</td>
</tr>
</tbody>
</table>

* Data is provisional; Base: 2004–05=100; Source: Ministry of Commerce and Industry.

Trends in WPI and Its Components

<table>
<thead>
<tr>
<th>November 2015 (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>All commodities</td>
</tr>
<tr>
<td>Primary articles</td>
</tr>
<tr>
<td>Food articles</td>
</tr>
<tr>
<td>Fuel and power</td>
</tr>
<tr>
<td>Manufactured products</td>
</tr>
</tbody>
</table>

* Data is provisional; Base: 2004–05=100; Source: Ministry of Commerce and Industry.

Foreign Trade

The merchandise trade deficit narrowed by 28.1% to $9.8 billion (bn) in October 2015, compared to $13.6 bn in October 2014. While imports shrank by 21.2% to $51.1 bn, exports contracted, for the 11th month in a row, by 17.5% to $41.4 bn in October 2015. During April–October 2015–16, exports declined by 17.6% to $154.3 bn compared to $187.3 bn in the same period last year, while imports fell by 15.2% to $232.1 bn from $273.6 bn a year ago. The non-oil trade deficit was $5.4 bn in October 2015 compared to $6.8 bn in October 2014, while the oil trade deficit stood lower at $4.4 bn against $6.8 bn a year ago.

Index of Industrial Production

The y-o-y growth in IIP went up by 9.8% in October 2015 against 3.8% a month ago (and was -2.7% in October 2014). This is led by growth in manufacturing sector which surged by 10.8% compared to 2.9% a month ago and -5.6% a year ago. The mining sector grew by 4.7% in October 2015 against 3.0% a month ago and 4.5% in October 2014. Growth in electricity generation slowed down to 9% in October 2015 compared to 11.4% in September 2015 and 13.7% a year ago. The growth in index of eight core industries registered 3.2% growth in October 2015, same as in the previous month.

Growth in Eight Core Industries

<table>
<thead>
<tr>
<th>October 2015 (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure industries</td>
</tr>
<tr>
<td>Coal</td>
</tr>
<tr>
<td>Crude oil</td>
</tr>
<tr>
<td>Natural gas</td>
</tr>
<tr>
<td>Petroleum refinery products</td>
</tr>
<tr>
<td>Fertilisers</td>
</tr>
<tr>
<td>Steel</td>
</tr>
<tr>
<td>Cement</td>
</tr>
<tr>
<td>Electricity</td>
</tr>
</tbody>
</table>

* Data is provisional; Base: 2004–05=100; Source: CSO and Ministry of Commerce and Industry.
## India's Quarterly Estimates of Final Expenditures on GDP for 2014–15

