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REVIEW OF POLITICS

Dr. Ram Ranbir Singh

Editor

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THE SUPREME COURT OF INDIA

Mahendra Prasad Singh*

I. Introduction

The Supreme Court sits at the apex of the integrated federal judiciary in India comprising the High Courts in the States and district courts and courts subordinate thereto. In the hierarchy of this general judiciary dealing with all kinds of civil, criminal, and family law cases (excepting courts-martial or military courts dealing with the guilt of members of the Armed forces subject to military laws), only the High Courts and the Supreme Court are also constitutional courts empowered to adjudicate disputes arising out of the fundamental rights of citizens, separation of powers within governments, and division of powers between Union and State governments.

Despite the lower courts being inordinately dilatory and comprehensively corrupt and superior courts being excessively expensive and out of reach of the common man, the courts with constitutional jurisdictions are the least corrupt and most judicious and conscientious organs of governance in the Indian political system. In the midst of the functioning political anarchy of Indian federal democracy, the superior courts enjoy an exceptional measure of legitimacy and public esteem. Predictably, where other organs of governments in India have suffered erosion of their power and relevance, courts have experienced accretion to their powers and expansion of their role.

II. Brief Historical Overview

A glimpse of the evolution of judicial systems in the three presidencies of Bengal, Madras, and Bombay in British India may be had from a look at the structure in the Bengal presidency whose supremacy over other presidencies was legislated in 1773. The only important court that existed in Calcutta prior to the Regulating Act of 1773, which set up the Supreme Court, was the Mayor's Court. There were two appellate authorities above it: (i) the President-in-Council in Calcutta, and (ii) the Crown-in-Council in London. The system was thus bereft of any repartee and independent judicial check over the executive. The 1773 Act sought to remedy it by establishing an independent Supreme Court by a Royal Charter in Calcutta with civil, criminal, admiralty, and ecclesiastical jurisdictions. An appeal against its decisions lay in the Crown-in-Council in London (Pylee 1984: 9-13).

The Regulating Act of 1773, especially the establishment of the Supreme Court in Calcutta under it, introduced an element of dialectical conflict between 'colonial power' and 'imperial justice'. The court's jurisdiction extended over all persons in the Bengal Presidency (which included Bengal, Bihar, and Orissa, except the Governor-General and the members of his Council. Being appointed by the British Crown rather than the Court of Directors of the East

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India Company, the Supreme Court enjoyed autonomy from the colonial government. This is pretty evident from the fascinating account of cases decided by the Supreme Court and charges and counter-charges between the Company and the Supreme Court about the alleged transgression of the latter's lawful authority in India in Mukherjee (2010: 45-63).

The contrasting visions of the emerging modern state in British India was later sought to be resolved by reconstructing a legislative council with an embedded court of law during the period between the two Charter Acts of 1833 and 1853 enacted for India by the British Parliament. The former 'recognized for the first time the sovereign legislative authority of the East India Company in the Colony and thereby resolved the anomalies and contradictions arising from the clash over functional sovereignty between an autonomous judiciary represented by the Supreme Court and the Company's government headed by the Governor-General's Council in India' (Mukherjee 2010: 63-64). The latter brought about a convergence between the two authorities by the inclusion of the Chief Justice of the Supreme Court along with one judge and a barrister as the new members, and the enlargement of the Governor-General's Council by increasing its membership, including the judges and representatives from different presidencies. The proceedings of the Council were also made open to the public and the press. As it happened, the judicial members of the Council led by the Chief Justice, 'took on an activist judicial role, inquiring into grievances of the people against the government, calling for information and examination of the conduct of executive officers and demanding accountability at the levels of government' (Mukherjee 2010: 63-71).

The 1857 Indian Revolt against the colonial government caused the replacement of the rule of the East India Company by the direct rule of the British Crown-in-Parliament. Henceforward, there was a distinct shift in the strategy of government inasmuch as the strong sense of imperial justice was watered down; now 'the discourse of justice as equity went 'hand-in-hand with an absolutist executive.' The Indian Councils Act of 1861 'made the executive all-powerful and unequivocally subordinated the Indian Legislative Council to it' (Mukherjee 2010: 96-97).

A major landmark in the evolution of judicial institutions in British India, especially from the federal angle, was the establishment of the Federal Court of India (Consisting of at least three judges including the Chief justice) under the Government of India Act, 1935. This constitution Act was meant to federate 11 British Indian provinces and some 600 Indian princely states into an asymmetrical Union, with the Centre having greater power over the former than the latter. The formation of the federation was compulsory for the former and voluntary for the latter. It was also contingent on at least 50 per cent of the Indian states opting to join it, which they eventually opted out from. Alongside the Supreme Court for subjects and Europeans, the Federal Court was contemplated having jurisdiction over the federal and provincial governments of the British India as well as the princely states. Both these courts were to be appointed by the Crown-in-Parliament in London. Consequent upon the princely rulers refusing to join the proposed all- India federal union, only the provincial part of the Act was operationalised, with elections held, on the basis of 28.5 per cent of franchise extended to Indian subjects in the provinces, early in 1937. The Centre continued to operate

under the preceding Government of India Act, 1919. In the opinion of M.V. Pylee (1984: 90), 'In fact, of all the institutions set up under the Act [of 1935], it was the Federal Court which proved to be the most successful in operation.'

In Indian legal history, the Charter of 1726 first introduced the right of appeal from the three Mayor's Courts in Calcutta, Madras, and Bombay to the Privy Council. This jurisdiction of the Crown-in-Council of the Privy Council continued through the medley of changes in judicial institutions until the enactment of the Abolition of Privy Council Jurisdiction Act, 1949, by the provisional Parliament of independent India. The judgments of the Privy Council have been a great unifying source of justice and equity in the plurality of Indian legal traditions. Its judgments are still valid precedents for courts in India until they are overruled by the courts of constitutional jurisdictions (Dhanokar 2001).

III. Designing a Supreme Court in the Constituent Assembly of India

In the run up to India's independence, the groundwork for the debates in the Constituent Assembly on the Supreme Court was done by the Union Constitution Committee chaired by Jawaharlal Nehru; a special ad hoc committee consisting of S. Vardachariar, a former judge of the Federal Court, Alladi Krishnaswami Ayyar, B.L. Mittar, K.M. Munshi (all distinguished Advocates), and B.N. Rau, Constitutional Advisor to the Constituent Assembly who had been an Indian Civil Service official and a High Court judge; and the Drafting Committee chaired by B.R. Ambedkar. The various reports and drafts were based on modified provisions the Government of India Act, 1935, e.g. abolition of the appellate jurisdiction of the Privy Council, establishment of a Supreme Court of India, etc. As for the appointment of the Supreme Court judges, the Varadachariar Committee suggested two alternative modes: (a) Nomination by the President of India in consultation with the Chief Justice of India and its confirmation by at least seven out of the eleven persons, composed by some of the Chief Justices of High Courts, some members of Central Legislature, and some law officers of the Union; (b) Preparation of a panel of three names for every vacancy by an advisory council and the final decision by the President in consultation with the Chief Justice.

A memorandum by the Constitutional Advisor on the Union Constitution suggested instead the procedure of appointment of judges by the President with the approval of a Council of States - not the Rajya Sabha - as the federal second chamber of the Parliament finally came to be called; but a body similar to the Privy Council in the United Kingdom– for advising the President in exercise of functions and required to be independent of the government in a non-partisan way (B. Shiva Rao *et al.*, eds., 1968, Vol. V, 483-6).

Some members of the Constituent Assembly moved amendments to the draft constitution as settled by the drafting committee for (i) appointment of the Chief Justice (CJI) by the President of India subject to confirmation by two-thirds majority assembled in a joint session of both the houses of the Parliament, and judges to be appointed by the President on the advice of the CJI; or (ii) appointment of judges of the Supreme Court by the President in concurrence with the CJI and the CJI to be appointed in consultation with judges of the Supreme Court and the Chief Justices of High

Courts of States; or (iii) appointment of CJI by the President in consultation with the federal second chamber of the Parliament, and such other judges of the Supreme Court and High Courts as may be considered necessary. All these amendments were finally negatived (Government of India, 2003, Book-III : 229-63).

None of the foregoing proposals was finally accepted either in the draft constitution or the final text of the Constitution that emerged from the Constituent Assembly Debates. What finally emerged out of the marathon debate in the Constituent Assembly regarding the judicial organs of the Indian government is discussed in the following section.

As to the removal of superior court judges, the Constituent Assembly dealt with the question whether it was to be vested in the President or the Parliament. It finally settled for the role of both but only with the sanction of the Parliament. This was done by approving the proposal of Sir Alladi Krishna Swami Ayyar, former Advocate General of Madras and a member of the Assembly from that state (Government of India, 2003, Book III: 229-367).

IV. Structure and Composition

Article 124 of the Constitution of India (1950) provides for a Supreme Court of India Consisting of a Chief Justice of India and not more than 30 judges (raised from seven in the original Constitution incrementally by supplementary parliamentary enactments, the latest being the Supreme Court (Number of Judges) Amendment Act, 2008). Every judge of the Supreme Court was originally appointed by the President of India, in consultation with the Chief Justice and someother judges, and holds office until the age of 65 years, unless one resigns or is removed from office. This process of appointment has partly changed in constitutional case law since 1993 as discussed in what follows.

The process of appointment has been changed partly in procedure but very substantially in terms of institutional balance of forces and their relative roles and powers in terms of causing the final outcome as to appointments and promotion in courts of constitutional jurisdictions (i.e. Supreme Court and state High Courts) and transfer of judges of the High Courts. Controversies have greatly arisen around these issuesmainly during theearly 1980sto the present around the larger issues of independence of the judiciary with the subtexts of appointments and transfers, the executive claiming the final say in these matters and the judiciary resisting it with the plea for its own primacy. These powers and procedures have evolved through four landmark judgments of the apex court spreading over nearly five decades since the early 1980s: *S.P. Gupta vs. Union of India* (1982), *Supreme Court Advocates on Record Association v. Union of India* (1993), *Presidential Reference 1 of 1998*, and *Supreme Court Advocates on Record Association v. Union of India* (2015). The issue still continues to be contended between the judiciary and the executive.

The *S.P. Gupta*case was actually a bunch of nine petitions of similar nature decided by a majority of a seven-judge Constitution beach of the Supreme Court. The convoluted ruling of the court is best summarised by Granville Austin (1999: 527):

The Court's decision given on 30 December 1981, in the main upheld the government's positions. Each of the seven judges wrote an opinion, somewhat clouding the resulting law. A majority of justices Bhagwati, Fazal Ali, Desai, and Venkataramaiah held that a judge's consent

was not necessary for his transfer. But the transfers were to be in the public interest and not punitive. These four also ruled that the Chief Justice of India does not have 'primacy' over other constitutional functionaries regarding judges' appointments and transfers (an executive branch function, the judges said), and therefore, his advice is not binding on the President. 'Consultation' in the Constitution was not to mean the Chief Justice's 'concurrence' in appointments. The other three judges — Untwalia, Gupta, and Pathak — believed the Chief Justice has primacy but no veto.

In the *Supreme Court Advocates on Record v. Union of India* (1993), the apex court innovatively introduced a new institutional mechanism which had come to be called the judicial collegium comprising the Chief Justice of India and four of the senior-most judges of the Supreme Court whose recommendations under the case law is ruled to be binding on the President of India in appointment and promotion of judges of the Supreme Court. In case of recommending appointment, promotion, and transfer of judges of the High Courts to the Supreme Court collegium, the Collegium at the State level includes the Chief Justice of the concerned State High Court and two of his senior-most colleagues. The executive may return the proposed panel with objections, if any, which the collegium may accept. But if the latter reiterates, the recommendation is finally binding on the President as the court considered it an imperative in the interest of independence of the judiciary in the backdrop of the repeated attempt of the executive to undermine it. To quote the succinct comment of Austin (1999:532) on this judgment :

The basic issues reappeared in the nineties: writ petitions of Supreme Court lawyers that worked their way up to a special bench of nine judges. The most basic issues of all wasthe rampant suspicion with which the judicial and the executive branches regarded each other. This time, for a time, the Court prevailed. In the 'selection and appointment of judges to the Supreme Court and the High Court as well as transfer of judges from one high court to another high court ... the opinion of the Chief Justice of India ... is entitled to have the right to primacy', ruled the majority in the lead judgement by Justice J. S. Verma. Judicial review of transfers was to be limited to whether or not there was adequate participation by the Chief Justice of India.

In the advisory opinion of the Supreme Court in the *Presidential Reference 1 of 1998* under Article 143 of the Constitution, the consultation process is further amplified whereby 'consultation' with the collegium now virtually means' its 'concurrence'. However, it is added that if a recommendation made by the Chief Justice on behalf of the collegium does not comply with the 'norms and requirements of the consultation process'as laid down in the advisory opinion is not binding on the President. Moreover, the recommendation must be practically unanimous; even if two judges disagree, it would not be a valid recommendation. The primacy of the opinion of the Chief Justice requires his/her consent with the majority opinion. Yet the sole opinion of the Chief Justice is not sufficient. Strong and cogent reasons (only positive ones) must be given if a person's name is considered in the process of consultation but not recommended. The views of other judges consulted must be conveyed to the executive.

After winning a single-party majority in May 2014 for the first time since 1984, the Bharatiya Janata Party government led by Prime Minister Narendra Modi sought to

replace the existing mode of appointment/ promotion/transfer of judges in courts of constitutional jurisdiction by the collegiums of judges by a National Judicial Appointments Commission (NJAC) through the 99th Constitutional Amendment Act (2014) and the NJAC Act (2014). The NJAC was to comprise the Chief Justice of India and two of the senior-most judges of the Supreme Court plus the Union Minister of Law and Justice and two 'eminent persons' appointed by the Union executive on the basis of nomination by the CJI, the PM, and the leader of the Official opposition party (or lacking which the largest opposition party) in the Lok Sabha. The commission was to decide by majority; but any two members of the commissions could veto a name in the panel of prospective judges (or promotees or transferees) collectively prepared by it. However, in a public interest litigation–*Supreme Court Advocates on Record Assocation v. Union of India* (2015)- the Supreme Court declared the two enactments unconstitutional on October 16, 2015 asviolative of the principle of judicial autonomy, a part of 'the basic structure of the Constitution', which is unamendable under case law (*Keshavananda Bharati v. State of Kerala,* 1973, and several other cases since then).

The Court was, however, open to negotiate a Memorandum of Procedure (MoP) for judicial appointments, etc. enhancing the mutually participatory roles of both the judiciary and the executive. Until this writing (January 23,2019) tardy exchangesbetween the court and the executive about the process have taken place but a final consensus is still elusive. Given the trust deficit between the two sides, a finally settled contour of MoP is still pending and the contested perceptions and uneasy institutional relations continue. The matter was raised in a public interest petition before a two-judge bench which passed an order seeking an explanation from the government on the delay in finalising the MoP. Subsequently, a three-judge beach chaired by CJI recalled the order, saying the MoP issue cannot be heard in open court (*The Economic Times*, November 9, 2017).

The four years of the Modi government has been marked by acrimonious relationship between the executive and the judiciary, especially since the invalidation of the constitutional and statutory amendments piloted by the government through the Parliament and the aggregate legislatures on the heels of its coming to power in mid-May 2014 with amazing government-opposition unity on this issue. Notably, it is the first single-party majority government after 30 long years since the Congress party had last won a landslide majority under Rajiv Gandhi in 1984. Thereafter, there came to pass 25 years of federal coalitional governance from the 1989 to 2014 general elections. The Modi regime has witnessed two parallel tendencies or trends. These are the recurrent tensions between the executive and the judiciary, onthe one hand, and the increasing intra-judiciary differences often breaking out into the public domain. The chronology of events as narrated in the Rajya Sabha in answer to a questionin the winter session of the Parliament (2017-2018) is as follows —

- In response to the Supreme Court order in *Supreme Court Advocates on Record Assocation v. Union of India* (2015) to finalise the existing memorandum of procedure by supplementing it in consultation with the Chief Justice of India (CJI), the Government of India (GOI) sent the proposed changes to CJIon 22.3.2016.

- Response of CJI received by GOI on 25.5.2016 and 1.7.2016.
- GOI sent its views to CJI on 3.8.2016.
- Inputs from judicial collegium received through CJI on 13.3.2017.
- The Supreme Court judgement in the Justice C.S. Karnan contempt of court case[the first ever instance in which this paranoid Calcutta High Court judge who happens to belong to one of the Scheduled Castes was jailed for six months in May 2017 for his outrageous outbursts and wild charges of corruption against his High Court colleagues and Supreme Court judges] which underlined the need to revisit the process of selection and appointment of judges to the courts with constitutional jurisdiction. This was followed by the July 2017 letter of GOI to the Court (*The Indian Express*, January 12, 2018).

The details of differences between the government and the judicial collegium were not revealed in the reply of the Minister of State for Law and Justice to the parliamentary question, but they appear in media reports to hinge on differing perceptions of the court regarding its own autonomy, perceptions of the government regarding the Court's accountability, and general principles and issues of reconciling merit versus seniority and intelligence agencies' inputs about the nominees for judicial appointments as regards concerns of corruption and/or national security (*The Indian Express*, November 4, 2017).

The delay in finalisation of the MoP has not brought the process of appointments and promotions to a halt. Yet the delays in the final decisions in the matter on the part of the executive has often been an issue of recurrent tension after the apex court struck down the NJAC enactments seeking to abolish the judicial collegium system in December 2015 (*The Indian Express*, February 24, 2018).

Things came to such a pass that the then CJI T.S. Thakur was overwhelmed by agonies to tears at the annual conference of Chief Ministers and Chief Justices chaired by the Prime Minister on April 24, 2016, complaining that the government was missing in action on 170 recommendations for the appointment of judges to the various High Courts at a time when 434judicial vacancies were waiting to be filled. He also referred to the 1987 Law Commission recommendation to increase the ratio of 10 judges per 10 lakh people to 50 judges per one million people (*Live Law*, n.d.).

As regards intra-judiciary differences, besides the not-unusual dissenting opinions(e.g. of Justice J. Chelmeswar in the Supreme Court's judgement invalidating the NJAC amendmentsin 2015), there was an unprecedented press conference addressed by four of the senior most judges constituting the bulk ofSupreme Courtcollegium (with only its chair CJI Dipak Misra missing) – Justices Chelmeswar, Ranjan Gogoi, Madan Lokur, and Kurian Joseph – complaining against the lack of collegiality and transparency on the part of CJI Dipak Misra in allocating cases to the various benches of the Supreme Court in preferential and arbitrary ways (*The Economic Times*, n.d.).

Reacting to it, CJI Misrainitially asserted his power to do so as the master of the roster, but about 18 days later, on February 1, 2018, decided to make the roster of allocation of cases public by ordering it to be uploaded online with effect from February 5, 2018 (*The Indian Express*, n.d.).It is certainlya

welcome development. Yet it needs to go deeper and be reinforced by other steps towards collegiality, accountability, and transparency to adequately address the crisis of credibility in the Supreme Court. Some kind of roster in the Supreme Court as well as in High Courts existed even earlier. The issue is larger and more complex than that. As an Advocate and Senior Resident Fellow of the Vidhi Centre for Legal Policy, New Delhi, has remarked: 'The manner in which sensitive cases were being allocated by the CJI to certain judges suggested that it was totally arbitrary and designed to ensure a certain outcome, in some cases favouring the Union government.' This author goes on to observe: 'The crux lay, and continues to lie, in the absence of any norms or transparency in the manner in which the CJI exercised his discretionary power– to go beyond the roster and allocate specific cases to specific benches. This continues to be a bone of contention and won't be resolved unless clear and specific norms are laid down guiding the CJI's exercise of discretion. This is precisely the demand that is being made by the four senior-most judges who have asked for a panel, instead of the roster being determined by the CJI alone' (Alok Prasanna Kumar 2018).

Kumar is also critical of the CJI's intention of making his court the only bench to hear PIL cases. Even though PIL cases are no more than one per cent of cases in the Supreme Court, these are 'also more likely than other case types to raise important issues, and spark confrontation between the judiciary and the executive. Per se, having only the CJI hear PLS is not in a bad move. But in the present context, where questions over his integrity and independence, have been raised, this allocation is unlikely to inspire much confidence'(*Ibid.*).

The relations between the Parliament and the Judiciary during the Modi regime have not touched the rock bottom of naked conflict between the two organs of the state characteristic of the Indira Gandhi regime during the 1970s (as discussed below in subsection 'Adjudication of Constitutional Amendments'). Yet there is palpable and ill-concealed tension not seen forabout half a century since then. On April 25, 2018, the Union law Ministry advised the President to issue the warrant of appointment to Indu Malhotra, the first woman to be elevated to the post of a Supreme Court judge from the Bar, but segregated and returned the file relating to the other name recommended by the Supreme Court collegium along with her at its meeting on January 10, namely, the Uttarakhand High Court Chief Justice K.M. Joseph, who had struck down the Union government's order to impose President's rule dismissing the government in that state in 2016, citing the factor of'seniority' in High courts per se and need to address the issue of'adverse regional representation' in the apex court as the reasons (*The Indian Express*, April 26, 2018). The Union Law ministry sources claimed that the government followed the relevant Supreme Court judgements in 1993 and 1998 and the part of the MoP suggested by the collegium on March 13, 2017, paragraph 5 of which said 'In case of elevation of a chief justice of an HC or a judge of the HC as a judge of the Supreme Court, a fair representation shall be given to all HCs. The criterion of 'seniority' as an HC judge, subject to meritand integrity, will be followed.' The government maintained that Justice Joseph was 42nd in the all-India seniority list of HC judges and that Kerala HC was already represented in the SC (*The Times of India*, April 28, 2018).After considerable delay and deferring, the

Supreme Court collegium finally reiterated its recommendation on July 16, 2018, for elevation of Justice Joseph to the apex court along with a list of two new names for the same purpose, namely, Madras High Court Chief Justice Indira Banerjee and Orissa Hogh Court Chief Justice Saran. However, the government placed the name of Justice Joseph last in seniority of appointment list and swearing in on August 7, 2018, despite his name being recommended and reiterated before the other two names. The government was said to have followed the 'transparent principle backed by precedent' that gives primacy to the all-India seniority of High Court judges, according to which Justice Banerjee and Justice Saran are placed at fourth and fifth positions respectively while Justice Joseph is at the 39th position (*The Indian Express*, August 7, 2018). Until this particular instance, in the settled MoP before the 2015 Supreme Court ruling declaring the newly set up NJAC unconstitutional but opening up to a renegotiated MoP, the seniority of a Supreme Court judge was supposed to be largely depend on the sequence of names in the panel of appointees recommended by the judicial collegium and the warrant of appointment by the President, both being consistent with each other. The manner of appointment of Justice K.M. Joseph has set a new precedent giving clear primacy to the criterion of seniority in the warrant of appointment by the President rather than in the sequence in the panel forwarded to the President by the judicial collegium (Singh 2018). In a related development, CJI Misra, before retiring on September 9, 2018, had already recommended to the government the name of the senior most judge Ranjan Gogoi to succeed him, and the government had already clarified that it did not intend to tinker with the post-1970 convention in this regard. These developments had set at rest the speculations of the upsetting the convention in the recent intra-judiciary and inter-institutional tensions discussed above. Justice Gogoi was duly appointed CJI and joined as such on October 3, 2018.

