

# **SOUTH ASIAN JOURNAL OF PARTICIPATIVE DEVELOPMENT**



**CENTRE FOR SOCIAL RESEARCH &  
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## Editorial

We are happy to state that during the last 20 years we have brought many special issues on different special themes such as ageing, women empowerment, education, NGOs intervention in the development etc. It is our experience that most of the writes were unable to contribute their articles because of restrictions to the special themes. Hence, we kept two issues of the 2019 open, without any restrictions. Resultantly, we got the tremendous response and a large number of writers submitted their articles. After peer review process we have finally included eight articles in the current issue.

Dinesh Chand and Swati Banerjee tried to explore the various issues concerned with the *Musahar* community in Uttar Pradesh. The article explores the Gender, Caste and Spaces in the Lifeworld of the *Musahar* women in Uttar Pradesh. An article by Sudipta Biswas is also related to the issues concerned with the women that discusses the empowerment of women through legal literacy in West Bengal. The article claims that about 17 crore women work in agriculture and allied activities, producing about 60-80 per cent of our food, but only 13 per cent of them own land, which is the most important household asset to support their families and provide food, nutrition and income security. Rivers as natural resources have been at the center of the development debates across the world for decades. Keeping this as the central point Prashant Anand discusses the current status of pollution in the river Ganga and scope for future changes. Chitaranjan Das Adhikary tried to focus on the Depressed Democracy in terms of Gender, Styles and Outcomes.

Abhishek Yadav's paper entitled "Appraisal of Political Reforms in Pakistan's Federally Administered Tribal Areas" attempts to analyze issues prevalent in erstwhile Federally Administered Tribal Areas (FATA) of Pakistan and tries to know the reasons behind the increase of militancy in the region, especially after 9/11. Yadav concludes that the discourse of development and reforms need to take center stage in the policy formation for the tribal areas considering its local needs and requirements. There is an urgent need to bring substantive political reforms in erstwhile FATA for the

welfare of the inhabitants of the region. B. T. Lawani narrated the Youth Social Work Practice in Addressing the Issues & Challenges of Youth in India. He has made an attempt to know and understand the issues and challenges faced by the youths in India and the intervention of social work by way of training the youth to overcome those problems.

An article on Water, Sanitation and Hygiene (WASH) for Aboriginal Youth in Narayanpur, Brahmaputra Valley, Assam by Emmanuel Daniel explores the present conditions water, sanitation and hygiene and suggest measures to overcome the issues in order to have a healthy life style. The article concludes that the Aboriginal youths do not give more importance to the hygiene aspects. Their family members also do not really bother about it. They really wanted to improve their standards in regards to WASH. But they find it difficult as they do not get any support from the community. As said earlier, prevention is always better than curing. Good health can definitely increase the efficiency of an individual. Health is Wealth.

Aparna J Shinde Legal Challenges in Cyber Space. The article highlights the landmark judgments by the Indian Courts. Aparna concludes that Indian courts adopt the US centric jurisdiction for decision. But much more we need to do. The problem faced in cyberspace is that collection of digital evidences and preservation problem of these evidence, procedure issues, the response of Indian Law to new conduct of wrongdoer is somewhat slow so need to be amended and update their legal systems to counter the cyberspace problem.

**Dr. B. T. Lawani**  
**Editor-in-Chief**

## **Exploring the Intersections of Gender, Caste and Space in the Lifeworld of Musahar Women in Uttar Pradesh**

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### ***Abstract***

*Kimberle Crenshaw (1991) explains the concept of intersectionality as important not only to understand racial discrimination but differential experiences of women within such differences. She mentions, “there was no proper concept to use for the discrimination of black women. There were policies for black men and white women.” Further, Ruston and Lindstrom (2013) reiterate “intersectionality in different dimensions of social life, axes of differentiation, axes of oppression, social structures, norms and activities are intersecting, mutually modifying and inseparable.”*

*In the Indian context, women of so-called ‘lower’ castes face marginalities in various spaces at the intersection of caste, class and gender.*

*In the case of women in Musahar community<sup>1</sup> in Uttar Pradesh, they encounter challenges for survival and struggles on account of social differences and historicity of structural hierarchies. Conventionally, women are in a subordinate position in various social spaces and so are Musahar women, which further intersects with caste multiplying the marginalities.*

*This paper explores the lifeworld of Musahar women, their marginalities and their agency at the intersections of gender & caste identity across various spaces that get defined by hierarchical power relationships.*

**Keyword:** Intersectionality, Marginality, Women, Lifeworld, Gender, Patriarchy, Caste, Agency, Spatial Practice

## **Introduction:**

The historicity of caste-based hierarchical structures in Indian society and its intersections with gender marks the subordination and marginalization of women across multiple spaces including household, work, community spaces including education, health care, public spaces etc. The unequal status and deepening marginalization that gets manifested across various spaces is thus rooted in this power hierarchies of caste and patriarchy, which is also closely linked to the unequal access to resources, marginalities and stigma. Eswaran et al (2013) locates women's status in India in this understanding and perspective of caste and explains their experiences of subordination and denial of opportunities in society based on the same. Also, Rege (1995) talks about "the survival of so-called 'lower' caste and working-class women that gets invisible under rubrics of 'social problems' and the changing status of women in India." Brush (2007:12) uses "gender lens" to understand various aspects in society e.g. domination, politics and power relationships. In such a scenario, women's status and struggle, especially of those belonging to the so-called 'lower' caste is difficult to understand without using a gendered and intersectional understanding.

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<sup>1</sup> A community belonging to scheduled caste, and their occupation is based on agricultural wage work and historically, this is landless community.

Bhasin (2003) specifically mentions that “gender is the key to understanding the power relationships between men and women”. “Gender as a structural feature of reality has been ignored and understanding of reality has remained partial and ‘gendered’” (Rege, 1995). Power dynamics in gender relationships are rooted hegemonically in cultural values of patriarchy. Walby (1989:214) says, “Patriarchy is the essential tool in the analysis of gender relationships”. It reflects the “subordination and disadvantageous position of women in various social institutions” (Mitchell, 2009:7). Further, family has been described as the primary space for patriarchal practice (Sonawa, 2001, Kapadia, 1982). The patriarchal practices further get entrenched within rural contexts in India with hierarchical division of labor between women and men and the practice of norms and values with little or no spaces for negotiation. Patriarchy has also been referred to as a system of governance in which man ruled society through their position of being the head of household” (Walby, 1989, Weber, 1947). Walby (1989) explains the existence of patriarchal practices across various spaces including household, workplaces, body & sexuality, cultural institutions etc. Intersectionality of caste, socio-economic status, gender and patriarchal hierarchy mediates women’s status creating multiple marginalization.

The Musahar community in Uttar Pradesh is situated largely in the eastern parts. They are one of the most marginalized communities and known as a traditional rat hunting and rat eating community who have been stigmatized for the same since historical times. However, in the contemporary context, this practice of rat eating is not so visible, but the stigma continues. Since historical times, this community has been landless agricultural labourers. Their contemporary source of income encompasses daily wage work as farm labourers, work in brick-kiln, construction site, loading & unloading work etc. They also migrate to the cities and other States where they work as daily wage labourers in the construction, iron and textile industries etc.

Within the overall context of marginality of the Musahar community, women face further layered and differential marginalities resulting from the intersections and interface of caste, denial of resources and

manifestations of both, public and private patriarchy across different spaces of household, work etc. In farm labour for example, women and men have differential wages, where men have a higher wage than women. The nature of work also differs where men are engaged in digging or cleaning mud with a spade while women only do with hand tools. While working as agricultural labourers or in other daily wage work, women also face harassment including sexual harassment, abusive language and sexually laced comments. Simultaneously within the household, they have to take part in reproductive responsibilities and caring activities for family members. In the Musahar community, women play a key role in survival activities, however her financial contribution is rarely recognized within the household. Thus, women not only work outside for wages but also have household chores and the responsibilities for reproductive work at home. So, along with multiple workloads, Musahar women face multiple challenges and complexities both within the household and outside. They struggle to voice out their concerns at community or larger societal spaces and their concerns are mostly invisibilized. Doeuff (2000) talks about various discussions over women's concerns about equality and daily life of a woman, irrespective of their social class or education. The normalization of women's existing lifeworld by various social norms and values due to historicity, rarely let them come out. Kumkum Roy (2016) says, "gender history can be extremely complicated and need to be sensitive to variations in terms of categories such as caste, class, region and communities".

This paper thus highlights the context of daily lives of Musahar women and their everyday struggles, concerns and issues at the interface of various spaces due to intersections of caste and gender including poor access to resources. This has been understood by locating the lifeworld of Musahar women within the context of the lifeworld of Musahar community as a whole and their daily struggles. Further through the various life stages of the Musahar woman, the nuances of her subjective experiences in daily life have been analyzed across various spaces of the household, work, community and society.

## **Methodology:**

This paper is part of a qualitative research study about the lifeworld and livelihoods of the Musahar community from a gendered perspective. The study was conducted in Uttar Pradesh<sup>2</sup>. Selection of location was based on socio-economic backwardness, lack of participation, limited work opportunities & source of income, agriculture landlessness, ineffective implementation of government policies and migration as a livelihood strategy. In-depth interviews were used as a method of data collection to get an understanding of women's life world, struggle and exclusion. The sampling technique used was purposive. The qualitative methodology provided a path to understand subjective experiences, views, perceptions and specifically the everyday experiences of Musahar women. Participant observation helped in getting clarity about various actions and practice. Data was collected in two villages of Kushinagar district in Eastern Uttar Pradesh to understand their experiences and situation and the nuances of their daily lives.

## **Key Concepts:**

The paper is located in the key understanding of intersectionality and the various intersecting and interfacing perspectives including lifeworld, caste and patriarchy. Women's subordinate position in society is constructed by hegemonic social & cultural norms and values. The research not only highlights the struggle of Musahar women but also their agency in dealing with the situation, even though it's not free agency.

Alfred Schutz defines lifeworld as a social-phenomenon which is about understanding the lived experiences of people. Within this understanding, Musahar women's lifeworld could be located in multiple spaces including their daily work as labourers in farms etc., with less wages and poor work conditions, daily threats of sexual harassment, household work including supporting of family members, lack of control and decision making

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<sup>2</sup> Two hamlet- Khadahi and Bhudevpur of Mainpur village and one hamlet-Mahiarva at Dudahi village in Kushinagar district

within the household, and indignity within the household and outside, daily caste stigma in the community and outside as both women and women belonging to Musahar community, lack of access to resources for survival etc. These points also emerge in the explanation of Karus (2015: xx) as he defines “lifeworld related to a person’s subjective experiences related to material and immaterial reality”.

In contemporary lifeworld, Musahar women are playing a significant role in raising children and feeding the family, meeting financial needs by doing wage labour and engaging in reproductive work. Their lifeworld comprises a busy schedule of household and labour work for wages in brick factories, in agriculture, supporting men in their wage work etc. Musahar women also face multiple challenges in their daily lives in accessing facilities of health, education for children, employment, inclusiveness in various processes within the family as well as in the society.

Intersectionality as a concept has emerged from the work of feminists of colour. Kimberle Crenshaw (1991) has looked at intersectionality from the understanding of race and gender emerging from the struggles of women of colour. “Premise of intersectionality is the acknowledgement of power hierarchies not only between two groups of ‘women’ and ‘men’, but determining whose experiences count and who gets to speak on behalf of ‘women’” (Wendy, 2013:4-5; Spelman 1988: 77-79). In Indian caste-based structure of society, Banerjee and Ghosh (2018:04) relate the idea of intersectionality to pre-independence times. Ambedkar (1916) also recognized that “caste and gender identities were not only parallel but also intersectional systems” that had tried to establish specific and hierarchical gender roles. Women’s lifeworld in various spaces of the household, community and larger societal spaces is not only unequal but also manifests into subordination, marginalities and lack of opportunities.

## **Locating Musahar women within the overall context of Musahar community in Uttar Pradesh:**

*“If women don't earn, Musahar will go hungry.”*

This articulation by a Musahar woman highlights both the struggles she faces as well as the significant role she plays in the wellbeing of the family and community.

Kushinagar has one of the highest populations of Musahar communities and is also one of the socio-economically backward districts in Uttar Pradesh. Majority of the people from Musahar communities have been residing in rural areas. Their living spaces are segregated from other caste groups. They live in small houses made of mud, straw and bamboo. Only few houses constructed under Government schemes are made of bricks but without any basic facilities of toilet (majority houses are without toilets), bathroom, water and kitchen. Through the various government programmes,, they have received aid for constructing houses but this amount was not enough. Corruption and local politics play a significant role in downgrading the quality. People have mentioned that there are cases where PRI<sup>3</sup> members have asked for money for constructing houses.

Ramesh says (name changed).

*“My house is made of straw and bamboo. Even my parent's house is also made of mud and straw. We have not received any support for building houses under the scheme of Awas<sup>4</sup>”*

Radhika (name changed) says:

*“There are agents, they only decide who will benefit and who will not. So due to these agents, see the quality of the toilet. These toilets are made with very small pieces of brick. When I go to use the toilet,*

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<sup>3</sup> Panchayati Raj Institutions

<sup>4</sup>Government support for construction of house under housing schemes

*I am afraid that it may fall anytime. It is of that bad quality. People use it with fear of falling apart.”*

This is an unsafe situation for women and children. “Women are mostly engaged in unpaid jobs inside the household or outside work including under-paid wage work, collecting firewood, grazing, helping husband/father in *brick-kiln* etc” also mentioned by Desai & Jain (1994) about typical unpaid domestic activities that consist of cooking and cleaning and “poor women spend considerable time collecting in firewood, preparing cow dung cakes, or cleaning grain” (Desai & Jain, 1994; Agarwal, 1986; Jain, 1985; Jain and Banerjee, 1985). Misra (1998) talks about a similar debate over the “unpaid work of women in the family including variations about the work and the time, women spend at home”. Further, Desai & Jain (1994:117) and Jahan & Papanek (1979) emphasizes that “these activities at home are rarely considered economic, either by the national assessment systems or by the women themselves.” Majority of the women spend more working hours than men for the family. This is very common in almost every family in the community.

In addition to the household space, social norms and traditional practices further subjugate and marginalize women.

Gayatri (name changed) says:

*“Actually, when a cot belongs to my husband’s elder brother then I cannot sit on it, I can speak with him but I cannot sit on that cot where he sleeps.”*

Radhika (name changed) says...

*“My mother-in-law takes all the decisions in all the financial matters and other activities. All the outside household decisions are taken by her. My husband earns and I cook food but other things are taken care of by my mother-in-law. So, she goes out if there is anything needed to bring. When my father-in-law was alive, he used to take all the decisions”*

An intersectionality of age is also visible here. It is not only patriarchy within the household but also in community spaces and with respect to other people and communities. Other caste groups in the neighborhood also look down upon Musahar women because of their caste and because they are women. This can be seen and understood in the oppressive behaviour and dominating and harsh ways of conversation at work and other spaces.

Suganti (name changed) says...

*“They pressurise us to work quickly in harsh conditions and make us work till the work is finished no matter what time it takes. They also talk harshly.”*

Rajbanti (name changed) says...

*“I know if someone gets education till 10th in Musahar community, other community people do not like it. They think that s/he can go ahead of them.”*

Women’s lives are also affected by local self-governance and its feudalistic nature of elected bodies. Local Self Governance body and political institutions seem to exist for getting more personal benefits through corruption<sup>5</sup> rather than welfare. Women do receive some meagre benefits from government schemes like MGNREGA<sup>6</sup>, PDS<sup>7</sup> etc., but often these programs are not implemented properly. Financial constraints and the busy schedules do not leave any time for the Musahar community as a whole and Musahar women, in particular, to think, reflect and understand the various strategies used by local self-governance representatives. There is no space for Musahar men and women in local governance.

Thus, we see that there is an overall context of extreme poverty and marginality for the Musahar community as a whole and differential

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<sup>5</sup> As mentioned above about corruption in housing scheme

<sup>6</sup> Mahatma Gandhi National Rural Employment Guarantee Act

<sup>7</sup> Public Distribution System

marginality for women in particular which gets multiplied due to the various intersections and interfaces.

### **Spatialization of power and practices at the intersections of caste and gender in the life stages of Musahar women:**

The multiple intersections in the lives of Musahar women further disadvantage and discriminate against them. This understanding gets located in various spaces within the household, community and society, which further helps to understand how power as located in these various spaces overlap with gender and caste identities. Wendy Harcourt & Escobar (2002) "explains place-based politics of women that is related to their experience in the daily lives in various domains, for example, body, home, environment and public spaces. These intersections of gender, caste and power as operational in various spaces are further manifested through various gendered and spatial practices within the life stages of women.

#### **a. Childhood:**

Childhood of Musahar children is full of struggles. The girl child in particular is being controlled and monitored by male members within the household. Girls between the age of six to eleven years start to learn household work and help mothers in cooking and accompanying mothers and sisters to earn for the family. Financial constraints, inadequate resources for survival etc., forces girls at an early age to support family financially and either they drop out of schools or are not enrolled at all.

Naresh (name changed) says about his daughter....

*My daughter says her teacher told her that if she does not have a notebook, she doesn't need to come to school.*

Sonia (name changed) says about her childhood...

*I have never gone to school. I was always at home and helping my mother at home. My parents wanted me to stay at home. So, I was*

*helping my mother most of the time. When I got a little older, I started to go for labour work in others' farms.*

Parents are hardly able to pay attention to their children due to financial constraints caused by historical landlessness, continuous search for work for mere survival, being busy in meagre paying wage work from morning to evening etc. This situation leads children to experience financial and various constraints and they stay without the care of parents. In such a grim situation of struggle and household circumstances, children lack essential resources like proper food, education, clean clothes, washed bedding etc. It was observed that Musaher children happened to play inside or outside the house in dust the entire day devoid of proper care and attention. Adolescent girls are more engaged in household work e.g. cooking, looking after cattle or younger siblings in house than adolescent boys who just roam around.

Jhunia (name changed) says...