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Private final consumption expenditure</td>
<td>1484316 (4.2)</td>
<td>1440319 (7.1)</td>
<td>1540344 (4.2)</td>
<td>1594851 (7.9)</td>
<td>1592806 (7.4)</td>
</tr>
<tr>
<td>Government final consumption expenditure</td>
<td>306488 (1.6)</td>
<td>333489 (8.9)</td>
<td>276412 (7.4)</td>
<td>236551 (7.9)</td>
<td>310108 (1.2)</td>
</tr>
<tr>
<td>Gross fixed capital formation</td>
<td>760888 (6.7)</td>
<td>775971 (6.3)</td>
<td>87694 (6.4)</td>
<td>854862 (6.1)</td>
<td>802251 (4.9)</td>
</tr>
<tr>
<td>Change in stocks &amp; valuables</td>
<td>15569 (4.8)</td>
<td>18048 (9.2)</td>
<td>73689 (8.9)</td>
<td>53416 (9.6)</td>
<td>11890 (9.8)</td>
</tr>
<tr>
<td>Total capital formation</td>
<td>15596286 (7.7)</td>
<td>15790578 (7.7)</td>
<td>15694790 (7.7)</td>
<td>15847702 (7.7)</td>
<td>1594851 (7.9)</td>
</tr>
<tr>
<td>Net trade (Import–Export)</td>
<td>13536 (4.1)</td>
<td>20689 (6.1)</td>
<td>12149 (6.1)</td>
<td>12149 (6.1)</td>
<td>12149 (6.1)</td>
</tr>
<tr>
<td>Exports</td>
<td>3996484 (6.3)</td>
<td>4627846 (6.6)</td>
<td>553980 (6.0)</td>
<td>553980 (6.0)</td>
<td>553980 (6.0)</td>
</tr>
<tr>
<td>Imports</td>
<td>-3449880 (-6.7)</td>
<td>-25466 (6.3)</td>
<td>-43438 (6.0)</td>
<td>-43438 (6.0)</td>
<td>-43438 (6.0)</td>
</tr>
<tr>
<td>Change in stocks</td>
<td>41969 (4.3)</td>
<td>40276 (4.4)</td>
<td>37469 (0.2)</td>
<td>44284 (4.9)</td>
<td>44070 (5.0)</td>
</tr>
<tr>
<td>Financial capital formation</td>
<td>7698943 (8.7)</td>
<td>7775971 (3.8)</td>
<td>789694 (2.4)</td>
<td>854862 (4.1)</td>
<td>802251 (5.0)</td>
</tr>
<tr>
<td>Net non-marketable capital formation</td>
<td>15790578 (7.7)</td>
<td>15694790 (7.7)</td>
<td>15694790 (7.7)</td>
<td>15694790 (7.7)</td>
<td>15694790 (7.7)</td>
</tr>
<tr>
<td>Variations</td>
<td>41969 (4.3)</td>
<td>40276 (4.4)</td>
<td>37469 (0.2)</td>
<td>44284 (4.9)</td>
<td>44070 (5.0)</td>
</tr>
<tr>
<td><strong>Total capital formation</strong></td>
<td>15596286 (7.7)</td>
<td>15790578 (7.7)</td>
<td>15694790 (7.7)</td>
<td>15847702 (7.7)</td>
<td>1594851 (7.9)</td>
</tr>
</tbody>
</table>

## India's Overall Balance of Payments (Net): Quarterly and Annual

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Merchandise</td>
<td>1540344 (4.2)</td>
<td>1594851 (7.9)</td>
<td>1592806 (7.4)</td>
<td>1594851 (7.9)</td>
<td>1592806 (7.4)</td>
</tr>
<tr>
<td>Invisible</td>
<td>276412 (7.4)</td>
<td>236551 (7.9)</td>
<td>310108 (1.2)</td>
<td>310108 (1.2)</td>
<td>310108 (1.2)</td>
</tr>
<tr>
<td>Services</td>
<td>87694 (6.4)</td>
<td>854862 (6.1)</td>
<td>802251 (4.9)</td>
<td>802251 (4.9)</td>
<td>802251 (4.9)</td>
</tr>
<tr>
<td>Payments</td>
<td>15694790 (7.7)</td>
<td>15694790 (7.7)</td>
<td>15694790 (7.7)</td>
<td>15694790 (7.7)</td>
<td>15694790 (7.7)</td>
</tr>
<tr>
<td>Discrepancy</td>
<td>-74273</td>
<td>-7811</td>
<td>26616</td>
<td>98959</td>
<td>-51615</td>
</tr>
<tr>
<td><strong>Overall balance</strong></td>
<td>1540344 (4.2)</td>
<td>1594851 (7.9)</td>
<td>1592806 (7.4)</td>
<td>1594851 (7.9)</td>
<td>1592806 (7.4)</td>
</tr>
</tbody>
</table>

## Foreign Exchange Reserves

### Money Supply (M3)

<table>
<thead>
<tr>
<th>Date</th>
<th>2014–15</th>
<th>2015–16</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 Mar</td>
<td>1182750</td>
<td>1182750</td>
</tr>
<tr>
<td>30 Apr</td>
<td>1167560</td>
<td>1167560</td>
</tr>
</tbody>
</table>