In another related happening in March 2018, which raises questions of intra-judiciary tension as well as a tangled issue of process and propriety, the Chief Justice of Karnataka High Courtstarted an inquiry against P. Krishna Bhat, a Principal District and Sessions Judge who had been recently cleared for promotion in the Karnataka High Court in April 2017. The complaint dated back to June 2016 received by the then CJI T.S. Thakurfrom a Principal Civil Judge of Hasan district alleging 'atrocities and abuse of power' by the promoteefollowing which CJI Thakur had stalled his promotion proposed by the Karnataka High Court on February 10, 2016 and cleared by the Supreme Court collegium then (*The Indian Express*, March 20, 2018). On March 12, The Karnataka High Court Chief Justice explained to CJI that his predecessor Chief Justice had given a clean chit to the District Judge trashing the woman magistrate's sexual harassment complaint even as the High Court administrative committee was still seized of the matter (*The Times of India*, New Delhi, April 19, 2018:11).

In the meantime, the Calcutta High Court (in mid-April 2018), having a record backlog of 2,50,000 pending cases, was reported to be at standstill since February 19, 2018, with more than 5,000Advocates from Calcutta's three Bar Councils having called for 'cease of work'until the Union government filled the vacant posts of judges and appointed a permanent Chief Justice.Under pressure, the Union Law Ministry appointed three new judges earlier this month and four new judges

around the middle of this month (April 2018). But it withheld one nominee from the panel recommended by the judicial collegium (comprising CJI and four seniormost judges of the Supreme Court). The present number of judges of the Calcutta High Court is 33 against the sanctioned strength of 72, i.e. a vacancy rate of 45 per cent (*The Indian Express*, April 13, 2018).

On April 19, 2018, a three-judge headed by CJI Misra delivered its judgement in a case examining the sudden death of a CBI special judge of Mumbai, Justice B.H. Loya (who was adjudicating the alleged Sohrabuddin fake encounter case pertaining to Gujarat against the BJP national president and Rajya Sabha MP Amit Shah) that the death was due to natural reasons and no foul play was evident. It also observed that the PIL was politically motivated and aimed to hit judiciary's credibility (*The Indian Express*, April 20, 2018).On April 21, in an unprecedented move, the divided largest opposition party, the Indian National Congress(sans former Congress PM Manmohan singh and some leading ministers and legal luminaries in his cabinet then) and six other opposition parties submitted [under Article 124(4) of the Constitution] a motion of removal of CJI Misra to the Rajya Sabha chair, M. Venkaiah Naidu, listing five charges of 'misbehaviour' such as CBI registering an FIR about conversation between middlemen and a retired judge of Orissa High Court I. M. Quddusi with purported references to CJI, his dealing with bribery allegations in the Prasad Education Trust in which the said retired judge of Orissa High Court was arrested, 'ante-dating of a note regarding a petition in the same case, acquiring (later surrendered) plot of land as an Advocate by giving a false affidavit, allocating 'sensitive matters to particular benches by misusing his authority...with likely intent to influence outcome' (*The Times of India*, April 21, 2018). The defiant CJIwas reported to have decided not to recuse himself from administrative and judicial work, feeling reassured by a general tone of support from the legal fraternity (*The Sunday Times*, 22 April, 2018).Two days after the notice of removal by seven opposition parties, two senior judges of the Supreme Court – Ranjan Gogoi and Madan Lokur – wrote to the CJI to call a 'full court' to discuss 'institutional issues' and 'future' of the apex court. This letter follows on the heels of the two other letters by senior members of the collegium in the past few weeks which asked the CJI to involve all judges in judicial work and to protect the judiciary from undue interference by the government (*The Indian Express*, April 25, 2018).

The MoP is still not conclusively settled. It is still kept hanging fire by the executive for as much flexibility and manoeuvrability on its part. On August 1, 2018, the government slipped in piecemeal three main criteria it wishes to include in the revised MoP while responding to the Supreme Court collegium raising specific objections to the panel of judges to be appointed to the High Courts of Kerala and Allahabad prepared by the respective High Court collegiums. First, wider pools of names should be proposed by High Court collegiums seeking the opinion from various stakeholders, including all senior judges of High Courts, eminent jurists and academicians from the legal field and retired judges. At present the Chief Justice of the High Court makes the recommendation in consultation with two senior most judges, the Governor and the Chief Minister, allowing both the executive and the judiciary a greater choice. Second, the High Court collegium should have a transparent, objective, and rational way of scrutinising names, weeding

out social and familial nexus. Third, a mechanism of a permanent secretariat of the collegium would be desirable to ensure continuity in judicial appointments surviving the changing composition of the judicial body (*The Indian Express*, August 2, 2018).A formal finalisation or settlement of the MoP is still hanging fire. Nevertheless, the tension between the executive and the court seems to have palpably eased. It is reported that prior to CJI Gogoi took charge the Supreme Court collegium had sent a panel of 11 appointees as High Court judges to the union government. The Centre had recently returned these names tagging 'adverse materials' to them. On January 16, 2019, the collegium accepted the objections in all cases except one, seeking specific information from the government on the charges leveled against the person. In two cases, one each from Allahabad and Jammu & Kashmir High Courts, the collegium decided not to process the names further. And the Supreme Court collegium returned the names of seven advocates to Punjab and Haryana High Court collegium for reconsideration (*The Times of India*, New Delhi, January 22, 2019: 1 & 13).

Removal of a Supreme Court and High Court judge is impermissible by the Constitution 'except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of that house and by a majority of not less than two-thirds of the members of the house present and voting has been presented to the President in the same session for such removal on the ground of proved misbehavior or incapacity' (Article 124, Clause 4). The Parliament may by law regulate the procedure of the presentation of an address to the President and the investigation and proof of the charges (Article 124, Clause 5). It has not so far done so.

The only instance of attempted removal of a judge of the Supreme Court, Justice V. Ramaswamy, after an investigation by a committee of sitting or retired apex court and High Court judges appointed by the Lok Sabha Speaker found him guilty of moral turpitude, passed muster in the Lok Sabha but failed in the Rajya Sabha in 1993 due to lack of requisite majorities caused by the abstention of the Indian National Congress. This party, a major part of the opposition bloc in the federal second chamber, had got regionally divided in Tamil Nadu, the home state of Justice Ramaswamy, and abstained from voting.

In the case of the motion of removal of CJI Dipak Misra being discussed above,the Rajya sabha chairman Venkaiya Naidu rejected, on April 23, 2018, the notice of removal of CJI citing the relevant articles of the Constitution, the Judges Inquiry Act, 1968, and the Supreme Court judgement in *M. Krishna Swami v. Union of India* (1993), and lamenting 'absence of credible and verifiable information' (*The Indian Express*, April 24, 2018). The opposition parties were contemplating to move the Supreme Court against the decision of Rajya Sabha chairman Naidu, but the move is quiescent now.

The Supreme Court is a court of recordand also has all the powers of such a courts including the power to punish for contempt of itself (Article 129). Its seat is in Delhi (or in such other place or places as the Chief Justice of India with the approval of the President may from time to time determine (Article 130). It has so far sat only in Delhi.

V. Jurisdiction and Power

The Constitution grants the Supreme Court original, appellate, curative, and advisory jurisdictions, including the crucial powers of

judicial review. Subject to the provisions of the Constitution, its original jurisdiction extends, to the exclusion of any other Court, to any intergovernmental dispute between the Union and State(s) or between or among States themselves. This jurisdiction does not extend to international treaties (Article 131). The Supreme Court or any other Court may under the Constitution, be excluded from adjudication of disputes relating to waters of inter-State rivers or river valleys by an Act of the Parliament (Article 262). The Inter-State Water Disputes Act, 1956 (with subsequent amendments), by its Section 11, excludes the jurisdiction of the Supreme Court from a dispute referred by the Centre on request of a State to a tribunal (with the power to issue binding award under the Act). The Constitution thus gives primacy to intergovernmental political negotiations in settlement of inter-State river water disputes with the centre of political gravity lying with the Union and State governments. However, the Supreme Court can direct the Central government to fulfill its statutory obligation to constitute a tribunal under Section 4 of the Act (*T.N. Cauvery Sangam v. Union of India*, AIR 1990 SC: 1316). In this instance, the tribunal held that it had no jurisdiction to grant any interim relief under the Act. The Supreme Court, on appeal by a special leave petition, held that the parties had agreed to confer such an arrangement before the tribunal and the Supreme Court directed the tribunal to decide on the merits of the case (*State of Tamil Nadu v. State of Kanataka*, 1991 AIR, SCW: 1286). An observer is highly appreciative of the wisdom of the makers of the constitution and the wisdom of the Supreme Court in respect of this matter 'in showing judicial restraints by declining jurisdiction in relation to water disputes (even when presented as a facet of the right to life under Article 21 of the Constitution) and by restraining States from riding roughshod over tribunal awards (interim and final) which were politically unpalatable...' It has been, in his opinion, 'One of the strengths of the federal system' (Salve 2016: 502-520 at 520).

Under Article 32 dealing with right to constitutional remedies for enforcement fundamental rights, citizens have the fundamental right to directly move the Supreme Court though the remedial option is exercisable in any constitutional court, namely, the concerned High Court of State as well as the Supreme Court of India. With respect of fundamental rights, the HighCourtsenjoy simultaneous original jurisdiction with the Supreme Court (Articles 225 and 226).

The appellate jurisdiction of the Supreme Court extends to appeals from any judgment, decree, or final order of High Court in the territory of India, whether in a civil, criminal or other proceedings under Article 132, if the High Court certifies under Article 134A that the case involves a substantial question of law as to the interpretation of the Constitution. Where such a certificate is given, any party in the case may appeal to the Supreme Court on the ground that any such question as aforesaid has been wrongly decided. Articles 133 and 134 deal with specificities of appellate jurisdictions of the Supreme Court from High Courts in regards to civil and criminal matters respectively. Under Article 134A a High Court may grant a certificate for appeal to the Supreme Court on its own motion or on an oral application by or on behalf of the aggrieved party immediately after the High Court judgment.

Under Article 136 the Supreme Court may grant 'Special Leave' to appeal to itself from any judgment made by any court or tribunal

in the territory of India, excepting any court or tribunal constituted by or under náy law relating to the Armed Forces. This Article may be said to be a 'corrective jurisdiction that vest[s] a discretion in the Supreme Court to settle the law clear' 'withscrupulous adherence to the settled judicial principle well established by precedents in our jurisprudence' (Bakshi 2015: 159). Another curative jurisdiction of the Supreme Court is provided for in Article 137 under which it is empowered to review any judgment made by itself.

The Supreme Court under Article 142 is allowed a stipulative discretionary jurisdiction to pass 'any such decree or make such order as is necessary for doing complete justice in any cause or matter pending before it, any decree so passed or order so made shall be enforceable throughout the, territory of India …' it shall have 'all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any document, or investigation or punishment of any contempt of itself.' Any decree or order under this Article are enforceable in such manner as may be prescribed under any law made by Parliament, or pending it, under prescription made by the President of India. This power is thus shared with the Parliament or the executive. Moreover, Article 144 enjoins that 'All authorities, civil and judicial, shall act in aid of the Supreme Court.' It is evident from case law that the Supreme Court may inflict exemplary costs against a defaulting government (*Dinesh v. Motilal Nehru Medical Colleg*e, AIR 1990 SC: 2030).

It may also be added here that a direction made by the Supreme Court under Article 141 constitutes a binding precedent in law while one issued under Article 142 does not (*State of Punjab v. Rafiq Masih*, AIR 2015 SC: 696). In other words, the latter is case-specific rather than universal. While the Supreme Court's power to do 'complete justice' under Article 142 is also traceable to its inherent power as guardian of the Constitution and it can grant appropriate relief in cases of manifest illegality or palpable injustice resulting from manifest want of jurisdiction in lower courts but it should not pass any judicially unmanageable order which is incapable of enforcement (*A.R. Antulay V. R. S. Naik,* AIR 1988 SC: 1530; *Pravasi Bhalai Sangathan v. Union of India*, AIR 2014 SC: 1591).

In comparison, with its original jurisdiction, the Supreme Court's appellate jurisdiction looms much larger; approximately 80 percent of cases dealt with it are appeals of one kind or the other (Vakil 2016:368). A practicing lawyer in all levels of courts in New Delhi tells me that nowadays the Supreme Court rarely entertains writ petitions under Article 32 original jurisdiction route for protection of fundamental rights, advising petitioners to approach High Courts under Article 131 having concurrent jurisdiction in this respect. The apex court is mostly busy in exercising its extraordinary power called Special Leave Petitions (SLPs)under Article 136. To his estimate, 90 to 95 per cent of cases are SLPs which are technically considered as exercise of appellate jurisdiction. Articles 132-134, which are the normal channels of appellate jurisdiction, have virtually become dead letters. Today, the Supreme Court is practically working as the appellate courts from High Courts and various tribunals (Interview with an Advocate practicing mainly in Delhi High Court and Supreme Court, November 7, 2017).

Moreover, the Supreme Court also has an advisory jurisdiction with great moral

authority but without a binding constitutional or legal effect. Under Article 143, the President of India has power to consult the court on any question of law or fact. It is evident in case law that the initiative in this matter lies with the President and the court cannotassume suo motu to itself the right to advise by issuing mandamus to make a reference on any issue to itself (*Kumar V. Union of India*, AIR 2008 Delhi High Court : 32).

Moreover, the court cannot exceed the terms of reference cited in the President's request as the court clarified in self-restraint in its opinion on the Kerala State Education Bill, 1957, reserved by the Governor of the State for consideration of the President when it was presented for the Governor's assent. The Bill emanated fromthe first democratically elected communist government in that state in India (indeed the world) and contained several controversial provisions in law and fact, and the President made a reference to the Supreme Court for its advisory opinion (*Re Kerala Education Bill*, AIR 1958 SC: 956).

Further, the Supreme Court cannot be asked to reconsider its earlier decisions by another reference as it will cause inroads into the independence of the judiciary (*Re Cauvery Water Disputes,* AIR 1992 SC: 522). In one reference, the apex court refused to answer because it found the question 'vague and general' (*Re Ramjanmbhumi, M. Ismail Faruqui v. Union of India*, AIR 1995 SC: 605). Article 143 (1) of the India Constitution closely takes after a provision in the Canada Constitution Act, 1867, and the Government of India Act, 1935, Section 213. The President of India has used this power rather sparingly, with only 11 reportedcases under Article 143(1), none under Article 143 (2). Two references are stated to be pending before the apex court (Kothari 2012: 3).

The Constitution of India, as already baldly mentioned above, expressly sanctions the power of judicial review of legislative Acts and executive actions to the Supreme Court and High Courts in cases of infringement of fundamental rights of citizens (Article 13 and 32) and federal division of powers between the Union and State governments (Article 246 and Seventh Schedule). Although in respect of the fundamental right of life and personal liberty, Article 21 prohibits its deprivation 'except according to procedure established by law', the Court has belatedly gone beyond it and virtually invoked doctrines of the 'due process of law' *ala* the US Constitution and principles of natural law and justice (*Maneka Gandhi v. Union of India,* AIR 1978 SC: 597). Besides rights review and federal reviews, the constitutional courts have also invoked the implied principle of separation of power partly modified by fusion of powers between the legislature and executive in the Indian parliamentary federal Constitution.The Supreme Court, for example, has stipulated that executive power is the residue of functions of government, which are not legislative or judicial (*Maharjadhiraja Madhav Rao Jivaji Rao Scindia Bhadur v. Union of India,* AIR 1971 SC: 530). In another case, the Supreme Court invoked the judicial doctrine of unamendability of the 'basic structure' or 'essential features' of the Constitution and included the principle of separation powers as a part of these features (*Keshavananda Bharati Sripadgalvaru v. State of Kerala,* AIR 1973 SC: 1461). In yet another judgment, the Supreme Court invalidated the election of Prime Minister India Gandhi from a Lok Sabha Constituency denying her the immunity of the elections of the Prime Minister and President from judicial adjudication granted under the 42nd Constitutional Amendment by her government through the

Parliament and held that adjudication of a specific electoral dispute was a judicial function, which parliament, even under its constitutional amending power, cannot exercise (*Indira Nehru Gandhi v. Raj Narain, AIR 1975 SC:2299*).

VI. Notable Jurisprudence

Some relevant adjudicationsby the Supreme Court have been mentioned in the foregoing discussion in this article in brief. I highlight in what follows the notable jurisprudence emanating from the Supreme Court in Three subsections: (1) Methodology of constitutional interpretation; (2) adjudication of constitutional amendments; (3) Fundamental Rights; (4) Structural issues such as separation of powers and federal division of powers.

Methodology of constitutional Interpretation : In India, as in Anglo-Saxon and Commonwealth federations, every law of the land must conform to the Constitution; every article of the Indian Constitution and every entry in the Seventh Schedule of the Constitution is inherently interlinked with integral texts of the Constitution and laws. Hence the courts with constitutional jurisdictions— Federal Court under the 1935 Constitution Act, Supreme Court and High Courts under the 1950 Constitution— have followed the doctrine of harmonious construction of the provisions with one another, combined with a supplementary doctrine of prospective (not retrospective) overruling of the ultra vires parts, if necessary. This applies to all cases, whether dealing with fundamental rights and directive principles of state policy, separation of powers, federal division of powers, constitutional and international law. I forgo citation of cases here, as some relevant cases are already mentioned above and the number of additional cases is forbiddingly enormous.

The highest courts of appeal in British India and the imperial Privy Council applied a similar principle of harmonious reconstruction based on equity and justice tempered by colonial reason of the state in the evolving scenario of modern law from the labyrinth of plurality of caste and religious community-based laws prevalent in India.

Since fundamental rights of citizens are rights against the generic state (inclusive of both Union and State governments), Article 12 of the Constitution sets out to define the state as inclusive of 'the Government and Parliament of India and the Government and the Legislature of each of the States and all local and other authorities within the territory of India or under the control of the Government of India.' The open and ambiguous category 'other authorities' in this Articlehas produced a good deal of litigation over time. The Andhra Pradesh High Court has ruled that the essential tests to determine whether a particular organisation or institution is part of the formulation 'other authorities' within the meaning of Article 12 are: substantial financial aid from a government, governmental control, performance of public functions and entrusted governmental activities. One or any combination of some or all of these features are sufficient to deem it such an authority (*B. Hassan Ali Khan v. Director of High Education,* Andhra Pradesh(1987) 4 Reports 198 (AP High Court). In a landmark case decided by the Supreme Court,a Regional Engineering College was held to be an agency of the 'state,' and Justice P.N. Bhagwati enunciated the following criteria for such a determination: (i) the holding of the entire share capital by the government; (ii) financial assistance to the tune of almost entire expenditure; (iii) conferment of monopoly status to the institution; (iv) deep and

pervasive state control; performance of public or governmental functions; and (vi) transfer of a department of government to a Corporation (*Ajay Hasia v. Khalid Mujib,* AIR 1981 SC: 487).

While interpreting a statute, the Supreme Court often relies on the doctrine of severability to determine if a provision of an Act is violative of a constitutional provision The test is whether the provisions in question are so inextricably bound up with each other that the legislature would not have enacted the one without enacting the other. If this assumption is maintainable, then the parts of the enactment forming such a nexus are declared unconstitutional save the rest (*State of Bihar v. Kameshwar Singh,* AIR 1952 SC: 252; *Jalan Trading Company v. Mill Mazdoor Sabha,* AIR 1967 SC: 961; *Kihota Hollohan V. Zachilhu,* AIR 1993 SC: 412).

The framework of fundamental rights and directive principles of state policy in the Constitutionof India and the jurisprudential discourse around them produced by the constitutional courts interestingly presaged John Rawls' theory of justice (1971). Rawls theory has two pillars of liberty and equality wherein the former brooks no compromise and the latter only in favour of the most disadvantaged in the society. Within the canvas a national Constitution, the Indian basic law constructs a theory of rights predicated on the eternal triangle of liberty, equality, and fraternity in a harmonious balance with 'reasonable restrictions' largely based on protective discrimination in favour of Scheduled Castes and Scheduled Tribes and for sake of public morality and national security. Individuals are the primary bearers of rights but certain rights are also meant for communities— linguistic and religious minorities and tribalcommunities as well as universally enjoyed freedom of religion, right to assemble peacefully and without arms, and to form associations or unions or cooperative societies. Judicial review has produced considerable rationalisation of protective discrimination (e.g. exclusion of the 'creamy layers' from the reserved categories for affirmative action in their favour by the state) and phenomenal expansion under case law of right to life under Article 21 whereby it has come to include e.g. the right to health and clean environment (e.g. *Subhash Kumar v. State of Bihar,* AIR 1991 SC: 421;*M.C. Mehta v. Kamal Nath,* AIR 200 SC: 1997). During the proclamation of a national emergency due to external aggression or armed rebellion (Articles 352 and 359), judicial enforcement of fundamental rights may be suspended under the Constitution, but the 44th Constitutional Amendment (1978) inserted an important exception that the protection against double jeopardy (Article 20) and right to life and personal liberty (Article 21) cannot be denied even during the national emergency. The background to this amendment was the Supreme Court infamous judgment that during the pendency of internal emergency declared on June 25, 1975, by the President of India no person had any locus to move any writ petition in any court for enforcement of the rights conferred by Articles 14, 21, and 22 of the Constitution and all proceedings pending in any court for the enforcement of the aforesaid rights shall remain suspended until the proclamation of the emergency continued (*ADM Jabalpur v. Shiv Kant Shukla,* AIR 1976 SC: 1207).

The Supreme Court has similarly used a number of rules of interpretation while adjudicating federal disputes. Two such rules are the doctrines plenary character of legislative power and of liberal construction. The former begins with the assumption that

legislative power in an entry in a list in the Seventh Schedule is plenary based onthe answer to the question whether the subject falls in an entry in one list or another. Any limitations on the power in a particular entry is supposed to be restricted to ones explicitly outlined in the Constitution (*Tinsukia Electric Supply Company Ltd. V. State of Assam*, AIR 1990 SC: 123). The rule of liberal construction assumers that the power to legislate on a particular subject is inclusive of all aspects ancillary to it (*Ujagar Prints (II) V. Union of India*, AIR 1989 SC: 516).