*When I was young, we were having cattle at home so I used to care for them. I used to bring grass for them and feed the cattle. So, this is what I was doing when I was young for the entire time. My brother was learning to drive and he used to roam around. He did not help in the household work. All the household work is being done either by me or my mother.*

Schooling is thus a distant dream for most children in the community. In the Musaher hamlets, boys are largely engaged in helping parents, going for wage work while girls are specifically doing either domestic work or going with their mother or any woman in the community to earn. Musaher children are especially the victim of contemporary situations and failure of state policy to provide children opportunity for schooling. Girls have more responsibility at home like their mother and also outside the home, to earn for the family. These are gendered divisions of work at childhood in the majority of the Musaher families. The ongoing practice of non-schooling makes them unaware about their situation and leave them

prone to face marginality at various spaces including workplace and political spaces.

**b. Teenage and Young Adults:**

Musahar girls aged between twelve to eighteen years encounter various challenges. At this age, it is considered that girls should be groomed for marriage and expected to learn cooking, cleaning, and should take care of their siblings. Also, the unspoken understanding is that the sexuality of the girls needs to be controlled. However, girls were observed to be curious about the world beyond their hamlets and aspiring to buy new clothes for themselves and go outside but do not get the opportunity to do so due to poverty, illiteracy, patriarchal structure and family's concern for their security. Hence, they are largely confined to the household spaces and kept away from social spaces. However, due to extreme poverty, girls are forced to go out of the home to earn or support their parents in most cases. Musahar girls in the majority of the cases engage in wage work in agriculture in spite of the restriction on their mobility. But apart from work for earning a livelihood for the family, they are not allowed to move outside of the home. This short time and space that the girls go out for wage work, actually exposes them to the dynamics of workspaces e.g. low wage, caste stigma and hierarchical relationships.

Other-caste (non-Musahar) primary school teacher from a neighboring village mentions...

*“Musahar girls earn a lot of money but they are senseless”*

Such is the stigma that the girls from the community faces and also other communities often think that the girls from the Musahar community could be sexually harassed and treated without dignity. Essentially, the underlying assumption is that their bodies can be controlled in public spaces because of their age, caste and gender. Some families in the hamlets where the study was conducted, make and sell liquor from home. This liquor making process demands a lot of effort. Women perform all the roles required for this process e.g. collecting firewood, buying raw stuff and selling it. Process of

selling consists of the<sup>8</sup>arrival of the customer at the door of the house, the customer asking for availability of liquor with symbolic language or in a slow voice and then the customer waiting outside for response. The seller from the house then gives the nod for availability, makes the customer to sit outside or sit inside the house as per instruction. The girls or daughters-in-law within the Musahar household mostly bring and serve liquor to customers as per the demands. This is a humiliating space for Musahar girls as many times, it is surrounded with gender-based abusive words, comments and dominant relationships. Musahar men's role in the process of liquor is limited to collecting money from customers and sending them back as soon as possible. This is a complex space of poverty, work and patriarchy that plays out where liquor selling is seen as a livelihood opportunity within a poverty-stricken context and young girls; daughters and daughters in law of the house are used to sell the products. This commodification of young girls in the household as sexual objects sells the product and therefore the restrictions on their mobility and concepts of patriarchal purity is lifted within this context. These are thus complex and dilemmatic spaces which at one hand leads to resources for survival of the family and on the other is humiliating and oppressive to the girls in the community. Further, there is an interesting interplay of public and private patriarchy here. Even when the mobility of the girls is restricted for reasons of security, they are allowed to interact with male customers who are often drunk, for earning livelihoods. The intersections of caste, class, gender, space and age are clearly visible.

Marriage is another patriarchal institution which impacts the lives of young girls and their families through various practices. Majority of parents are scared of any misconduct or misbehavior with girls, eve-teasing or girl's affairs or eloping with boys. Like other non-Musahar communities, Musahar family also consider girls as a symbol of patriarchal prestige. When girls reach the age of fifteen to sixteen years, parents prefer that they either stay at home doing domestic work and support in earning or arrange a marriage at the earliest. During the study, it was observed that there were rarely any unmarried girls more than sixteen to seventeen years old in the

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<sup>8</sup> Mostly customer belong to other caste community e.g. Yadav, Brahmin, Muslim Chamar etc.

village and the age of newly married women varied between fifteen to eighteen years.

In the Musahar community, marriage and its processes are based on patriarchal norms and values. The practice of dowry and marriage expenses creates challenges for parents to marry their daughters and forces parents to take loans and sometimes it leads to the loss of small agricultural land that they might possess as they are not able to repay their debts. Some parents explore the option of marrying their girls through the organised public group marriage or inter-caste marriage in other districts. This inter-caste marriage is different from conventional marriages due to many reasons. In some inter-caste marriages, boys were 5 years or much older than the girls. Also, in such other inter caste marriages, there was no public gathering and no specific marriage ritual which is usually the norm. There are also cases of money transactions (heard from many community people) in some of these marriages and therefore such marriages are hushed up.

Bharti (name changed) told...

*My extended relative took me away from my hamlet in Sitapur a couple of days before my marriage and my marriage was performed in the temple there. I found out later that my husband and his family had given money for this marriage. Now if someone will hear this, they will say that my parents have sold their daughter. I didn't feel good for this money transaction in my marriage. Actually, my husband also comments many times that he has bought me by paying money. I really hate this and I don't like it when he says like this to me.*

Such marriages are considered as a stigma for the exchange of money through mediators. This inter-caste marriage at far distant unknown villages/towns also makes girls vulnerable to get support or share their challenges after marriage.

Marriage makes girls dependent and, eventually it leads the man to control her. Married women are seen in fear of their husband, mother-in-law,

sister-in-law in the family. Private patriarchy plays out very strongly in this interface of the household space with the institution of marriage.

*“I have been having lots of problems in the in-laws house. When I was in my native place, things were not like this. In my in-law’s family, if I make any mistakes people immediately abuse and beat me. It is just for the sake of small mistake like the amount of salt in vegetable and not bringing water immediately on call”*

Girls have to struggle the most after marriage and most of them also face domestic violence. Most parents decide and fix the marriage of a girl. Girls have no space to make choices or decide in this matter. Dyson and Moore (1983:44) say, “marriage is often dominated by the search for intergroup alliances, and women usually have no choice in the matter of selecting partners as married girls are considered socially and ritually inferior in society”.

In such situations as mentioned above, women are unable to think about their position in society and become victims of oppressive societal structure and customs. Many Musahar men are addicted to liquor. This liquor addiction creates a lot of problems again in women’s lives. After marriage, any challenges and accidents with the husband and his family, any bad habits e.g. liquors or gambling indirectly or directly affects the women irrespective of women’s social position or role as wife or mother.

### **c. Old Age:**

Old age for a Musahar woman is an experience of being left without support, food and housing. Mostly women during the study were found living alone in a hut or single room without any facilities. After marriage, a son in most cases lives separately with his wife and children while mother (parents) remain alone and cook for herself (themselves). Provision of pensions to support elderly persons can be a support system for Musahar. However, local governance institutions are not friendly in most cases with elderly people. The lack of effort of PRI members including the lack of State’s social security support further aggravates the struggle of elderly people in the community

including elderly women. During the study, it was found that many old age women were without any support and were searching for work and also going to farm for wage work and trying to survive.

### **Discussion: Intersectionality and Women's Agency:**

Theoretically, Davies (1991:42) assumes “women’s agency as an agonistic relationship between the self & others and between self & society”. It is central to the individual. For a woman, “an agency is socially moulded by the notion of obligation and legitimacy and such as based on moral judgment” (Tripathi & Mishra, 2011:59; Sen, 1990). Hence, an agency represents the process by which choices are made and put into effect. It is central to the concept of empowerment (Kabeer 2005:14).

Musahar women largely spend their entire life in the village. They don't have much opportunity to go out of their hamlets. There is negligible migration amongst women, either along with men or without men for seeking work outside. They therefore couldn't even experience life in the nearest town that is emerging as space for 'development'. Women are thus confined to the hamlets and have limited exposure and opportunities. Their agency is thus restricted within the multiple intersections that they face. The poverty and the need for earning a wage for the survival of the family further forces women to go for wage work every day and support husband or father or other male members in the family. To fulfil the family's financial and other requirements, women are working at multiple levels with or without men. As Kabeer (2005:14) says “agency encompasses not only ‘decision making and other forms of observable actions but also the meaning, motivation and purpose that individuals bring to their action that is their ‘sense of agency’.”

Ferree (2018:127) explains “intersectionality as an academic approach that offers an agenda for theorizing inequalities as contingent, connected, and conflictual.” In Musahar women's lifeworld, experiences are about inequality and exclusion at various spaces as explained by Collins and Bilge (2016). Intersectionality is a way of understanding and analysing the complexities in the world. Ferree (2018:128) further explains that “intersectionality is not just a form of inquiry and critical analysis but also a

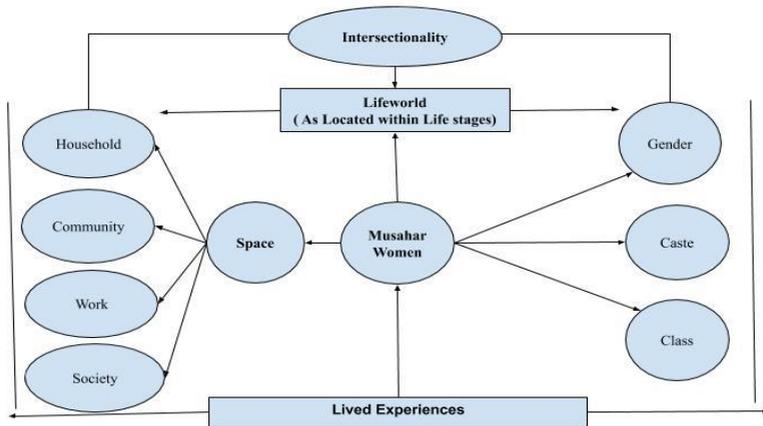
form of praxis that challenges inequalities and this approach opens a collective space for both recognising common threads across complex experiences of injustice”

The so-called ‘upper’ caste groups in the neighborhood view the current poverty and marginality of the Musahar community as a result of them being lazy, without considering the historical inequities. This leads to sharpening of stigma for the community, and an added stigma for women in the community. Women’s lifeworld at the interface of caste and poor socio-economic status leads to multilayered marginalities and complexities. This process further invisibilizes a woman's interest and limits her agency.

Agency is a concept to understand the process of empowerment, and intersectionality helps to understand the processes of exploitation and marginalization. Thus, the understanding of intersectionality and agency can together help find a pathway from ‘unfree’ agency to ‘free’ agency where agency is seen as a continuum towards the pathway of dignity, change and empowerment. In the case of women who are bargaining in public spaces, their capacity of dealing with society depends on various factors such as financial & social status, traditional support system (Agrawal & Bhasin, 2003). Musahar women, however, lack all these components. Women do not get good treatment during the interaction with officials e.g. Asha Worker, Teacher and Village Secretary. Village Panchayat Institutions have no space or opportunity for Musahar women to come and speak and participate. However, Musahars have been struggling in their own way, and often shout at and negotiate with government officials for their entitlements. In the household space, patriarchy is a social structure and ideology which keeps men at a superior position (Bhasin, 2003) and keeps women lowest in hierarchy in the family as well as in society due to their caste and gender identity.

**Significance of spaces in understanding gendered intersectionalities:  
New directions and concluding reflections:**

Women’s lifeworld interfaces with intersectional marginalities leading to shrinking of their spaces at household, work, community and in the larger society. Their struggle is multilayered due to the historicity and the contemporary manifestations of patriarchy and caste and the mediating constructs including socio-cultural norms, stigma and practices. However, women are trying to emerge as creative and active members of the community. The relationship between the inter-sectionalities and spaces in the life world of Musahar women is explained in the figure below:



Women’s identity and space thus intersects and multiplies their marginalities where intersectionality is not just about identity- caste, class and gender but also in terms of space-household, work, community and society. The spatialization of power and practices within these spaces’ further interfaces with the intersections at different stages in a women’s lifeworld leading towards a new direction and understanding of intersectionality within the context of marginalized women.

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## **Empowerment of Women through Legal Land Literacy: A Case Study of Government-Civil Society Partnership in West Bengal**

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### ***Abstract***

*About 17 crore women work in agriculture and allied activities, producing about 60-80 per cent of our food, but only 13 per cent own land, which is the most important household asset to support their families and provide food, nutrition and income security. There is a growing trend of feminization of agriculture due to male migration and their involvement in non-farm livelihood activities. Though the involvement of women in agriculture is increasing day by day, they face lot of challenges due to their poor knowledge on the issues of land and lack of land ownership.*

*Landesa, an international non-profit collaborated with West Bengal State Rural Livelihood Mission (WBSRLM), an institution of the state government which has been promoting women SHGs, providing support for development of their livelihoods and fostering empowerment of rural women. Drawing on the insight gained from this joint initiative of WBSRLM and Landesa through collaboration, piloting and scaling, this article argues that building the capacity of women about their rights through women legal land literacy training by involving government system can prove to be an innovative and sustainable approach for securing their rights. Field observations indicate that the process can motivate the women to access government services and generate a demand for individual rights in the community, thus leading towards their empowerment in the long run.*

**Key Words:** Gender, Legal Land Literacy, Secure Land Rights, SHG, Women Empowerment

## **Introduction:**

Women play a vital role in agriculture, animal rearing, horticulture and allied activities in rural India, yet they own very less quantum of land. As men's participation in agriculture declines, the role of women in agricultural production becomes more dominant. As per National Sample Survey Organization's 69<sup>th</sup> round of survey, 75 per cent of the full-time female rural workforce is in the agricultural sector, against 59 per cent for men (GoI, 2012). Another data shows that about 17 crore women work in agriculture and allied activities, producing about 60-80 per cent of our food, but only 13 per cent own land, which is the most important household asset to support their families and provide food, nutrition and income security (Oxfam, 2013). Globally, only about 30 per cent of land is formally registered and only about two per cent of women have formally registered land rights (Landesa, 2015). The issue of women's land ownership is not just land ownership but also all that goes with it – enhanced access to institutional credit, bank loan, independent access to credit flows for re-investment and better access to other government schemes for agricultural benefits and agricultural extension services, optimal decisions and opportunities to increased or higher productivity and better land management. A large body of research shows that land ownership by women can enhance the family welfare, more productive use of land, and economic and social empowerment of women (Agarwal, 1994; Mearns, 1999). Land is not just a valuable economic asset; it is also symbolic of power, identity, hierarchy and status in the society.

Though there are elaborate acts, laws and policies on ensuring secure land tenure for women, limited institutional capacity, an inadequately sensitized land reforms bureaucracy and non-existent demand for land among rural women have become hurdles to women land ownership. While on one hand, rural women always believed that land typically belonged to men, such a patriarchal approach to land was also nurtured by a land reforms administration that made less efforts to ground available gender-sensitive legislations nor created spaces for identifying women who needed land. Gender norms and practices also hinder women's access to land through ownership or use and demanding such rights would mean social branding and

ostracization. Therefore, traditionally in a situation that is not favorable for women to demand their land rights, it was natural for women to alienate themselves from any exercise that intended to generate a demand for land. Women often find themselves entangled in land related issues that make them vulnerable to have their efforts to come out of poverty jeopardized, but they do not have the required levels of awareness on land rights and entitlements that could assist them in their situation.

Building on the field evidences from West Bengal, this article argues that developing the capacity of women about their rights through women legal land literacy training by involving government system can prove to be an innovative and sustainable approach for securing their rights which has far reaching impact on empowerment of rural women.

### **Land Literacy, Land Rights and Women Empowerment - Finding the Link:**

Land rights can be broadly understood as a variety of legitimate claims to land and the benefit and products produced on that land (Meinzen-Dick, Brown, Feldstein & Quisumbing, 1997; Schlager & Ostrom, 1992). This land rights can be attained in three ways: i) inheritance on an individual or joint family basis, from community membership (e.g. where a clan or village community owns or controls land and members have use right to it); ii) from transfer by the State, or tenancy arrangements; iii) through purchase from market (Agarwal, 1994).

Secure land and property rights are a foundational building block for agricultural productivity and the social and economic empowerment of households. Such rights can lead to gains in household food and nutrition security, education, and poverty reduction. However, it is not only important that households have secure rights to land, but also that women hold these rights. When a woman's name is on the document of land rights, jointly or individually, it tends to be broadly empowering for her both within the household and the community. This can be reflected in the making of farming decisions, on matters such as decisions on child-bearing and school attendance, in the incidence of spousal abuse or unsafe sex, and in the extent

of women's community engagement, such as participation in self-help groups (Kishor, 2000; Allendorf, 2007; Mishra & Sam, 2016).

Women empowerment has been defined by many authors from different perspectives. Malhotra and Schuler (2005) defined empowerment as a process that expands women's agency—or, more simply put, it is an increase in women's ability to make choices about their lives and environment. Kabeer (1999) conceptualized empowerment as three moments in time – (1) pre-conditions or resources (2) element of action or agency and (3) the outcomes. Kishor (2000) had a more analytical view and divided these pre-conditions into (a) sources of empowerment and (b) settings of empowerment. Settings of empowerment are characteristics of women's past and current environments that facilitate empowerment, such as the education of their parents. Sources of empowerment are objects and assets which women have that improve their security or influence and thus improve their household bargaining power and facilitate empowerment more broadly.

There are three major sources of empowerment for women – land rights, education and employment remuneration (Agarwal, 1994; Kabeer, 1999; Malhotra & Schuler, 2005; Allendorf, 2007; Mishra & Sam, 2016). Following Kabeer (1999), land literacy can be viewed as one of the preconditions and a direct indicator of empowerment which also contributes to the women's access to and control over land (Mohapatra, 2015). Land literacy works as a tool to realize the implications of land titling, understand the importance of individual rights and build a sense of ownership. This land ownership acts as a source of empowerment by increasing women's security and influence and increasing their control over household decisions (Agarwal, 1997; Haddad *et. al*, 1997).

### **Objectives:**

The specific objectives were as follows:

- To study how far the promotion of legal land literacy amongst the poor rural women help them enhance their knowledge and awareness on the issues of women land rights.

- To study whether legal land literacy amongst the poor rural women can empower them to understand their rights over land and collectively generate demand for land and titling.
- To assess the efficacy of this approach and method for generating awareness on legal land literacy amongst the poor rural women which has far reaching impact on women empowerment.