## Monetary Aggregates

### Outstanding Money

<table>
<thead>
<tr>
<th>Category</th>
<th>2014–15</th>
<th>2015–16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bankers' deposits with RBI</td>
<td>958630</td>
<td>109020</td>
</tr>
<tr>
<td>Currency in circulation</td>
<td>1479900</td>
<td>140100</td>
</tr>
<tr>
<td>Reserve money</td>
<td>1058620</td>
<td>126400</td>
</tr>
</tbody>
</table>

## Scheduled Commercial Banks' Indicators

### Aggregate Deposits

<table>
<thead>
<tr>
<th>Quarter</th>
<th>2014–15</th>
<th>2015–16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private sector</td>
<td>508010</td>
<td>519470</td>
</tr>
<tr>
<td>Government</td>
<td>46060</td>
<td>47600</td>
</tr>
<tr>
<td>Cash in hand</td>
<td>79100</td>
<td>80100</td>
</tr>
<tr>
<td>Balance with RBI</td>
<td>341000</td>
<td>351000</td>
</tr>
<tr>
<td>Investments</td>
<td>280600</td>
<td>280600</td>
</tr>
<tr>
<td>Total</td>
<td>709710</td>
<td>709710</td>
</tr>
</tbody>
</table>

## Capital Markets

### NetPrivate Sector NetFlow in equities (US$ Million)*

<table>
<thead>
<tr>
<th>Year</th>
<th>2014–15</th>
<th>2015–16</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net private sector netflow in equities (US$ Million)</td>
<td>136349 (4.2)</td>
<td>350113 (11.2)</td>
</tr>
</tbody>
</table>

* *Comprehensive current economic statistics with weekly updates are available at: [http://www.epwresearch.org/currentst.aspx](http://www.epwresearch.org/currentst.aspx)
Unconquerable Nemesis

The Shiv Sena’s attempt to disrupt the performances by Pakistani singer Ghulam Ali smacks of unparalleled Hindutva virulence which contradicts the Indo-Pak cross-border camaraderie of music.

RADHA KAPURIA

Har aadmi alag sahi magar umang ek hai;
Judā judā hain sūratein, lahā kā rang ek hai.
(Though each human is different, the zest in him/her is one;
Though their faces are dissimilar, the hue of their blood is one.)

— Qateel Shafai

Music is perhaps the most significant vehicle for bridging the huge gap between India and Pakistan, first created in 1947 with the cataclysm of partition. Whether it is the common wedding songs in Punjabi and Bengali, the vast repertoire of folk music, countless bandishes (compositions) in the khayal and dhrupad genres of classical music or, indeed, the beautiful couplets of Urdu poetry, the music of India and Pakistan comprises a singular art form, a shared cultural activity that has connected the two nations over the last 65 years. The Shiv Sena’s attempts at disrupting the performances by Pakistani singer Ghulam Ali thus mark an unfortunate turn in the history of Indo-Pak interaction.

An irony is evident here: Ali’s teacher was Ustad Bade Ghulam Ali Khan, the doyen of the Patiala gharana, who, in 1947, had moved to his hometown, Kasur (in Pakistan). He later returned to India, recognising greater state patronage here for the pursuance of a career as a classical musician. The wheel then came full circle, when Indian singer Javed Hussain trained under Ghulam Ali, and as a tribute to his teacher, took on his surname. He is better known as Javed Ali, the voice behind many of today’s chart-topping Bollywood numbers.

Processes of musical tutelage and learning have persistently defied one of the most heavily militarised borders in the world. The Indian sufī singer Dhruv Sangari trained under the late Ustad Nusrat Fateh Ali Khan, Pakistan’s world-renowned qawwal. Conversely, the blind musician Aliya Rasheed learnt the intricacies of Dagarvani style from the Bhopal-based Gundecha brothers, emerging in the process as Pakistan’s only female dhrupad vocalist. Bhai Baldeep Singh, prominent exponent of the Sikh tradition of gurbani kirtan, learnt Khandarvani dhrupad from the Lahore-based musician, the late Muhammad Hafeez Khan Talwandiwale. Such examples show how hazardous it is to impose the formulaic boundaries of nation onto an activity as fluid as music-making, which has historically thrived on continuous movement and exchange.