What if a law is cross-referential in dealing with a subject in one list and also with an entry in another of the tripartite division of powers in the Seventh Schedule of the Constitution containing Union, State, and Concurrent lists? Here the doctrine of pith and substance applies. The title given to the Act by the legislature is no guide. The real character of the legislation has be ascertained by (i) examining the enactment as a whole, (ii) bringing out its main objectives, and (iii) scrutinising the scope and effects of its provisions (*State of Bombay v. F.N. Balsara*, AIR 1951 SC: 318;*Southern Pharmaceuticals & Chemicals, Trichur v. State of Kerala,*AIR 1981 SC: 1863; *Girnar Traders (3) v. State of Maharashtra*, (2011) 3 SCC 1 (79).

The related principle is that of incidental or ancillary powers. It means that the power to legislate on a subject also includes power to legislate on ancillary matters to that subject (*State of Rajasthan v. G. Chawla,* AIR 1959 SC: 544). However, it does not mean that the scope of a power can be extended to any unreasonable extent. For example, the Supreme Court in*R.M.D. Charbuargwala v. State of Mysore*, AIR1962 SC: 594 held that betting and gambling is a state subject as mentioned in Entry 34 of the State List but it does not include the power of impose taxes on betting and gambling because it is enumerated as a separate item as Entry 62 in the same list.

The doctrine of colorable legislation is somewhat similar yet different in that it decodes the confusion between the appearances and reality in the impugned legislation. In other words, the legislature in question seems to deal with a matter on which it claims competence but in reality and substance this claim is false. The classic enunciation of this doctrine was made by the Supreme Court in *K.C. Gajapati Narayan Deo v. State of Orissa,* AIR 1953 SC: 375.

In a series of cases the Court has proposed certain tests for determination of the true nature and effect of alegislation. It has nothing to do with the intent or motive of the legislature but with competence and its consequences in substances as distinguished from its form and label.

Another principle in the present context is the doctrine of repugnancy. It refers to inconsistency between laws made by the Parliament and State Legislatures. Wherever the field is covered by a parliamentary law in terms of the Union and Concurrent lists, the law made by the State Legislature would, to the extent of repugnancy, be void as provided in Article 254 (*Maa Vaishno Devi Mahila Mahavidyalaya v. State of Uttar Pradesh,* (2013) 2 SCC 617 (625).

Besides the Union-State division of legislative subjects, there is division of territories too. Under Article 245(1)Parliament makes laws for the whole or a part of the territory of India and a State Legislature for the whole or a part of the territory of a State. In this context the constitutional courts have evolved the doctrine of territorial nexus. In

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Another principle in the present context is the doctrine of repugnancy. It refers to inconsistency between laws made by the Parliament and State Legislatures. Wherever the field is covered by a parliamentary law in terms of the Union and Concurrent lists, the law made by the State Legislature would, to the extent of repugnancy, be void as provided in Article 254 (*Maa Vaishno Devi Mahila Mahavidyalaya v. State of Uttar Pradesh,* (2013) 2 SCC 617 (625).

Besides the Union-State division of legislative subjects, there is division of territories too. Under Article 245(1)Parliament makes laws for the whole or a part of the territory of India and a State Legislature for the whole or a part of the territory of a State. In this context the constitutional courts have evolved the doctrine of territorial nexus. In

certain cases issue has arisen around the territorial scope of a legislative or taxation power in ambiguous situations. A case arose out of the instance of imposition of taxes on prize competitions in Bombay. What if the organisers in Bombay operated outside Bombayandentries received in Bombay were transferred to organiser's office in Bangalore? The Supreme Court validated the legislative power in Bombay to tax the organiser's operations extended in Bangalore as there was evidence of sufficient territorial nexus *(R.M.D. Chamarbaughawalla v. Union of India,* AIR 1957 SC: 628).

The constitutional courts may also invoke the doctrine of fraud on the Constitution in order to preventthe government from perpetrating a subterfuge to subvert the Constitution in a devious and diabolical way. It occurs when the Constitution is circumvented by fraud or mala fide use of a power. For example, ordinance making power of the President or a Governor is an exceptional route of provisional or temporary law-making by the executive to be replaced by legislation within a reasonable specified time. In a classic case relating to the Bihar government, it was found that the executive repeatedly issued new ordinance to replace the old ones instead of laying them before the State Legislature. A total of 259 were re-promulgated, some of them continuing for a span of a decade and a half (*D.C. Wadhwa and Others v. State of Bihar and Others,*AIR 1987 SC: 579). Union as well as other State governments are guilty of this subterfuse. The Supreme Court in a case as recent as January 2017 ruled by a 5 to 7 majority that 'the ordinance making power is not a parallel source of legislation' and 're-promulgation of ordinances is a fraud on the Constitution and executive overreach on the legislature and not immune from judicial scrutiny (*The Indian Express*, 2017).

The relational executive power of the Union and States are coextensive with legislative powers and have increasingly become equally open to judicial review, even in a few exceptional areas under the case law despite express constitutional exemption. The emergency powers of the Union executive under Articles 352 (national emergency), 356 (breakdown constitutional machinery in a State), and Article 360 (financial emergency in India or a part thereof) were immune from judicial review under the Constitution. The infamous personal (rather than national) emergency of Prime Minister Indira Gandhi under threat from an extra-parliamentary mass protest movement led by Jayaprakash Narayan (1975-1977) was never reviewed by the constitutional courts but it was moderated by the 44th Constitutional Amendment (1978). A financial emergency has so far never been declared.

However, the dismissal of a government of a State and/or dissolution of a State Assembly has been so frequently abused by all parties in power at the Centre for partisan purposes against opposition parties' governments in States that by the early 1990s this power was made subject to judicial review under case law (which is permissible under the common law system as against the Roman lay system). This turning point came 44 years after the commencement of the Constitution in 1950. In *S.R. Bommai v. Union of India*, AIR 1994 SC: 1918, the Supreme Court ruled that, even though Article 74 (2) barred the courts to inquire into what advice the President got from the Prime Minister and his Council of Ministers in takingover a State administration, Article 356 required the President to be 'satisfied' that a situation of the breakdown of the constitutional machinery in a State had actually taken place and the

government of a State was not sent packing mala fide and for extraneous and irrelevant reasons. The Court even went to the extent of reasoning aloud that a dismissed government in Nagaland under review in that particular case could/should have been restored had a fresh election not in fact already taken place there. In *Rameshwar Prasad v. Union of India,*AIR 2006 SC: 980, the court reasoned that it could have revived the dissolved Assembly in Bihar if a new election had not been notified and election process had not reached an advanced stage. In Arunachal Pradeshin 2016, on a SLP petition against the Guahati High Court judgement,a five-judge constitution beach of the Supreme Court unanimously restored the Congress government which had been dismissed by a BJP-led Union government on the recommendation of the Governor of the State,and unseated the new government that had taken over in the existing Assembly itself as a result of political realignments in fluidity.

The High Court had validated the dismissal of the State government by the Union executive on the report of the Governor. The apex court ruled that the facts of this case suggested that the Governor had exercised his independent/discretionary powers in a questionable way where in fact he was bound to act on the advice of the Council of Ministers headed by the Chief Minister. The actions of the Governor of the State and the President of India were declared to be unconstitutional inasmuch as they violated the principle of nominal head of the state and cabinet government in the State (*Nabam Rebia and Bamang Felix v. Dy. Speaker,* Arunachal Pradesh Assembly and Others, (2016) 8 SCC: 1).

In the domain of taxation and fiscal federalism, Article 265 of the Constitution requires that no tax shall be levied or collected except by authority of a parliamentary or a State Legislature law. The authorisation made by a statute to levy a tax or a fee must be express. Moreover, the power to tax or levy a fee or cess is not incidental or ancillary to the power to legislate on a matter (*Synthetics & Chemicals Ltd. v. State of Uttar Pradesh,* AIR 1990 SC: 1927; *Subhash Chander v. State of Haryana*, AIR 1992 P&H High Court: 20). Further, no substantive taxing provision in a statute may be amended or enlarged by an executive notification (*Tata Sky Ltd. v. State of Madhya Pradesh*, (2013) 4 SCC: 656). Besides, when a question arise as to competence of a legislature to tax, the courts apply the doctrine of pith and substance as to the nature and effect of the tax in federal division of powers (*Goodyear India Ltd. v. State of Haryana,* AIR 1990 SC: 781; *Mukerian Papers Ltd. v. State of Punjab,* (1991) 2 SCC: 580).

Article 285 provides for exemption of property of the Union from State taxation. However, a Union government company or statutory corporation cannot be said to be 'property of the Union and are therefore liable to State or municipal taxation (*International Airports Authority of India v. Municipal Corporation of Delhi,* AIR 1991 Delhi High Court: 302). In addition, a State government is entitled to collect royalty on extraction or removal of minerals or stones/boulders only after the 1964 Rules (*State of Bihar v. Union of India,* AIR 2011 Pat.: 130).

In case of contracts of governments or government contracts subject to normal procedural requirements, the doctrine of indoor management cannot be invoked to escape those obligations (*UP Rajkiya Nirman Nigam Ltd. v. Indure Pvt. Ltd.,* AIR 1996 SC: 1373).

Part XIII of the Constitution deals with trade, commerce and intercourse within the territory of India. It opens with Article 301 which provides that subject to other provisions in this part trade, commerce and intercourse throughout the country shall be free. Article 304 in this Part provides that notwithstanding anything in Article 301, the Legislature of a State may impose 'reasonable restrictions' on free trade within that State in 'public interest'. The Supreme Court has adjudicated that the test of reasonableness in this context must be the same as adopted for the purpose of Article 19(6) relating to reasonableness of restrictions on the fundamental rightof every Indian citizen to practice any profession, occupation, trade or business (*Tika Ramji v. State of Uttar Pradesh,* AIR 1956 SC: 676; *Kalyani Stores v. State of Orissa,* AIR 1966 SC: 1696).

Legal experts and judicial opinion have varied on the question of free trade stipulated in Article 301, some holding that only discriminatory taxes and barriers on goods from outside a State qualify to be restrictive; others argue that Article 304 (a) itself allows uniform tax on trade of goods manufactured locally or outside and treats them as non-discriminatory. Madhav Khosla (2012: 70) opines that 'The Supreme Court has legitimised taxation measures to an extraordinary degree by reorienting this debate by asking how tax impacts free trade, commerce, and intercourse. The broad principle which has emerged, through a case like *Automobile Transport (Rajasthan) Limited v. State of Rajasthan,* AIR 1962 SC: 1406 is that regulatory or compensatory taxes do not fall within the purview of restriction in Article 301. The articulated rationale for this is that such taxes do not hinder free trade, commerce, and intercourse at all; in fact, they facilitate it.'

A major political development in relation to indirect taxes of Union and States are the 101st Constitutional Amendment and related statutes concerning a uniform goods and services tax, with major exceptions like electricity, petroleum products, liquor, and real estate in 2017. A truly federal institution called GST Council representing the Union and State Finance Ministers is now in place for the first time whose consensual collective recommendations cannot arguably be overridden either by the Parliament or State Legislatures individually or jointly as the GST represents a consensual exercise in executive federalism in pursuit of cooperative federalism. However, we must keep our fingers crossed until a test case actually settles this moot point.

It may be pointed out here that a general inter-State commerce commission contemplated in Article 307 of the Constitution has still remained elusive, despite the recommendation in its favour by the National Commission to Review the Working of the Constitution (Chair Justice M. N. Venkatachaliah) in its Report (Government of India, Ministry of Law and Justice, 2002: 8.8.2).

Fundamental Rights : To highlight the major contours of this jurisprudence, there are six major captions grouping the various rights: Right to equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, and Right to Constitutional Remedies. In terms of basic premises (excepting auxiliary provisos) all are equally 'fundamental'. Nevertheless, none of these rights, including the right to life and personal liberty (Article 21), is absolute. Article 21 reads: 'No person shall be deprived of his life or personal liberty except according to procedure established by law.' For they are subject to 'reasonable restrictions' in the interest of public health,

morality, order, and national and state security. India has always had preventive detention Acts on the statute book, including more recently anti-crime and anti-terror Acts of Union and State legislatures. Moreover, the Constitution includes the provision for proclamation of national emergency caused by 'war or external aggression or armed rebellion' under Article 352, during which fundamental rights could be suspended as allowed by Articles 358 and 359. It must, however, be noted that the after the internal emergency of 1975-77, the forty-fourth constitutional amendment (1979) added the exceptions of the fundamental rights against double jeopardy (Article 20) and for protection of life and personal liberty (Article 21) to the general rule of the suspension of enforcement of fundamental rights during the proclamation of a national emergency.

Speaking generally, it is difficult not to agree with Justice P.N. Bhagwati, speaking for himself and jointly with Justices N.L. Untwalia, S. Murtaza Fazal Ali, and P.S. Kailasham in a seven-judge constitution beach in *Maneka Gandhi V. Union of India* (1978) that the relationship between Articles 14 (Right to Equality) 19 (Right to Freedom), and 21 (Right to Life and Personal Liberty) are the crux of the fundamental rights and must be individually as well as jointly protected. They went on to reject the view that if certain articles in the Constitution exclusively deal with specific matters and where the requirements of an Article dealing with particular matterin question are satisfied and there is no infringement of the fundamental rights guaranteed by the Article, no recourse can be had to a fundamental right conferred by another Article. They pointed out: 'This doctrine of exclusivity was seriously questioned in *R.C. Cooper's case* and it was overruled by a majority of the full Court, only Ray, J., as he then was dissenting.' They cited several other cases in support of their argument (e.g. *A.K. Gopalan v. State of Madras*, in which the court had sustained preventive detention on the plea that there existed'procedure established by law' for it underthe Preventive Detention Act, 1950, butstruck down Section 14 of the Act which prevented even courts from accessing material that formed the basis of the detention order as unconstitutional). They concluded that a law depriving a person of 'personal liberty' guaranteed by Article 21, has to stand the test of one or more fundamental rights conferred under Articles 19 and 14, even though the detention may have been ordered under a legislation establishing a procedure for doing that(para 5 of the *Maneka Gandhi case* judgment). Thus the *Maneka Gandhi* case went beyond the simplistic notion of procedure established by law to bring in the Indian constitutional law both procedural as well as substantive due process of law akin the US Constitution that the makers of the Indian Constitution had deliberatively decided to avoid(as narrated by Austin 1966). The procedural and substantive due process introduced by *Maneka Gandhi*was further reinforced by the Supreme Court in *Selvi and Others v. State of Karnataka* (2010) and *Union of India v. R. Gandhi* (2010).

However, two recent cases– *Rajbala v. State of Haryana* (2015) decided by the Supreme Court and *Shaikh Zahid Mukhtar v. State of Maharashtra* (2016) decided by the Bombay High Court - have revived the old debate between procedure of law and due process of law witnessed at the time of the making of the Indian Constitution. In *Rajbala*, a two-judge bench of the Supreme Court rejected the plea of substantive due process of law and validated the Haryana Panchayati Raj (Amendment) Act, 2015, making certain

the like. Both of these are principles with chequered structuration rather than an integrated theory of deductive nonological formation. Their forms and contents changes, for example, in a parliamentary government (e.g. Great Britain, where there is no strict separation of power nor a federal division of powers), is a presidential-federal government (e.g. the USA where there is both a strict separation of powers and federal division of powers and strong state rights), and in a parliamentary-federal government (e.g. Canada where there is fusion of legislative and executive powers but separation of judicial powers with power of judicial review of legislative and executive actions s well as federal division of powers with limited state rights is theory but quite a wide quantum in practice). India is historically closer to the Canadian model but with some notable and growing variations.

In the opinion of Justice (Rtd.) Ruma Pal (2016: 254-5), 'The India Constitution provides [another] model of separation of powers. While there is recognition of legislative, executive and judicial bodies, it does not expressly vest the different kinds of powers in different organs of the state[1] (except the executive powers in the President and governors)[2] nor is there any exclusively in the nature of functions performed by them. Unlike the Westminster, Parliament in India being limited by a written constitution is not supreme and it does not possess the sovereign character of the British Parliament.[3] In India the Constitution is supreme and legislation contrary to constitutional provisions in void.' The main grounds on which this can clearly happen are the conflict of legislative and executive actions with the fundamental rights of citizens (Article 13) and federal division of powers (Articles 264 and the 7th Schedule). This can and has happened on the basis of contravention of the principle of separation of powers too. Although the Court's adjudications on these three cardinal constitutional principles have been somewhat erratic over the years, this is more particularly true of the separation of powers. For example, in an advisory opinion on a Presidential reference regarding Delhi Laws Act 1912 the Supreme Court said in 1951: 'It does not admit of any serious dispute that the doctrine of separation of powers has, strictly speaking no place in the system of government that India has at the present day under her own constitution or which she had during the British rule?

Yet the Supreme Court subsequently stipulated that executive power is the residue of functions of government, which are not legislative or judicial (*Maharajdheiraja Madhav Rao Jivaji Rao Scindia Bahadur v. Union of India*, AIR 1971 SC 530). In another case, the Supreme Court invoked the doctrine of unamendability of the 'basic structure' or 'essential features' of the constitution and included the principle of separation of powers as a part of these features (*Keshavananda Bharati v. State of Kerala,* AIR 1973 SC 1461). In yet another judgment, the Supreme Court invalidated the election of Prime Minister Indira Gandhi from a Lok Sabha Constituency in Uttar Pradesh denying her immunity of the elections of PM and President from judicial adjudication granted retrospectively under the 42nd constitutional amendment Act of her government by the Parliament and held that adjudication of a specific electoral dispute was a judicial function, which Parliament, even under its constitutional amendment power, could not exercise (*Indira Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299*). And in 2011 the Supreme Court observed:

'There is distinct and rigid separation of powers under the Indian Constitution' (*State of Uttar Pradesh v. Sanjay Kumar (2012)* 8 SCC 537).

Adjudication of federal disputes has already been discussed above in pars while analysing some salient judicial doctrine of constitutional interpretation. Here were may just refer to a chronic pathology in Union-State relations vis-à-vis central intervention in state government in case of a constitutionally contemplated emergency under Article 356 when the government of a state cannot be carried on in accordance with the provisions of the Constitution due to the failure of the constitutional machinery there for whatever reasons (unspecified in the Constitution). In the post-Nehru years since the late 1960s this power was frequently and grossly abused by all parties in power at the Centre for partisan purpose against opposition parties' governments in the states. Central intervention in state governments under Article 356 was first tested in *State of Rajasthan and others v. Union of India*, AIR 1977 SC 1361 challenging the dismissal of nine Congress party state governments by the newly elected Janata Party government in 1977 on the plea that in the Lok Sabha elections just then held in all these mainly north Indian states the people had voted to power at the Union level the first ever non-Congress party since India's independence in 1947. The Court sustained the action of the central government; it citied the principle of separation of powers as well as noted the absence of clear criteria of the breakdown of the constitutional machinery in a state in Article 356 as also of the constitutional bar to the courts to inquire into the contents of the cabinet advice to the President in this regard. The matter was said to be constitutionally construed to be a 'political thicket' left to be largely determined by the Union executive with only a 'limited sphere of operation' for the courts if the reasons given by the President in his order are absolutely extraneous, irrelevant, and based on personal and illegal considerations, which was not the case in the instances in point.

The issue of judicial review of Presidential proclamation under Article 356 was decisively clinched in *S.R. Bommai and Others v. Union of India* AIR 1994 SC 1918. The seven-judge beach of the Supreme Court ruled that although the President's 'satisfaction' about the situation in a state regarding the emergency entailed by the breakdown of the constitutional machinery is 'subjective', the power to take action is not absolute but reasonable and must be based on relevant material. It must be exercised having regard to overall constitutional scheme keeping in view the requirement of parliamentary approval of the proclamation within two months in general, and in the extant cases consistent with the principles of federalism and secularism, which are parts of the 'basic structure of the constitution'. Hence while dismissing a state government, the state Assembly ought not to be automatically and simultaneously dissolved so that in case of parliamentary disapproval the suspended Assembly may be revived and dismissed government restored. Moreover, the proclamation is open to judicial review. Hence when called upon, the Union of India will produce the material before the Court on the basis of which the action was taken. The Court will not examine the correctness of the material to the action taken. If it is struck down the Supreme Court has the power to restore the government and reactivate the Assembly kept under suspension. The Court declared the proclamation in Karnataka and Meghalaya as unconstitutional for violation of the federal

principle and constitutional in Madhya Pradesh, Rajasthan, and Himachal Pradesh is constitutional in defence of the secular principle as fresh elections and new government formations had already taken place in the first two states, the court stopped sort of undoing the fait accompli. (Para 434 of the judgment).

Adjudication of Constitutional Amendments : For over a decade and a half after the commencement of the Constitution in 1950, the working of the Supreme Court of India broadly followed the pattern set by the apex courts in the Commonwealth parliamentary federations in Canada and Australia. Some early decisions of the Indian Supreme Court relating to land reforms and nationalisation of private economic operations like road transport by Congress governments in Bihar and Uttar Pradesh seemed to diverge from judicial restraint and legal formalism of Canadian and Australian judges. Constitutional invalidation of zamindari abolition and road transport nationalisation Acts on the ground of violation of fundamental rights to property and occupation brought the Congress governments on their toes, and the Parliament enacted the first amendment to the Constitution in 1951. This amendment added the Ninth Schedule to the Constitution as a strong room against judicial interference in progressive laws and policies of the governments in India. Any legislative enactment of the Parliament or State Legislatures parked there would become impervious to judicial review. It paradoxically made those laws higher than even the Constitution, so to say, which in legal theory is supposed to be a higher kind of law, presumably next only to the natural law in political and constitutional theory. Charismatic Prime Minister Nehru and his Law Minister Ambedkar, however, carried all before them, and judicial restraint became the hallmark of the behaviour of judges for the rest of the Nehru era.

After Nehru's death in 1964, Indian democracy found itself on choppy waters. Nehru's own personal prestige and that of his government had suffered a major dent in India's inglorious China War in 1962. In the twilight on the Nehru years, a new powerful group of regional Congress party satraps from Andhra Pradesh, West Bengal, Bombay, and Karnataka had formed around the Congress President K. Kamaraj, called the 'Congress Syndicate' by journalists. This new power bloc determined the political succession to Nehru, when he died in harness on May 27, 1964, in Lal Bahadur Shastri, and, on Shastri's death at Taskent in 1966, in Indira Gandhi. India's performance under Prime Minister Shastri was remarkably better in meeting the veiled and later open aggression by Pakistan in Jammu & Kashmir in 1965 than under Nehru in face of the open aggression by China in 1962. But Shastri, after winning the battle had lost the war diplomatically in the perception of the people at the Taskent peace settlement negotiated with Soviet Union's intermediation. The performance of the Indian National Congress led by Prime Minister Indira Gandhi in the fourth general election in 1967 was rather disastrous. The erstwhile dominant party somehow retained its reduced majority in the Parliament but lost in half of the States of the Union, mostly in north India and in Tamil Nadu.