### **Methodology:**

Partnership between West Bengal State Rural Livelihood Mission (WBSRLM), herein government and Landesa, an international non-profit organization, herein a civil society has been considered as a case study. The process of collaboration, piloting and scaling has been examined through participatory observation. Data were collected from two pilot blocks, namely, Dubrajpur and Habibpur from Birbhum and Malda districts respectively. Changes in behaviour in terms of self-motivated actions regarding secure land tenure of her family after receiving training by women Self Help Group (SHG) members have been considered as indicators for measuring empowerment. Thus, tracking of 37,923 women who approached Land & Land Reforms Office at Block level after receiving training through register maintained by Sanghas (SHG Clusters at Gram Panchayat level) was done in 21 Gram Panchayats under these two blocks. The study also conducted desk-review of project related data and documents, meetings/FGDs with SHG members to collect qualitative as well as quantitative data. The whole data collection process spanned for a period of one year, between May 2017 and April 2018.

### **Government-Civil Society Partnership: The Pilot:**

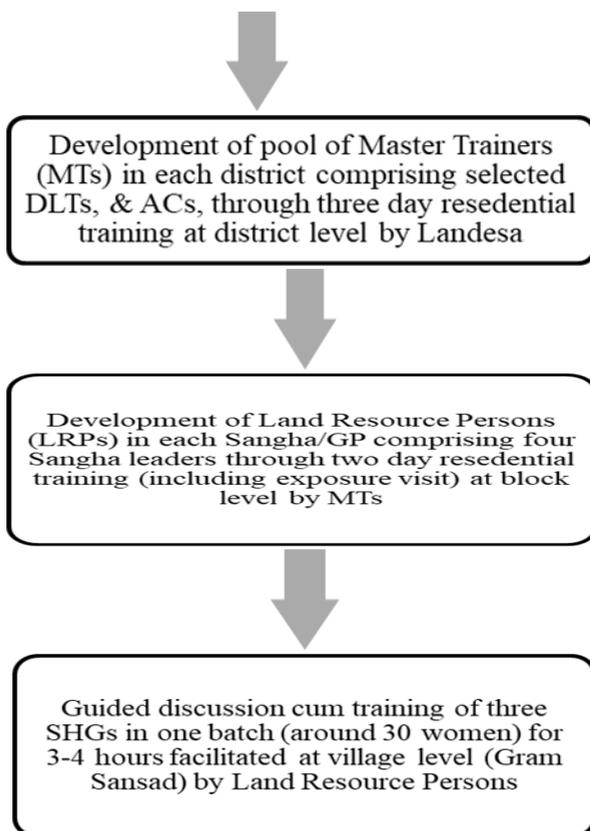
WBSRLM or “*Anandadhara*” is an umbrella institution under the aegis of Panchayat & Rural Development (P&RD) Department of Government of West Bengal (Govt of WB) which has been working for the promotion of women SHGs, development of their livelihood and ultimately empowerment of rural women. The major strategic interventions under WBSRLM include universal social mobilization, formation and

strengthening SHGs, financial inclusion of the SHGs, their skills development under various trades for taking up different livelihood options etc. Social development of those poor households is also a major priority of the mission. Field experiences from rural areas reveal that land related issues, starting from landlessness to inadequate proof of land ownership affect the lives of the poor adversely as also it is one of the major problems being faced by the SHG members. So, when Landesa, working globally for securing land rights for the poorest, approached WBSRLM in July 2016 for coming into a partnership, WBSRLM accepted it out of their felt-need for raising the levels of awareness of women including SHG members on the land rights and entitlements by promotion of land legal literacy among them.

### **The Process Followed:**

The collaborative initiative was piloted in two blocks namely Habibpur and Dubrajpur in Malda and Birbhum districts respectively. Capacity building was done in a cascading mode by the trainers developed at different level with the ultimate goal of reaching out women SHG members at villages. In the first stage, a three-day workshop at the district level was organized in both the districts for developing a pool of Master Trainers (MTs) from designated District Level Trainers (DLTs) from the WBSRLM. Landesa provided all technical support in designing and developing training curriculum and module by the involvement of WBSRLM, L&LR Department and PRIs at appropriate level followed by facilitating training to the MTs. Resource Persons from L&LR Department and District Legal Aid Service Authority (DLSA) were also involved in the process of development of MTs.

*Figure 1: The Process of Implementation of Women Land Literacy Training in a Cascading Mode*



A two-day workshop at the block level was organized for the training of Land Resource Persons (four SHG leaders from each Sangha) in the next stage. Training at this level was primarily facilitated by the MTs while Landesa provided handholding support. These LRPs (trained SHG leaders) from each Sangha divided themselves into two teams and imparted training to SHG members at village level. It was 3-4-hour training at the village level consisting of three SHGs (around 30 women) from same locality

(Upa-Sangha / Sub-Cluster wise which is equivalent to Gram Sansad level in West Bengal context).

### Results and Discussion:

Following the training of Sangha leaders in April 2017 at Dubrajpur and Habibpur blocks in Birbhum and Malda districts respectively, actual training cum guided discussion among SHG members started rolling out at village level in both blocks in May 2017. Thus, a new set of 84 Land Resource Persons (trained Sangha leaders) in these two blocks worked in pairs with lot of enthusiasm and struggle. Their effort continued like a wave covering 37,923 women SHG members till April 2018. Their phenomenal achievement is presented in the following table:

**Table 1: Quantitative Achievement of Legal Land Literacy Training in Pilot Districts till April 2018**

DISTRICT	BLOCK	GRAM PANCHAYAT	TOTAL NO OF SHG	TOTAL NO OF WOMEN	NO OF SHG WOMEN ATTENDED WILL TRAINING	PERCENTAGE OF COVERAGE
BIRBHUM	DUBRAJPUR	SAHAPUR	258	2676	2242	83.78
		JASHPUR	180	1853	1424	76.85
		PADUMA	193	1991	1586	79.66
		HETAMPUR	164	1684	1472	87.41
		BALIJURI	225	2310	1886	81.65
		LAXMI NARAYANPUR	221	2290	1631	71.22
		GOHALIARA	161	1691	1342	79.36
		LOBA	240	2450	1965	80.20
		CHINPAI	195	2010	1719	85.52
		PARULIA	155	1590	1356	85.28
DUBRAJPUR TOTAL			1992	20545	16623	80.91
MALDA	HABIBPUR	BAIDYAPUR	304	3392	2626	77.42
		MANGALPURA	243	2722	2151	79.02

		AKTAIL	232	2602	2135	82.05
		BULBULCHANDI	316	3516	2912	82.82
		AIHO	132	1496	1185	79.21
		SRIRAMPUR	216	2418	2016	83.37
		RISHIPUR	192	2154	1740	80.78
		HABIBPUR	208	2323	1896	81.62
		KANTURKA	132	1496	1178	78.74
		DHUMPUR	148	1675	1435	85.67
		JAJOIL	220	2464	2026	82.22
<b>HABIBPUR TOTAL</b>			<b>2343</b>	<b>26258</b>	<b>21300</b>	<b>81.12</b>
<b>GRAND TOTAL</b>			<b>4335</b>	<b>46803</b>	<b>37923</b>	<b>81.03</b>

*Source: Data collected from two pilot districts - Malda and Birbhum*

Apart from the system developed for monitoring quantitative and qualitative aspects of the training, an interesting process has also emerged for tracking the services seeking process by the SHG members. All Sanghas have been maintaining a record to track how many SHG members have been approaching to service delivery institutions i.e. offices of L&LR Department at GP or Block level and for what purpose after receiving training from the Sangha leaders. Though it is very difficult to expect the changes in their behavior after receiving only one basic training on legal land literacy but as per data available from the fields, it shows encouraging results as follows.

Out of 37,923 women underwent training from two blocks, 0.49 per cent women visited Land & Land Reforms Department office at block level for submitting application for patta (land titles), 2.26 per cent women submitted application for updated Record of Rights (RoR), 3.24 per cent women sought information related to the land possessed by their families. Immediately after facilitating training sessions, SHG members themselves identified 934 landless poor households from their villages. Sangha leaders are now helping the SHG members for submitting application for patta. They are also guiding the women SHG members for obtaining different services from the Land & Land Reforms Offices at block and Gram Panchayat level.

Not only women are seeking help from the Sangha leaders but male members from their families are also gradually relying on them for accessing government services thus breaking the myth in the rural community that land is a subject of men. The way women are coming out from home and seeking services to strengthen their rights is a clear manifestation of their empowerment.

**Table 2: Trend in Seeking Government Services as a measure of empowerment**

<b>Positive Changes after receiving training</b>	<b>Number</b>	<b>Per centage</b>
Total number of women trained	37,923	100.00
Submitted application for patta	187	0.49
Submitted application for updated RoR	856	2.26
Sought information related to the land possessed by their families	1232	3.24

*Source: Computation of data collected from 21 Sanghas of pilot blocks in Malda and Birbhum districts.*

#### **WBSRLM-Landesha Partnership - Road Ahead:**

The pilot initiative in two districts created enormous scope of learning and preparation for scaling the model. In August, 2017 a state level review meeting was organized for sharing the learning, analyze the process followed and adopt a strategy for scaling the model in other districts. There are total 4,93,197 SHGs functioning in the State under NRLM, having around 54,25,165 members. Moreover, total 3,112 Sanghas are there in the state out of 3,342 Gram Panchayats. WBSRLM is going to provide support to SHGs for building Sangha in each Gram Panchayat, thus covering all 3,342 Gram Panchayats. This expansion of WBSRLM-Landesha partnership initiative is aimed at ultimately reaching out to all SHG members in all Gram Panchayats with the agenda of building the awareness of rural women on their legal rights to land.

The process has already started rolling out in other districts based on the experience gained from pilot initiative. Master Trainer development has been completed in 16 districts followed by training of Sangha leaders in

40 blocks. Eleven districts have already started rolling out the training of SHG member at village level in 24 blocks (WBSRLM, August 2018).

### **Conclusion:**

The government-civil society partnership has opened up a new vista in doing more work on raising the level of awareness of rural poor women on the issues of land rights and in turn building their capacity to assert their due rights in the near future and promoting equitable distribution of productive assets in the long run. This paper finds women legal land literacy as a rights-based strategy to increase the level of awareness of women, which is a major step in pathways to the empowerment of women. This awareness generation is likely to generate demand from the community about the individual rights of women. Nurturing this process by government, creating an interface with service delivery institutions of the government and providing an enabling environment are likely to bolster confidence among women for translating their learning into action. Thus, a packaged women land literacy training through the federated structure of women SHGs by the government with technical support from civil society can be viewed as a sustainable and innovative approach to give a leap to rural women in their pathways to empowerment. Land literacy being the pre-condition for empowerment can help the women assert their rights and pave the way for equitable distribution of land and bring gender equality in asset holding in the near future, contributing to sustainable development of a nation.

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## **Pollution in Ganga: Current Status & Scope for Future Changes**

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### **Abstract**

*Rivers as natural resources have been at the center of the development debates across the world for decades. The purpose of water as a resource in the development of industries, daily use resource for people, livelihood in basin areas and opportunities for the government to harvest it for energy and other purposes has been significant. Since independence the policy leanings have been over use of water as a source of power and irrigation for the nation. This was reflected in subsequent 5-year plans of the Government of India which led to the building off the ‘Temples of Modern India’ – Bhakra Nangal Dam, Hirakud Dam in the initial phase; Tehri Dam in the later phase.*

*The proliferation of the pharmaceutical industries, the traditional socio religious engagements of the people around the rivers in these districts, waste disposal in urban areas have had an impact of the ecology, environment, livelihood and lifestyle. The rise in population and unabated construction is posing serious risks. The role of people in occupying areas along the river flood basins is also a challenge. The high population led to a drastic rise in the waste generated which is disposed in the river tributaries across the districts. The article aims to understand the scope for long term sustainable change.*

**Keywords:** Pollution, Ganga, Natural Resources, National Water Mission, Rivers

## **Introduction:**

On the 9<sup>th</sup> of October 2015 the National Green Tribunal headed by Justice Swatanter Kumar asked the Centre the *following*:

*"Would you please tell us if it is correct that more than Rs 5,000 crore has been spent on Ganga in making it worse from bad? We don't want to know whether you have allotted this quantum of money to the states or have spent it yourself. Out of the 2,500 km stretch of the river Ganga, tell us one place, where the condition of the river has improved."*

The inquiry has a sense of urgency and worry about the manner in which the government at the Center as the nodal agency acted upon its intention to improve the condition of the river Ganga. The implementation of any policy though lay with the corresponding states through which the river charted its course. The state of Uttarakhand is privileged to claim ownership for the origin of two of the most important rivers of the nation – Ganga and Yamuna. The Ganges begins at the confluence of the Bhagirathi and Alaknanda rivers at Devprayag. Many small streams comprise off the headwaters of the Ganges - the six headstreams are the Alaknanda, Dhauliganga, Mandakini, Pindar, Mandakini and Bhagirathi. The river basin along the four districts of Uttarkashi, Dehradun, Haridwar and Tehri Garhwal forms an important part of the life and culture of residents of the state. Though it is the primary river i.e. Ganges suffers from severe pollution in as it flows along in the Terai region of the state and enters Uttar Pradesh. As it heads on its course along the different states - Uttarakhand, Uttar Pradesh, Bihar, West Bengal - it gets polluted further before it drains in the Bay of Bengal. Despite the role of rivers as natural resources ecosystems that have offered populations prosperity and growth over centuries it is odd to see the extent to which the Ganga is polluted by different sources. The development paradigm offered to the people is at odds with the geographical relief, resource base, traditional livelihood opportunities and use of resources for purposes served for the betterment of people.

## **Water Pollution - Global Definition and Worldwide Approach:**

The World Wide Fund for Nature says: *Water pollution happens when toxic substances enter water bodies such as lakes, rivers, oceans and so on, getting dissolved in them, lying suspended in the water or depositing*

*on the bed. This degrades the quality of water. Not only does this spell disaster for aquatic ecosystems, the pollutants also seep through and reach the groundwater, which might end up in our households as contaminated water we use in our daily activities, including drinking.*

The Millennium Development Goals (MDGs) are the eight international development goals that were established following the Millennium Summit of the United Nations in 2000, following the adoption of the United Nations Millennium Declaration. Under these the Goal 7 was to ensure environmental stability. Further elaborating the goals detailed out individual targets in the water component. Target 7C which was to halve the size of the population without sustainable access to safe drinking water and basic sanitation. It further worked on the,

*Proportion of population with sustainable access to an improved water source, urban and rural and Proportion of urban population with access to improved sanitation. [UNDP, 2000]*

According to D+C Development and Cooperation magazine, MDG 7 is still far from being reached. Since national governments often cannot provide the necessary infrastructure, civil society in some countries organized and worked on sanitation. For instance, in Ghana an umbrella organization called CONIWAS (Coalition of NGOs in Water and Sanitation), enlisted more than 70 member organizations to provide access to water and sanitation.

Under the Sustainable Development Goals, Goal 6 is defined as, *Ensure availability and sustainable management of water and sanitation for all.*

Elaborating further on this goal are the detailed goals which enlist changes across domains in the area of water resources and its uses. Goal 6.3 states,

*By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing the release of hazardous chemicals and minerals,*

*halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally.*

It is important to understand the exclusive focus of the goal 6.3 on reducing pollution by various means. These means are to be looked upon in the context of the worldwide impact on rivers. The other goals also show the effects of pollution which necessitate water efficiency, access and availability to the people. Also, the resultant impact on different water related ecosystems which now demand exclusive focus for protection and preservation. The international consensus can be inferred from the goals. The importance of water as a resource and the role of rivers in the running of human ecosystems is to be looked at with a sense of long-term outlook. This in turn lays an urgent need to understand the status of pollution of rivers and initiate a course of action.

#### **Pollution in Ganga – Causes:**

A sharp decline in the quality of water in Ganga in the last few decades is due to increasing level of pollution from industrial and urban areas. The problem has arisen largely due to the discharge of untreated urban wastes and industrial effluents from the cascade of large and medium cities located along the course of Ganga and its tributaries. Although Ganga is considered to be a holy river in mythology, people do not hesitate while dumping domestic and industrial waste into the river. Numerous cities located around the Ganga basin generate and discharge huge quantities of waste water, a substantial portion of which reaches the river finally through natural drainage system. Over the years, Ganga and its tributaries have become the channels of transport for industrial effluents and the drains for wastewater of the cities. It is estimated that some 900 million liters of sewage is dumped into the Ganga every day; three-fourths of the pollution in the Ganga is from untreated municipal sewage.

In the hilly reaches up to Rishikesh, Ganga water is quite clean except for sediments. From Rishikesh onwards, disposal of sewage into Ganga begins. Besides the municipal waste from the urban areas of Rishikesh and Haridwar, industrial units also discharge partly treated effluents into the

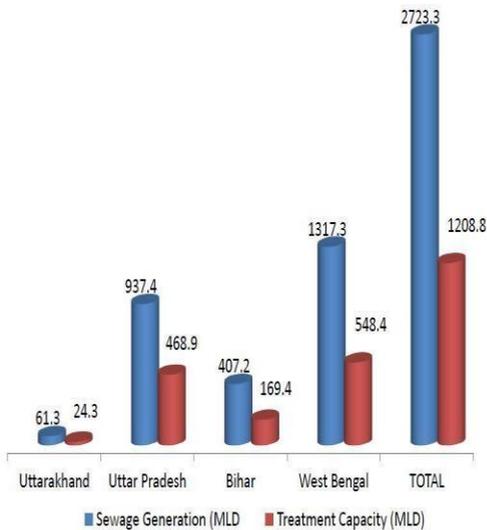
Ganga. Haridwar City has a population of 1,890,422 as per 2011 census and nearly 60,000 people visit the city every day on an average which during religious congregations and festivities is very high. This number rises to a few lakhs on important religious days and during the auspicious Kumbh Mela (fair) it may go up to 15 lakhs on the auspicious days. Considerable lengths of sewer lines are clogged by silts that flow in from the adjoining hills. Further downstream from Haridwar, Ganga flows through Bijnor, Garhmukteshwar, Narora and Kannauj. As we move downstream, from the quality point of view the situation changes for the worse at Kanpur. Sewage from the city of Kanpur (population 4,572,951 as per 2011 census) coupled with the untreated toxic waste discharge from about 150 industrial units' leads to in severe damage to water quality. The mean value of DO (Dissolved Oxygen) at 3 mg/l at Jajmau, in Kanpur, reflects the levels of pollution caused by discharge from 80 tanneries and other industries. At Allahabad with population of more than a million, municipal wastes are the major contributor to river pollution. Yamuna whose water is highly polluted as per Central Pollution Control Board statistics joins Ganga at Sangam. Large volume of municipal and industrial waste is dumped in the river at Varanasi, a city with a population of 1,435,113 as per 2011 census. The Varuna River, which joins the Ganga in the vicinity of Varanasi, receives waste from many drains. Besides, due to the religious belief that those who die in Varanasi are sure to go to heaven, on average, more than 40,000 dead bodies are cremated on the river bank and the ashes and remains are dumped in the river. Entering in Bihar, a number of industries (including fertilizer and oil refining) have come up along Ganga River. Patna is the most populous city whose wastes are dumped in the river. At Kolkata in West Bengal, the Hooghly (Ganga) river basin is highly populated as the waste water from numerous industries as well as municipal sewage is dumped in the river. In particular the middle reach of the basin between Kanpur and Buxar is the most urbanized and industrialized, as also the most polluted segment of the basin. Municipal and industrial wastes with dangerous concentration enter into the watercourse in this segment and thereby pose a grave threat to society.