Instances of cross-border musical journeys are countless; a substantial tome is required to do them justice. The current moment of unparalleled Hindutva virulence is a good occasion to recall some anecdotes, taken at random from the musical history of contemporary India and Pakistan, which illustrate how time and again music lovers have ensured musicians from across the border could successfully perform, regardless of political frontiers.

Ashwini Kumar, who died last month at the age of 94, retired as the Director-General of the Border Security Force and was awarded the Padma Bhushan in 1972 for his outstanding service in the Indo-Pak War of 1965. He was also the man who, in the 1950s, modernised the Harballabh classical music festival of Jalandhar, in Indian Punjab, a festival he had attended since childhood. In a 2011 interview with this writer, he recounted the story of surreptitiously collaborating with the husband (who, like him, was a policeman) of Pakistan’s stalwart classical musician, Roshanara Begum, so that she could perform at Harballabh. While in a professional capacity, Kumar excelled in his services to the Indian state in the 1965 war against Pakistan. However, he left no stone unturned to ensure that an Indian audience could revel in the unparalleled artistry of a Pakistani musician. His national identity as an Indian thus did not preclude him from initiating cultural interchange with Pakistan; a mature form of nationalism, not grounded in cultural exclusivism.

Similarly, organisers of the same festival in 2011 had to surmount immense bureaucratic hurdles to ensure the performance of Lahore-based dhrupad musicians of the Talwandi gharana. Exponents of this gharana went on to perform in Jalandhar after almost 135 years, when their forebear Miyan Qalandar Bakhsh was first offered a nazrana (homage) of one-and-a-half rupees by the Brahmin mahant of the Devi Talab sakti peeth site and founder of the festival, Baba Harballabh, as an invitation to come and perform there.

Partition has made it very difficult for musicians to perform across the 1947 borders. However, numerous instances exist which demonstrate how these boundaries have not daunted all musicians. In a version of the Roshanara Begum anecdote, Ustad Nusrat Fateh Ali Khan’s father and uncle, who had to migrate to Pakistan in 1947 (but were originally based in Jalandhar), made the journey back to their hometown, simply to perform at the annual urs melā (fair) held at the shrine of the local saint Hazrat Imam Nasr, in 1952. Jalandhar’s Hindu and Sikh residents apparently turned out in vast numbers to listen to their former co-residents perform again at the legendary fair after a gap of more than five years.
The Harballabh is merely one example of a Hindu shrine functioning as a centre for the musical performances by musicians, irrespective of religious background. One wonders what Hindutva outfits would make of innumerable other such instances. For example, Pakistan's famous duo of classical musicians, Ustad Salamat Ali and Nazakat Ali Khan of the Sham Chaurasia gharana (who migrated to Lahore from Hoshiarpur in Indian Punjab), made their first spectacular debut as young boys at an annual rāga concert held during the festival of Holi at the Durgiana temple in Amritsar.

In April 2015, Bhai Ghulam Muhammad Chand of the rababi tradition of musicians who perform at Sikh gurdwaras, and who traced his lineage back to Bhai Mardana (Guru Nanak's Muslim companion), passed away in Lahore. Bhai Chand's father was the last rababi to perform at the Golden Temple in Amritsar, before being forced to migrate to Lahore in 1947. In fact, the partition's impact on the lives of musicians—a communally amorphous and characteristically peripatetic group—still needs to be seriously researched.