More or less simultaneous with the electoral verdict of the people in 1967, we find a verdict by the Supreme Court that marked a turning point in judicial behaviour in India and in the institutional equation between the Parliament and the executive, on the one side, and the constitutional courts,

on the other. The issue arose out of a case challenging the Punjab Security of Land Tenure Act, which was put in 1964 in the Ninth Schedule of the Constitution,to make it impervious to judicial review. The Ninth Schedule had been added to the constitution by the First Amendment to the Constitution in 1951.It was contrived by the executive and Parliament when agrarian reforms legislations of the Congress governments relating to abolition of zamindari system across different states were challengedunder Articles 19 and 31of the Constitution that guaranteed the fundamental right to property. The Patna High Court declared the Bihar zamindari abolition Act unconstitutional in *Kameshwar Singh v. State of Bihar*.The First Amendment created the Ninth Schdule as a strong room for parking legislations intended to kept out of the purview of judicial review. In *Golaknath v. State of Punjab,* AIR 1967 SC: 1643, the Supreme Court belatedly ruled that Parliament's power to amend the Constitution stopped short of Part III of the Constitution comprising fundamental rights, arguing that the makers of the Constitution had envisioned fundamental rights in an image of permanence. The court clarified that under the doctrine of prospective overruling, the first amendment (1951), the fourth amendment (1955), and the seventeenth amendment (1964) that had abridged fundamental rights will continue to be valid on the basis of the earlier decisions of the court, but no further amendment would be valid.

How did this judgement fundamentally alter Indian constitutional law? This shift can be understood by the change in the judicial interpretation of the term 'law' in Article 13 of the Constitution. Article 13 makes any law that contravenes the fundamental rights unconstitutional and therefore void. An explanatory clause attached to this Article says that the term law 'includes' any legislation, ordinance, order, bye-law, regulation notification, custom or usage having the force of law in the territory of India. The majority of judges on the *Golak Nath* bench departed from the benches of the Supreme Court that had earlier decided the *Shankari Prasad Singh Deo v. Union of India,* AIR 1951 SC:458, and *Sajjan Singh v. State of Rajasthan,* AIR 1965 SC: 845,which had also considered the question of amenability of fundamental rights. In the earlier judgements the court had treated constitutional amendments beyond the meaning of the term 'law' in Article 13. This was indeed consistent with comparative political and legal theories that make a distinction between the 'constituent power' and 'legislative power'. In *Golak Nath*, the court departed from this interpretation and thought that the word 'includes' in the explanatory clause in Article 13 is illustrative rather than exhaustive of the meaning of the term 'law'; amendments are indeed included within the extension of its meaning. The Court contended that the heading of Article 368 is 'Amendment of the Constitution' but its subheading reads '*Procedure* for Amendment of the Constitution'. It went on to contend that it cannot be construed as a *power* in relation to a Part called 'Fundamental Rights'. The court also justified its reversal of its earlier decision as follow: 'As we are convinced that the decision in Shankari Prasad's case is wrong, it is preeminently a typical case where this court should overrule it. The longer it holds the field the greater will be the scope for erosion of fundamental rights. As it contains the seeds of destruction of the cherished rights of the people the sooner it is overruled the better for the country (para 56 of the judgement).

The Indira Gandhi Congress government, which was re-elected with enhanced majority in the snap election in 1971, reacted by enacting the Twenty-Fourth Amendment to the Constitution (1971) to supersede the *Golak Nath* judgement as it had the result of making the Parliament 'to have no power to take away or curtail any of the fundamental rights even if it became necessary to do so for giving effect to the directive principles of state policy and for the attainment of the objectives set out in the Preamble to the Constitution' (Statement of Objectives and Reasons of the amendment). This amendment altered the subheading of Article 368 to 'Power of Parliament to amend the Constitution and procedure thereof'. It also added a new section (3): 'Nothing in article 13 shall apply to any amendment made under this article.' A new Section (4) read: 'No amendment of this Constitution (including the provisions of Part III) made or purporting to have been made under this article ... shall be called in question in any court on any ground.' It went on to reiterate 'For removal of doubts, it is hereby declared that there shall be no limitation whatever on the constituent power of Parliament to amend by way of addition, variation, or repeal the provisions of this Constitution under this article' (Section 5). The government proceeded to enact the twenty-fifth Constitutional Amendment (1971) to curtail the power of judicial review. This amendment gave a total immunity to any legislation seeking to give effect to certain directive principles (Article 39, Sections b and c) from judicial scrutiny either on the ground that they were inconsistent with fundamental rights (under Articles 14, 19, or 31) or on the ground that do not give effect to such policy.

The Supreme Court's response came in its judgement in *Keshavananda Bharati Sripadgalvaru v. State of Kerala*, AIR 1973 SC:1461. The court retreated and conceded that the Parliament had the power to amend any part of the Constitution, including the fundamental rights. But it bounced back with the ingenious argument that in doing so the Parliament must not alter or destroy the 'basic structure' or 'essential features' of the Constitution. For the power to amend does not amount to obliteration of the existing Constitution or rewriting a new Constitution. The constituent power of the magnitude of repealing the Constitution or making a new Constitution belongs to only a new Constituent Assembly. The judicial doctrine of the unamendability of the basic structure of the Constitution has been criticised by some on the ground that it was propounded by a razor-thin majority of 7:6 of the 13-judge constitution bench, and that different judges subscribing to this theory gave different lists of the supposed essential features of the Constitution, only some of which happen to be common.[1] The defenders say that the procedure by which the majority judgement was delivered is a valid one, and the lists of essential features are only illustrative and not meant to be, nor can they ever be, definitive for all time to come. In some of its subsequent judgements, the Supreme Court has further illustratively added to the list of essential features (e.g. in *Minerva Mills Ltd. v. Union of India,* AIR 1980 SC: 1789; *S.R. Bommai v. Union of India*, AIR 1994 SC: 1918), and consolidated the basic structure doctrine by a unanimous constitution bench of. *I.R. Coehho v. State of Tamil Nadu,* AIR 2007 SC: 861.

Extension of judicial review power to constitutional amendments by the Supreme Court of India is the strongest instance of judicial activism in Commonwealth parliamentary federations where the general

tendency has tended towards judicial restraint even in respect of parliamentary Acts and executive actions, and thus divergent from the judicial behavior in the USA. The Federal Constitutional Court in Germany, despite the unammendability proviso in Article 371 (3) about certain constitutional principles has sought to maintain a delicate and even balance between judicial activism in view of the fact that the Constitution is a living document amenable to adaptability to changing times and social mores and judicial restraint to preserve the balance of power in favour of the Parliament and the need not to replace the political view of the Parliament by the judicial view of the court (Streinz n.d. :107-9).

Another dimension of the evolution of new judicial power of the Supreme Court that goes beyond the express intentions of the Constituent Assembly of India is the power of appointment of the judges of the constitutional courts. As already discussed in a previous part of this paper, after considering several alternative methods the makers settled for appointment of the Supreme Court by the President, in consultation of judges. This is, of course, the language of formality, as the President here means the Union Council of Ministers. Also, Consultation here does not mean concurrence. All this had changed under case law by the 1990s. Although a series of judgements since the 1975 are relevant in understanding this development in constitutional law, I will discuss here only two of the most crucial ones, i.e. Supreme Court Advocates-on-Record Association v. Union of India (1994) and its further clarification and elaboration in In re Presidential Reference (1999). According to the 1994 judgement, the recommending authority to the President for appointment of the Supreme Court judges is the collegium of judges consisting of the Chief Justice of India and four of the seniormost judges of the Supreme Court, whose recommendation is binding on the executive. The executive may return the proposed panel with objections, if any, which the court may accept. But if it reiterates, its recommendation is finally binding on the President. The 1998 judgement, reported in the All India Reporter in 1999, has amplified the consultation process, which now virtually means concurrence; it says, however, that if a recommendation made by the Chief Justice on behalf of the collegium does not comply with the 'norms and requirements of the consultation process' is not binding on the executive. The recommendation must be practically unanimous; even if two judges disagree, it would not be a valid recommendation. The primacy of the opinion of the Chief Justice requires his/her consent with the majority opinion. Yet the sole opinion of the Chief Justice is not sufficient. Strong and cogent reasons (only positive ones) must be given if a person`s name is considered in the process of consultation but not recommended. The views of other judges consulted must be in writing and all this must be conveyed to the executive along with recommendations of the Chief Justice. Some additional points in this advisory opinion of the Supreme Court related to the procedure of appointment and transfer of judges of the High Courts, which is beyond the scope of this paper.

PIL/SAL : A major dimension of the evolution of judicial power in new directions is what has commonly come to be popularly known as public interest litigation (PIL) or what some legal experts have called 'social action litigation' (P.N. Bhagwati 1987; Upendra Baxi 1987). This democratisation of the

judicial power in India was partly fuelled by the political populism of the internal emergency regime of Prime Minister Indira Gandhi (19975-77) and the guilty conscience of some Supreme Court judges who had found themselves practically powerlessto resist or acquiescent to the authoritarian political pressures from the powers that be during the emergency. PIL/SAL coincided with the electoral restoration of democracy in the post-emergency parliamentary and Assembly elections in 1977-78. This popular accessibility to the courts is facilitated by changing the conventional rule of *locus standi* whereby a case would arise only on narrow legality and be brought to a court of constitutional jurisdiction only by the directly affected parties. The Supreme Court in the late 1970s/early 1980s showed inclination and changed its rules of business or procedures by permitting a third party, a non-governmental organisation, a judge oneself, a stray letter to the court to initiate a legal action in a case of oppression, denial of rights and justice to some, in general. To quote, Upendra Baxi (1987: 32): 'People now know that the Court has constitutional power of intervention, which can be invoked to ameliorate their miseries arising from repression, governmental lawlessness or administrative deviance. Undertrial as well as convicted prisoners, women in protective custody, children in juvenile institutions, bonded and migrant labourers, unorganised labourers, untouchables and tribes, landless agricultural labour who fell prey to faulty mechanisation, women who are bought and sold, slum dwellers and pavement dwellers, kin of victims of extra-judicial executions - these and many other groups – now flock to the Supreme Court seeking justice'.

As a first step in *Sunil Batra v. Delhi Administration* (1979) the Court recognized a departure from strict rule of *locus standi* in favour of the down and out and permitted civic social activists/NGOs to move the court for the enforcement of their legal and constitutional roghts.Commenting on the PIL cases, Lavanya Rajmani and Arghya Sengupta (2010: 87), commenting on the four decades of judicial activism via PIL, remark: 'The Court typically passes a series of interim orders in the nature of "continuing mandamus" – that is, it keeps an issue under the judicial gaze and passes orders tailored to the demands of continually evolving situations...In such public interest cases, the Court has passed over 200 orders in two decades. At the conclusion of this process, the Court can and usually will pass forward-looking and wide-reaching decree, whose enforcement it may well continue to monitor through relevant committees.'

There are, however, critics who do not share theappreciation and optimism evident above. Prashant Bhushan (2007: 170) sounds o note of caution: 'The activism of the Supreme Court in the last decade is most evident in environmental cases, particularly cases involving the urban environment or deforestation... [It] must be noted that in a number of cases where the cause of environment was pitted against "development projectss"such as large dams, or even hotels and housing colonies, even the cause of environment gave way to the interest of such development. It is important to note that in many of these cases, the legal soundness of the case was also evident from the fact that some of the judges gave dissenting judgements, or that the court went against the advice of its own expert committee.'

Moreover, the halcyon days of PIL/SALs appear to have suffered some loss of elan. For one thing, the Court has faced increasing

ideological headwinds from ascendant neoliberalism as well as a vengeantly confrontational executive branch, especially after the return of a single-party BJP majority in the Lok Sabha in 2014 after three decades of hung houses since the last one-party majority won by the Congress in 1984. The executive has been slow in filling judicial vacancies and the Court itself has shown internal decay and division. A recent judgement of the Supreme Court shows a perceptible retreat from its earlier zeal for judicial activism. In a 5-judge constitution bench judgement on a bunch of petitions filed by NGO Public Interest Foundation, former Chief Election Commissioner J.M. Lyngdoh, and some political leaders seeking direction to the Election Commission of India to disqualify from polls those candidates against whom charges have been framed in criminal cases, the court cited limitations on getting into law-makingand left it to the Parliament to address this issue by enacting 'a strong law' as 'the nation eagerly waits for such legislation' (*The Indian Express*, New Delhi, Seeptember 26, 2018: 1-2).

There are also problems of excessively expensive justice and creeping corruption in higher judiciary, rampant corruption and inordinate delays in the lower courts. There was a rare case of attempted removal of a Supreme Court judge, Justice V. Ramaswamy in 1993 on charges financial irregularities during his tenure as the Chief Justice of the Punjab and Haryan High Court, which had failed due to the requisite majority in the Rajya Sabha. More recently incidence of allegations of corruption against Chief Justices of the Supreme Court and High Court judges have tended to increase. A Calcutta High Court judge, Justice Soumitra Senwas the first judge in independent India to removed in August 2011 for misappropriation of funds after judicial inquiry and parliamentary proceedings. Sikkim High Court Judge, Justice Paul DanielDinakaran, resignedin July 2011in the trail of allegations of corruption and initiation of the process of removal in the Parliament even before its conclusion. In January 2018 CJI Dipak Misra recommended the removal of the Allahabad High Court judge, Justice Shri Narayan Shukla, after an adverse report by an in-house panel in the Supreme Court on granting of permission by him to a private medical college to admit students despite a ban by the Medical Council of India and Supreme Court orders on the issue.

Nevertheless, the higher judiciary in India continues to be more professionally committed, least corrupt and authoritarian, more likely to self-correct, and most legitimate organ of the Indian political system in public perception.The reasonably high standards of performance of the higher judiciary in India has been sought to be emulated by the judiciary in the neighbouring South Asian countries in some ways in Bangladesh and Pakistan. For example, the Supreme Court of Bangladesh in July 2017 in a PIL case quashed the 16th constitutional amendment which had divested the Supreme Judicial Council consisting of the Chief Justice and the next two senior most judges of the Supreme Court to remove Supreme Court judges after following due processfor incompetence or misconduct and armed the country's Parliament with this power as was the case in the original Constitution of 1972. The Supreme Court sustained the judgement of the High Court against which the government had gone in appeal. In the opinion of the High Court the amendment was 'illegal and unconstitutional' as it went against the principles of separation of powers and independence of the judiciary. The high Court verdict had also maintained that

'Keeping Article 70 of Bangladesh Constitution as it is, members of Parliament must toe the line in case of removal of any judge of the Supreme Court. Consequently, the judge will be left at the mercy of the party high command.' (Haroon Habib 2017). To quote Arundhati Katju (2018) in the comparative context: 'In comparison, the US Supreme Court has usually refused to engage comparative law. It is swinging decidedly to the right. Given the emergence of majoritarian forces in US, UK and Europe, the biggest reason for the Indian Supreme Court's global relevance is the anti-majoritarian role it has adopted. Constitutional courts will be looking for a new leader amongst liberal courts. The time is ripe for the Indian Supreme Court to take up this role.'

VII. Concluding Remarks

The post-1970s literature on the Supreme Court of India are unanimous on the paradigm shift in judicial behaviour and the balance of forces in the equation among the governmental institutions. The Rudolphs (1987: ch.3) problematised the evident 'struggle over stateness: judicial review versus parliamentary sovereignty.' Austin (2000: 13), writing about 'the struggle for custody of the Constitution' opined: 'Despite occasional self-inflicted wounds, the court had been the bastion of the Constitution. Parliament enjoys the authority to amend the Constitution. The court has authority to measure amendments against the basic structure doctrine.' Mehta (2007: 74-5) concedes the contingent rise of judicial sovereignty' in 'India's unlikely democracy', but adds that 'there is a profound inner conflict at the heart of India's constitutionalism: The question "who is the Constitution's final arbiter?" admits no easy answer. The court has declared itself to be the ultimate judge, and has even assumed the power to override duly enacted constitutional amendments... In India, Parliament and the judiciary have been and are likely to remain competitors when it comes to interpreting the constitution.' Upendra Baxi (2016) reflecting on the emergent phenomenon of what he calls 'constitutional hegemony' in India, postulates three forms of *prudence,* i.e. *legisprudence*, *jurisprudence*, and *demos-prudence*, and hypothesises the Indian the Supreme Court's moving towards demosprudence via SAL, Court-appointed 'socio-legal inquiry commissions' and 'a new partnership of learned professions with social and human rights movements and investigative and print and electronic journalism'(p. 105). However, like Mehta above, Baxi here leaves his conclusion open-ended: 'Yet any verdict on demosprudence is premature; is it true to say that in the full absence of a degree of judicial consistency, substantive due process may amount neither to jurisprudence nor to demosphere?' (p. 109). Our own analytical elaboration in this paper conforms to this broad scholarly consensus verging on something akin to Heisenberg's uncertainty or indeterminacy principle in quantum mechanics!

The first single-party majority in the Lok Sabha, after a decade-and-a-half-long minority party-led coalition governments,won by the BJP in the Modi-led NDA government since 2014 has revived some of premonitions of uncertain institutional balance between the government and the Supreme Court. Although the judiciary has not faced the same degree of threat to its independence as during the 1970sincluding the internal emergency proclaimed by theCongress party regime under Prime Minister Indira Gandhi in 1975, the issues of judicial reforms with implications for the appointments and promotions in the courts with constitutional jurisdictions have

been reopened by the Modi government. The tension between the parliament and executive on the one hand and the judiciary on the other is not new. But the latest round of conflict is the unprecedented combination of factors like the Supreme Court more strongly determined to resist yet publicly divided between the CJI and his senior most colleagues in the judicial collegium, the CJI facing the motion of removal in the Rajya Sabha and the government willing to help out but not without the motive of gaining favours from the court. A lot depends on the judicial instinct for independence and impartiality and the electoral fortunes of the Modi government in the forthcoming general election in the summer of 2019.

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India's International Activism in times of Coronavirus Pandemic : The Modi Factor

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ABSTRACT

Covid-19 has hit the world like a tsunami, with majority of big and small nations, falling to it and India being no exception. Notwithstanding the rising graph of infected people, the government's response both at the domestic and international levels has been stupendous. Never before in the history of International Relations, have the world looked up to India as expectantly as during the last nearly three months of the pandemic. From airlifting hundreds and thousands of nationals of other countries along with its own from all parts of the globe, to supplying critical drugs as Hydroxychloroquine to more than 155 nations, to addressing nations through regional and international platforms as the SAARC, G-20, the BRICs and the NAM, India, under Prime Minister Modi, has appeared as a major global actor, displaying India's humanitarian and strategic capabilities. In a way, the present global crisis has been ably converted into an opportunity of sorts by the Indian leadership into showcasing India's rising power status to the world. As a responsible global leader, Modi's repeated and fervent calls, from all possible regional and international platforms, for a global dialogue, global engagement and global solidarity together with forging a united response against the deadly pathogen, and backing his appeals by his actions and initiatives amply demonstrate his leadership. In keeping with a visionary statesman, his constant reminders to the global community of the threats posed to multilateral institutions, his appeals for saving multilateralism, his pleas for restructuring international organisations to increase their premium in emergency-like situations, his cautioning of the world not to slide back into protectionism and close their national frontiers to the outside world in the face of global exigencies, and his constant exhortations for a humane face of globalization, are some of the numerous defining features of Modi's personality, which makes this leader so unique and special. In fighting the coronavirus challenge nationally, the 'India Model', representing indigenous approach, has stood apart as distinct from the western and eastern approaches, winning international approbations. No wonder, the Indian leader has left an indelible mark on the international community by his vision and activism.

Rated as the world's most popular leader by major public opinion agencies in its anti-Covid role, Modi has catapulted India to the centre stage of global politics and has served as a motor engine driving India's foreign policy, both in normal and extraordinary times. Against this backdrop, the present paper seeks to highlight India's international activism and the major contours of India's global response to the novel coronavirus under Prime Minister Modi's leadership. The paper, based on secondary sources, follows the descriptive-analytical approach and is backed by relevant references.

Keywords : *Modi, Pandemic, Diplomacy, Global, International, Lockdown, India, US*

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The rise of corona virus and its deadly attack across nations and continents, infecting millions of people and causing tens and thousands of casualties in as advanced countries as the US, UK, Italy, Spain, and France has dealt a powerful blow to human health and security across the globe. While nations were down in despair, clueless and groping in dark about the appropriate response to the Covid-19 challenge, India, under Prime Minister Modi, rose to the occasion, took the gauntlet and lead from the front in challenging the pandemic. This was the time when India displayed to the world its mettle as a true global leader, with approbations showered on the country and the leadership in no small measures.

Adopting a multidimensional approach from both within and outside the nation, Modi has appealed to principal leaders of the world for global solidarity and global engagement backed by a coordinated response in fighting the deadly virus. In doing so, he has treaded carefully, walked a tight rope and fine-tuned his own responses and initiatives in a manner, which is just and impartial, and bereft of blame game— a practice that has become integral to modern international relations. Unlike the US and the west, who have openly and repeatedly criticized China for the outbreak of virus calling it as the 'Chinese/Wuhan Virus', with China equally rebutting the charges, Modi has done well in remaining neutral and not accusing China or acting in a partisan manner. Instead, by resorting to the language of appeals, persuasions, cooperation and solidarity, he has strengthened his own credentials as a global leader. Infact, moving beyond his own prescriptions, he lead the world by his meaningful actions in extending a helping hand and providing the much desired relief to many of the corona-stricken countries. His well-crafted policy initiatives, in conformity to the WHO guidelines, have largely yielded positive results and brought international acclaim in large measures. Such has been the Modi effect that big powers, including the USA, Russia, China, almost the whole of West Europe and a large part of Latin America, have looked upon India as a torch bearer in this hour of unprecedented tragedy, constantly seeking India's wisdom and assistance to sail through the crisis. So what are the major highlights of Modi's approach to combating Covid-19 in light of international perspective? How has Modi excelled the global leaders, while others of his ilk, such as Trump, Xi Jinping, Putin, Boris Johnson have sulked? A number of defining characteristics of the Modi approach could be delineated which have catapulted the Indian Prime Minister to the top of the world.