The pollution in the Ganges is composed by different forms and actions of the people, industry and state under the guise of different heads. In

urban areas, water is tapped for domestic and industrial use from rivers, streams, lakes, ponds, wells, etc. Nearly 80% of the water supplied for domestic use passes out as wastewater. In most cases, this wastewater is let out untreated and causes large scale pollution of the surface water. Class I cities (cities with population above one lakhs) generate as much as 16,662 Mid (Million liters per day) of wastewater. About 70% of the population of class I cities is provided with sewerage facility. The Ganga river basin contributes about one-third of the total wastewater of India. Most Indian rivers and other sources of freshwater are polluted by industrial wastes or effluents. All these industrial wastes are toxic to life forms that consume this water. The other significant contributors of wastewater are paper mills, steel plants, and textile and sugar industries. Traces of fertilizers and pesticides are wasted into the nearest water-bodies at the onset of the monsoons or whenever there are heavy showers. As the point of entry of such agricultural inputs is diffused throughout the river basin, they are termed as non-point sources of pollution. Although irrigation has increased considerably in the country, little precious has been done to tackle the problem of the high salinity return water. Religious faith and social practices also add to pollution of our river waters. Carcasses of the cattle and other animals are disposed in the rivers and dead bodies are cremated on the river banks. At times partially burnt bodies are also flung into the river. All of this is done as a matter of religious beliefs and faith in keeping with ancient rituals. These practices pollute the river water all along its course and adversely affect the water quality.

### **Pollution in Ganga: Problem Analysis:**

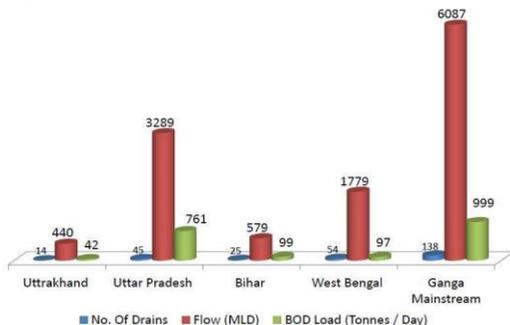
As per the report filed by the Centre for Science and Environment senior scientist R M Bhardwaj the levels of pollution can be categorically articulated by the graphs below:



*Graph 1 – Sewage Generation Vs Treatment Capacity (Courtesy: Center for Science and Environment) [Source: Overview of Ganga River Pollution, By R M Bhardwaj]*

From the above graph it can be well inferred as to which states have been polluting the Ganges over its long run. This can also be related to the relative population of the States as well. It is to be understood though that the capacity of the state should be adjudged as per its populace and accordingly falls the responsibility and ownership of the same to address the issue. The state of West Bengal due to its high and dense population is the most polluting and needs to upgrade its infrastructure as well.

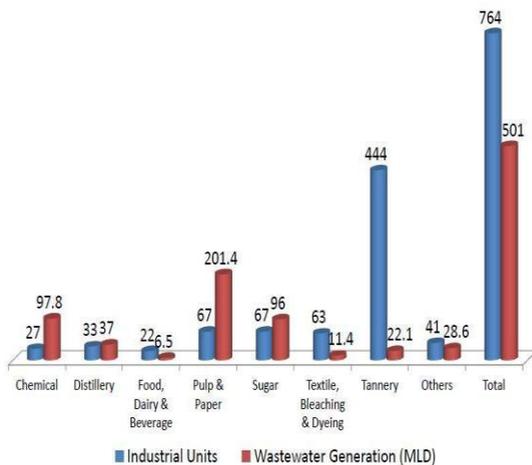
## DRAINS DISCHARGING WASTEWATER TO GANGA



Graph 2 – Discharge of Drain water in Ganga (Courtesy: Center for Science and Environment) [Source: Overview of Ganga River Pollution, By R M Bhardwaj]

The number of drains per State helps us understand the need for each to develop the requisite policy and implement it to make sure that the discharge from the drains is processed.

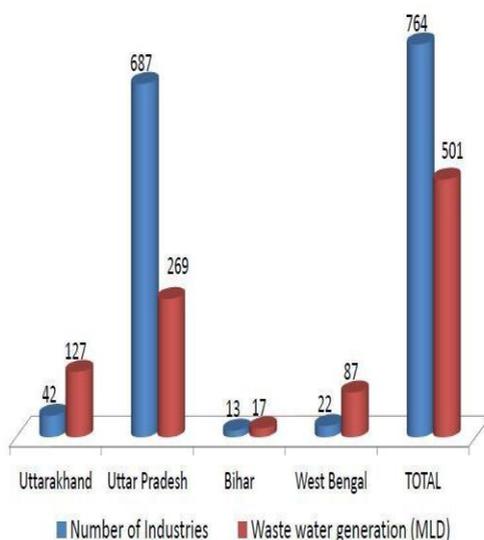
## SECTOR SPECIFIC INDUSTRIAL WASTEWATER GENERATION



Graph 3 – Sector specific Industrial Waste Water Generation (Courtesy: Center for Science and Environment) [Source: Overview of Ganga River Pollution, By R M Bhardwaj]

The tanneries have been one of the biggest industrial polluters. This is evident from the graph above. The judiciary has played an active role in elucidating the facts well. The judgments by the courts in the last decade has aimed to ensure that the tanneries are checked. The implementation of the judicial guidelines has been a matter of regret.

### STATUS OF INDUSTRIAL WASTEWATER GENERATION (GROSSLY POLLUTED INDUSTRIES)



Graph 4 – Grossly Polluted Industries (Courtesy: Center for Science and Environment) [Source: Overview of Ganga River Pollution, By R M Bhardwaj]

Uttar Pradesh leads the pack as we can infer from the above graph in terms of the overall count of the most polluting industries. The implementation of industrial guidelines has been flouted over decades which have led to the rise in the pollution levels in Ganga to unprecedented levels.

## **Role of Ministry of Water Resources & Non-Government Organizations:**

India is blessed with many rivers. Twelve of them are classified as major rivers whose total catchment area is 252.8 million hectares (M. Ha). Of the major rivers, the Ganges - Brahmaputra Meghna system is the biggest with catchment area of about 110 M. Ha which is more than 43 percent of the catchment area of all the major rivers in the country. The other major rivers with catchment area more than 10 M. Ha are Indus (32.1 M. Ha.), Godavari (31.3 M. Ha.), Krishna, (25.9 M. Ha.) and Mahanadi (14.2 M. Ha).

Due to renewed efforts of individual, religious trusts and nongovernmental organizations the government formed a commission back in 1980s to look into possibilities of working on the Ganga. The commission recommended the formation of a plan to clean the Ganges. The government formulated a plan and allocated budgetary support as well to work on cleaning the Ganga. The Ganga Action Plan or GAP was a program launched by Rajiv Gandhi in April 1986 to reduce the pollution load on the river. But the efforts to decrease the pollution level in the river became abortive even after spending ₹ 9017.1 million (~190 million USD adjusting to inflation). Therefore, this plan was withdrawn on 31 March 2000. This plan is described as failure by many scientist and NGOs in their studies. The National Ganga River Basin Authority [NGRBA] was established by the Central Government of India, on 20 February 2009 under Section 3(3) of the Environment Protection Act, 1986, which also declared Ganges as the "National River" of India. The NGRBA is a financing, planning, implementing, monitoring and coordinating authority for the Ganges River, functioning under the water resource ministry of India. The mission of the organization is to safeguard the drainage basin which feeds water into the Ganges by protecting it from pollution or overuse. In July 2014, the NGRBA has been transferred from the Ministry of Environment and Forests to the Ministry of Water Resources, River Development & Ganga Rejuvenation, formerly Ministry of Water Resources (India).

Save Ganga Movement is a widespread Gandhian non-violent movement supported by saints and popular social activists across the Indian

States Uttar Pradesh and Bihar in support of a free Ganga. The movement is supported by Ganga Seva Abhiyan, Pune-based National Women's Organization besides those of many other like-minded organizations and with the moral support from many religious leaders, spiritual and political, scientists, environmentalists, writers and social activists. Ganga Calling – Save Ganga is another such campaign supported by Indian Council for Enviro-Legal Action.

The Supreme Court in 2014 expressed its displeasure with the Centre's affidavit on a road map to clean Ganga and asked it to clean the river in a stage-wise manner so that the apex court could monitor it. It observed "Will Ganga be cleaned in this century or not? Please try that the next generation is able to see the river in its original form. We don't know about our lives". It went on further to observe 'The kind of affidavit that the government has submitted, it will take 200 more years to clean the river. It is a bureaucratic document. We want to understand your proposal on cleaning the river in layman's language".

As part of the judicial system the National Green Tribunal (NGT) has been at the forefront to accelerate the actions by the administrative system and the response of the executive at the Union and state level. The NGT has listed various petitions under its purview to look into the cause of the Ganges. The principal bench of the NGT at Delhi has played an active role delivering judgments on - Order barring construction on the banks of Ganga in the state of Uttarakhand, Order of the National Green Tribunal regarding pollution of Ganga by the hotels, ashrams, dharmshalas in Haridwar and Rishikesh, Order of the National Green Tribunal regarding unauthorized dumping around the floodplains of river Ganga, Haridwar, Judgment of the National Green Tribunal regarding water pollution in the River Ganga, particularly, between Garhmukteshwar and Narora, Order of the National Green Tribunal regarding permits given to polluting industries by Uttar Pradesh Pollution Control Board.

### **Conclusion:**

A Ganga scoping mission was done collectively by the Government of Germany and India. It explored the opportunities for cooperation in River

basin planning, institutional setting and researches etc. in addition to technical co-operation on selected issues like support to river rejuvenation strategies, hot spot definition, prioritization, realistic time frame, basin wide monitoring & evaluation, setting of standards, pollution, Ganga Knowledge Centre, Research etc. “There could also be financial co-operation on selected issues as innovative financing models for industrial and urban pollution, assistance to manage funds, selected public and or private investment funds,” Uma Bharati the Water Resources Minister said. The German delegation said they are willing to assist in Ganga Rejuvenation in view of their success in the rejuvenation of Rhine and Danube rivers which involves multi-country and multi-State collaboration. The challenges of managing pollution due to sewage and the industrial effluents have been handled in these efforts which are also critical in the Ganga cleanup programme. Work is already under way on environmental and urban management issues and tool kits as well as other material for standardization and capacity building has also been developed.

The government by using its Information and Communication technology platforms such as MyGov invited people to participate in the effort to clean Ganga. The government's three-phase Ganga clean-up plan includes a tentative Rs. 51,000 crore project by the Ministry of Urban Development to extend sewerage coverage to 118 urban habitations spread across the river bank. Another proposal is by the Ministry of Drinking Water and Sanitation to make all 1,649-gram Panchayats located along the Ganga banks free from open defecation. The third is to enforce zero liquid discharge from “grossly” polluting industries located across the five Ganga river basin States.

To give the river Ganga a second lease of life, the thought to keep the Ganga clean must come from within the citizens of the country, and moreover, the State governments in the five Ganga river basin States - Uttarakhand, Uttar Pradesh, Bihar, Jharkhand and West Bengal – should rise above political differences and chip in to save the Ganga. As a nation which has various layers to its social structure and a developing country, we need to assimilate our growth paradigm with the attempt to ensure a sustainable

ecosystem. Natural resources such as water for which rivers are a pristine source need to be rejuvenated and revived. Some of the steps that can be undertaken.

- ✓ Encourage participation of NGOs in various activities related to planning, capacity building and mass awareness.
- ✓ Promote cooperation among citizen, local governments and administration to explore and act on ways to tackle pollution.
- ✓ Involve and encourage corporate sector / industries to support and promote industrial effluent treatment, water conservation, augmentation and preservation within the industry and as part of Corporate Social Responsibility work.
- ✓ Sensitization of all Panchayat and Municipal Corporation/Board members and their functionaries in and around the river basin for effective implementation of policies.
- ✓ Apportion responsibility by applying polluter pays principle.

"The Ganga Above all is the river of India which has held India's heart captive and drawn uncounted millions to her banks since the dawn of history. The story of the Ganga from her source to the sea, from old times to new, is the story of India's civilization and culture". -Jawaharlal Nehru (Discovery of India)

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## **Depressed Democracy: Gender, Styles and Outcomes**

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### ***Abstract***

*All the democracies are neither same nor they can be same. Conventionally the third world democracies that do not resemble their western cousins are bracketed as transitional democracies, the transition inevitably being of a liberal variety. These kinds democratic theorization seems to lack empirical meat. The varieties of democracies are net consequences of a complex interplay of social history, as colonialism in India, and the political economic processes through which democratic actors articulate themselves within that context. The new democracies warrant a different framework of analysis away from liberalism and a framework that begins from a recognition of their social and historical embeddedness. The present paper examines the dialectical outcomes of two cases situated in Odisha to prove the point of situatedness that produces two contrasting democratic outcomes.*

**Key Words:** Democracy, Gender, Decentralization, Local Government.

### **1. Indian Decentralization in Perspective:**

Decentralization seems to be an ideal political imperative for governments both in developed as well as developing countries. The need for some form of decentralization appears to be universal. All contemporary states must somehow meet this need (King, 1982:125). Decentralization is commonly associated with wide range of economic, social and political objectives in both developed and less developed societies.<sup>1</sup> Politically

decentralization is said to strengthen accountability, political skill and national integration. It brings government closer to people. It promotes liberty, equality and welfare (Mass, 1959; D.M. Hill, 1974). Decentralization provides a training ground for citizen participation. It has been elevated to the role of guardian of basic human values (Van Puttem, 1971). However, this is not to say that decentralization, as a principle of governance is not without its critic, which is discussed in the next section of the paper.

In ordinary parlance decentralization refers to a process of reversing concentration of power at the center and/or delegating more power to the territorial units of the state downward. Therefore decentralized governance presupposes a territorial hierarchy implied in the delimitation of areas and division of power.<sup>2</sup> There are two underlying assumptions: The first is that the territorial subdivisions will have a measure of autonomy and these territorial subdivisions will be self-governing through political institutions; The second assumption is these institutions will be structurally organized along democratic lines (Smith, 1955, p. 18). As democratic decentralization is our concern here<sup>3</sup> it is generally assumed that democratic decentralization brings governments closer to people downward provides for citizen participation in the political process combined with responsiveness and accountability.

Political theorists of the liberal democratic tradition see democratic decentralization or local government institutions as a precondition for national democracy and vehicle for political education, equality, liberty and responsiveness. Local government provides for extra opportunity for political participation, both in electing and being elected to the local office, for people who would otherwise have few chances to act politically between national elections.<sup>4</sup> Local government institutions in the developing countries represent one model of decentralization. After independence most of these countries have tried to renovate these local government structures and ascribed it a developmental role in their national reconstruction programmes. In fact, decentralization has come to be seen as a precondition for social and economic development in the third world countries (Smith, 1985, Conyers, 1981, Rondinelli, 1983, Conyers, 1981).

The development of local government in India, like other third world countries of Africa, Asia & America have to be necessarily seen in the above framework. The history of Panchayati Raj, traditional origin of the nomenclature notwithstanding,<sup>5</sup> is rooted in the failure of community development programmes. Balwant Rai Mehta Committee was set up to find out the causes of the failure of the CD programmes and suggest effective ways to ensure mobilization and participation of people in national development. The committee suggested, among other things, the strengthening of, unlike Gandhian village republic, three-tier Panchayati Raj system<sup>6</sup>. This three-tier structure of Panchayati Raj loosely fits into the name *decentralization* in India. And this also partly explains many of the problems encountered by democratic units of self-government, which still continues to work as delivery agencies of national reconstruction program started fifty years ago.

## **II. Locating Women in Local Government:**

Though local government in India had its genesis in the development imperatives in the period following independence, 73<sup>rd</sup> Constitution amendment and the new Panchayati Raj points to a positive shift in approach. The constitution 73<sup>rd</sup> amendment act, 1992 may be termed as historic one in the evolution of Indian policy since independence for variety of reasons.<sup>7</sup> From mere delivery agencies of the government efforts at socio economic development, local government institution was elevated to the status of statutory bodies by the blessings of 73<sup>rd</sup> Constitution amendment. Another equally historic development was the creation of elaborate space for women and weaker sections in the local government institutions through the provision of one-third reservation.

Early evidence of women participation in politics in modern India can be found in India's struggle for independence from colonial rule. Credit goes to the clarion call from Gandhiji who said 'As long as women of India do not take part in public life there can be no salvation for the country. I would have no use for that kind of swaraj to which women have not made their full contribution'<sup>8</sup> Many outstanding names come up in the field of political engagement of women during freedom struggle, even under the shadow of imperialist excess. 'During the nationalist struggle woman was

essentially equated with nation and represented the value of self-sacrifice, benevolence and devotion... because women were representative of true India of its spiritual, traditional world. They were invited to participate in the independence movement, but only as long as their involvement did not threaten the prevailing notion of femininity<sup>9</sup>.