Borders did not emerge overnight in 1947—but were long in the making. As is well known, a large proportion of people migrated for non-political reasons. The legendary Pakistani singer Iqbal Bano, who grew up in Rohtak (present-day Haryana) and trained under Ustad Chaand Khan in Delhi, had to migrate to Pakistan in 1952, in order to be married to a gentleman from Multan. She also famously defied General Zia-ul-Haq in 1985 by openly singing Faiz's political poetry in Lahore's Gaddafi stadium before a crowd of 50,000 people. Needless to say, Zia banned her performances, which led to a flourishing business of her tapes in the black market. Indeed, several Pakistanis tuned in to All India Radio to listen to her—illustrating how music lovers have always found ways to relentlessly subvert bans!

The experience of Pakistan under Zia is worth remembering at this critical juncture in India's history, when Hindu extremists threaten the cosmopolitanism fostered over the last 60 years. Rather than subdue music, Zia's ban paradoxically gave a greater fillip to culture—since covert performances, organised by scores of ordinary Pakistanis, vastly increased the popularity of musicians.

Live performances by Pakistani musicians, which the foot soldiers of Hindutva are trying to suppress, are on course to acquire a deeper affective value amongst Indians. Attempts to ban them will only foster a deeper interest in Pakistani music, and augment the already enormous Indian fan base that many musicians and bands have across South Asia. As journalist Malik Siraj Akbar has reminded us recently, over the years Pakistani artistes rightfully viewed India, in particular Bollywood, as an avenue for an unbiased recognition of their merit. Given the prominence of Bollywood, quashing this informal tradition today won't merely deprive the film industry in Mumbai, but threaten musical collaborations at large in South Asia.

The musicians of India and Pakistan comprise the one cultural group that has indefatigably worked to unite ordinary people throughout the last 65 years in ways that man-made borders cannot sever. Indeed, there is a deeper reason why this cultural exchange—of music, drama and dance—has continued uneasingly. In the absence of any state-sponsored memorial to those who perished in 1947, music alone has had to perform the onerous task of healing the psychosocial trauma suffered by an entire generation due to the violence and hardship that accompanied partition. No wonder then that the Shiv Sena, or indeed their Islamist counterparts in Pakistan, feel the need to so violently snuff it out.

As Indian music lovers, we can only entreat Ghulam Ali, and other Pakistani musicians to continue travelling to India, so we can revel in those fleetingly small moments of ineffable joy that music alone can provide. The pain which music aficionados on the wrong side of the border feel is perhaps best captured in the words of Ahmed Faraz's famous ghazal, made immemorial by the legendary Mehdi Hassan (refreshed recently for a new generation of listeners by the popular Assamese musician Papon):

Ranjish hī sahi, Dil hī Dukhane Ke Liye Āā;
Aū phir se, mujhe chhod ke joane ke Liye Āā.
(Come, even if to cause distress, and to hurt my heart;
Come, even if you come only to leave me again.)

Radha Kapuria (radha.kapuria@kcl.ac.uk) is a PhD student at King's College, London.
The sacred and the profane share an uneasy coexistence amidst the serene ambience of a Buddhist monastery in Tuting, a closely guarded village bordering Tibet.

To the east of Gelling, a small village in the north-eastern state of Arunachal Pradesh, is where the river Brahmaputra enters India. It’s a long river with many names to it, and an intriguing history relating to its discovery. In Tibet, just over the border, the river is known as Yarlung Tsangpo. As it flows southward to the Indian subcontinent, it assumes a more stately shape, but here in the north, with its new shifting histories and disparate claims, it is bound by mountains of the eastern Himalayas, fringed by spiky pines and other evergreens, and forms gorges and canyons as it streams downward.

Tuting, about 20 km south of Gelling, was as close as I could get to the river on the Indian side, a century and more since the monk Kinthup’s journey to find the source of the river. This was at the height of the “Great Game,” when Russia and Britain vied for control of Central Asia and Tibet. Kinthup’s journey in the early 1880s led him, through immense vicissitudes that included a period of slavery, to Tibet, and further north-east in the footsteps of the river. But it wasn’t until 30 years later that the Bailey–Morshead expedition (1913) convincingly traced the Yarlong Tsangpo to its source in Mount Kailash, as they travelled beyond the high peak of the Namcha Barwa, where the river forms a great bend. A few miles downstream, the river carves out the world’s deepest gorge.