Decisive leadership

To begin with, Modi is known for his decisive leadership. Meticulous planning and timely intervention, backed by a resolute political will has added luster to his leadership. While China, which remained in denial mode for long and while many other countries remained non-serious, allowing the disease to settle in, Modi was quick to sense the rising menace of the deadly virus. The Indian leader came in action mode as soon as the gravity of the coronavirus became apparent. Even before the first corona virus case was reported in Kerala on January 30,[1] protective measures came into effect much early. A series of decisions were taken on an urgent basis as early as January 17, when travel advisories to Indians living abroad were issued, particularly for Wuhan, were approximately 500 medical students were residing.[2]

Subsequently, the government revised the travel advisory asking the public to refrain from traveling to China and that anyone with travel history in China since January 15 2020 and from now on could be quarantined. It also cancelled the Indian visas issued to Chinese passports and applicants of other nationalities residing in China.[3] Thermal screening of passengers arriving from China began from January 21. On January 21, seven international airports in India were directed to conduct thermal screening of passengers arriving from China.[4] This was expanded to 20 airports by the end of January. In February, thermal screening was extended to passengers arriving from Thailand, Singapore, Hong Kong, Japan and South Korea. By the end of February, Nepal, Vietnam, Indonesia and Malaysia too were added to the list of thermal screening.[5]

Again, while events like Corona hotel parties and Corona beach parties were being organized in a number of western countries, and while Heads of States and/or Governments of a number of countries refused to curtail the rights of people to contain the virus, India initiated a unified and a coordinated attack on the virus. A high-powered Group of Ministers (GoMs) was set up under the direction of the Prime Minister to 'review, monitor and evaluate the preparedness' to combat Novel Coronavirus in India. The GoM comprises the Ministries- the Home, Foreign, Finance, Health and the Civil Aviation Ministry including the Defence Ministry.[6] Top government aids and ministers worked together with the Prime Minister's Office (PMO) which emerged as the nodal centre in combating the disease.

Notwithstanding the advanced health care systems, affluence, high rate literacy rate, sanitation, nutrition and living standards, with no population pressures, the developed west is struggling with the pandemic, recording a high degree of casualties, let alone tens and thousands of infected people. In stark contrast, India, being handicapped on all above parameters, still seems to be ahead in fighting the virus. Modi, who just a year back, was maliciously described as "Divider-in Chief"[7] by a partisan US magazine, showed mirror to his critics by his decisive, responsive and visionary leadership. His swift and timely intervention was hailed by India's WHO representative, Henk Bekedam, who observed: *"I think the commitment of the Indian government from the top level — the Prime Minister's office himself — has been enormous, very impressive. This is one of the reasons why India is doing very well. I am very impressed that everyone has been mobilized."* [8]

India's international activism: The evacuation missions

An important dimension to the Indian approach in coronavirus management has been the massive relief, rescue and repatriation exercise undertaken for its nationals stranded abroad, as well as, for facilitating the return of foreign nationals back to their respective countries. Until March 25, the day national lockdown was imposed, banning all movements of domestic and international flights; thousands of Indians had already been airlifted from diverse parts of the world. Herculean evacuation missions were conducted, at very short notice, bringing back thousands of Indian students and professionals from Iran, Italy, Spain, China and other countries. Not only its own people, it air-lifted scores of foreign nationals and enabled their safe return to their respective

countries. Evacuations from China posed difficulties as China suspected this would dent its international ratings and would also fuel suspicion and concern among nations. Notwithstanding, India skillfully used its diplomacy and got its nationals pulled out of China.[9] However, this stands in sharp contrast to Pakistan, who repeatedly refused to rescue its own students and nationals stranded in Wuhan citing 'larger interests of the region and the world'. Not daring to annoy China, its all-weather friend, rather dancing to its tune, it repeatedly turned down the evacuation pleas of its nationals.[10]

These evacuations conducted over several days jointly by Air India and Indian Air force under the supervision of the Ministry of External Affairs (MEA), won international good will and appreciation for the government. A timeline of Indian evacuation mission shows the strength and the will power of the nation to act as a responsible global power in times of crisis. The rescue mission began with Wuhan from where 324 people which included three minors, 211 students and 110 working professionals were evacuated by India on February 10.[11] On February 2, India evacuated 323 Indians and seven Maldivians from Wuhan region by its Air India flight.[12] India sent its third rescue mission to Wuhan on February 27 from where the Indian Air Force evacuated 112 people, which included 76 Indian nationals and 36 foreign nationals (23 nationals from Bangladesh, 6 from China, 2 each from Myanmar and Maldives and one each from South Africa, USA and Madagascar. During this mission, India also sent 15 tonnes of medical supplies– masks, gloves, defibrillators, and other emergency medical equipments to Wuhan as a mark of support to the Chinese government in fighting the coronavirus.[13] Besides, it was also a friendship gesture keeping in view the 70th anniversary of diplomatic relations between the two countries. The Indian response was also in conformity to the Indian ethos of helping others in the hour of their need. India took this huge step in accordance with its own principle of *'Neighbourhood First'* And all this, when India itself was facing a tremendous shortage of medical devices for its own population. Unfortunately, instead of acknowledging India's goodwill gesture, China consistently created road blocks, first by delaying clearance of the flight from Delhi carrying supplies to China, and second, by obstructing clearances required for Indian nationals to leave China.[14]

Undeterred by the setbacks, India overcame all hiccups, again with Modi's leadership in the background. The Indian evacuation missions did not stop here. Another 123 people, including 119 Indians and five nationals from Sri Lanka, Nepal, South Africa and Peru were evacuated on the same day from Japan by an Air India flight.[15] The Indian Air Force airlifted 58 Indian pilgrims from Iran and the next day, another batch of 44 passengers was evacuated from Iran.[16] Air India brought back 83 people from Italy on March 11. This comprised 74 Indian citizens and 9 American citizens of Indian origin. All evacuees were placed under quarantine for 14 days in an army facility.[17] A big group of Indians numbering 218 were evacuated from Italy and brought back by a special Air India flight on March 15.[18] Again, on March 22, 263 Indians returned by a special Air India flight. Mandatorily, they were all sent for quarantine for 14 days at medical facility of the ITBP in Delhi.[19] On the same day, another group of 234 Indians, including 131 students and 103 pilgrims were airlifted from Iran. On reaching India, they were shifted to quarantine

at an Army center in Jaisalmer, Rajasthan.[20] Additionally, 53 Indians, almost all students, were evacuated from Tehran and Shiraz in Iran on March 17 followed by yet another airlift of 275 students from Iran on March 29. They were all medically examined and compulsorily quarantined for 14 days in Rajasthan.[21] According to government figures, India evacuated more than 60,000 foreign nationals from 72 countries staying in India during the ongoing coronavirus crisis.[22]

Meanwhile, the Indian Government has initiated another massive evacuation exercise- the *Vande Bharat* Mission- Phase 1 and 2- to bring stranded Indians back home and also to facilitate the return of foreign nationals stranded in India since March 25. India banned all domestic and international flight movements during the lockdown period. The Vande Bharat mission, being conducted under the Ministry of Civil Aviation in coordination with the Ministry of External Affairs, flew over 11,300 people back to India in the first phase that extended from May 7 to14. In the second phase, initiated from May 16 until June 5, 149 flights are to be operated to bring back around 30,000 Indians from 40 countries, which include 13 flights to come from the US, 11 from the UAE, 10 from Canada, 9 each from Saudi Arabia and the UK and 8 each from Malaysia and Oman, seven each from Kazakhstan and Australia. Thousands of Indians and foreign nationals have been evacuated till now under the Vande Bharat phase-II mission.[23]

It is noteworthy that behind this massive exercise, lies the well-oiled machinery driven by the Government of India under the coordination of the Ministry of External Affairs (MEA). An inter-ministerial Covid-19 Cell was set up in the MEA on March 25, which worked 24x7, along with a 24-hours helpline for stranded foreigners in India or Indians stranded in any overseas country. The MEA worked in sync with different Ministries, Indian Missions and consulates abroad, the foreign ministries, the Air India and the Indian Air Force, and various State Governments. The present pandemic has seen a pronounced transformation of the MEA from being a power-corridor and a structure of elitism into a Ministry with a humane face, attending to help calls not only of problem-stricken Indians abroad, but also of foreigners stuck up in a foreign land and appealing to the MEA for help. The MEA responded promptly to such calls and even in many cases, contacted the foreign governments, giving details and requesting immediate action, be it Indian or a foreigner.[24] These massive repatriation exercises conducted by the Indian government have enhanced its international image as a humane and a responsible democracy, besides elevating its stature as a major international actor.

Neighbourhood Diplomacy :
The SAARC initiative

Along with the evacuation missions, the Covid-19 situation has seen India's foreign policy initiatives going up in top gears. India took initiative in addressing the regional and international community through several diplomatic platforms, as SAARC, the – 20 platforms, NAM and the BRICS. While other nations have generally remained passive in these troubled times, India's activist approach has refurbished its image and given it a new lead among the comity of nations.

When the present government took over the reins in 2014, it inaugurated the policy of *Neighbourhood First'*. The ongoing virus crisis, has once again afforded India the opportunity to showcase its policy of friendship and cooperation to its immediate South Asian

neighbours. Prime Minister Modi took the initiative in addressing the Heads of Governments/States of the 8-member SAARC on March 15 through a video conference, wherein he appealed to the leaders to work unitedly to combat the virus, while reassuring India's all possible help. The address, attended by all Heads of States/Governments barring Pakistan, carried a subtle message of India's continued regional supremacy, irrespective of the present inactive status of the SAARC. Another strategic message signaled was the indispensability of India to the member-States in critical situations like the present one and that it was India, not China or the United States, which had the capacity to rescue the South Asian countries in acute circumstances. Conversing with the SAARC leaders, Modi emphasized on the need for a joint strategy saying: *"I would like to propose that the leadership of SAARC nations chalk out a strong strategy to fight corona virus. We could discuss, via video conferencing, ways to keep our citizens healthy. Together we can set an example to the world and contribute to a healthier planet."*[25]

In keeping with a profile of a global leader, Modi not only expressed concern at the rising menace of the virus, but also suggested a road map in combating the pandemic. He proposed to set up a 'SAARC Emergency Covid-19 Fund' to combat the corona virus disease, pledging to contribute 10 million US dollars, while exhorting other countries to liberally support the fund. India took prompt steps to activate the fund assuring the SAARC leaders that it was ready to be used immediately, through its embassies, as per the requests of the member-countries. Besides, India also took steps to set up an Integrated Disease Surveillance Portal to detect the presence of virus among people. Sharing technology and imparting training on IDSP was also proposed by India. In addition, India offered the using of the SAARC Disaster Management Center as a common platform for conducting research on preventing the spread of Corona pandemic in South Asia.

In his speech, Prime Minister Modi informed the leaders of India's initiative in setting up of a rapid response team of doctors and specialists, together with Personal Protective Equipments (PPE) and other medical gadgets used to combat the pandemic. It was reassured that India, if need be, could also provide online training capsules to member states in emergency circumstances. Displaying true characteristics of a global leader, Modi asserted: *"We can respond best by coming together, not growing apart–collaboration not confusion, preparation not panic."*

Modi's outreach to South Asian countries was widely hailed by the SAARC leaders expressing gratitude to India for evacuating their citizens from China, Iran and Italy during the ongoing crisis. While Modi's online address was personally attended by the Heads of the States/Governments, Pakistan in sharp contrast joined the address at the last minute and that too through its health minister, Zafar Mirza. As usual, Pakistan played its Kashmir card even in midst of the present humanitarian disaster.

India's constructive use of the SAARC platform comes at a time when this organization had almost become redundant following India's refusal to participate in the 2016 SAARC Conference in Islamabad holding Pakistan responsible for engineering the Uri terror strike. India's stand was replicated by Afghanistan, Bangladesh and Bhutan, which ultimately led to the calling-off

of the conference. Since then, the SAARC has lost its diplomatic edge. Unlike inviting SAARC leaders at his oath-taking ceremony in 2014, Modi invited the leaders of the BIMSTEC nations during start of his second innings as the head of the Government. India's policy of *Neighbourhood First* stands on the same pitch as of SAARC. However, owing to the largely negative role of Pakistan, India initiated diplomatic efforts for reviving other regional organizations as an alternative to SAARC. But the fact remains, that it is SAARC from where India's strength as a regional power emanates. As such, it is difficult for India to keep this organization in abeyance for long. This cannot, however, be possible unless life is infused in the organization and the lead in this direction has to come from none other than India. The present corona pandemic is thus an opportunity for India, which Modi has used it deftly by organizing this SAARC address.

At the same time, it is to be noted that neither China, which shares boundaries with a number of SAARC countries- Afghanistan, Pakistan, Nepal, Bhutan and Myanmar-, and nor Iran that have common borders with Afghanistan and Pakistan have come to the rescue of South Asian nations in the wake of corona pandemic crisis. Instead, China has earned huge profits out of its supplies to these corona-stricken countries, sparing none, not even its all-weather friend Pakistan from paying through its nose. Many of its consignments have been rejected as sub-standard. When looked at the BIMSTEC nations, Thailand and Myanmar, are two countries enjoying close strategic and commercial relations with China. But during the ongoing crisis, China remains invisible, while the two countries have suffered heavily due to the deadly pathogen. The big message and a grim reminder, as well, that it is only India that can serve as a reliable partner to its immediate and extended neighbours- SAARC and ASEAN. The exporting of the anti-malarial drug Hydrochloroquine, the most trusted medicine at the moment in treating the coronavirus patients, to countries of these two grouping, ironically including China, reestablishes the fact.[26]

Thus, a ray of hope in reviving the SAARC has been rekindled, though it may be too speculate.[27] Hailing India's SAARC initiative, Margaret Harris, the spokesperson of the World Health Organisation, said, "Modi's initiative is a positive and welcome step and the world needs to work together in this hour of crisis....We are very heartened when we see this. When I talk about community, I don't simply mean communities in each country, it's the world community and we as the world need to work together. So this strong regional initiative is very positive and welcome step".[28] Close on the heels of the SAARC initiative; India sent relief material to Afghanistan, Bhutan, Bangladesh and Sri Lanka. Before that, it sent teams of doctors to Maldives, Nepal and the UAE.

International outreach :
Modi's G-20 address

The SAARC initiative was followed by Modi's G-20 address at the "Extraordinary Virtual G20 Leaders' Summit" on March 26. The address was in tune with India's foreign policy objective of playing a bigger role at the global level. Working quietly, behind the scenes, India spoke with Prince Salman, the Saudi Crown Prince and current G-20 Chair over the phone to explore such a possibility. The summit, one again, largely a result of Modi's efforts, afforded India a viable opportunity to display its growing international stature, even in times of the Covid-19 pandemic.

Like the SAARC address, India used the G-20 platform to extend its hand of friendship to the world's frontline states. India realized the acute significance of the present juncture when the world's leading powers were in throes of a raging crisis and they needed a helping hand from the Indian establishment. The Prime Minister did not disappoint them, as unlike other G-20 leaders, he focused his address entirely on the world's humanity and mankind. Constantly exhorting the interna-tional community to place human lives, human security and human well-being in the centre of all state activities, he emphasized that there was "the need for putting human beings at the centre of G-20 vision of global prosperity and cooperation, freely and openly share the benefits of medical research and development, develop adaptive, responsive and humane health care systems and promote new crisis management protocols and procedures for an interconnected global village." He remir:ded the global community 'how too often the human aspects had been subsumed by focus on economic and financial issues.' Calling upon the global community to seize upon the opportunity thrown up by the pandemic, he exhorted the G-20 nations 'to unveil a new concept of globalization with focus on humanitarian issues and on addressing challenges like climate change and terrorism.'[29]

Highlighting the role of nations and the global organizations in the face of the current Covid-19 crisis, he pointed out how the present international health infrastructure represented by the World Health Organisation (WHO) has been rendered old, outdated and inadequate to handle the present pandemic. Sounding a note of caution that unless the required institutional and operational changes are brought in, WHO will remain ineífective to deal with such challenges. He thus advocated for empowering and strengthening the WHO in terms of its "capacity of early warning or development of effective vaccines, or capacity building. Applauding the decision of the G-20 group to inject 5 trillion dollars in the global economy to counter the social and economic impact of the Covid-19, he stressed on the need for having a concrete action plan to deal with the corona pandemic."[30] With all this, India played a key role in eliciting a global coordinated response to challenge the corona pandemic.

Modi's G-20 address should also be seen in light of India hosting the G-20 Presidency in 2022. This is going to be a huge challenge and an opportunity for India, the preparations of which have already been initiated with the present one. The issues of global economic governance, the reform of the Bretton Woods institutions, setting the framework for trade in services and digital economy and many more such issues will dominate the proceedings, for which India would be required to play an active role and promote its economic interest in the midst of global competition. Besides, as the President of the 20 most powerful economies of the world in 2022, India will have to demonstrate its intellectual capacity, capability and competence to head this powerful organization. With Modi in place, the stage is perfectly set for India in 2022.

BRICKS Foreign Ministers Web Summit

The BRICKS Foreign Ministers Web Summit was held on April 28. Continuing India's theme of reforming the multilateral institutions forward, S. Jai Shankar, India's External Affairs Minister, highlighted the threats posed to global institutions in recent years, and more particularly during the ongoing Coronavirus challenge. Without naming the multilateral institutions facing

severe criticism for their inaction over the virus, he pointed out the apprehensions of the global community loosing trust and confidence in them. He therefore, called for reforming and restructuring of the global institutions, a demand, which India has raised consistently at all prominent international forums in recent years. Representing India's concerns, he exhorted the BRICS grouping, which constitutes around 42% of the world population with impressive growth, trade and investment; to undertake strenuous efforts to rebuild their domestic economies, being mandatory as it was for protecting their populations from loss of jobs and livelihoods and further miseries. He observed that strong domestic economy would lead to rejuvenating of the international economy and towards this, businesses especially the Medium, Small, Micro Enterprises (MSMEs) must be strengthened and promoted, as India was doing at the moment. Apprising the BRICS leaders of India's initiatives at the regional, international and domestic arenas, he called for recognizing the efficacy of the traditional medicine systems in strengthening the immunity system in fighting the pathogen.

India used the BRICS platform, not only to inform the members of the dangers of the covid-19 virus, but more importantly highlighted the need for urgently coming together and forging a united response against this common and invisible enemy. Only a united and coordinated response by all member states, he observed, can rescue the global economy, including the trade and supply chains, which stands seriously ruptured due to the present crisis.[31]

The NAM Virtual Summit :

Unlike skipping past NAM summits organized twice during his tenure since 2014, Modi addressed the Non-Aligned Movement (NAM) Virtual Summit on May 4. Terming Covid-19 as the "most serious challenge" confronting the humanity during the last several decades, he called for increased global cooperation and united action to combat the coronavirus challenge. In showcasing India's role in supplying Covid-19-related critical drugs to more than 155 countries, including 59 NAM members; as well as, repatriating thousands of stranded foreign nationals from India and Indian nationals from abroad, he exhorted the nations to come out of their inward-looking attitude and contribute to heightened global engagement and solidarity. Like his previous addresses at SAARC and G-20, he once again emphasized on the need to reshape globalization so as to become more inclusive and humane. Beyond the diplomatic niceties, India's presence at the NAM summit after a gap of five years, only underlines India's willingness to use all available regional and political platforms in generating a global response and solidarity against the pandemic. Notwithstanding the low-priority accorded to NAM in India's current foreign policy, Modi's appearance also marks " an attempt to fill the leadership vacuum in the global order when both China and the United States have exposed their vulnerabilities. India has shown that a nation with limited capabilities can also emerge as a leader by outlining the concerns of like-minded countries and working with them to build capacities in smaller states."[32] Thus, it is the increased pragmatist outlook that has shaped India's response towards global order of things, including the Covid-19 challenge.

Medical Diplomacy : The HCQ Factor

In recent years, India has emerged as a big soft power state. The current Covid-19 crisis has afforded India yet another

opportunity to prove its status as a leading soft power nation. This time, the issue is related to the supply of Hydroxychloroquine (HCQ) of which India is the world's largest producer and exporter. Infact, nothing came as a bigger surprise than fervent appeals from different quarters of the world to provide the anti-malarial drug Hydroxychloroquine to fight the corona pandemic. India's strategic importance jumped manifold as the drug came in for high demand from the most powerful to the most modest nations.

Due to the spread of the pandemic in India and the dire necessity to treat its own citizens, the government imposed a ban on the export of the HCQ, Paracetamol and 14 other critical drugs. President Trump, who was initially disturbed at India's reluctance to supply the drugs, giving out a veiled threat of retaliatory action, lavished praises on India for agreeing to supply the drug to America, calling Modi a "terrific leader".[33] Trump described Modi as a strong leader and asserted that 'India's help at this moment will not be forgotten.' Mincing no words, he tweeted, "Extraordinary times require even closer cooperation between friends. Thank you India and the Indian people for the decision on HCQ. Will not be forgotten. Thank you Prime Minister Narendra Modi for your strong leadership in helping not just India, but humanity in this fight".[34] Modi responded promptly and thanking President Trump, he tweeted: "Fully agree with you President @realDonaldTrump. Times like these bring friends closer. The India-US partnership is stronger than ever. India shall do everything possible to help humanity's fight against COVID-19. We shall win this together."

Here it is noticeable that by not reacting to Trump's unpredictable behavior, Modi only increased his and India's global stature. His calm and composure in the face of Trump's strong words only lent credibility to Modi's image as an elegant statesman. The same Trump who earlier disapproved of Modi' decision of not lifting the ban, did a volte face and hailed Modi's as a strong leader and applauded his decision, twice in 24 hours. When seen in wider perspective, this is Modi's elegant diplomacy, a true global diplomacy and leadership in times of crisis. By partially lifting ban on export, India conveyed a powerful message to the global community that India would not walk out of its commitments on the supply of critical drugs in times of acute necessity and particularly, when the world is fighting a dreaded corona virus disease.

In helping the US in its hour of crisis, India has laid a formidable ground of friendship with the US, which at the opportune time, will reap rich dividends for India. The effect has already started showing when on May 16, President Trump announced that it will donate ventilators to India, and also disclosed that it was working closely with India in developing a vaccine. Conveying his decision, he tweeted: "I am proud to announce that the United States will donate ventilators to our friends in India. We stand with India and @narendramodi during this pandemic. We're also cooperating on vaccine development. Together we will beat the invisible enemy!" Besides, India can also now bargain with the US on other contentious issues, principally related to trade and tariffs- the two important areas of disagreements between the two countries.