The issue of women participation in politics, especially local government institutions, was touched upon by Balwant Rai Mehta Committee which recommended that besides the 20 members of the panchayat samiti, there should be two women, who are interested in work among women and children, as co-opted members. Similar suggestion was made for the village panchayats also. Many states accordingly made provision for co-option of women members. But in practice women relatives of sarpanches, influential women from dominant castes or old obedient women adhering to traditional line of political patronage and having no experience in women & child welfare got co-opted into Panchayati Raj bodies. 'Co-option as a principle was found to be highly questionable both in theory and practice. Not merely is it undemocratic but also smacks of protectionism as if women were weaker and incapable of fighting election. The women representation became one of tokenism and proxy and ended in a near total failure'<sup>10</sup>. Some states like Orissa, Maharashtra & Kerala introduced 30 percent reservation in panchayat bodies even before the 73<sup>rd</sup> Constitution amendment came into force. After the 73<sup>rd</sup> Constitution amendment in 1993 all states uniformly introduced one-third reservation for women in the local government bodies. According to one estimate there were 31% women members at the village panchayat level, 20.71% at the panchayat samiti level and 31% at the district panchayat level by the year 2000.

Participation of women in local govt. institutions for more than ten years has been subjected to critical scrutiny. It has been found that political participation of women comes in any of the four categories of A). aspirant; B). hesitant; C) reluctant or D) resistant. Election of women to PRI bodies produce in essence only token presence where the husbands or the male wards arrogate to themselves the power of their women who are termed as *Pradhan Patis*.<sup>11</sup> Thus women in Panchayati Raj entail presence without empowerment where their political experience is mediated through a male figure. Others have constructed women participation as participation from a

distance in the presence of men. It has been found in different studies that women PRI members lack experience in how to speak, what to speak, and whom to speak. They frequently depend on male family members for escorting them to meetings and even prompting them to speak in meetings<sup>12</sup>. Even after getting elected to panchayats, women remain tied to household work and their husbands discharge political responsibilities on her behalf. There is a strong sense of insecurity in women and deficiency in capacity for cent percent participation in politics. An in-depth study of two cases in Orissa is presented in the next section.

### **III. A Case Study in Orissa:**

The two cases in point consist of one panchayat samiti member in Thuamul Rampur block of Kalahandi district and another Naib-sarpanch in Kultajore Gram panchayat of Boudh district in Orissa. Kalahandi is one of the most backward districts in western Orissa and has made headlines in National dailies several times due to hunger deaths. Thuamul Rampur block in Kalahandi is one of the poorest blocks in the district. Draupadi Majhi a young (25 years approx.) matriculate tribal lady gets elected to Thuamul-Rampur panchayat samiti for the first time in election to PRI bodies. Draupadi didi, as others lovely call her, has been relatively better off than other women in her village. She is educated (has studied up to matriculation). Being unmarried and young she has had past experience of mobilizing women in her panchayat for educational awareness. As we settle down in a charpoy near the anganwadi center of her Gram panchayat, she continued 'Initially I was hesitant to contest. But as our samiti constituency was reserved for women, I found an opportunity to enter politics.' It has been generally argued that women lack political aptitude and are shy of public domain. But Draupadi's story negates the myth in toto. 'Winning election really gave me a high' she revealed. 'But my excitement did not last long. After few months I realized the futility of this Panchayati raj. Though this block is predominantly populated by tribal, the post of samiti chairperson is reserved for schedule caste women' groans Draupadi. Being non-tribal, the chairperson turns deaf towards the concerns of the tribal people. Whether it is demand for information or on various development schemes or devolution of important responsibilities, there is non-cooperation from the chairperson. The block officials also do not listen to us. Being village women, they feel that we do

not know anything. This is precisely because they know that samiti members are of no use once election of the chairperson is over. Back at the panchayat 'how do you face people who asks did we elect you to do nothing'? reflects Draupadi. As a samiti member Draupadi cannot do enough in the Panchayat samiti neither she has any say in Gram panchayat affairs. Take the example of primary education in the panchayat. Draupadi has formed a co-ordination committee to encourage values of education among women. With this co-ordination committee, Draupadi tried to persuade the teachers who were regularly irregular in schools of the panchayat and were playing truant since then. Repeated report in the block office was of no use. 'Nobody listens you'. Draupadi's plight does not end here. Now the teachers who are coming from Bhawani Patna, the district head quarter, have started threatening her physically. 'Had the teachers been local people this would have never happened' laments Draupadi. On being asked how people see her as a women leader, she clarified 'initially people use to feel being a girl I cannot do anything. But you know once you start asserting yourself everybody around you turn to you for help. There is visibly a change in attitude towards women among younger generation.'

It is evident from the above case at the middle tier of the Panchayati Raj system that women leaders have begun asserting their presence in the political space provided to them through 73<sup>rd</sup> Constitution amendment. We can no more exclude them by pleading their underperformance in the male society. They are no more inhibited to lead and overcome the challenges of femininity. However, women lack adequate knowledge on process issues <sup>13</sup> (e.g., meetings, agenda setting, minutes of resolution). They face difficulty in getting information about development works, beneficiary details, budget and expenditure on different development works etc. Panchayat functionaries are under pressure from people for more development, speedily and visibly. There are also hints of increase in expectation from the Panchayati raj System to deliver the goods. People see PRI members as someone through which government help (*Sorkari Sahayata*) come to them. Another problem is that of apathetic bureaucracy. Women PRI members are treated as dirt in the hands of government officials.

Another case of Binodini (name changed given the sensitivity of information) in Chappra village of Kultajore Gram panchayat presents a

contrasting story. Chappara village comes in Kantamala block of Boudh district. Boudh was earlier a subdivision of Phulbani district. Development indicators of Boudh district present a pathetic picture with low literacy rate. Economy is based on forest, sporadic agricultural activity and migrant labour.

Binodini stands apart from rest of the womenfolk in more than one respect. She was introduced to politics for the first time. She won the election to Panchayati Raj bodies uncontested from a ward not reserved for women. And many such other distinctions continue. Binodini's husband who was a sarpanch in the last panchayat also contested from the same ward. But with the aim of making her naib-sarpanch, which is reserved for women, he withdrew from the contest. Binodini candidly confesses that because of power and scope for swindling money from the development programmes she, persuaded by her husband, reluctantly agreed to contest. She also agrees to have wasted lot of money in the election. After winning he or she would definitely like to recover the money. Though participation in Panchayati Raj bodies is to work for the development of the poor, social service has to be based on economically sound principle. 'As one has to pay for the election so you have to pay for receiving benefits.' Binodini informs that besides few male people no one comes to sabha. Many people do not know whether there is any sabha being held. Women are prevented by their male wards from coming to sabhas. They think women do not have anything to do where men are discussing. No one knows how beneficiaries are selected. Beneficiaries are selected much before Palli Sabha or Gram sabha. Whoever agree to pay is included in the list. 'You cannot be honest where everyone is dishonest'- opines Binodini.

As the above case shows, it is apparently the wish of the husband who prefers the post of naib-sarpanch for his wife instead of the post of ward member for himself that cajoled Binodini to contest. It is a typical case of 'instead of Ram Singh, Ram Singh's wife will be there'<sup>14</sup>. Contrary to the popular image of women, women in this case is part of a corrupt nexus. It is also found that there is wide spread benefit trading in developmental programmes. Consequently, Panchayat members lack the trust of people and popular participation is missing from the developmental process. Women still prefer to take refuge in the security of four walls of their house and life

within the confines of a male society. In essence there is a failure of village community.

#### **IV. Discussion:**

Indian experience of democratic decentralization is a combination of colonial history, politics of struggle for independence and national identity and an urge for delivering development. While the very foundation of local government started by colonial rulers' rests on adherence to or pretends to adhere to liberal democratic tradition of decentralization, marked ambiguities are there to see for all in its grafting to developmental imperatives. The case in question here clearly strikes at the myths that have come to be associated with the models of third world decentralization. Taking the myths one by one, let's examine the proposition that decentralization enables decision making by people. As in the first case there are little or no decisions to make for the panchayat functionaries. The bottlenecks of red *tapism*, *Officergiri* (Officialdom) continues to hold sway. 'Decentralization facilitates speed and flexibility in decision making' stands nowhere. The helplessness writ large in the conversation points to the poverty of democracy and is contrary to a democratic order where the last man is counted first.

In the second case, it is evident that Panchayati raj bodies today are a mockery of fight against poverty and a means of mobilizing the poor. Poor remains in the periphery of this democratic drama. In a way, the poor remains away from these institutions by rational choice as they have nothing to lose by not participating nor they have anything to gain by participating. There is clearly lack of trust in these institutions. Also, the large-scale political illiteracy among the people is in full display as a sign of colonial hang over. People largely remain political outsiders to Panchayati raj Institutions. This is a pointer not to the failure of people but to the failure of these institutions to include them.

As a commentary on women in Panchayati raj, it is evident that women face multiple handicaps in the face of patriarchy and democratic intrigue. While one of the women is an aspirant the other one is a hesitant. Women participation in Panchayati raj bodies is yet to mature. There is also proof of males capturing these institutions by encroaching their rightful space. Probably it will not be fair to pronounce the demise of the gender

agenda in Panchayati Raj Institutions. To be modest, the findings of this paper are more in the nature of birth pangs.

**Notes:**

1. *Economically, decentralization is said to reduce cost, promote better expression of local demand and effective utilization of human resource. Socially decentralization promotes individual values and protects culturally plural societies. For more see D. K. Hart, 'Theories of Government related to decentralization and citizen participation', Public Administration Review, Vol. 32, No. 4, October 1974.*
2. *Decentralization should be distinguished from mere dispersal of headquarters or mere delegation of responsibility from the superior to the subordinate for it concerns with the extent to which power and authority are dispersed through the geographical hierarchy of the State and the institutions and processes through which such dispersal occurs. Also see B. C. Smith, Decentralization - The territorial dimensions of the State, London, 1985.*
3. *Decentralization does not automatically mean democracy for there can be decentralized state apparatus ruled by hereditary chieftains.*
4. *Also, in addition local government extends such opportunities to the lower grades of society as local positions are rarely being sought by the higher ranks. For more see J. S. Mills, Representative Governments, London, 1931.*
5. *As a matter of fact, the use of the title 'Panchayat' is false because the ancient panchayats were self-reliant and were controlled by the concept of Panch-parmeswar, i.e., detached Divine justice. In the process, by false use of the term Panchayat in the Constitution, a myth has been sponsored so irrelevant to our society. Also see Ramjee Singh, Gandhi and the twenty first century, New Delhi, 1993.*
6. *The Balwant Rai Mehta Committee suggested that 'without the agency at the village level which could represent the entire community, assume responsibility and provide the necessary leadership in implementing the development programmes, real progress in rural development could not come about at all.' Also see C. Harichandran, Panchayati Raj & Rural Development, New Delhi, 1983.*
7. *P. D. Sharma, Women Leaders in Panchayati Raj- A case study in Democratic Decentralisation and Panchayati Raj in India (Ed.), New Delhi, 2002.*
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8. *Partha Chatterjee, The Nation and its Fragments-Colonial and Postcolonial Histories, 1993.*
9. *Susheela Kaushik, Women and Paanchayati Raj, Har-Anand Publishers, New Delhi, 1993*
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13. eorge Mathew, *op. cit.*, p.47.

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## **Appraisal of Political Reforms in Pakistan’s Federally Administered Tribal Areas**

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### **Abstract**

*The paper attempts to analyse issues prevalent in erstwhile Federally Administered Tribal Areas (FATA) of Pakistan and tries to know the reasons behind the increase of militancy in the region, especially after 9/11. There is an urgent need to bring actual development and enduring peace in the tribal region by addressing grievances of inhabitants of the region by implementing political reforms. However, political reforms have not been implemented in full spirit due to various reasons. The study discusses the critical role of institutions in the stability of the tribal areas. The main focus of the research paper is on the political reforms in FATA, which is essential to weed out militancy at ground level. The paper concludes with the observations and suggests relevant policy-suggestions to mainstream tribal areas with the rest of Pakistan.*

**Keywords:** FATA, Governance, Institutions, Militancy, Pakistan, Political Reform.

### **Introduction:**

Federally Administered Tribal Areas (FATA) of Pakistan was a semi-autonomous tribal region since independence till May 2018 when it was merged with Khyber Pakhtunkhwa province. FATA came to limelight in 1979 during the Soviet invasion of Afghanistan, and the region became a centre of global attention again, especially after the US-led Global War on Terror in Afghanistan since 2001. Daniel Markey stated in the report titled *Securing Pakistan’s Tribal Belt* that “the region served as a safe haven for a

core group of nationally and internationally networked terrorists, a training and recruiting ground for Afghan Taliban, and, increasingly, a hotbed of indigenous militancy that threatens the stability of Pakistan's own state and society" (Markey, 2008, p. 3). Therefore, the importance of this region assumes high significance from multiple perspectives. The tribal region has remained underdeveloped because of many historical as well as structural reasons. The scenario of erstwhile FATA has not changed entirely even after more than seventy years of independence. Therefore, the causes of militancy and hurdles to implementing the political reforms in the tribal areas need to be studied and analyzed for finding appropriate solutions.

### **Objectives of the Study:**

1. To analyze the distinct governance structure of erstwhile FATA from the rest of Pakistan
2. To examine the political reforms which have been laid down by various successive governments for the development of erstwhile FATA
3. To find out issues related to the implementation of political reforms and the way forward

### **Research Methodology:**

The paper is based on the review of various available literature. The study is descriptive and analytical in nature and has adopted a qualitative text analysis method where specific text passages are looked far more thoroughly than other parts of the prescribed text. The data required for the study has been taken from primary sources like government documents and international organizations' reports. Besides it, secondary sources like relevant websites, newspapers and research articles from journals have also been taken into account for research.

## **Governance Structure:**

FATA can be considered as a unique area of Pakistan in terms of its governance structure. The administration of tribal areas has been “divided between formal state actors and informal societal traditions” (Mehsud, 2013, p. 3). As per Article 247 of the Constitution of Pakistan, FATA used to fall under the exclusive domain of the President, who has devolved his powers to the Governor of the Khyber Pakhtunkhwa Province (KP). The governance system of FATA was running through a “combination of Political Agents (PAs) and tribal elders” which provided autonomy to the tribes to manage their issues according to the local *Rewaj* (tradition) and Sharia (Islamic law). The Political Agent used to hold executive, judicial and revenue powers as an “administrative head of each tribal agency” (FATA Annual Security Report, 2016, p.1). FATA has been governed under the colonial-era regressive Frontier Crimes Regulations (FCR) of 1901 till May 2018. Zulfiqar Ali (2017) contends that the FCR has denied tribesmen “the right to be dealt with in accordance with Pakistan’s law and constitution” (Ali, 2017). On similar lines, Osama Siddique argues that the FCR is a blatant example of the colonial discipline and punishment regime. It has introduced a highly intrusive mode of societal monitoring and surveillance and coercive mechanism for control and punishment (Siddique, 2012, p. 8).

The then Governor of Khyber Pakhtunkhwa Sardar Mehtab Ahmad Khan has raised the issue of huge corruption taking place in FATA. He stated that “development schemes are initiated at the end of the financial year” which causes a delay in completion of projects and “payments are made to the contractors in a hurry without ensuring quality or required progress” (“Taking stock”, 2015). Former chief secretary Khalid Aziz noted that “over 73 per cent of citizens in FATA were living below poverty line” (IPS, 2017). The “basic governing bodies like the police, judiciary, and civic amenities do not exist in this area. Subsequently, economic development failed to reach FATA, thus keeping the area isolated and impoverished. The extremely low standards of education and development have left the people vulnerable to militants” (Sabina Khan, 2011, p. 35). The socio-economic and political

backwardness of the tribal area shows the extreme underdevelopment of the region and their inhabitants which is evident through the dismal development indicators of erstwhile FATA. The existing structures and actors are in power without any meaningful legislative oversight by FATA parliamentarians. Neither the Supreme Court nor a Peshawar High Court could exercise any jurisdiction in FATA till January 2018. It shows that access to justice and the rule of law was denied to the residents. There is a huge issue of rehabilitation and resettlement of about two million internally displaced persons (IDPs), seventy per cent of whom are women and children (*FRC Annual Security Report, 2015, p. 29*).

### **Social Cost of Neglecting Institutions:**

Very less emphasis has been given to institutional reforms and bureaucratic changes with particular reference to erstwhile FATA. It is evident that “marginalization and inequity continue to prevail because the current legislation and institutional framework are inadequate for addressing FATA's considerable development challenges” (FATA Secretariat Report, 2015, p. 10). It is imperative to have a political will to bring real and positive changes in the lives of the inhabitants of erstwhile FATA. There is a need to deepen the process of democratisation so that the tribal people of the region can have real access to political power. Institutions are the edifice of the State by which it establishes its legitimate authority. Institutional capacity is not only fundamental for eliminating corruption but, also to achieve stability. Dogar finds that there are three main reasons which hamper the institutions from making timely and impersonal decisions: bribery; favoritism and kinship; and political interference. Therefore, it becomes imperative that the government come up with a long-term policy to address structural problems leading to corruption. It will require the workings of public institutions and policymaking to become more transparent. Besides, the responsive and efficient system of accountability needs to be introduced (Dogar, 2017).

Mateen has argued that the civil and military bureaucracy has played a dominant role in the decision-making process in comparison to the political actors. The weakening of federating units has empowered the central

government, which has led to the weakening of the rule of law and poor participation of political class (Mateen, 2016). The essence of democracy lies in the substantial and inclusive participation of the common people in the political process. Citizens of the region are the key stakeholders in the overall development process of the region. Therefore, it becomes imperative to have the participation of real stakeholders, the common people, especially in political matters which decides their fate.