We flew from Mumbai to Dibrugarh, a city of tea gardens in eastern Assam and then took a series of jeep rides to Tuting. By the time we reached Tuting the sun had set. It was this, besides the long journey of three days from Mumbai, that told us how far we really were. The North East, as is now accepted, is a largely ignored area, and its different life systems, marked by the very different rhythms of the sun, only reinforced that sense.

Even in those twilight hours, the army’s presence was ubiquitous but hardly surprising since the place is so close to the border. In my other visits to the state, to the Mishmi Hills more recently, we shared jeep rides with army jawans, and this time we spent the night at an army guest house (through a friend’s personal connection). As those previous visits had borne out, this region, intensely and closely guarded, with even more efforts now underway to secure it more strongly, is traditionally regarded as a sacred, even hidden, place, a part of Pemako or Pema Kod that includes Tibet as well. Historically, Pemako then constituted a unified region, marked by rivers and mountains, till modern strategic and political concerns created new boundaries—constantly guarded, ever-disputed.

The next day, we walked down to the new Tuting monastery, also called the Palyul temple. From the guest house, everything was a few minutes’ walk away. We could see the shimmering gold roof of the monastery, its white walls blinding in the morning sun. And, on the other side, we saw a wide area where the earth had been gouged out and flattened. We soon learnt that an airstrip for the
The defence forces had been sanctioned here. Suddenly, things did not seem so benign. The border remained unseen but its presence was now more palpable. The Chinese, we learnt recently, had built roads, and even a highway that, for some miles, became a tunnel to ensure connectivity to this region of Tibet that had long been remote, favoured by monks, pilgrims and itinerant traders.

The temple extended quite some way inside. Its triangular red roofs and neat white walls offered a quiet, gentle welcome, one that required no permission—the contrast obvious in these parts where government-issued official permits are the only documents authorising movement.

We walked around the entire building, passed a courtyard, flanked by a two-storeyed building that looked like the monks’ quarters, and saw no one till we quite literally stumbled on a monk. Quite evidently, he was a monk, with his red robes, seated on the low parapet of the monastery, his umbrella by his side, immersed in some deep thought.

Obviously, he wasn’t lost entirely in meditation as monks of yore, for he was soon alerted to our presence. His amusement was manifold when he learnt that we had travelled as far as from Mumbai, for no one really came here for the usual touristy lures. There are the devout Buddhists, followers of the Rinpoche, and then the military, he said, pointing in the direction where the airbase was coming up.

But sensing our interest, he had the monastery and its inner hall of worship opened up. It was a long, square hall and, arrayed on one side, were the golden-plated statues of the gentle-eyed, long-fingered Buddha and Padmasambhava (Guru Rinpoche). There was intricate and detailed artwork—in blue delicate flower patterns—on the walls. Our monk friend, Yajong Duggong, told us of a school on the premises and a little while later, our conversation was interrupted by the sound of several chattering young children as they gathered in the courtyard at the end of their classes.

Yajong said he was from the Adi ethnic group, the most numerous in this district of Upper Siang. Like a few of his group, he was a Buddhist, though most still practise the Donyi-Poloism faith. The Adis are paddy cultivators but he had been—in a previous birth, he said, laughing—a hunter, who tracked down and killed the mountain bears, the goat-antelope (locally called “takin” and the “goral”) and even smaller creatures like monkeys and hares, local to this region.

But his reasons to become a monk came from a sudden realisation. One he elaborated to us in deep reflective tones. With the ancient Buddhist belief in reincarnation—the cycle of birth–death–rebirth, and how one’s life and the entire world’s too depends on karma and one’s deeds in this life—he realised that the animals he killed could be in some ways related to him in his previous births. It made him empathetic and even remorseful. He believed then in the Buddhist concept of “kor$a”—the practice of showing remorse by offering prayer and penance.