After lifting the ban, India supplied the drug, under two categories: humanitarian aid and commercial supply, to more than 55 corona-stricken countries, from North America to Latin America, from Africa to Europe and

from Middle-East to South Asia[35] India supplied the HCQ to almost all SAARC member-countries, winning their accolades. KP Sharma 'Oli' of Nepal, Sheikh Hasina of Bangladesh, Abdul Ghani of Afghanistan, Sri Lanka's Gotabaya Rajapaksa, Maldives' Ibrahim Solih all personally thanked Prime Minister Modi. Several Heads of the States/ Governments, including the USA, UK and Israel thanked India for its positive attitude and timely help. Lauding India's role, the UN Secretary General, through his spokes person, said he 'salutes' India and other countries helping others in the global fight against the coronavirus pandemic.[36] In addition to the drug, India also sent its military health professionals to Kuwait and Maldives to help deal with the pandemic caused by the corona virus.

Like Trump, the Brazilian President Zair Bolsonaro too applauded Modi for lifting the export-ban on the supply of Hydrochloroquine to Brazil where around 14,000 people have been infected and more than 700 people died till now. Comparing Modi's decision on HCQ for Brazil with Hanuman's act of Sanjeevani medicine for Lord Rama's brother Lakshmana during the Lanka war, he lauded Modi saying: "Just as Lord Hanuman brought the holy medicine from the Himalayas to save the life of Lord Rama's brother Laksmana (sic), and Jesus healed those who were sick and restored the sight of Bartimeu, India and Brazil will overcome this global crisis by joining forces and sharing blessings for the sake of all peoples."[37]

India's drug diplomacy, being touted as a 'game changer', has been looked upon favourbaly by experts. For instance, Kanwar Sibal, former foreign secretary of India, observes that in sharp contrast to China, who has a huge stock of medical equipments, devices and PPEs, 'India is making genuine sacrifices to show international solidarity and not to earn money'. These gestures will earn good will for India and will also strengthen India's diplomatic hand.[38] Similarly, Lalit Mansingh too termed it as India's humanitarian help, to countries in need. It has been a part of India's foreign policy 'to help those in need, especially in the Pharmaceutical sector, and India has not deviated from its policy.[39]

Combating Corona: The different ways

On taking a closer look, it appears that different countries have adopted different ways to combat the deadly virus. The results too have varied from country to country. On an examination of the mechanism adopted, two principal approaches can be delineated: the Communist and the Libertarian approaches, or the Eastern and the Western approaches. Where does India lie in its fight against the virus? Does it conform to any of the two? Or is India's case different from the rest? Is there an 'India Model' to combating the corona pandemic? By various accounts, one can say that the Indian approach to the corona virus management has been distinctly different from that of the Eastern (Communist) and the Western (Libertarian) approaches. While China adopted policies of intimidation, duplicity and suppression of information in fighting the disease, which prevails to this day; laxity, insincerity and disinterestedness, often bordering on mockery-making of the disease have been the trademarks of the western approach. In sharp contrast, India has adopted a cautious and persuasive approach, with patience and discipline as its defining features, and interspersed with a tinge of spiritualism, in dealing with the unprecedented virus challenge.

The Communist Way :

China, the birth place of the corona virus crisis, was the first country to enforce the national lockdown and adopt norms of social distancing. Displaying its Communist ways of working, it adopted harsh measures in enforcing social distancing and lockdown. Nerve-wrecking and terrifying methods were used in rounding up people on suspicion of being corona infected.[40] Terror-stricken men and women in China have been forcibly dragged to quarantine centers on charges of being virus carriers.[41]

Many of the now-scrapped videos earlier posted on the internet and the highly-censored news trickling out of China, have exposed extra-judicial killings of hundreds and thousands of corona-infected people, with some of them even packed alive in body bags. Infected people have been picked up and packed in buses, and taken to undisclosed destinations, where in all probability; they have been shot and killed. The silencing of tens and thousands of mobile phones as reported by several mobile phone companies have deepened the mystery of silenced people.[42] Every effort has been made by the Chinese government to stifle the news of the coronavirus spread in China and its impact. Curbs and clamp downs have been imposed on the online social media and news media. People, including doctors and journalists, have been arrested and thrown behind the bars, on the charge of spreading 'online rumors' or 'dissatisfaction against the government'.[43]

As a result, no one really knows the actual figure of people perished and how many still are in critical condition. Both censorship and propaganda have been used as state tools with the objective to hide the actual extent of disaster wrought by the corona pandemic in China, on the one hand, and to spin stories of fake and false achievements of the government, on the other hand. Despite consistent rebuttal, the world does not seem to trust China. All this is done to indicate its medical and technological supremacy over the west in winning the corona war, while the developed countries still lag behind. China's claims of victory over corona virus is also aimed at messaging to the world for the resumption of business activities with China as before, while, at the same time, seeking to escape from the international scrutiny of its involvement in the origin of the deadly virus. Hardly anyone trusts the Chinese State and its media. The duplicity of China was exposed by none other than itself, when under the increased international pressure; it changed its official version of death toll in Wuhan city from 2579 to 3869, an increase of 50%. Giving a strange version of this addition of numbers, it said these figures pertain to people who died in their homes, not in hospitals and hence, these numbers had not been previously recorded.[44]

Li Wenliang, the Wuhan doctor, who became the whistleblower of the coronavirus outbreak, fell to the wrath of the Chinese communist dictators who did not like the disclosure of the news to the public. In one of his posts that went viral along with his name, Li, now regarded as a hero, said, "I realized it was out of my control and I would probably be punished." Li was summoned to the police station and reprimanded for spreading for spreading rumors online, and forced to sign a statement acknowledging his "misdemeanor" before he was allowed to leave. Weeks later, he died mysteriously, the government although saying he contracted illness and died of corona himself.[45] In oen of his last interviews before his death, with

independent Chinese media outlet Caixin, Li said helping the public learn about the truth was far more important to him than getting justice for himself: "A healthy society should not have only one kind of voice."[46]

The same fate was met by the two Chinese journalists, Chen Qiushi and Fang Bi who were allegedly picked up the police authorities for posting online mobile videos and stories about the goings on in Wuhan hospitals. They exposed the government's suppression of information and freedom of speech and expression of people, who criticized the government for heavy-handedness and insensitivity in dealing with the disease. In a most terrifying manner, plain-clothes masked men in hazmat suits accompanied by fire fighters broke down Fang's door to enter his flat. At the time of his arrest, he chanted the words: "resist all citizens, hand the power of the government back to the people."[47]

The Libertarian approach of the West :

In sharp contrast to Communist China, the West, represented by the libertarian philosophy of USA and its developed allies as UK, France, Italy, Germany, Spain and a number of other countries, adopted a laid back, utterly casual and a seemingly-arrogant approach, never really believing that the virus could strike even their people and country given their high standards of living, health and hygiene. People have protested against their own government's imposition of restrictions, flouted national lockdowns at will and reduced social distancing to mockery; ardently believing that under no circumstances, their so-called inborn human rights to partying and merry-making could be infringed upon by the state and not even under the most compelling times, as the present one. However, it's not that people do not fear the deadly virus, or they are ignorant of the consequences of taking liberty with the invisible enemy. But they resent any clamp down on their personal rights in the name of fighting the Covid-19. They want riddance from the pandemic, but without sacrificing their own rights, not even partially and nor even for a limited period.

The western media even criticized the Chinese lockdown and other social distancing measures as "cost to people's livelihoods and personal liberties." Unfortunately, despite high rate of casualties suffered by these nations, their casual approach has lingered on to this day. For instance, most recently, people in Britain broke national lockdown, not out of any compulsion, but for merry making. A British news paper reported: "Britons flocked to parks and open spaces today to enjoy the bank holiday sunshine, before the weather turns; Police in London were exasperated as lockdown flouters went to parks to drink wine, eat ice cream and pizza." So disappointed public officials have been at the callous attitude of their people that they say they are fighting a losing battle against the pandemic[48] and this, when Britain recorded a further 346 deaths on that day bringing the country's death toll to 31,587. In Florida (USA), for example, one of the most populated and having sizeable elderly population, people wantonly broke the lockdown and took to the streets chanting anti-Trump slogans.[49]

Thousands of people flocked to sea beaches for partying in flagrant violation of anti-corona virus measures.[50] An earlier report of the Guardian published in March, details how the younger generation of people in west, under the mistaken notion that the deadly virus preys on the elderly population or unhealthy people, and not the young and the fit, have defied mass gatherings and have

been organizing 'holidaying parties', 'lockdown parties', 'neighbourhood parties', 'partying under the volcano', and the 'end of world' drinking sessions. These parties are conspicuous by the large number of revelers, where governments' repeated warnings have fallen on deaf ears.[51] These are not isolated examples, but have become a trend from Northern America to Mexico to Latin America to Europe. It's no surprise then why the west, despite being superior in most of the social and economic parameters, has fallen to the virus like none else, the unending casualties speak volumes about their attitude towards the pandemic.

Apart from the callous attitude of the younger generation of the west, the governments too have played their part, in no insignificant ways, to give fillip to the spread of virus allowing it to dig deep roots in their societies. Despite having money and mechanism, the lack of early detection and failure to act timely by Italy, Spain, France, Germany and several other European countries allowed the deadly virus to play havoc. As early as January and February, the US intelligence agencies warned President Trump about the global rise of the deadly virus but Trump and his administration, unlike Modi, played down the threats.[52] Lack of planning, internal divisions within his own administration, together with his own dim view of the pandemic contributed allowed the virus to grow menacingly. Instead of gearing upto the situation, Trump said "Nobody knew there would be a pandemic or epidemic of this proportion" and repeatedly maintained that no one could have imagined the consequences of the corona virus on this scale.[53]

Further, like China, America too is accused of suppressing the early symptoms of the spread of the disease. Despite reliable information from various quarters, the US administration allegedly adopted a dilly-dallying attitude in its response. A Seattle doctor specializing in infectious disease, Helen Y. Chu first came across patients she was treating having symptoms of the disease in late January. She cautioned the local administration but was dismayed at the response of the bureaucracy and the Food and Drug Administration (FADA). Not withstanding, she went ahead and worked on the patient and established beyond doubt the presence of a corona virus in the patient.[54]

The laxity on the part of top leadership and the rest of the administration has been largely exposed. Donald Trump, the US President has come under heavy fire from his own countrymen. Accusing the leadership, critics have pointed out how America has fared worse than China in terms of huge casualties. While China's scientists and doctors were muffled and prevented from speaking out the truth by the communist government, who stopped an open and a democratic government of America from knowing the truth and taking immediate remedial measures? The answer probably lies here —

"... ... We don't know all the details yet, but one element of the situation cannot be denied : The president himself did not want the disease talked of too widely, did not want knowledge of it to spread, and, above all, did not want the numbers of those infected to appear too high. He said so himself, while explaining why he didn't want a cruiseship full of infected Americans to dock in California. "I like the numbers being where they are," he said. "I don't need to have the numbers double because of one ship that wasn't our fault." [55]

Derek Thompson, a journalist writing regularly on public health issues in America, revealed in a radio interview how the leadership was not ready for the actual numbers to be revealed to the nation : "My understanding is [that Azar] did not push to do aggressive additional testing in recent weeks, and that's partly because more testing might have led to more cases being discovered of coronavirus outbreak, and the president had made clear— the lower the numbers on coronavirus, the better for the president, the better for his potential reelection this fall." The Trump administration has been criticized for failing to fulfill its most primary duty- to assess the extent of the problem and the corresponding measures to be taken. The US response, in the eyes of the critics, has been pathetic and shocking, and its initiatives been abysmally low, lower than even poor countries like Vietnam who have tested more people than the United States. This was revealed by Anthony Fauci, the most celebrated US doctor on infectious diseases in a Congressional hearing who termed the American testing system as having 'failed'. Echoing this widespread perception, it is held that —

"..... the corona virus caught the Trump White House flat-footed. The administration fired the US pandemic-response team in 2018. It ignored early warnings from epidemiologists; refused to waive regulations that impeded early testing; and botched its initial COVID-19 testing kits.... The White House has also failed in its basic role to protect the public by communicating accurate and useful information about public health and hygiene." [56]

The multiple failures of the Trump administration in dealing with the present crisis is not so much attributed to the failure of the administration as much as to Trump himself and his style of leadership regarding which it is said that "Trump has very few truth-tellers around him anymore. The kinds of people who would dare make the president angry have left the upper ranks of the Cabinet and the bureaucracy already."[57] So disappointing has been Trump's response to the corona pandemic that critics have announced the 'end of the Trump Presidency'.[58]

Critics have pointed out policy paralysis and faulty decisions amongst other wide ranging factors that allowed the virus to grow deeper in the USA. However, the lack of timely intervention and miscalculation of the extent of potential damage the virus could cause were one of the biggest reasons for the crumbling of USA in the face of the pandemic.[59] Trump, in particular, has been vehemently criticized for taking a dim view of the pandemic and for not initiating aggressive measures despite repeated cautions. This was reflected when in response to a question at the Davos meet on America's worries on the detection of the first corona-virus case detected on January 22, Trump said, "No. Not at all. And we have it totally under control. It's one person coming in from China, and we have it under control. It's going to be just fine." Critics have traced the casual approach of Trump and mishandling the crisis. Though lately his administration did take actions, 'it also continued many of the old patterns of self-congratulation, blame-shifting and misinformation.'[60]

While in America, it was Donald Trump who declared that the nation cannot afford the lockdown of its industries, in Brazil it was Bolsonaro doing the same thing. While the west and the USA are still paying the price for their carelessness, Brazil still remains defiant in undermining the severity

of the crisis. Though from initially calling the virus a "measly cold", President Bolsonaro has lately upgraded his stance by terming it as the 'gravest challenge of our generation'. Still, he has accused the state governors of 'falling into a state of hysteria' and lashed out at journalists for 'drumming up panic in the public in an effort to undermine his government." [61]

The India Model :

Much different from the western and the eastern approaches, has been the Indian approach in handling the challenge of Covid-19. India neither adopted the Chinese repressive measures in enforcing national lockdowns and stay-home norms, nor allowed people the western waywardly ways to roam in the streets and partying in the name of rights and freedom. Being a democratic country, ensuring both human rights and people's safety have always been the prime concerns of the government, more so, during the present crisis. Accordingly, it fine tuned its response between safety and rights; and between freedom and curtailment. While it used the language of appeals, persuasion and sensitization; it called for a responsive, mature and cooperative attitude on the part of people to effectively fight the Covid menace. In a country with an over burgeoning population of more than 1.35 billion, a substantial part of which is ignorant, reluctant and defiant; and where the health infrastructure and the health-care systems are in doldrums, it is the political leadership combined with people's ethical values that are the characteristic features of the Indian approach. The moral values that a normal Indian citizen is endowed with, viz, patience, discipline, trust, law abiding and respect for rule of law is what the Indian approach comprises of in the present context.

Amidst the dark clouds of the pathogen, Prime Minister Modi has led the nation from the front. Riding on the back of a clean, popular, hard working and an efficient leader's image, Modi has largely been able to convince his domestic audience on the reasonability of the restrictions imposed. Despite the lockdown for the last two months (since March 25), people have largely honoured Modi's appeals and persuasions, and patiently followed social distancing, quarantines and stay home measures.

Sensing danger, and acting swiftly and timely, he clamped a one-day nation-wide 'Janata Curfew' on March 22, followed by a 21-day national lockdown from March 24. It was extended for another 18 days on April 14. Appearing repeatedly on the national television, Modi repeatedly imposed lockdowns, along with exhorting his countrymen, with folded hands, to cooperate with the government and to follow the precautions and government guidelines. With some exceptions, people responded enthusiastically to his appeals. The net result has been the containment of the pandemic reaching the third stage of community transfer, though cases of local transmission have occurred. It is nothing but Modi's deep credibility and leadership that has kept the people indoors voluntarily and peacefully, since March 21.

When compared to other nations, India stands tall and apart in terms of national leadership and the state's role in handling of the pandemic. Prime Minister Modi's actions in bringing down the entire nation under a spate of lock downs with minimum resistance to the total closure have been patiently followed by people, while externally applauded both by the worst opponents and closest friends of India. While praising Modi, people

in Pakistan have criticized their own government's lackluster enforcement of national lock down and social distancing measures in Pakistan-Occupied Kashmir (PoK) and Giglit-Baltistan. An activist from the Pakistan-Occupied Kashmir, asserted: "The situation in Pakistan remains out of control due to lack of leadership and a national action plan. Coronavirus patients are being sent to PoK for isolation which is totally unacceptable since it will accelerate the spread of the virus in the occupied region."[62]

Senge H. Sering, a Washington D.C.-based political activist from Gilgit-Baltistan, observes: "Indian Prime Minister Modi is playing a constructive and supportive role as expected from the leader of one of world's largest economies. His policy of 'no citizens left behind' has earned him recognition from opposition parties who are also supporting his lockdown directive."[63]

Similarly, American internet entrepreneur, Marc Benioff tweeted to say – "India's Prime Minister ordered all 1.3 billion people in the country to stay inside their homes for 3 weeks starting Wednesday- the biggest and most severe action undertaken anywhere to stop the spread of the Coronavirus. We need the same here in the U.S."[64] Likewise, David Frawley, a US-based Yoga guru noted: "India with its national lockdown for twenty one days is far ahead of the United States, which has many more cases and fewer people, and is still debating its response. The world must admire the guidance and compassion of Narendra Modi."[65]

Besides the value-laden ethical approach in fighting the Covid-19, there is a subtle political angle too involved in India's combating the pandemic. Playing his cards deftly, Modi has positively used the opportunity to offset the criticism leveled against his government in recent months with reference to a spate of legislations pertaining to the abolition of special status of Kashmir under Article 370 and the enactment of the Citizenship Amendment Act (CAA), both of which were looked upon by a sizeable international community as discriminatory against its Muslim minority community. The recent Delhi riots were the last nail in the coffin as a partisan international media portrayed it as a 'pogrom' against its Muslim community. All these events affected India's international image as a nation wedded to secularism and pluralism. Indian diplomacy had to work overtime to convince the international community about the legality of its actions. The present pandemic crisis has afforded the government the opportunity to change the perception of the world by its proactive role in fighting the coronavirus at the domestic and international levels. In a way, India has ably and successfully used the Covid-19 challenge to mend its bridges with the rest of the world and to convince the international community about its role as a responsible global player and a nation committed to principles of egalitarianism and non-discrimination.

A Spiritual Lockdown :

The India-special approach of tackling the corona virus challenge consists, in no small measures, in the religio-spiritual character of the Indian masses, as well. Modi ably connected the lockdown with the devotional spirit of the people. This was witnessed during the Janata Curfew (People's Curfew) on March 21, which on Prime Minister's appeal, was celebrated as a thanks giving day to the corona warriors of the country, who were selflessly serving the affected people, and trying to break the chain of the deadly virus. Buoyed by Modi's appeal to clap hands, beat

plates or ring bells for 10 minutes, nicknaming it as 'Taali-Thaali', to express their gratitude, people celebrated it as a festival, turning out in large numbers in their balconies and doing the ritual well-beyond the stipulated time. Modi's initiative of Janata Curfew was widely applauded, with the United States observing: "Inspiring to see people across India coming together despite being physically apart to applaud the workers on the front lines combating Covid-19."[66] Spiritually and scientifically too, it is said that the intense ensuing noise created has the effect of destroying the harmful viruses and bacteria in the atmosphere. As blowing of conch shells, ringing of bells and utensils are integral to Hinduism, the curfew got converted into a mass festival. Reports appearing in many newspapers indicated that people wanted to continue this practice for many more days. Next, the Janata Curfew was followed by a nation-wide lockdown of 21 days, beginning March 25. Once again, the Modi government, catering to the devotional spirits of the people, as well as, on popular demand, decided to screen the popular Indian TV serials- the Ramayan and the Mahabharata everyday-morning and evening. These popular small screen shows of the decade of the eighties, which then use to bring the entire country to a grinding halt, did the same magic this time too. People all across the nation willingly stayed indoors, waiting for the serials to be telecast. The first lockdown ended on April 14 and the second began thereafter, extending up to May 3rd. The nation is still under the lockdown and people continue relishing these telecasts. Infact, many more such devotional serials of yesteryears are being re-telecast. Modi, thus, has imparted a spiritual tinge, adding a distinct value-quotient to a series of national lockdowns. Herein lies the ingenuity of the leadership, represented by Prime Minister Modi. Even cosmopolitan newspapers like *The New York Times*, which have generally remained critical towards Modi, had to say: "Mr. Modi's success..... may be more durable. He's widely seen as a mobilizer, not a despot, which may explain why his nationwide stay-at-home lockdown, which he dropped on the country with four hours' notice, has been largely obeyed. Even the softer, feel-good exercises he has insisted on, like asking Indians to stand in their doorways and clap at a certain time, or to light candles at another, have been followed by millions."[67]

In short, it is the Indian Model that holds secret to a spate of successful national lockdowns. In stark contrast, neither the western nor the communist approach has seen the willingness of the people to follow home quarantines, stay-at home appeals or social distancing. Violation of national lockdowns became more a rule than an exception. While other countries have been struggling to keep their population indoors, people in India have voluntarily stayed at homes and cooperated with the government. Thus, being at the helm of affairs, Modi has converted a challenge into an opportunity, and demonstrated his statesmanship even during this critical hour.

In summary :

Coronavirus has struck the world in a big way. More than 175 countries are in its serious grip, millions infected and hundreds and thousands have died till this day. From a modest figure, the number of infected and deaths in India too have risen significantly. However, there is a corresponding increase in the government's will power to fight the disease. Though the numbers are increasing, the recovery rate shows a marked improvement standing at almost 40%, while

the death rate is as low as 3.02%. The country has succeeded in bringing down the pace of infection and the principal reason behind this is the timely and total lockdowns imposed by Prime Minister Modi. Several international rating agencies have revealed the reverence and popularity Modi enjoys worldwide. Public opinion-based approval ratings have showed that he holds the top position among global leaders involved in fighting the coronavirus disease. The *Morning Consult*, a US-based survey research firm, reported Modi has a net approval rating of 68, up from 62 at the beginning of the year 2020. The report revealed that PM Modi's popularity rose to the highest among all global leaders.[68] Prior to this, a *IANS-CVoter* Gallup International Association exclusive tracker on Covid-19 Wave-2 survey reported that 83.5 percent people from various stats "trust in government" in handling the crisis.[69]

A latest survey reports that it has found an upswing in Prime Minister Modi's approval ratings since the beginning of the Covid crisis in the country. The survey app has recorded a significant spike of 8 percent in PM Modi's approval rating since February indicating people's approval of his performance during the pandemic. According to the survey, PM Modi's current rating stands at 3.9/5 against 3.5/5 in February. This is the third such report, showing people believe that the prime minister may be winning the perception war during the Covid-19 pandemic. Earlier this month, a survey conducted by *Ipsos* showed that an overwhelming 87 per cent of urban Indians gave high ratings to the prime minister and his team for their handling of the coronavirus. The survey was conducted from April 23-26 by seeking responses from about 26,000 people across 13 countries.[70]

Confirming the recent polls, the New York Times observed : "Mr. Modi's already high approval ratings have soared even higher, touching 80, even 90 percent. Unlike two of the populist leaders to whom he is often compared, President Trump and President Vladimir V. Putin of Russia, Mr. Modi seems to be thriving in this crisis." Taking a futuristic look at the unfolding of the pandemic, it further said, "If India continues to ride out the coronavirus in decent form, he may emerge with an even stronger hand ... Much as the brinkmanship with Pakistan last year helped strengthen his re-elction campaign, the deadly pandemic is bringing many Indians to his side despite lingering concerns about his agenda."[71]

In combating the pandemic, the entire focus has shifted, once again, to the Prime Minister Modi, who by his prompt action, humane response and timely intervention, both at the domestic and international levels, has earned massive goodwill. The much-desired right coordination established among the various Ministries, State Governments and Overseas Governments is typical of the Modi-style of leadership, who makes all ends meet and work in tandem in accomplishing the assigned task. His capacity to think different and adopt a different course of action in unusual times is what makes the entire show Modi-centric. The display of the humanitarian aspect of India's foreign policy and the transformation of the Ministry of External Affairs from an elitist and power-structure to an agency committed to ensuring the safety of Indian nationals abroad has been underlined once again. In effecting far-reaching structural, operational and policy-level changes, India's foreign policy establishment bears a close Modi-impact.