Frances Stewart gave the hypothesis that the root cause of conflict in some of the developing countries can be linked to the failure of the social contract. It suggests that the relationship between the State and the citizens relies on a social contract which assures of providing essential public services and reasonable economic conditions and in return would acknowledge the state authority. If these conditions are not sustained or break-down due to any reason, then it can result in the violation of the social contract and can lead to the initiation of conflicts (Cited in Malik, 2009, p. 22). International Crisis Group Report titled *Women, Violence and Conflict in Pakistan* states that “*Jirgas* have been known to treat women as commodities, including by ordering a woman relative of an accused male to be given in marriage to settle a feud or a woman to be killed to preserve her male relative’s honour” (ICG, 2015). Inhabitants of the tribal region were promised to be taken care of since independence of the State which provides the perfect scenario in which social contract can be analysed in the light of FATA. Shuja Nawaz has stated in the report titled *FATA- A Most Dangerous Place* that “tribal social contract has been broken as more than hundred *maliks* have been assassinated since 2004 on suspicion of spying for the US or the government. The *maliks* under threat refused the protection of the state, as this would have been contrary to tribal honour” (Nawaz, 2009, p. 26). Maliki institution played a very crucial role in sustaining the peace in the tribal areas of Pakistan but has been targeted harshly by the militants, and therefore its efficacy has been undermined. It hindered the inclusive development of tribal areas and resulted in increased militancy. Moreover, the deliberate negligence by the successive governments has also led to the widening of the trust deficit between the common people and the State.

## **Mainstreaming Political Reforms:**

Since 1976, to reform FATA, 15 commissions and committees have been constituted (“Integration of FATA”, 2016). The year 1997 saw the FATA Tribunal creation, amending the FCR but lacked independence. One of the significant developments in 2000 was the establishment of the Agency Council as a local representative body. In the year 2002, the FATA Secretariat was established, and in 2006 it became the Civil Secretariat of FATA. The 2011 reforms proposed to look into constitutional, legal and basic human rights. It also proposed to exempt the elderly and children from arrest under the FCR. In 2013, the federal government introduced yet another necessary reform by extending the authority of the federal ombudsman to FATA (Wazir, 2014, p. 48-49). The point 12 of the National Action Plan (NAP) which focuses on “administrative and development reforms in FATA with immediate focus on repatriation of IDPs” (NACTA, 2016) can be categorised as a recent manifestation of the proposed *Report of the Committee on FATA Reforms* (RCFR), August 2016. The report has suggested some socio-economic proposals instead of the military solution alone, which makes it more realistic (“Integration of FATA”, 2016). The federal government introduced the draft of the Tribal Areas *Rewaj* Bill, 2017 in the National Assembly of Pakistan on 15 May 2017 (“The Proposed *Rewaj*”, 2017). However, due to considerable opposition from various sections of the country, the then government withdrew the *Rewaj* Bill.

Manor argues that political reforms can provide “significant benefits not just for poor and excluded groups, but also for the governments that undertake them”. These reforms have a strong tendency “to increase the legitimacy and the popularity of the governments that introduce them” (Manor, 2004, p. 6). This argument helps to understand the problems prevalent in Pakistan. Gaining the trust of inhabitants of tribal areas would help the State in longer terms to bridge the trust deficit prevailing between the government of Pakistan and the people of FATA. Huntington argues that political reforms are peaceful and gradual in nature. It is usually a “negotiated enhancement of liberty, justice, equality, democracy, and responsibility in

politics" (Huntington, 1988, p. 4). It has been found that "the root cause of terrorism has political reasons: despotism, injustice, human-right abuses, and oppression; and resorting to a religious discourse to sugarcoat politically motivated and ill-intended decisions has driven society towards extremism and violence" (Kechichian, 2013, p. 278). Tribal areas in Pakistan have witnessed the militancy and terrorism which has affected the native Pashtun people the most. Military operations by the Pakistan armed forces and provisions of Frontier Crimes Regulation of 1901 has isolated the inhabitants of FATA. Sayeed has aptly argued that often states bring economic changes to bring prosperity to the region but fail on the front of adopting political changes which are the drivers of the real and sustainable progress (Sayeed, 2016). Pakistan civilian governments need to take caution of this fact and initiate much-needed political reforms to redress grievances of Pashtun people of erstwhile FATA.

### **The Way Forward to Enduring Peace:**

*The Report of the Committee on FATA Reforms 2016* proposed to implement the reforms under the supervision of the Directorate of Transition and Reforms. Different units ranging from Reconstruction and Rehabilitation Unit (RRU), Local Government Unit, Economic Growth Unit, Communication and Media Unit, Land Settlement Unit, Large Infrastructure Unit, Rule of Law Unit to Gender Development Unit would be responsible for their respective sectors (RCFR, p. 42). Moreover, The United States' Department of Justice has taken several initiatives under the International Criminal Investigative Training Assistance Program (ICITAP) and Drug Enforcement Administration (DEA). Besides it, the U.S. Agency for International Development (USAID) has strived to enhance the quality of education and health sectors, create employment and strengthen governance (Jones et al. 2006: 141-142). However, there is a need to transfer responsibilities to peacekeeping and development initiatives by the civilian institutions of Khyber Pakhtunkhwa (Saddam Shah, 2017). Most importantly, as Umair Jamal asserts that the State will have to give up the "policy of allowing militants to stay, travel and interact with the local communities" residing in the tribal areas to implement the reform policies (Jamal, 2016).

As Babakhelhas aptly argued that “FATA is neither solely a political, administrative, nor internal security issue. It is one of social engineering, linked to national integration and foreign policy, and thus requires a holistic approach. Reforms that focus on politics or security alone will fail to contribute to long-term national integrity” (“Integrating FATA”, 2018). Therefore, “the success of reforms depends on drafting and executing a clear transition plan, integrating existing forces, and community support. This needs legislative, administrative, capacity building and operational interventions” (“Policing FATA”, 2018). However, there have been many challenges to the implementation of political reforms as “citizens are uninformed and/or disengaged, where governments are unresponsive to citizen demands and unaccountable to their constituents, where there is a lack of political efficacy, and where a culture of corruption and bad governance thrives” (Cabanero-Verzosa and Garcia, 2011, p. 8). Moreover, the lack of “3 wills- political will; organizational will and public will” is amongst the potential causes of failure of governance reforms (Cabanero-Verzosa et al., 2014). If these initiatives, as mentioned above, are implemented in the true spirit, tribal areas will begin to get mainstreamed with the rest of Pakistan.

## **Conclusion:**

It needs to be kept in mind by the policymakers and administrative authorities that “reforms should neither be too abrupt to cause social and administrative disruption nor too lethargic to allow the spoilers, derail the whole process of reforms” (IPS Policy Brief, 2017, p. 4-5). It has been observed and found in the research that political reforms have remained mainly on the paper due to one or other reasons. The corruption prevailing in FATA needs to be tackled at the earliest as the class which supports the status quo is the one who is getting benefitted with the current administrative and judicial structure of FATA. The discourse of development and reforms need to take centre stage in the policy formation for the tribal areas considering its local needs and requirements. There is an urgent need to bring substantive political reforms in erstwhile FATA for the welfare of the inhabitants of the region. The mainstreaming of the region is more necessary due to its conflict-ridden past laden with extremism and militancy which increases the chances

of its revival. True implementation of political reforms would open up the closed ventures for the residents of erstwhile FATA to serve the successful integration of FATA into Khyber Pakhtunkhwa. Last but not least, necessary steps need to be taken by the civilian government to gain the trust of the Pashtun people residing in the tribal areas of Pakistan.

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## **Youth Social Work Practice in Addressing the Issues & Challenges of Youth in India**

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### **Abstract**

*Most discussions on youth have focused on issues such as drug abuse, crime, violence, sexuality and poverty. In addition to these, today's youth are afflicted by new challenges. These include: Identity Crisis: Who am I?; low self-esteem: I am worthless; A sense of hopelessness: Where am I going?; Confusion and ambiguity concerning moral issues: What is right and wrong?; The negative impact of the electronic media: Entertainment?; Competitiveness in education: the uneven playing field: Excellence by whom? Not Me. Social work with its simultaneous focus on human dignity and quest for Social Justice has evolved into a generalist profession which combines skill-sets and methods known to and employed by professionals according to the situation at hand.*

*A youth social worker is someone who helps adolescents with issues they may be facing while growing up. They work directly with teens and pre-teens to help them with various struggles of life and how to develop better coping skills to deal with life issues. Traditional techniques used in social work have become obsolete and ineffective in meeting the contemporary needs of the dynamic population. This has led to the development of new social work techniques that seek to achieve social transformation among the youth.*

*These innovations which are being implemented by youth empowerment organizations are important not only to the social workers that*

*utilize them and their clients but also for the upcoming professionals and institutions that provide services to the youth. It is in this context an attempt is made to know and understand the issues and challenges faced by the youths in India and the intervention of social work by way of training to overcome those problems.*

**Key Words:** Youth, youth issues, professional social work, training, intervention, challenges, counselling.

### **Introduction:**

When we hear the term Youth, the first thing that comes in our mind, is the energetic group of society who always wants positive change in their own family, community, society, state and overall development of country. They are the change agent of society, who has capacity to change the society. Youth are tomorrow's leaders, parents, professionals, workers and today's assets (DFID/Maguire, 2007). The youth is known as the backbone of the country. Youth always talks about development of country. They even complain about the pace of country's development and desire rapid development. According to United Nation "Youth are those between the age of 15 and 24 year. There are over 1.8 billion young people in the world today, 90 percent of whom live in developing countries, where they tend large proportion of population. (UN Population Division, World Population Prospects: 2008 Revision). So, it is necessary that to develop a community or nation all should focus on development of youth. Government should formulate programs, which at least help the youth to achieve their own basic necessities.

Youth are the change agent but unfortunately, they are misled and misused by political parties and marginalized by policy makers. Country and/or government are not able to mobilize large number of youths. The youths are not being used by the nation that's why India is still facing poverty, unemployment, corruption, suicide, and various kinds of socio-economic problems. In Policies youth are always acknowledged but policy has always been for youth and not about them. Government or state makes so many programs and plans without involvement of youth but those kinds of

programs may not be effective for this generation youth. So, government and policy maker should include youth to make plan, policies, and programs for themselves. Government must increase the financial, educational, and technical support for youth development. Youth are the group who either help their nation to move forward or stay aback due to the lack of opportunities; lack of employment may lead them to indulge into violent and socially destructive activities (Nandgiri). Healthy development of youth is necessary to develop a nation. It is essential to focus on integrated development of youth.

Moral degradation of youth is an important problem in emerging India. Morality is about the appropriateness of the goodness of what a person does, think or feel. Morality helps one to make a right moral judgment and thus present morally acceptable behaviour. Youth power is the driving force of a nation; if it moves in the right direction. But now a day youth is adversely diverted through different immoral activities which do not only influence the present Indian society but also it stimulates the future generation of our civilization. Therefore, it is imperative and a duty of everybody to find out the solution of this crucial problem to establish India in the world of peace and harmony that is very much depends over the hand of the youth generation.

### **Issues & Problems Concerned with Youth in India:**

Problems are sign that there is hope for innovation and a better tomorrow. The pace at which world is changing is drastic. But the adaptation pace is comparatively very slow. From education system to the way market works, people seem scared of letting go of conventional and traditional ways of work. And between this tug war of traditional and modern approach, the one who grinds the most is the youth. Today's youth is a digital native directed by a digital immigrant.

#### **1. Education:**

First and the foremost concern of today's youth in India is education. Indian youth demands for better education, employment driven training and brighter future. Youth also want that skill-based education and job placement

should be a part of every higher institution. More emphasis should be laid down on career-oriented courses and there should be a connection with real life scenario rather than just bookish. Youth from non-urban setting generally lacks good communication skills. This is also one of the major concerns because it acts as an obstacle on the way to get job and progress.

## **2. Unemployment**

Youth unemployment in India is on rise. According to the World Development Report 2013, 9% of males and 11% females aged between 15 to 24 years are unemployed. As per data of 2009-10, 9.7% of young men and 18.7% of young women in India were unemployed. At global level, chances of youth being unemployed is three times more than adults. Global financial crisis hit youth first then adult. Also, as per NSSO survey, youth unemployment among illiterate is less as compared to educated youth. Because illiterate youth is willing to do all sorts of work whereas educated ones look for jobs in their respective field only. Young graduates suffer the most as far as getting job is concerned.

## **3. Corruption:**

Today's youth is concerned with the issue of corruption more than anything else and that is why most of the protestors in the recent Anna Hazare's campaign against corruption were the Indian youth. Mr Ratan Tata once said, "The youth of today will need to recognize that they shoulder a great responsibility. They will need to fight for rooting out corruption, for ensuring that no one is above the law and uniting the citizens of India as 'India first' instead of communal or geographic factions". Though fighting against corruption is the responsibility of every citizen but youth by virtue of their nature and energy participate more in this cause. Corruption should be rooted out of country. Youth in India must know what they want and how they want because good and bad co-exist in the society. Today we relate everything related to success in terms of money. But success is more than this. Youth must derive inspiration from their role model and live life with proud.

## **4. Psychological Problems:**

a. **Depression:**

Depression is a very common yet overlooked disease among youth. Globally 300 million + people were suffering from depression as in the first quarter of 2017. And many may not even realise that they suffer due to lack of knowledge on mental health. Although this number is only going up, no strong steps have been taken to create a working atmosphere that allows an employee to remain happy and stress free. This only adds on to the misery of the person, affecting his or her personal life as well.

b. **Thirsts for Acceptance:**

They always like to attract others by their appearance and various other means. A single or slight event of avoiding will be great wound to their mind. In order to get attention of the people they choose whatever means possible. This may cause again a kind of depressive and negative feeling because their colleagues will easily identify their artificial character.

c. **Criminal Tendencies:**

Often, they are known for criminal activities. They develop criminal tendencies from their living social circumstances. They easily develop in their mind an anti-social attitude by which most often they are forced to do criminal activities.

d. **Emotional Imbalances:**

Modern youth are very much imbalanced in their emotional life. Researches show that they are very high at their IQ (Intelligent Quotient) rate but deep down at EQ (Emotional Quotient) levels. They don't know how to take away strain and do not know how to face with a risky moment. They are crooked enough but not prudent enough. Failures of love affairs become common among them. Their life also more open to sex rackets due to lack of emotional maturity and prudence.

e. **Inferiority Complexes:**

Nowadays a lot of inferiority complexes can be seen among them. They are not coming forward to the fore front of a dignified group. They feel that they are not worthy. They have also the feeling that they are sinners and

anti-social. They think that they are not according to the expectation of the society, their teachers and the parents.

**f. Alcoholism and Drug Addiction:**

They are nowadays very much prone to alcoholism and drugs. They often act criminally or violently because they are under the influence of drinks and drugs. It becomes really a problem in the life of the youth. They are unhappy at their home, become weak in their studies, a lot of tension and anxiety is created in their mind.

**g. Suicidal Tendencies:**

May be due to the all above said problems they have also a tendency for suicide. For silly reasons they like to end their life. Failures in the examinations and the love failures are sufficient reasons for them to commit suicide. Sexually abused ones had the suicidal tendencies earlier but nowadays researches show and it seems that sexually abused is not a sufficient reason for suicide.

**The Youth Social Worker:**

What is Youth Social Work? Youth social work is a fast paced and rewarding career that provides an opportunity to improve the lives of youth. A youth social worker is someone who helps adolescents with issues they may be facing while growing up. They work directly with teens and pre-teens to help them with various struggles of life and how to develop better coping skills to deal with life issues. A youth social worker takes on an important role in society as they help shape the lives of youth who will be leading our communities into the future.

Youth social workers generally function as a member of an interdisciplinary team that provides support and guidance to improve the quality of life of the youth. Many social workers enter the career field with a bachelor degree; although a Master degree is considered the terminal degree for practice. Usually, social work students who are interested in working with youth will seek specialty courses that focus on child and family services.

What is the Role of Social Workers in Youth Welfare? The primary role of social workers in the youth welfare system is the protection of youth from harm. Through prevention and intervention services, they protect youth who are either at risk for or have been abused or neglected. An additional aspect of protection and support for youth and their families is that of advocacy. In the youth welfare system, social workers are the primary advocates for youth and their families. Part of advocacy involves seeking out supports and resources for them. Advocacy also includes teaching youth and especially their families how to find, access and use community resources so that they can become self-sufficient and begin to advocate for themselves.

What Does a Youth Social Worker Do? Youth social workers work with young people who are struggling socially, educationally or with health concerns. The aim of the role is to intervene early with issues before they escalate, which may lead to problems with social and educational development. Involvement with a youth social worker is usually voluntary, meaning that the youth and their family must agree to participation before any assistance can begin. The role of the youth social worker is to develop a supportive relationship with a young person who appears to be struggling with the aim of uncovering the underlying problems they face and helping them to overcome or deal with these problems. It is hoped that by forming these relationships, the young person then has a secure basis for forming healthy relationships with others moving forward. The youth social worker also aims to increase the confidence of the young person to allow them to understand and address their issues.

The flexibility of the role means that a youth social worker can provide support for young people suffering from a range of difficulties – they can help those displaying difficult behavior, those affected by teen pregnancy and those affected by difficult home environments for example. They can provide a ‘safe’ adult for young people to confide in and they can assist with co-ordination of services across a diverse range to best serve the needs of each individual youth. This may also involve getting support for whole families if needed. The diversity of their role means that the role of the youth social worker is one providing services and support to a great number of

young people, helping them establish healthy relationships and addressing their issues, allowing them the best possible start as they move towards adulthood and independence.

**Why Do We Need Youth Social Workers?** Youth social workers are extremely important. Youth struggle with all types of problems and most are unable to deal with them. Withdrawal from society, suicide, and basic coping skills are reasons why youth social workers are needed. Teens deal with depression, authority issues, and having a low self-esteem. If they are unable to learn how to cope with such issues, then they are unlikely to cope with them as adults and lead a very difficult life once out on their own.

The youth social workers need the personal skills such as Empathetic, Patient, Organized, Persistent, Respectful, Open Minded, Flexible, Ethical/Moral, Self-Aware, A true love youth.

### **Role of Social Worker in Youth Development:**

To develop the youth or to motivate the youth on community development and nation building social worker should use all methods of social work (Social Case Work, Social Group work, Community organization method, social welfare method, social Action method and social work research).

The social worker should focus on youth development programs to develop nation. According to Youth Development Strategies Inc. (2000), what is Youth Development? “Youth Development is a process of human growth through adolescent move from being taken care of to taken care of themselves and others, an approach where policy, funding, and programming are directed at providing supporters to young people as they build their capacities and strengths to meet their personal and social needs; and a set of practices that adults use to provide youth with the types of relationship and experiences needed to fuel healthy development.” According to this definition social worker should understand the youth and social workers should work on to build capacities and strengths to fulfil the individual as well as social desire of youth.