As we talked, the sounds of construction of the nearby airstrip—the drone of bulldozers, the harsh graze as the earth was pulled up time and again—came to us. The contrast between his advocacy and change to a life of peace and the modern imperative of demonstrating military might couldn’t have been clearer.

Yajong said he offered kora almost every day, for some sin he may have committed without realisation, and so, more drawn by curiosity than anything else, we accompanied him to where he pointed: a sacred grove across the river where kora is traditionally offered.

The kora is actually a word in Tibetan meaning “circumambulation” or “revolution” around a sacred
object. It is a meditative practice associated with Tibetan Buddhism, and sacredness is usually associated with a structure or even a person.

We followed Yajong across the river Siang with great trepidation. We walked gingerly over a rough, overhanging bridge made of wooden planks and metal wires, and the river, 30 feet below, rushed abandoned, even reckless. It felt oddly timeless and unchanging, though even in this region, where the government has committed to several hydroelectric projects, attempts are afoot to tame and control this river, just as has happened on the China side, where, for centuries, the river, its tributaries and branches have flown unfettered.

Yajong told us more about the historic Pemako region. The Upper Siang, in particular, formed part of the “Lotus Array”—a “beyul” or hidden valley, revered by the Rinpoche sect of the Tibetan Buddhists, which venerated gurus and monks who had once traversed a land now divided up by the McMohan line that marks the boundary between China and India.

The sacred space across the river was in a small grove, and tall trees overlooked a grassy central area, where, amidst several moss-covered and decorated stones and boulders, was a stone figure resembling an eagle. This was the Garuda, a creature held divine in Tibetan Buddhism for representing wisdom. As we circled the stone bird, and the monk quietly chanted his prayers, we felt strangely one with the place: the wind rushing up, the realisation that an old river flowed close by, and the strange-looking dog that appeared out of nowhere to watch us in open curiosity. Our steps on the fallen leaves and the dog’s quick breathing were the only sounds that punctuated the silence.

On our way back, we passed the airforce base, with the rough dug-up earth clear evidence of new construction. The couple of guards at the makeshift gate nodded and smiled at the monk and us. To them, Yajong was already a familiar figure, in his ruminations and frequent perambulations. The sight of change everywhere—the rutted, broken-up runway, the hacked-down trees—seemed to threaten the long, unchanging calmness of the place. It would soon be drowned out by the noise of planes, descending, then taking off. It made one wonder at the tranquil quiet of the earth; the monk’s offering of kora or penance seemed futile and yet necessary.
A Festival of Surveillance?

C S Venkiteswaran (venkitycs@gmail.com) is a film critic and commentator based in Thiruvananthapuram.

The 46th International Film Festival of India, held in Goa from 20th to 30th November, revealed disturbing trends of tyranny, intolerance and commercialisation.

Usually, attending a film festival is a joyous experience, with each film a journey that expands one’s inner and outer worlds, with visual narratives from different parts of the globe transporting you into unknown languages, landscapes, cultures, customs and, most importantly, dreams, agonies and angst. A film festival is also an annual get-together of cineastes from around the country and the world, an occasion to share views, experiences and opinions.

This year at the International Film Festival of India (IFFI) 2015, though all the paraphernalia of a film festival was very much present, its soul was missing; and one felt it at three levels—the films themselves, the festival ambience and the audience. On the one hand, film as a medium itself is facing a severe “identity crisis” of sorts with several other new media forms of endless distraction eclipsing its prominence, and thereby denying it the quality of attention that cinema needs and demands.

On the other hand, the festival, which is into its 46th edition this year, exuded an atmosphere of panic and surveillance overkill (a case of Festival Goliaths vs Film and Television Institute of India (FTII) Davids) in its desperate attempt to pre-empt any show of dissent, which resonated loudly with the political atmosphere of intolerance outside. The FTII students were not even allowed to register their protests peacefully. Not only were they denied delegate passes (obviously, they were “weeded” out in the registration process itself) and thus entry into the festival venues, even other delegates who wanted to declare their solidarity with the FTII students through such harmless means as wearing badges or t-shirts with slogans, were prevented from doing so.