However, notwithstanding the high public ratings and global accolades showered on Modi, critics point out the limitations of his approach. It is contended that beyond a certain point, his SAARC and the G-20 initiatives will not work. This was witnessed in the intransigent attitude and the opposition of the Pakistani government's representative at Modi's SAARC address. Pakistan will consciously see to it that India does not get an upper hand in Modi's attempts to steal the international show on the corona pandemic. Likewise, it is China who primarily stood to gain by getting an international platform at the G-20 virtual teleconference despite USA's understanding of China's hand in the creation and spread of virus, consistently calling it a 'Chinese Virus'. India will have to instill fresh efforts to contain its rivals' game plan.

Additionally, critics argue that the Modi government, which is trying to promote multilateralism to deal with the present crisis, stands seriously questioned and virtually rejected by the USA. Trump's persistent criticism of multilateral bodies, like the United Nations and NATO, and the most recent suspension of the US funding to the World Health Organisation for its alleged complicity with China in spreading the virus, speaks loudly about the fate of multilateralism in times to come.[72] Earlier, the USA withdrew from landmark international agreements- the Paris Agreement on Climate Change[73] and his abandonment of Iran Nuclear Deal in 2018.[74] Faced with a bleak prospect of multilateralism given USA's lack of trust in it, the next option for the Modi government is the bilateral approach, which anyway it has been pursuing with full vigour in recent years, not only with USA but with all major powers of the world. While not faulting Modi's attempts at multilateralism, eminent scholar Kugelman points out its limitations when he observes, "Modi has the right idea to be pushing for more global coordination, but the obstacles he faces underscore the limit of multilateralism today- even amid a rapidly spreading pandemic that badly requires a global response. Modi's globally focused approach makes a certain sense. New Delhi is keen to assert its importance and place in the world."[75]

Critics also point out Prime Minister Modi would find it hard to get a suitable response to his global appeals given most countries obsession with countering the coronavirus mayhem on their home front. Like others, Modi too equally stands challenged to combat the virus domestically. The spurt in corona-virus-infected cases now running into more than hundred thousand with a corresponding increase in the number of deaths, poses grave concerns for the Indian establishment. If the trend continues, Modi too may be forced to curtail his international initiatives and retract his steps back to the national frontiers. According to credible information based on Washington-based COV-IND-19 Study Group of scholars and scientists, the number of confirmed cases in India could reach between 1-1.3 million by mid-May. The report apprehends a sudden spurt in the number of corona virus infected people in the month of May.[76] The projections are not off the mark as of today (May 21), India has reported more than one lakh cases of infections, including 44,029 active cases and 3,553 deaths.[77]

The present compelling crisis has forced the world to investigate the leakage of the virus from China's Wuhan lab and also to find out whether it is a natural virus, or a Chinese bio-weapon? Several theories are afloat, some calling the virus a result of

transmission from wild animals to humans from China's sea food market while others attributing it to China's lab-manufactured war weapon. Whatever be the nature of its origin, critics argue it is China's answer to counter its enemies, principally the USA. Countering western speculations, China has termed the virus of American origin, which specially travelled with the American forces to Wuhan. Separate from these speculations, the WHO adopts a middle-of-the-ground approach saying the exact path of the virus cannot be located especially till a complete investigation is conducted to ascertain it.[78] Additionally, the resurfacing of fresh coronavirus cases in Wuhan, with commentators calling it 'Wuhan Part-II, has sent shivers down the Chinese dispensation, indicating the Chinese celebration of victory over the pandemic was premature and the war on coronavirus was yet not over.[79] In view of the above, the unraveling of the corona mystery may be long, arduous, painful and uncertain. Further, given the mistrust and power rivalry involved among big nations, possibility is also that the reality behind the coming out of the virus from the Wuhan lab may not ever come to the fore.

Notwithstanding however, atleast one thing is clear: that the world will not stop fighting against the virus, nor can it afford to; and statesmen like Modi, bestowed with a global vision; would continue working on both fronts- the domestic and international. India's domestic and strategic compulsions demand both kinds of initiatives simultaneously. Living in an inter-connected and a globalised world as we are, the challenge for one nation has become a challenge for all nations; a threat in one part of the world has become a threat to all parts of the world, and for shared threats, only shared solutions can be the way out. No nation can remain safe for long until a threat, be it an epidemic, pandemic, or any natural disaster, is eradicated in entirety and from each nation.

In keeping with the Indian ethos and values of *Vasudhev Kutumbakam* (the whole world is a family), Modi, has repeatedly emphasized on a global and a united response, comprising of knowledge, expertise and data sharing, with a view to achieving the ultimate victory over the threat. Seen in this context, Modi's international outreach has been widely admired, cross-cutting ideological and geographical barriers. Even though his efforts may fall short, the lasting impact of it would not go unnoticed, unrecorded and unsung in the struggle against the corona pandemic. Kugelman, thus rightly remarks, "Modi can demonstrate that his country is not a global actor to be taken lightly. More broadly, New Delhi can telegraph a message that India is a responsible and collaborative global player with the capacity to spearhead global cooperation to address shared threats."[80]

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WOMEN EMPOWERMENT IN RURAL AREAS – STILL A DISTANT DREAM

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ABSTRACT

Manusmriti Said, "Na Stree Swathantryam Arhati", which means woman is undeserving for independence; reflects our whole attitude towards women in our country.

Women suffers discrimination and injustice in all stages of her life. Women empowerment in India is an exigent task as we need to acknowledge the fact that gender based prejudice is a deep rooted social wickedness practiced in India in many forms since thousands of years.

In a male dominating world, even after more than 60 years of planning still women in our country are suppressed and oppressed at each and every stage of life. Crime against women is on increase but the poor woman is helpless. She is not allowed to make choices, control, enjoy and to participate in urban as well as rural areas.

Introduction :

In many societies around the world, women never belong wholly to themselves; they are the property of others throughout their no control over money, they cannot choose to get health care for themselves or their children. Where having a large number of children confers status on both men and women– indeed, where childbearing may be the only marker of value available to women lives. Their physical well-being – health, security and bodily integrity– is often beyond their own control. Where women have frequent pregnancy and labor can be deadly. World Health Organization data indicates that in Afghanistan and Sierra Leone, for example, a woman's lifetime chance of dying in childbirth is one in seven; in the United States it is one in 3,418, and in Norway and Switzerland, one in 7,300. In any given year, 15 per cent of all pregnant women will face a life-threatening complication, and more than 500,000-99 per cent of them in the developing world- will die. Some 130 million girls and women, mostly in sub— Saharan Africa, have been subjected to genital cutting at the behest of their parents, and 2 million more face the blade every year, according to the United Nations Population Fund.

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Around the globe, home and community are not safe havens for a billions girls and women– At least one in three females on earth has been physically or sexually abused, often repeatedly and often by a relative or acquaintance. By the World Bank's estimate, violence rivals cancer as a cause of morbidity and mortality for women of child-bearing age. Even within marriage, women may not be able to negotiate when and what type of sex to have, nor to protest their husbands' multiple sex partners. Poverty and exclusion push some girls and women to engage in sex work, almost always the desperate, last choice of people without other choices. Further, the U.S.

Department of State indicates that up to 800,000 people are trafficked across international borders annually : 80 per cent of these are women and girls, and the majority is forced into the sex trade. And in the midst of conflict and natural disaster in countries around the world, women's risk of violence skyrockets. Systematic rape as a weapon of war has left millions of girls and women traumatized, forcibly impregnated, and/or HIV positive. These factors combined explain why today more women than men around the world are HIV positive.

Empowerment of women involves many things– economic opportunity, social equality, and personal rights. Women are deprived of these human rights, often as a matter of tradition. In rural areas, women are generally not perceived to have any meaningful income generation capacity, and hence, they are relegated mainly to household duties and cheap labor. Without the power to work and earn a good income, their voices are silenced. Even in matters of sex and childbearing, women often do not have the ability to oppose the wishes of their men. Some of the facts related with rural women are as follows —

Economic Status :

Women are the major contributors in terms of economic output, but their contribution still remains to be made visible. Men and women are not equally distributed across the types of work. Women are concentrated in the primary sector and in unskilled and marginal work. 95% of women, as against 89 per cent men, are engaged in unorganized sector, and most of them are found in the rural areas. According to the 2001 census, 90 million women constitute workforce.

Industries that employ more women than men include, processing of edible nuts, domestic services, bidi manufacturing, spinning, weaving, finishing of coir textiles etc. Women also constitute majority of the workforce employed as nurses, ayahs, paramedics and technical workers. Their contribution goes unnoticed as most of the times they are involved as unpaid or home based workers, who often get counted as non-working housewives.

Marriage and Reproductive Health :

Although the practice of child marriage is history for most, it still continues to be a reality of life in the rural India, especially in the North and West pockets of the country.

Child marriages, banned by law, continue to take place and yet there is no action against this practice. No amount of legislation will be effective as long as the political will to promote gender equity is absent.

The Dowry Prohibition Act has been in force for five decades, and yet, countless atrocities are perpetrated as a result of this despicable practice that finds favor with scores of the households. Marrying off a boy not only marks an easy road to prosperity, but also is seen as redemption of money spent on the daughter's wedding.

Girls in early teens are "traded off" in the name of marriage to men who are older by nothing less than twenty to twenty-five years, for a certain amount of money. This saves them the hassle of dowry as well as the search for a groom! The common practice in rural India is to marry the girls around the age of fourteen or fifteen, triggering off an early motherhood for most; quite the reason for the reproductive health scenario not being so encouraging.

Another complexity that leaves the women at cross roads is fear of the apparent persecution if she bears a daughter. The startling fact is that, on the whole, women themselves prefer a male child despite the negative impact of this mindset on their lives. This seems to be a culturally conditioned choice. This is also the reason why technologies like ultrasound and amniocentesis are being used to determine sex of the child in the womb.

Domestic Violence :

The phenomenon of domestic violence is widely prevalent, but has remained largely unseen. Millions of Indian women have, by and large, grown to accept spousal violence and, worse still, being subjected to humiliation and indignity which cripple them mentally. Afraid of the law, men may not commit acts of violence, but, in turn, resort to psychologically pressurizing the woman, which has results still worse in nature.

According to the Crime Records Bureau of the Union Home Ministry, of all cases of crime committed against women every year, almost 37 per cent are cases of domestic violence. Then, there are women – especially those belonging to the middle and upper middle classes– who keep quiet for the sake of the family's image.

Most social workers and counselors agree that the number of domestic violence cases has increased, but attribute the increased reporting to the growing realization among women that they have to fight back. Domestic violence among the lower class is accepted, and among the upper class it is swept under the carpet. What we get to see is only the emerging middle class, because here the value systems have changed tremendously, whereas the societal systems have not. Sociologist Mohua Bandyopadhyaya also corroborates the facts– "with more and more women in the workplace, the modern male feels under siege, and the frustration is taken out on the woman on whom he feels he can assert his will."

There's more to domestic violence than physical abuse, Emotional trauma can be far more crippling.

Legislative Status :

Women in India have made major inroads in various male dominated professions, including the governmental bureaucracy. In the fields of business, medicine, engineering, law and culture, women who were given opportunities to acquire the necessary skills and education have proven themselves capable of holding their own, without availing of any special measures to facilitate their entry. But they have failed to gain ground in the field of politics. Moreover, the agenda of women's empowerment seems to have lost the kind of moral and political legitimacy it enjoyed during the freedom movement, as was evident from the ugly scenes in the aftermath of tabling of the Women's Reservation Bill in the Parliament.

All trends indicated that women's representation in politics required special consideration, and cannot be left to the forces that presently dominate our parties and

government. Today, even the best of female parliamentarians feel sidelined and powerless within their respective parties. Most women in electoral and party politics are an ineffective minority within their own respective political groupings.

The very same male party leaders who compete with each other in announcing their support of special reservations for women have shown little willingness to include women in party decision making, or even to help create to help create a conducive atmosphere for women's participation in their own organizations.

Sexual Harassment :

The Supreme Court judgment on Sexual Harassment of working women in the case of Vishakha vs. the State of Rajasthan (August 1997) initiated debate on the issue not just among women's groups, lawyers and activists, but also among women in the workplace. Or the first time, behavior that can be considered sexual harassment has been explicitly legally defined.

Sexual harassment includes such unwelcome sexually determine behavior (whether directly or by implication) as —

— Physical contact and advances;
— A demand or request for sexual favors;
— Sexually colored remarks;
— Showing pornography;
— Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The guidelines are significant in that, for the first time sexual harassment is identified as a separate category of legally prohibitive behavior. Sexual harassment should be considered a separate legal offence not because it is less serious (as some have argued), but because it is taken less seriously. Particularly in the absence of witnesses or other concrete proof, it often becomes the complainant's word against the harasser's. Further, in addition to sexual harassment being a violation of the right to safe working conditions, the guidelines also proclaim it to be a violation of women's right to equal opportunity in the workplace. Main guidelines are —

— Express prohibition of sexual harassment should be notified and circulated.
— Prohibition of sexual harassment should be included in the rules and regulations of government and public sector bodies.
— Private employers should include prohibition of sexual harassment in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
— Appropriate work conditions should be provided for work, leisure, health, and hygiene to further ensure that there is no hostile environment towards women at workplaces and no woman employee should have reasonable grounds to believe that she is disadvantaged in connection with her employment.
— Sexual harassment should be affirmatively discussed at worker's meetings, employer-employees meetings and other appropriate forums.
— Guidelines should be prominently notified to create awareness of the rights of female employers.
— The employer should assist persons affected in cases of sexual harassment by outsiders or third parties.
— Central and State Governments are required to adopt measures including legislation to ensure that private employers also observe guidelines.

Domestic Violence Act, 2005 :

The Protection of Women from Domestic Violence Act 2005 was brought into force from October 26, 2006. The Act was passed by the Parliament in August 2005 and assented to by the President in September 2005.

For the purposes of this Act, any conduct of the respondent shall constitute domestic violence if he (a) habitually assaults or makes the life of the aggrieved person miserable by cruelty of conduct even if such conduct does not amount to physical ill treatment; or (b) forces the aggrieved person to lead an immoral life; or (c) otherwise injures or harms the aggrieved person.

Nothing contained in clause (c) of sub-section (1) shall amount to domestic violence if the pursuit of course of conduct by the respondent was reasonable for own protection or for the protection of his or another's property.

Primarily meant to provide protection to the wife or female live in partner from domestic violence at the hands of the husband or male live-in partner or his relatives, the law also extends it protection to women who are sisters, widows or mothers. Domestic violence under the act includes actual abuse or the threat of abuse whether physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the woman or her relatives would also be covered under this definition.

Ways to Empower Women :

One way to deploy empowerment of women is through land rights. Land rights offer a key way to economically empower women, giving them the confidence they need to tackle gender inequalities.

In most rural areas, the primary symbol of wealth and respect is in owning cultivable land and/or cattle. When a woman earns and saves enough to but either one on her own, she automatically gains immense respect and voice in her family and within the community.

Many of the traditional barriers that have kept her silent begin to break down. Her husband and other elder members of the larger family are not prepared to listen to her and accede to her personal needs. She then has a bigger voice in how she brings up her children and in how the family is run.

Another way to provide women empowerment is to allocate responsibilities to them that normally belong to men. When women have economic empowerment, it is a way for others to see them as equal members of society. Through this, they achieve more self0respect and confidence by their contributions to their communities. Simply including women as a part of a community can have sweeping positive effects.

Participation, which can be seen and gained in a variety of ways, has been argued to be the most beneficial form of gender empowerment. Political participation, be it the ability to vote and voice opinions, or the ability to run for office with a fair chance of being elected, plays a huge role in the empowerment of peoples. However, participation is not limited to the realm of politics. It can include participation in the household, in schools, and the ability to make choices for one. It can be said that these latter participations need to be achieved before one can move onto broader political participation. When women have the agency to do what she wants, a higher equality between men and women is established. It

is argued that microcredit also offers a way to provide empowerment for women. Governments, organizations, and individuals have caught hold of the lure of microfinance. They hope that lending money and credit allows women to function in business and society, which in turn empowers them to do more in their communities. One of the primary goals in the foundation of microfinance was women empowerment. Loans with low interest rates are given to women in developing communities in hopes that they can start a small business and provide for her family it should be said, however, that the success and efficiency of microcredit and microloans is controversial and constantly debated.

Economic Benefits of Women Empowerment :

Indian economy is a rural economy. It's more than 70% of the population lives in rural area and if dream of women empowerment could come into existence then there will be a huge change and success in Indian economy.

Most women across the globe rely on the informal work sector for an income. If women were empowered to do more and be more, the possibility for economic growth becomes apparent. Eliminating a significant part of a nation's workforce on the sole basis of gender can have detrimental effects on the economy of that nation. In addition, female participation in counsels, groups, and businesses is seen to increase efficiency.

Lastly, in a society where men control the destiny of women, how is it possible to empower women? Simply encouraging women to resist the wishes of men would not only fail, but would create mistrust of any goodwill attempts from "the outside" to help rural communities. Women will gain power only when both men and women begin to respect and accept the contribution of women. Developing women's capacity for income generation without threatening men is key.

It is important to note that men are more likely to support approaches to women's empowerment if they are also beneficiaries of those programs. Without the involvement of men, women are unlikely to gain new rights. It takes a concerted effort to break age –old traditions and what men perceive to be in their self-interest.

The malice is not going to go away in a few years or for that matter by attempting to work at it through half-hearted attempts. Formulating laws and policies are not enough as it is seen that most of the times these laws and policies just remain on paper. The ground situation on the other hand just remains the same and in many instances worsens further.

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POLITICAL REPRESENTATION OF WOMEN IN THE INDIAN PARLIAMENT

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Relative to their share in the population, women are under-represented in all political positions. In January 2019, women represented 24.3% of all parliament members in the world, up from 9% in 1987. Compared to economic opportunities, education, and legal rights, political representation is the area in which the gap between men and women has narrowed the least between 1995 and 2000 (Norris and Inglehart (2000)).

In India too, women's political representation has been very low since independencethough they had played a vital role for getting independence for the country. Lack of political will by (political) parties is not giving way to pave the way for change. History reveals that women have had no space in the political arena and even in the political parties as decision-makingpartners. Further, it also shows that other formal institutions have not validated orrecognised the participation or contribution of women.Women's role in the sphere of decision-making has so far been insignificant to have anykind of multiplier effect. Their numbers in formal decision-making bodies have notincreased noticeably over the years. Statistical records show that there has been only a marginalincrease in the last few decades in the number of women candidates fielded during theelections. The number of women parliamentarians has never exceeded 16 per cent of allseats. At the state level, their membership in the legislatures is abysmally low, lower thantheir numbers in the parliament.

Articles 325 and 326 of the Indian Constitution guarantee political equality to all, yetwomen have not benefited from this right. The political climate as it exists today continues to be male-centered and is therefore perceived to be conducive to maleparticipation. Women are not treated as a political entity in their own right. They havebeen treated by political parties and other power groups as a means to further their owninterests and gains. This is evinced by the declining number of women candidates fieldedduring the elections, despite promises made by political parties in their manifestoes toprovide reservation of seats for women. Across parties, the trend is to treat women asdecorative pieces, relegated to women's wings, with not much importance given to themin mainstream activities. Even the few women who are elected are sidelined and often allotted 'soft portfolios' such as, welfare, education etc. In both cases women lack accessand control over apex bodies where decisions and policies are formulated.

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Participation of Women in the Parliament – Lok Sabha and Rajya Sabha

Women are poorly represented at higher leadership levels. Even historically, it isobserved that women's participation in positions of power in both houses of theParliament has never exceeded 16 per cent of all seats. Table below presents theparticipation of women in the two houses of the Parliament.

Table-2 : Participation of Women in the Lok Sabha and Rajya Sabha

Year	Members in Lok Sabha			Members in Rajya Sabha		
	No. of Seats	No. of Women	%	No. of Seats	No. of Women	%
1952-57	499	22	4.4	219	16	7.3
1957-62	500	27	5.4	237	18	7.6
1962-67	503	34	6.7	238	18	7.6
1967-71	523	31	5.9	240	20	8.3
1971-76	521	22	4.2	243	17	7
1977-80	544	19	3.4	244	25	10.2
1980-84	544	28	5.1	244	24	9.8
1985-90	544	44	8.1	245	28	11.4
1990-91	529	28	5.3	245	24	9.7
1991-96	509	36	7.1	245	38	15.5
1996-97	537	34	6.3	245	20	8.2
1997-98	545	40	7.3	245	19	7.8
1998-99	545	44	8.1	245	19	7.8
1999-2004	545	48	8.8	245	20	8.2
2004-2009	545	51	9.5	245	24	9.8
2009-2014	545	58	10.6	245	26	10.6
2014-2019	545	61	11.2	245	31	12.8
2019-till dt	545	78	14.3	245	25	10.2

Source : *Election Commission of India*

Table-2 : Women Contesting Elections in Parliament and Assembly Elections

Year	Males	%	Females	%	Total
1952	1831	97.71	43	2.29	1874
1980	4478	96.93	142	3.07	4620
1984	5149	96.91	164	3.09	5313
1991	8374	96.26	325	3.4	8699
1996	13353	95.71	599	4.29	1352
1998	4708	94.56	271	5.44	4979

Source :

i. Women in India– A Statistical Profile, 1997, Department of Women and Child Development, New Delhi.

ii. Election Commission of India

Lack of Critical Mass of Women in Political Institutions :

Not having a critical mass within the political institutions makes it difficult for women to center-stage and push their agenda forward. For instance —

0 – women among 24 deputy chairpersons of the Planning Commission (similar situation in the NITI aayog)

1 – woman among 17 Chief Election Commissioners so far in India

0 – women among 22 Governors of the Reserve Bank of Indiaso far

0 – women among 13 Attorneys General so far in India

52 – women among the 608 High Court judges in India

1 – woman among 29 Supreme Court judges, including the –

Chief Justice 0 – women among 38 Chief Justices of India.