Social workers also should work to promote the social, emotional, spiritual and mental well-being of youth. Lacking these, youth cannot work and think properly. Social worker also should focus on generating opportunities for youth development as well as opportunity to express themselves. Youth are not getting too much opportunity to express themselves and in the context of developing country youth should work under the elders and there they do not get chance to use creativity, they cannot use their potential. So, social worker should provide opportunity to the youth to express and show their potentiality. Youth are not getting opportunity to participate in politics, planning, policy making and etc. so social worker should conduct programs and activities to pressurize the authorized sector to provide opportunity for youth to participate in all parts of government and decision-making status.

Social worker should not work on youth but they should work with youth. As a social worker, worker should not feel that they are working for developing the youth capacity but they are working to enhance the potential capacity which all youth have but that may be hidden because they may not get chance to express those hidden potentiality. To enhance the potential capacity of youth social worker should focus on practical knowledge as well as skills where they can use those creativity, skills, and potentialities. Social worker should minimize the activities and knowledge which only gives theoretical aspects.

As everyone have their inherent worth and dignity the same way youth also has. As just social worker works with youth it does not mean that youth know nothing, social worker should respect the opinion and skills of the youth. Even so many things social worker does not know, youth can teach them so many things, so social worker should have ability to accept the uniqueness of individuals.

Besides these, social worker should be able to connect youth with their communities and nation. Nowadays youth are dreaming about western countries and they always want to go abroad. But as a social worker we should convince them that they are the nation builder, without them the nation is nothing. Whatever they can do in western countries same can be done here.

Social worker should be able make them feel that how much they are needed and useful for their own communities and nation. The social worker should conduct research and survey to find-out the needs of youth and the necessities of youth for development and then they should formulate programs which are really relevant with youth.

All youths are leader. Some youth may not know how to lead. Social worker should build the self-esteem of youth and should provide training on leadership to develop and enhance their leadership. Social worker themselves might be the role model for youth to make them think about the nation/community development. No any sustainable development is possible if youth are not interested or if youth do not take leadership. Last but not the least, a social worker should pressurize the government to take responsibility of youth and make youth accountable and responsible for country.

### **Social Work Training for Youth Development:**

The first step at solving a problem is to recognize it. Once we know where the gap lies, it can be filled. Youth have got psychological problems and they must get rid of it in order to have a sound personality. The causes behind the problems must be remedied in order to develop their personality. The following are some of the interventions/training methods to overcome those problems:

#### **1. Social Work Training in Career Counselling and Guidance:**

Career guidance and counselling have emerged today as an urgently sought-after service. However, it is essential that career development is defined within the multiple realities and paradoxes that characterize the Indian situation. Career counselling course work trains students to provide vocational assessments and information to assist individuals in planning their careers or developing specific skills.

Today the youth are at the cross roads as far as their career is concerned. Because of the lack of career guidance and career counselling, the youth are at the risk and are vulnerable and unable to do their life comfortably. This leads to the depression among the youth. Further, it may

lead to the various individual problems such as deviant behaviour, suicidal attempt, involvement in the criminal activities etc. It is therefore the social work training helps the social workers to help such youth groups to make their career successfully. Thus, today we find the social work curriculum developed by the various universities include the career guidance and career counselling.

Once these social work students are trained in the career counselling, they will get the employment at the various employment and recruitment agencies, voluntary organizations, government employment bureaus etc. It is thus would help the social workers also to do their career as the career counsellors.

## **2. Psychological Training:**

Mental Health is one of the important concerns of the professional social workers. In social work, the specialization of medical and psychiatric is getting popular. The social workers are trained through this specialization to know and understand the psychological problems of the youth in distress and help them to come out of their problems. It is important and worthwhile to treat a person from his early stages of development itself. For that the parents and the teachers must be properly trained to educate their children or students properly. Proper knowledge of human psychology and the basic education into the science of psychology will be to a great extent a remedy to the present-day problems of the youth. It also serves as a preventive measure.

## **3. Training in Counselling and Guidance:**

The youth in distress need the counselling and guidance at the proper time and proper stages. It is therefore the social workers should be given the training in the areas of counselling and guidance. Youth who are already affected psychological defects shall be directed to counselling centers and properly guided. Personal care from the part of parents and the close ones will help the youth to build up their personality in a proper way.

Today there are many schools of social work having been developed the curriculum in social work which address the issues of the youth in general

and the youth in distress in particular. In depth knowledge of counselling theories and modules are given to the social workers through these courses.

#### **4. Training in Digital Social Work Interventions:**

Digital social work techniques have become very common with the rapid growth of technology. This method involved the use of social media, and other digital platform to carry out interventions. According to (Cameron & Buckley, 2013) Digital communication technologies play an integral role in the social inclusion of young people in our society. For many people „Google“ represents a first port of call for information on multiple and varied topics. Most services have developed websites with information and resources relevant to their target group. These websites can be an important source of information and a useful tool for engagement, as it is clear that many young people will be assessing the suitability of a service based on the information provided on the service's website.

#### **Conclusion:**

Youth social work is one of the important fields of professional social work practice. Extra-ordinary situations require extra-ordinary measures and techniques. The youths in India have many issues and challenges which needs to be addressed by the professional social workers. The fact that the environment for the youths in India is changing alarmingly, there is a need to innovate new techniques to be used by the social work professionals to address the challenges faced by the youth. Different techniques for social work intervention for addressing the youth issues are based on claimed rather than demonstrated effectiveness in assisting youths in empowerment. Social workers are integral part in the process of shaping and delivering support and needed interventions for youths and communities.

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## **Water, Sanitation and Hygiene (WASH) for Aboriginal Youth in Narayanpur, Brahmaputra Valley, Assam**

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### **Abstract**

*Health is the level of functional competence of a social being. Good health is an enormous advantage to the happiness of the mankind. The impact on youth's health provides justification for effective WASH (water, sanitation and hygiene) interventions. The Aboriginal people who live in the remote villages of the Brahmaputra Valley do not have proper awareness of health and hygiene practices.*

*This study aims to focus on the water, sanitation and hygiene practices of the Aboriginal youth in Narayanpur, Brahmaputra Valley, Assam. The study explored in depth about the present conditions and suggest measures to overcome the issues in order to have a healthy life style. This study conducted by exploring a sample of youth aged between 18-35 years old. At present there is no clear data available about the youth population (universe) who live in Chamaguri and Jalbharia settlements of Narayanpur town. So, this study will involve Focus Group Discussions for the data collection.*

*Based on the previous researches, it is anticipated that the overall hygiene practices of the youth would not be great, so access to safe drinking water and their sanitation practices is expected to be very low. The magnitude of starvation among the youth will play a very important role in WASH. The*

*youth follow the same practices as followed by their parents. Hence compared to the metropolitan setting, hygiene practices may be poor.*

**Keywords:** Water, Sanitation, Hygiene, Aboriginal people and Youth

### **Introduction:**

Health is a wealth to mankind. It is truly a gift from the environment. Caryn Anderson defines hygiene as “properly caring for your body by keeping it clean and healthy while allowing you to look and feel your best” (cited in Parvesh, 2012, p. 7). Having good health, access to safe water and proper sanitation facilities are very much essential for mankind. In the year 2010, the United Nations General Assembly recognized water and sanitation to be among the essential human rights (United Nations Water, 2016).

The World Health Organization (WHO) in the year 1946 defined health as "a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity" (United Nations Water, 2016). Safe water and its quality are vital to the development of human beings and their wellbeing. Access to safe water is one of the most effective ways to promote health and address poverty (Anupam, 1997). An immediate plan of action is required to improve water, sanitation and hygiene (WASH) among the tribal people in India. According to WHO in 2015, over 1/3 in the globe lack water and almost a similar ratio are in shortage of water and soap for hand washing (World Health Organization, 2016). Approximately 1/5 does not have better sanitation and over half lack adequate facilities for the safe clearance of health care waste (United Nations Organization, 2016).

Sanitation is essential to ensure a respectable level of public health. Prevention of exposure to human wastes involves increasing access to basic sanitation in households, and further to it requires safe management of the sanitation chain which starts from gathering, transporting, and treatment and ends with discarding sanitation waste (Kevin, 2002). A huge percentage of the globe’s population still lack access to passable sanitation facilities. As the efforts on sanitation are improved in the Sustainable Development plan, WHO is spearheading to monitor the biosphere’s problem of disease related to sanitation and to collaborate with partners to ensure management practices

for proper sanitation through guidelines and tools (Center for Diseases Control and Prevention, 2016).

According to WHO in 2010 there were 884 million people who lacked access to safe water and 2.6 billion people lacked access to upgraded sanitation. Almost 2.6 million people die every year due to diarrhea and the majority of them are children who below to the age group lesser than 5 years old (World Health Organization, 2016). The population affected is usually from poverty or people who live in remote areas. The main reasons for this situation are lack of access to safe drinking water, inadequate sanitation facilities, and lack of awareness in regards to the personal hygiene (Parvesh, 2012). Almost 1 billion people in the world practice open defecation, a decline of 244 million from 1990. Only 47% of the rural population is using improved sanitation, whereas 80% of the urban population uses improved sanitation. Everyday close to 1000 children die due to diarrheal disease (United Nations Organization, 2016). More than 80% of water waste which is from human activities are being discharged into water bodies like ponds, rivers, lakes and seas without any pollution removal measures (United Nations Organization, 2016).

### **Aboriginal Youth in Narayanpur, Brahmaputra Valley - A Brief Outlook:**

The eastern division of the Northern plain in Assam is made by the deposition of sludge of Brahmaputra river is called Brahmaputra valley (Gyan, 2015). It is an extended lean plain which is bordered by hills in northern, southern and eastern region. River Brahmaputra is one of the major rivers stretching about 2900 kilometers in the Asian Continent which flows through China, India and Bangladesh. (<http://www.guwahationline.in/city-guide/brahmaputra-river>) shows that whenever the snow melts from the Himalayan Mountains, there is always a massive flood in the Brahmaputra valley. In an average, the river discharges about 19300 cubic meters per second.

One interesting fact about Brahmaputra is that it is considered as a male river in India whereas most of the rivers in India are considered to be female rivers. According to Hindus, this river is considered to be holy and they have many mythological tales associated with it. It is widely believed

that Shantanu's wife Amogha had a child through Brahma. The child took the form of water. The river got its name from Sanskrit which means son of Brahma.

Many tribal people have lived in this thick forest for many years. Some well-known tribes of this region are Deori, Dimasa, Mishing, Nyishi, Patorgoyan, Rabha, Sangken, Udiyas, Gorh, Munda, Oraon, Kharia, Santhal, Mahali, Lohar, Kuki, Karbi, Turung, etc. (United Nations Educational Scientific and Cultural Organization, 2016).

Aboriginal people immigrated into Assam during mid nineteenth and twentieth century from the tribal heartland of Bihar, Jharkhand and northern Odisha. The British authorities forcibly recruited the Tribals and backward caste Hindus as laborers to work in Assam's plantations. In the year 1841, Assam Company made an attempt to recruit labourers in which 652 people were forcibly recruited but due to cholera most of them died. The wages paid to workers were very poor. By paying low wages, British authorities forced all the family members to work in the tea garden (Center for Tribal and Rural Development, 2012).

Sadri is the most predominantly spoken language. But the dialect used in Assam is different to the one which is used in Chotanagpur region because the tone is influenced by the Bengali and Assamese. Oriya, Santhali, Odia, Kurukh, and Mundari, are also spoken by few people in the region. There is a huge population of Santhali speakers and Odia speakers, and they almost over 300,000 each. In today's context with the formal education, new generations are becoming fluent in English, Hindi and Assamese.

The Aboriginal people are deeply connected to their religion and culture. Festivals are an important part of their life. Major Hindu festival like Manasha Puja, Nowakhai, Sarhul, Lakhi Puja, Sohrai, Diwali, Durga Puja, Tusu Puja are celebrated by the community, with Christians celebrating Christmas and Easter.

Music and dance are key elements in the community. Their musical concerts are performed for a variety of occasions like marriages, arrival of new seasons, and harvests. In some of the dances, martial arts are also demonstrated to portray their rebellion against the British. Some of the

musical instruments used by the aboriginal people are Bansuris, Madars, Tamaks, Dhols, Kartals, Nishans, Manjiras and Nagaras.

One of the famous dances of the aboriginal people is 'Jhumur dance'. They also have varieties of dances performed during different occasions. Some of them are Kharia dance, Sambalpuri Dalkhai dance, Karam dance, Chhau dance and Santhali dance which are performed during different occasions.

### **Water, Sanitation and Hygiene:**

Ashish & Chioma (2013) conducted research on the impact of water, sanitation, and hygiene interventions on improving health outcomes among school children. This research was conducted to explore the association of water treatment, hygiene, and sanitary interventions on child health outcomes such as absenteeism, infections and attitudes. The outcomes revealed that age of the child, gender, grade, socioeconomic profile, access to hygiene and sanitary facilities were significantly associated with child health outcomes. Hygiene and sanitation interventions had a considerable impact on reducing diarrhea and absenteeism rates in children. The review concluded that the importance of access to safe water, hand washing facilities, and hygiene education cannot be underscored in narrowing water-borne illnesses, undernourishment and school absenteeism.

Similarly, Christian, Thanh& Jamie (2012) researched water and sanitation in schools. Their research examined specific areas such as *schools and water; or sanitation, gender and water; or sanitation, girls and water; or sanitation, menstruation and water; or sanitation, school absenteeism and water; and WASH (Water, Sanitation, and Hygiene) and schools*. The results reveal that the overall reasoning behind attention to water and sanitation in schools is logical. Respiratory and gastrointestinal diseases are one of the leading causes of death for children.

Lisa& Eva (2015) conducted research into effective and socio-culturally appropriate sanitation and hygiene interventions in the Philippines. The main intention of this study was to evaluate the socio-cultural and environmental factors which are underlying defecation and anal cleansing practices in Northern Mindanao. Focus group discussions were conducted with the women folk in urban and rural Northern Mindanao. The outcomes were evaluated using thematic analysis. Defecation and anal cleansing

practices were constrained by the physical environment, particularly the lack of clean, safe, comfortable and private facilities. Water was the preferred material for anal cleansing among people. This study combines nationally-representative quantitative data with local in-depth qualitative insights, constituting critical formative research in the development of effective and appropriate interventions.

### **Research Aims and Methodology:**

The study reported on in this chapter had a number of aims:

- To explore the accessibility of safe drinking water in the hutments for Aboriginal Youth in Narayanpur
- To learn about the issues and challenges Aboriginal Youth encounter in maintaining proper sanitation
- To discover the general health and hygiene practices through the Aboriginal Youth's lifestyle.
- To understand the Aboriginal Youth's participation in improving WASH interventions.

A purposive sampling technique (Seaberg, 1985) was applied in selecting the research participants. Focus group discussions were conducted with the aboriginal youth who were residing at Chamaguri and Jalbharia settlements of Narayanpur town. The aboriginal youth were asked about their access to safe drinking water, sanitation facilities and hygiene practices. Several thoughts emerged at time of interaction with the youth and they were documented. Two focus group discussions were conducted with eight youth in each group from Chamaguri and Jalbharia. The purpose of the study was to get a deeper understanding of the aboriginal youth in regards with WASH, the socio-economic background, family and ethnicity was also studied. All the youth who were approached for the study purpose agreed to participate in the study.

The 16youths who participated in the focus group discussion were of the age group between 18- 35. All the research participants belong to Hinduism. All the youth who came forward for the focus group discussions were working for different tea plantations. They occasionally collected some wood from the forest. In most of the cases, all the members of the family are employed other than the children who attend school. In some cases, the

women choose not to go for work in order to concentrate on the household works.

Orientations were given in two different hamlets (Chamaguri and Jalbharia) prior to the focus group discussions, each and every participant was explained about the purpose of the study. The youth asked a lot of questions in regards to WASH. Some questions were clarified before the interviews and some after the interviews. During this time, the date and venue for the interview was negotiated and decided. The youth were also given an option to opt out after the orientation. But luckily the 16 youth from two different villages wanted to participate in the focus group discussion. The orientation lasted for almost 15 minutes.

All the two focus group discussions were held in the respective hamlets at a common place (temple premises). All these interviews took place on Sunday which is not a working day. Before starting the interview, the researcher conducted some games in order to make the youth more comfortable in answering the interview questions. This also created a good rapport among the youth and the researcher. Every time the focus group discussion begun with a request for demographic details such as the participant's age, number of siblings and financial situation. The questions which followed were all open ended and it helped the youth to discuss more on their sanitation and hygiene aspects.

First focus group discussion was done in Chamaguri and second one in Jalbharia. The focused group discussion in each village lasted for almost one and a half to two hours in length. With the permission of the respondents, the conversation was recorded in the phone. After each and every interview, the answers from the respondents were documented.

The choices that are made in selecting any research focus or methodology has got its own limitations. The study has got couple of limitations which should be acknowledged. First and the possibly most significant, is that only two hamlets were taken into consideration for the research interview, whereas there are many villages where the Aboriginal people live in Narayanpur, Brahmaputra Valley. Repeated interviews which

are longitudinal are preferred for gathering information in regards to deeply felt experiences. The villages were restricted due to time and resources constraints. Secondly, as the youth were working in the plantations, it was decided to study the youth at their residential areas. So, the interviews were conducted only after the working hours and holidays. Thirdly, the respondents answered in their local language in which the researcher was not familiar with. However, the researcher balanced it and built a friendly atmosphere by getting the helping hands of a translator (local friend) to get reliable information from them. The women were feeling shy and were also not comfortable in answering all the questions which the interviewer asked. So, some of the questions were not asked to women in regards to personal hygiene. Finally, the focus of this study did not permit any investigation of the differences in youth's experience related to age, social class and other tribal people in Brahmaputra Valley. This is one of the areas which need further extensive research.

### **Findings and Discussion:**

The Aboriginal youth from the focused group discussion shared information in relation with WASH. The data is presented in a number of different themes, as follows.