At the third level, which is the most ominous, there were no visible or vocal protests in an organised manner against such oppression from among the delegates attending the festival, barring certain voices of individual outbursts. One hoped that some film-makers while presenting their films, or speakers in the Open Forum, Q&A sessions and seminars, would raise the issue at the festival. In this deafening silence, the voices of dissent of stalwarts like Saeed Mirza, Dhritiman Chatterjee and R V Ramani from outside the festival sounded like far cries in the wilderness.

The crises at all the three levels—that of the medium, the establishment and the cineastes—present a bleak picture about film art, film festivals and the audience. They are not coincidences, but portend a new convergence happening in the film festival arena, which is manifest in the content, administration, events and reception of the festival. During the last two decades, markedly since the 1990s, the films that circulate in the international film festival circuits are not selected or nominated by any “national” or “official” agencies like cultural departments, embassies or government organisations, but by global production and marketing agencies, private museums, galleries, art foundations, film festivals, individual programmers, curators, and so on. This new-generation middlemen ultimately decide the “who is who” of contemporary world cinema.
While certain regions and countries, film-makers and auteurs are celebrated as masters and promoted worldwide, certain others are left out. This has brought into being a new kind of elitism where a select few decide what is in and out of the festival circuits. The films that thus get noticed, circulated and celebrated are ones that “live up or down” to their tastes, which, in turn, are driven by, or look up to, European film festivals. For instance, if in the pre-1990s scenario, an unknown debutant film-maker from a remote region in India had a fair chance of getting noticed if his or her work got selected for national awards or the Indian Panorama section, now it has become near impossible, unless he or she is “sighted” and “promoted” by the international programmers.

In tandem with that, the content of the film festivals is also undergoing change, which is determined and shaped by this selection process. Take, for instance, a festival like IFFI: if earlier, IFFI used to showcase Third World countries and film-makers, both in terms of films, packages and themes, and also in their guest lists, now it is skewed against them. Instead, a certain “Hollywoodisation” has set in here: European and Hollywood films, tastes, packages and dignitaries dominate the festival’s stages, events, lectures and content. This also marks the retreat of the state from culture as a patron, and its emphatic return in the form of surveiller. The space thus evacuated by the state is usurped by capital, with the commercial industry and its tastes taking over the reins.

The saddest part is the weakening of the pan-Indian fraternity of parallel film-makers, film activists, film societies and cineastes who ought to be fighting against this trend. The representatives of their ilk from different parts of the country who gathered at the Goa festival couldn’t work up synergies to innovate forms of protest against the tyranny of the festival establishment, to project the plight of the FTII students or to cry out against the cult of intolerance stalking our life, culture and polity.

A glaring exception to such “detachment” is the struggle of the FTII students who, despite the strategic retreat they were forced into in their strike, managed to liberate their struggle from the confines of their institution and immediate concerns. They succeeded in posing it as a larger threat to freedom of expression, the right to dissent and the essential autonomy of institutions of learning. They also showed new ways of reaching out and holding hands that vibed with the democratic conscience. We indeed have a lesson or two, bleak and bright, to learn from IFFI and FTII.
Anjum Altaf (anjumaltaf@hotmail.com), who is based in Karachi, curates the South Asian Idea Weblog (http://thesouthasianidea.wordpress.com/), a learning resource for college students in South Asia.

(After Faiz Ahmad Faiz’s Dhaka se Wapsi par)

Anjum Altaf

So often

I have said it to myself

I wish to say it to you

It should not be difficult

But it is

Do you sense

What I am trying to say

And

Why I cannot say it

Feelings are feelings

Words, words

So much is lost on the way

What would it take

To trust again

To feel

Without the need
To say