#### ***Drinking water:***

The youth from two hutments Chamaguri and Jalbharia in their discussion about safe drinking water reported that they consumed water directly from the nearby source. Youth also reported that they consumed only one liter of water in a daily basis, which is considered to be very low. They never consume boiled water in their daily life.

The same water from the government source was used for bathing, washing and drinking without purifying it. The youth were not aware that they needed to boil the water before consumption. They were also aware of the fact that they had more chances of getting infection like typhoid, cholera and dysentery. Even after repeated awareness campaigns from the local NGOs, the youth were not willing to change their age-old practices.

#### ***Hand Washing:***

The discussion revealed that even though most of the youth have the hand washing habit, they do not give great importance to it. Many youths

have learnt about the importance of handwashing, but still they were finding it difficult to practice it. Most of the youth reported that only once in a while they washed their hands before they consumed any meal. When all these personal habits are done without proper hand washing practice, things become even more complicated. After defecation majority of the youth used soap to cleanse their hands.

***Defecation:***

The houses in two hamlets Chamaguri and Jalbhariadid not have any toilet facilities attached. The tribal youth followed the practice of open defecation in the forests which are very close to their hutments. Only few households had toilet facilities attached in their houses. People who had a better financial position had toilets built in their houses. The youths find it more comfortable to defecate in the forest, which is their traditional practice.

***Bathing:***

Majority of the youth take bath in a daily basis before and after work. They do not take bath on the days when they miss out their work. Some youth admitted that they were feeling lazy taking bath daily especially after work. As the climatic conditions are cold in winter, they were finding it very difficult. Only during temple festivals, they use to take bath daily as it is mandatory according to their religious custom. Most of the houses had bath facilities.

***Waste Disposal:***

All the household wastes were dumped in the outskirts of the hutments without segregating the plastic wastes. The place did not even have a common garbage. The place is not cleansed by the concerned government department. The youth were also not aware of the fact that they should segregate the waste into paper waste, plastic waste and wet waste. The household wastes are usually burned with fire. Waste management was reported to be very poor by the youth. The NGOs have started to create awareness on waste management among the people. But still the youth find it difficult to stop their usual way of dumping the waste. The drainage systems from the houses were not connected to any soak pit. The kitchen wastes of all the houses were deviated through the plantation. The contaminated water is neither disposed nor treated properly. Due to this untidiness, there are chances for the people in the surroundings to get prone to malaria.

### ***Other Personal Hygiene:***

Most of the youth in the discussion had mentioned that they do not wash their clothes very often. In an average they washed their clothes only once in a month. As the youth are involved in the tea plantation work, there are more chances for them not to keep it neat. Whenever the youth had to go for shopping to the city side or to temples, they wear washed clothes. All the youth answered that they brushed their teeth in a daily basis. They brushed their teeth in the morning after taking a cup of coffee. They were also not aware about the tongue cleansing. None of the youth cleansed their tongue while brushing their teeth. The discussion revealed that most of the youth, other than two individuals had the habit of chewing pan masala and spitting. The others frequently spited along the roadside and were very much used to it. The youth collectively testified that all the houses are dumped with lot of things which are not in use. They find it difficult to clean the place. So many dust particles settle which is not good for health. All the youth revealed that they do not wash their private parts after urinating and they were not aware of these unhygienic practices.

### **Conclusion:**

When money is lost, something is lost. When health is lost, everything is lost (Borain, 2008) There is no doubt that maintaining proper sanitation and hygiene practices will bring down the risk of infection at home as well as in the community. The local NGOs who are working for the youth welfare should be stressing the youth to always have a proper sanitation and hygiene practices after handling different things. The consumption of safe potable water should be stressed as well. When the youth develop these practices as habits, then most of the diseases can be prevented. If the youth start keeping up their hygiene, then spontaneously the health grade of the entire household will positively improve (Pareek, 1977).

The indication of insufficient facilities of proper water and sanitation are clearly felt after the discussion. Greater attention needs to be invested in this field by bureaucrats and multilateral and civil society organizations so that there is a chance of improving WASH in the hutments. Respiratory and gastrointestinal diseases may cause death among youth due to poor water, sanitation and hygiene facilities. In order to improve WASH facilities in the communities, the NGOs should implement it and teach youth

so that they may force the families to implement the same in their households (Christian, Thanh, & Jamie, 2012).

The Aboriginal youths do not give more importance to the hygiene aspects. Their family members also do not really bother about it. They really wanted to improve their standards in regards to WASH. But they find it difficult as they do not get any support from the community (Duttu, 1998). As said earlier, prevention is always better than curing. Good health can definitely increase the efficiency of an individual. Health is Wealth (Anupam S.,1997)

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## Legal Challenges in Cyber Space

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### *Abstract*

*Cyberspace has no territorially based boundaries because speed of various activities in internet is entirely independent and has no physical location. Cybercrimes have extraterritorial aspect. The jurisdiction is in relation to a court, the area and the subject regarding which court has power to take cognizance and to try a case. The scope of the court's power to examine and determine the Acts, and apply laws and declare judgments. The concept of judicial jurisdiction of a court emanates from the Sovereignty Theory and Territorial Theory of state. It is essential in two dimensional in both civil and criminal jurisdiction. The jurisdiction is to adjudicate dispute and to enforce it on the basis of territorial principles. The messages can be transmitted from one physical location to any other location, remote places and people who are far away from each other. The facility of Net enables transactions between people who don't know and, in many cases, cannot know each other's physical location. The court jurisdiction issues loom a large. The cross-cutting issues arises such as to adjudicate the dispute arising in cyberspace, conflicts of laws, which law is applicable for adjudication, the recognition and enforcement of judgments in courts in foreign jurisdiction. Each country determines its own rules of private international law*

**Key Words:** Cyberspace, Cybercrime, Jurisdiction, General Jurisdiction, Specific Jurisdiction, Extraterritorial, Information Technology, Network, Internet.

## **Introduction:**

Society is dependence on the information technology which is on the rise day by day. The growth of technology has been unstoppable. The internet touching every nook and corner of modern society and it is inescapable.

The internet has raked a new uncertainty not only in the social world but also in the legal world. The internet has enveloped the entire globe. It has almost taken all the human activities and services in the grip of internet. We are living in a changed society called the information society.

It has been to consider that how technological changes have affected the legal regime. The scope of law is narrowed down by the technological advancements and its technology which has demanded a change in law provisions. Where the impact of technology on law is unprecedented and where new legal norms and legal principles are necessary. The issues of Information and technology and computer crime are interlinked.

The internet with all its virtues is described as a kind of dark virtual domain. It is mixed with computer hackers, organized criminals and purveyors of pornographic images. It is easily happening in world of internet. It is resulted due to openness and unboundedness of internet. The legal implication of internet is on privacy rights, Intellectual Property Rights, on commercial transactions, formation of contract. Internet enabled crimes arises form information and communication technologies which replaced the weapons of guns and swords in the hand of the criminals with the feather touch keyboard.

## **The Concept of Cyberspace:**

The cyberspace is a space created by net of network of computer. It is a virtual space different from the physical place. The internet considered as an imaginary area without limits where anyone can meet people and discover information about any subject. Cyberspace is a set of interconnected information systems and the human users that interact with these

systems. Cyberspace is a information environment consisting of the interdependent network of information technology infrastructures, including the Internet, telecommunications networks, computer systems, and embedded processors and controllers

The nature of the conflict will differ based on the nature and goals of the participants. Criminals look for illegal revenue, so they hijack parts of cyberspace. Intelligence services look for useful information, so they attack enemy, friendly, or neutral parts of cyberspace to get access to that information. Militaries look to disrupt the operations of the enemy, so they attack the communications and control systems in enemy cyberspace. The conflicts can be as simple as civil disputes over domain name ownership or as complex as deliberate cyber-attack, cyber war.

#### **Reason for Cyberspace Crimes:**

- **Boundaryless territory**-Cyberspace has no any boarder. Any information come from outside can be accessible in India. It can cross the border, no barrier.
- **Unlimited accessibility**- any person has a basic infrastructure, computer, modem, internet then he access any information and do in any type of crimes.
- **Ubiquitous in nature**-cyberspace is available everywhere. Smartphone 24 hours a person is connected to net. Our e-mail which is available and accessible all the time.
- **Dissemination** happen spontaneously. Anyone can acquire popularity. It is easy to access.
- **Duplication** or copy of original work is easy and it looks like original.
- It is worldwide acceptance. Even government want to work paperless, E-governance for more transparency and accountability.

## **Question of Jurisdiction in Cyberspace: Comparatively Indian Court and USA Court:**

A cyberspace is a visualized, dynamic and is an entity which is separate from physical world. Everything in cyberspace is virtual. But crime effect in physical world. The present legal system cannot be extended to the virtual world. An intangible world is devoid of materialism and imagination. It is not easy to apply law and punish the perpetrators due to legal challenges of territorial jurisdiction. The legal hardships of dealing with the online activities are not easy. The legal provisions made for limited geographical unit by the sovereign. The authority or the court system has granted to make pronouncement on legal matter and administer of justice. Most of the country having three types of jurisdiction that is legislative or prescriptive jurisdiction where state has jurisdiction to make laws. The second is enforcement agencies and Adjudicative jurisdiction which judiciaries have authority to adjudicate the matter. Adjudication matter to decide or not it is a question of subject matter and cause of action.

With the rise of cyberspace these physical boundaries are totally delineated. The computer networks lack all these attributes of territorial borders such as power of the sovereign to implement laws. The act and its consequences and legal provisions which make it an infringement do all fall under different jurisdictions. It is not possible to apply traditional laws. It is not only conflicts of laws but juristic have started thinking about a new legal concept that is neo-jurisprudence in which fundamental laws are totally changed. The concept of overlapping jurisdiction and when activity is cross border and there is no international law to guide the matter will be decided on the basis of the single jurisdiction. Almost in tradition jurisdiction in every country there are civil and criminal cases in which one party or the accused is a resident of another country. The choice of law theory in which physical world approach which govern the transnational disputes. Country of origin or country of destination theory but it is impractical for online commercial activity to come and answer in a law court which is far away. The theory is forum selection theory in online transaction in which freedom is given to the parties to have a jurisdiction of their own choice. In the US, under Uniform

Computer Information Transaction Act (**UCITA**) such forum selection is acceptable only if it is reasonable and just. In effect theory in which jurisdiction is claimed as per effect which is produced by the defendant act in the plaintiff's area. The property or people on its land are affected.

**i) Jurisdiction of USA Courts about Cyberspace Crimes:**

First time USA courts introduced two types of jurisdiction that is **General Jurisdiction and Specific Jurisdiction that are as follows:**

- **General jurisdiction**, which relied on close contact of individual with the state. Such as residence, domicile within the state. The physical presence in the state at the time of service of process or some other substantial and systematic contact with the forum state. It permits a court to adjudicate any claim against defendant including claims that are not related in any way with forum state.
- **Specific jurisdiction**, which defendant having certain minimum contact with forum state to enter in jurisdiction. The criteria for minimum contact a) The defendant must purposefully avail himself of the privilege of doing business with the forum state b) The cause of action from defendant activities in the forum state. c) The exercise of jurisdiction would be fair and reasonable.

The court is not satisfied by its conventional jurisdiction in certain matter related to internet, so court find out new jurisdiction rule in USA.

**Sliding Skill Test in** case of Zippo manufacturing company Vs. Zipp.dot com. Inc. It classified website as passive, interactive and integral to defendant's business and held that the place of jurisdiction will be place of interactive website. In this case it was held that mere viewing of a website is not enough to establish jurisdiction and nature and level of the defendant activity is important.

**The effect test in** case of Calder Vs Zones the court moved from the "subjective territoriality test" that is court regulate activity only if it is shown having originated in its territory to "objective territoriality or effect test". The

plaintiff needs to establish that the website targeted and caused the effect in the state forum intentionally and knowingly. There should be harmful effect in forum state. Mere chances of accessing the websites by US resident may not pull the website owner under jurisdiction.

In this case the jurisdiction can be permitted on the intentional conduct of the defendant outside the forum state that is calculated to cause injury to the plaintiff within the forum state. After this judgment courts have considered application of effect test in cases of defamation, tortuous act.

Federal Long Arm Statute which is takes care of cases which are not to be covered by above jurisdiction rules. The plaintiff must demonstrate that it has a cause of action arising under federal law. The defendant is not subject to jurisdiction of the court of any state. The defendant contact with US as a whole is sufficient to satisfy requirement of the due process ie fair and reasonable.

## ii) **Jurisdiction of Indian Courts About Cyberspace Crimes:**

### A) **General Jurisdiction**

#### ❖ **Jurisdiction in Civil Cases**

- A person is liable for cyberspace crimes. Under general jurisdiction the person proceeds for civil liability. Civil Procedure Code 1908 (CPC), Section 19 of CPC "**Suits for compensation for wrongs to person or movables** "Where a suit is for compensation for wrong done to the person or to movable property, if the wrong was done within the local limits of the jurisdiction of one Court and the defendant resides, or carries on business or personally works for gain, within the local limits of the jurisdiction of another Court, the suit may be instituted at the option of the plaintiff in either of the said Courts. The civil court has jurisdiction where defendant resides.

- **Section 20** of CPC: Other suits to be instituted where defendants reside or cause of action arises. It takes care of cross border nature of suit and the jurisdiction:

Subject to the limitations aforesaid, every suit shall be instituted in Court within the local limits of whose jurisdiction:

- a. the defendant, or each of the defendants where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or
- b. any of the defendants, where there are more than one, at the time of the commencement of the suit actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such case either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or
- c. Cause of action, wholly or in part, arises.

#### ❖ **Jurisdiction in Criminal Cases:**

If crime is occurred within the nation Criminal Procedure Code, section 177 to 188 which require ordinary place of inquiry and trial. But the problem is with the offender as he has to surrender before court. The other concept has to look out that an extradition with the other country is necessary.

#### **B) Specific Jurisdiction**

Another two important Acts of nature are Indian Copyright Act, 1957 & Trademarks Act 1999.

- The Specific jurisdiction in **Section 62** in the Copyright Act, 1957

**Jurisdiction of court:** Every suit or other civil proceedings arising under this Chapter (CHAPTER XII CIVIL REMEDIES of Copyright Act, 1957) in

respect of the infringement of copyright in any work or the infringement of any other right conferred by Copyright Act, 1957 which shall be instituted in the district court having jurisdiction. A “district court having jurisdiction” shall, notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force, include a district court within the local limits of whose jurisdiction, at the time of the institution of the suit or other proceeding, the person instituting the suit or other proceeding or, where there are more than one such persons, any of them actually and voluntarily resides or carries on business or personally works for gain.

The above jurisdiction rule says that Plaintiff’s place of business is important for court to decide the jurisdiction. And section 134 of Trademark Act 1999 the special jurisdiction is similar to copyright Act.1957.

### **Indian Landmark Judgments:**

In the following landmark judgments, the courts have opportunity to decide the **cases about jurisdiction in cyberspace:**

- i. In the case of (India TV) Vs. India Broadcast Live LLC (Limited Liability Company) and others. it was said that mere accessibility of the website cannot grant jurisdiction to the court. Additionally, it should be established that the website is highly interactive for the court to exercise jurisdiction.
- ii. Banyan Tree Holding Limited v. A Murali Krishna Reddy & Another (‘Banyan Tree’) The court held that to establish jurisdiction in cases where the defendant does not reside or carry on business in the forum state but the website in question is ‘universally accessible,’ the plaintiff will have to show that “the defendant purposefully availed the jurisdiction of the forum court. This includes proving that (1) The website was used with an intention to effectuate a commercial transaction and (2) The defendant specifically targeted the forum state to injure the plaintiff. While in cases where the website is ‘accessible in the forum state’ it needs to establish that (1) The

website was not a passive but an interactive. (2) It was targeted towards the consumers of the forum state for commercial transactions. (3) A commercial transaction was entered into by the defendant using such a website which resulted in injuring the plaintiff. The Indian court incorporated both USA test.

iii. Super cassette Industries Limited. Vs My Space Incorporated and another The Delhi High Court's judgment.

In this case defendant has raised objection as to the courts territorial jurisdiction to entertain the suit on the ground that the defendant No.1 is a foreign national and carrying on business outside the jurisdiction of this court of US. Another objection raised by defendant is no part of cause of action has occurred within the territorial jurisdiction of this court. Third objection is that the defendant is not amenable personally to jurisdiction of this court and therefore cannot be compelled to be under jurisdiction of this court. The website of defendant cannot close the jurisdiction to this court as it does not pass the test laid down in Banayan tree case. The contention of Super cassette is that suffer economy loss. The case is decided on the basis of section 62 of Indian Copyright Act 1957 as plaintiff was carrying on business in Delhi so the court has jurisdiction with the Delhi High court and Defendant reside in foreign state but its activities is subscribed in India, in Delhi also. The court has jurisdiction on the basis of tort or civil wrong. The cause of action was happening in Delhi.

The main Indian Act that addresses legal challenges relating to internet is the Information Technology (Amendment) Act, 2008. Section 43A, sections 67 A to 67 C,69A,69B. This act to apply for offences and contravention act committed outside India by any person irrespective of his personality.

An offence or contravention committed outside India by any person if the act or conduct constituting the offence or contravention involves a computer, computer system or computer network located in India.

For extraditions India have one convention that is **Budapest Convention** is also known as convention on cyberspace for European countries. Now non-European countries are also members.

World Wrestling Entertainment Inc. v. M/s. Reshma Collection. This case dealt with infringement of trademark in which the court had to decide whether the accessibility of the website of the plaintiff which was used to sell goods in the court's jurisdiction can be held to mean that the plaintiff 'carried on business' there as required by the section 64 of the Trademark Act. The court observed that "the availability of transactions through a website at a particular place is virtually the same thing as a seller having shops in that place in the physical world" and thus, held that court had the jurisdiction to entertain the present suit.

### **Conclusion:**

Indian courts adopt the US centric jurisdiction for decision. But much more we need to do. The problem faced in cyberspace is that collection of digital evidences and preservation problem of these evidence, procedure issues, the response of Indian Law to new conduct of wrongdoer is somewhat slow so need to be amended and update their legal systems to counter the cyberspace problem. Proper training is to be given to the investigators. Every aspect of hybrid crime and cybercrimes are increasing. We are in need of well-developed mechanism tools, capacity building of every department and uniformity of universal criminal laws.

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