Lack of an active and articulate critical mass further disadvantages women.Even wherewomen are articulate and assertive, they are deliberately marginalised through a processof exclusion by the dominant and powerful sections in these political institutions. This iscompounded by the fact that elected women representatives do not have a critical mass asan organised electorate, in the form of women's collectives, NGOs and an informed andpolitically conscious women's constituency to support them.

Though women have been entering the political arena, they are denied positions of power.Even when a few women have been given decision-making positions they do not havepolitical allies in key positions to support them. Also those in power are invariably given'soft portfolios' which are an extension of women's stereotypical images. Theseportfolios rarely have the resources or decision-making powers to back women and therefore relegate them again to the backseat. With reference to the portfolios assigned tothem that are classified under the soft category are information and broadcasting, socialjustice and empowerment, health and family welfare, tourism and culture, waterresources and human resource development. However, this is in itself an improvement asin the past, women ministers exclusively held the women and child development,information and culture and sports portfolios. But more recently women have been givenother portfolios, but these again are not key portfolios that continue to be retained bymen.

Despite the State initiative to induct women into local political governance, the enablingenvironment facilitating their participation is still lacking. There is a major dearth ofstrong women's collectives, NGOs working towards women's political empowerment, aswell as a strong civil society to encourage and strengthen women's political participation.The choice of 33 per cent as the figure for political representation of women is againquestioned widely for precisely the reason that it would deprive them from having avoting majority. One major reason why it has been argued that women should constitute50 per cent of the total number of seats in the PRIs is that while making resolutions andduring the voting process when women raise an issue they can be easily out-numbered bymen. This is because they never constitute 50 per cent of the vote. Hence, all women'sissues can easily

be side tracked because of the simple lack of a voting majority.Second, for all other groups (SC, ST and so on) reservation is in proportion to theirpopulation while for women this is not the case. Women constitute a little less than 50per cent of the population while the quota of seats reserved for them is only a third.

Reservation policies clearly have a strong impact on women's representation. Studies suggest that reservation affects policy choices. In particular, it affects policy decisions in ways that seem to better reflect women's preferences. In other words, a politician's gender does influence policy decisions. More generally, they provide new evidence on the political process. In particular, they provide strong evidence that the identity of a decision maker does influence policy decisions.

Many countries are amending their political systems to set aside positions to groups, such as women and racial or religious minorities that are perceived as being disadvantaged. Several countries have introduced procedures (either explicit quotas or forms of gerrymandering) to ensure political representation of disadvantaged groups, such as women or ethnic minorities. In 2001, quotas for women in parliaments were in force in over 30 countries. The following comparative table shows how women of some other countries have fared in their respective parliament in context of political representation with and without quota for women —

Table-3 : Country Data on Political Representation of Women

Name of Contries	% of elected Women	Quota in Parliament	Quota in Political Parties*
Sweden	47 (2006)	No	Yes
Argentina	40 (2007)	Yes	Yes
Norway	36 (2005)	No	Yes
Canada	24 (2006)	No	Yes
Pakistan	21 (2008)	Yes	No
UK	20 (2005)	No	Yes
France	18 (2007)	No	Yes
USA	17 (2006)	No	No
Sri Lanka	6 (2004)	No	No

Sources :

i. Global Database of Quotas for Women, International IDEA and Stockholm University and Inter Parliamentary Union (http://www.ipu.org/wmn-e/classif.htm).

* In several countries, there is no law mandating quotas for women but some political parties reserve seats for women.

InIndia, seats are reserved for historically disadvantaged groups (Scheduled Castes, or SC, and Scheduled Tribes, or ST) in the federal or state level legislative assemblies and for both historically disadvantaged groups and women at all levels of the Panchayat system, the system of decentralized decision-making.

On the basis on evidence accumulated about the Indian experience, following are the case for reservation —

1. Preferences over public goods differ
2. Leader's group identity affects public goods allocation
3. Without reservations, weaker groups are not represented

There seems to be a significant cultural barrier to women being recognized as competent policy makers. This may explain why there are so few elected women at each level in India (despite the existence of a few charismatic female leaders at the top), and thus provides a strong argument for reservation.

The Women's Reservation Bill

The question of reservation for women had surfaced even before Independence becausewomen from the elite classes of that period - who wanted to play some role in public life,realised the hurdles in their way. This view was again reflected during the review of theCommittee on the Status of Women in India, (CSWI) in 1974. The Committee observedthat "the rights guaranteed by the Constitution have helped to build an illusion of equalityand power which is frequently used as an argument to resist protective and acceleratingmeasures to enable women to achieve their just and equal position in society". Socialscientists also who undertook studies on the Committee's request came back with auniform finding that while women's participation as voters had been increasing at a fasterrate than men's, their representation as candidates - successful or unsuccessful- registered in fact an oppositetrend.

The final version of the Government's NPP (National Perspective Plan) recommended reservation for women inpanchayats and municipalities, to be filled in by elections. This version was thenincorporated in the 64th Constitutional Bill of 1989. The late 1980s and the early 1990switnessed three changes of government at the national level, with two general elections in1989 and 1991. The Panchayati Raj Amendment Bill went through successive revisions,and finally emerged as the 73rd and 74th (Constitutional) Amendments in 1992. Theresponse of women to these two measures in the elections that followed in several states, and the political dynamism demonstrated by them persuaded women's organisations intoputting forward a joint demand for one-third reservation in state assemblies andParliament. The plan too like the CSWI did not raise the issue of women's reservation inParliament and State Assemblies.The demand was accepted and almost all pre-election party manifestos containedpromises to implement 33 per cent reservations for women as well as The Common Minimum Programme. The coalition government of the United Frontwhich introduced the 81st (Constitutional) Amendment also known as the Women'sReservation Bill. In September 1996, a private member's bill was moved, introducingreservations for women, a day before the closing of the monsoon session. However it wasthis move that subsequently led to the introduction of the present Reservation Bill.

The 81st Constitutional Amendment Bill 1996, seeking to reserve one-third seats forwomen (including within the two already reserved categories - for Scheduled Castes andScheduled Tribes) has become a highly debated issue. It is worth noting that none of thearguments that have been brought up against the 81st Amendment Bill came up during thepassage of the 73rd and 74th Amendments (1989-92).

The 81st, 84th and 85th Constitutional Amendment Bills providing for reservation forwomen in Parliament and State Legislatures has not been passed for not havingreservations within reservation for women on the basis of caste. The Bill was referred tothe Joint Select Committee, headed by the late Geeta Mukherjee, who presented theirreport to the House on December 9, 1996. The Joint Select Committee accepted two provisions of the 81st Amendment Bill. They are: one third of the seats in the Lok Sabhaand Legislative Assemblies must be reserved for women; and there will be no reservationfor States with less than three seats for the Lok Sabha for a period of fifteen years (forthree elections). Amendments that were not accepted included reservation for women ofother backward classes (OBC). This committee also recommended the following: the Billbe passed without delay; the OBC reservation for women be considered by thegovernment; and a modus operandi for reservation of seats for women in the Rajya Sabhaand Legislative Councils be introduced.

In the discussion with the Select Committee of Parliament, the delegation of the nationalwomen's organisations countered all charges of elitism for not recommendingreservations for women of `other backward classes', they point out that (a) they hadrequested the quota within the sections which already enjoyed reservation within theConstitution; and (b) they saw the need for a Constitutional amendment to force allpolitical parties to undertake the much needed reforms within their own structures. This isbecause little had been achieved in more than two decades since the CSWI'srecommendations to the political parties and resolutions made by many political partiesthemselves. The women's delegation emphasised the crisis facing India's democracy withincreasing political instability and growth of irresponsibility, fragmentation andcriminalisation. Despite their efforts, the Bill was not passed due to the lack of a majorityin the parliament, and strong opposition from members across parties. In this context, thelapse of the women's reservation bill, seeking one-third of the parliamentary andlegislative seats is extremely distressing.

The most recent dialogue regarding reservation for women is now suggesting anamendment to the People's Representation Act. The new formula suggested seeks toreserve 33 per cent tickets for women. This could be achieved by an amendment to thePeople's Representation Act, enjoining political parties to allocate 33 per cent tickets towomen candidates.

The current position is that the WRB (108th Constitutional Amendment) was initiated strategically in the Rajya Sabha and was passed therein 2010, but as of now, the Lok Sabha has not yet voted on the bill.

Statement of Concern

Even after more than 65 years of democratic governance, it is distressing that the government and the policy makers are lulled into complacency, by not translating

de jure rights to de facto rights, to effect changes in the society.

Women's participation in political processes is impeded due to various social, economic,historical, geographical, political and cultural factors, thereby resulting in their minimalparticipation and even their exclusion. Illiteracy, women's triple burden, patriarchal values, lack of access and control over income and other resources, restrictions to publicspaces and insensitive legal systems continue to impair their effective political participation. This is compounded by the absence/inadequate availability of infra-structural facilities and support services to facilitate their participation.

There are no specific laws or policies so far, that can strengthen the grounds for politicaland economic empowerment of women. The Government has attempted to empowerwomen politically through affirmative action by providing for one-third reservation forwomen in local bodies, to ensure their participation at the local and district levels ofgovernance. While these initiatives have created the political space for women, they havenot been able to guarantee a non-discriminative or conducive environment for women toparticipate. However, even this legislative intervention in higher political bodies i.e.,State Assemblies and parliament is absent.

The mechanisms to facilitate and protect women in political participation are not in place,such as a strong supportive constituency particularly for women, increased awareness oftheir rights and responsibilities as elected members, training and information dissemination on governance processes, gender sensitisation of the male elected members, and so on. In the absence of these mechanisms, women would become subjectto negative experiences like no-confidence motions moved against women presidents andat times coercion. In the process, women may experience a backlash, which may act as anoverall deterrent to their future career prospects and re-entry into politics.

The effectiveness of women's participation continues to be evaluated against indicators that have been defined by men from a male dominant perspective that is non-gendered. While disadvantages continue to impede women's participation, the disparities between the sexes get widened because of the manner in which women's participation isperceived. For example, while the women's agenda prioritises issues like health,education, safe drinking water, etc., which have long-term benefits and returns, the men'sagenda primarily comprises of issues related to infrastructure that have immediate andtangible returns. Further, the resources that men give importance to are mostly financialin nature while women, because of their inability to mobilise financial resources oftenresort to human (women) resource mobilisation. Thus, while women may haveparticipated in the political field their participation often remains invisible. This comesout clearly in the analysis of the available gender insensitive data on politicalparticipation of women.

The 33 per cent reservation quota provided for women in the local self-governing bodieshave enabled several women, who had never been in power and even those illiterate, toenter politics. Historically Indian women, who have risen to power, have done so as aresult of familial or other elite connections and rarely because of the voting decision

orpower of a female constituency. As such these women have typically been moreaccountable to those who helped them get into power, i.e. their families, caste, or politicalparty connections rather than to their constituencies.

Thirty three per cent as a number denies them their voting majority on issues of concernto women and leaves them without the power to make the changes expected of them. Thiswould mean that even after an historic democratic experiment of such magnitude, amillion women would not necessarily have the majority in any given decision makingbody to actually make a difference. They need to gain the confidence and capabilities forcontesting elections to the local bodies against the unreserved categories, thus increasingtheir overall representation. However, at the levels of the higher political bodies, theabsence of reservation of seats for women has led to an increase in their powerlessnessdue to their representation being very low.

There is another concern also. If we see the background of those women who are finally successful to be elected, most of them are relatives of some established politician. In other words, it is very difficult for a common woman, who has no political linkage, to get elected in present scenario. There are many reasons for it. Political dynasty is a unique feature of the Indian politics which makes things easier for the concerned person. She has easy access to the resources of the established politician. She gets favour in cash/kind easily from party, workers and people. She does not have to start from scratch, rather she inherits or takes advantage of already made base by the established politician. She shots into fame readily, and hence easy campaigning. Also, people find it difficult to demonstrate faith in the credibility of a common woman who is contesting an election first time. Moreover, there are elites in every section like OBC, SC, ST, Minority who once got power, endeavour to restrict and to perpetuate it in their family only.

Finally, there is a legitimate concern that electoral quotas do not really have a long-termsolution. An environment should be created wherein women choose to come into powerbereft of their men's support, but on their own right, on their own terms and in a positionto build and sustain their constituencies.

Conclusion

If the status quo persists, women will continue to be under-represented, unheard and excluded from decision making processes. In the almost total absence of a conducive environment for women to enter into politics and lack of empathy by the larger society and the mainstream political culture, the government must take immediate action to ensure thatthe Bill be passed immediately.

Reservation significantly increases the access of disadvantaged groups to political decision making. While this brings or may bring to power a group of relatively inexperienced and less educated politicians, there is no evidence that this comes at the expense of the quality of decision making. The quality and quantity of public goods do not seem to be affected overall. There is also a significant re-allocation of the goods towards the preferred allocation of the group in power. A social welfare function would be necessary to determine whether this is on balance welfare-enhancing; but reservation clearly emerges as a powerful redistribution tool.

It is for the women's movement to demonstrate their political responsibility, not merely through the politics of protests, but also through direct intervention in the tasks of governance. And this is not possible unless larger numbers of women are present in all these bodies to collectively engender politics.

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POLICY PERSPECTIVES AND CHILD LABOUR

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Child Labour is a deep-rooted problem as it denies the child his/her basic right to education. This, in turn, leads to unskilled adult labour force, which causes early physical decay, economic insecurity, low quality of life and ultimately a high rate of poverty. Child labour is a vicious circle of poverty, unemployment, underemployment and low wages. Over the year, the Government grants are being released under National Child Labour Project (NCLP) have also seen a significant increase, which is translating into a higher number of rehabilitated children joining formal education in most of the states of India. However, the number of children working (4.9 million) is still worryingly high. Something that must bother not just policy makers but also well-meaning parents, citizens and the civil society.

Every child is a gift of nature – a gift must be nurtured with care and affection, within and outside the family. Due to socio-economic and cultural problems, the code of child centeredness was replaced by neglect, abuse and deprivation, particularly the poverty afflicted sections of the society. While child labour is a complex problem that is basically rooted in poverty culture and mindset. The strategy of progressive elimination of child labour is not an isolated phenomenon that can be tackled without simultaneously taking into account the socio-economic milieu that is at the root of the problem.

An International Moral Code of Right and Wrong Behaviour said that "human right and fundamental freedoms are the birthright of all human brings" and as a result such right may neither be granted nor be taken away by legislation.

The position of India in term of child labour is not an appreciable one; with a credible estimates ranging from 60 to 115 million, India has the largest number of working children in the world. Whether they are sweating in the heat of stone quarries, working in the fields 16 hours a day, picking rags in the city streets, or hidden away as domestic servants, these children endure miserable and difficult lives. They earn little and are made to work more. They struggle to make enough to eat and perhaps to help feed their families as well. Child labour is a conspicuous problem in India. Its prevalence is evident in the child work participation rate, which is more than that of other developing countries. Poverty is the reason for child labour in India. The meager income of child labourers is also absorbed by their families. The paucity of organized banking in the rural areas creates a void in taking facilities, forcing poor families to push their children in harsh labour, the harshest bonded labour.

The declaration stated, all ILO members have an obligation "to respect, to promote and to realize in good faith" a set of fundamental right which include freedom of association the

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effective recognition of the right to collective bargaining the elimination of all forms of forced or compulsory labour the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation. Millions of children in India today turned into child labor due to various socio-economic problems. According to one study, more than a quarter of the World's total number of child laborers are in the India and every third household in the country has a child labor.

Policy Initiatives :

The early Congress Party, led by Pt. Nehru was rationalist and socialist in its ideology. The Congress party projected itself to represent the interests of the 'nation' as a whole at the same time, the Congress came ot be influenced classes; said Pranab Bardhan.[2] Business groups played a significant role in early policy making, Chibber supported his observation. In his work in 2004.3 The Indian national Congress Party built its political support in the rural areas via upper-caste, laundering groups, in this way incorporated landed interest into the heart of the body politique this is the observation of Francine Frankel in her work of 2005.

No doubt, professional urban classes and the top echelon of bureaucrats exerted their influence on the state yet; the Indian National Congress party has never been a party of the Indian elite alone. During the freedom struggle, Mahatma Gandhi mobilized segments of the Indian Peasantry into the nationalized movement. In post-independence India Pt. Nehru's socialists commitments further broadened the social base for the Congress party. In practice, Pt. Nehru and his policies failed to make any significant dent in India's poverty. His emphasis on heavy industry meant the neglect of agriculture in practice, one finds, a set of policy decisions with serious negative consequences for India's poor. Much reliance was placed instead on re-educating the peasantry via community development programmes, and on altering the incentives of the land tiller via land reforms. Gunar Myrdal observed that the Nehruvian Policy was probably mistaken even in conception and given the poor quality of peripheral bureaucracy was certainly implemented very poorly. Gunar Myrdal observed this way back in 1968.

In India the abolition of Zamindaries was mainly a political phenomenon, in the sense that many zamandaries were allies of the British, they lost power as the nationalists gained and posed an obstacle to the Congress rulers' efforts to build political support in the periphery. It is, therefore, Congress rulers pushed hard in reducing the size of Zaminadari land holdings. However, the several subsequent rounds land reforms redistributing land above a certain 'ceiling', even ensuring the rights of tenants were mostly a failure. This fact has been highlighted by Herring in the study of 1983. The case of Bihar is not different. The similar kind of story is still unfolding in Bihar. Gunar Myrdal says on the whole, land reforms failed mainly because state authorities in India proved either unwilling or incapable of confronting powerful class interests in the countryside.

In brief, important factors contributing to the state's limited capacities on this score included the congress Party's incorporation of landed interests as pillars of party support in the rural Indian federal political structure in which, land redistribution was a responsibility of state governments, a less-than professional, lower-level bureaucracy that was readily co-opted system, a legal system that was based

in favour of property owners; and a relatively low level of mobilization and organization among the potential beneficiaries, all these went in the interests of propertied class of India.

Comparative Study of Bihar and Other States :

Over the decades the states in which poverty and incidents of growing number of child labour have come down, include Kerala, West Bengal, Punjab, Andhra Pradesh and Tamil Nadu, poverty and the number of child labour have come down the least in Assam, Jammu and Kashmir, Bihar, Madhya Pradesh and Rajasthan.

Atul Kohli writes the two states in which poverty has come down the most Kerala and West Bengal– are the states with long experience of left governments. All the southern states– Kerala, Andhra Pradesh, Tamil Nadu and Karnataka– are amongst the top half of the states in which poverty has come down the most.

Atul Kohli is of the opinion that India's BIMARU States– Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh are among the bottom half of the states, in which, the poverty has come down the least. Leaving important determinants of such patterns aside for example, irrigation, infrastructure, growth in farm yield, access to credit, the deeper explanation of such and its probabilities are in the nature of social and political power in these states. As a hypothesis, it may be put like this that the poverty has been reduced the most in states where effective governmental power rests on a broad political bases; in such case,, rulers with political will have been able to minimize the poverty.

Another important study that has been highlighted by Frankel and Rao in the year 1990, explains the well established fact that the narrow domination or Brahmins had been more effectively challenged in all the southern states relatively early in the 20th century. Since 1949, the political base of power in these states has generally been middle class and caste and in some instances even lower classes in the Hindi heartland narrow Brahmancial domination was challengked only relatively recently. Atul Kohli's observation is the state– level bureaucracy in the south has generally been superior to that of their North, reason being the broader socio-political base of the bureaucracy in power structure. Kohli writes, 'over years of field work' was repeatedly struck by a sharper sense offer professionalism among state– level burecrates, especially in Tamil Nadu more akin to the Indian Administrative Service (IAS) than to prevailing practices in Hindi heart land over the last several decades the Southern states have benefited more from the subsidized public distribution of wheat rice. The credit must go to populist leaders and a superior bureaucracy. With more effective bureaucracy, other poverty alleviation programmes, a variety of employment generation programme have been better implemented.

Local Self Government in India have quite ineffective in pursuing either redistributive policies or poverty alleviation programmes. Yes, there are some pockets of success but on the whole, panchayats have not functioned very well because of the complicity of corrupt local politicians and bureaucrats, on the one hand, the powerful among the upper caste and classes in the village society of India.

Bihar and Other States :

Ideologically we have four major political perspectives on Development in Bihar first, we have the centrist political party, the Congress party. On the eve of Indian

independence, for different reasons credit has gone to the Indian National Congress Party. It is the congress party which ruled the state for more than four decades except the intermittent rules by the opposition for a few years– Secondly, the Socialist party for which G.D.H. Cole has rightly pointed out that it is like a hat which has lost its shape because so many people used it. The latest incarnation – Janata Dal (United) is in the power since 2005, it is the broken away group of the self claimed socialist fraternity Janata Dal. Thirdly, the right wing Hindu Party – Bhartiya Janata Party, believes in the dictum, of Hindi, Hindu Hindustan. The party has been unable to distinguish itself from the Congress party in its economic programmes and policies. Practically, there has not been any difference. Fourthly, we have different hues of communist parties treading their different paths and therein lays the political defeat. Since the year 1990 the congress party has lost its credibility. It has been because of its organizational structure, the lack of visionary local leadership, programmes and policies. The self introspection is on the top of the agenda within the right thinking ranks and files of the party.

Main concentration is on the present regime which has been in power since 2005. Since then, Bihar has witnessed a decisive shift from the past governments to the Good Governance. The present regime is trying its best to live up to the wishes, aspirations and expectations of the people. Apart from the recent few unfortunate developments at Madhubani and Gaya where some innocent people have been beaten up and students lost their lives in police firing. The law and order situation has been fairly good. The peace and harmony is the pre requisite or progress and prosperity in any society. The Government has been able to accomplish that goal in a very short span of time. Today one of the most backward State Bihar is the role model for the state Governments of India. The bedrock of Indian democracy, local self Government (the panchayati raj institutions) has been further strengthened by the legislation for women in order to ensure their further participation upto 50%.

Growth with justice is the catchword land to the shelter less Maha-Dalits is on the top of the agenda, the OBCs and the EBCs are quite enthusiastic in getting their due share in political power, and demanding the similar share in the productive assets. As a matter of fact their aroused aspirations are difficult to the fulfilled only through a populist measures and the State cannot be at the top of the advanced States of the Indian Union without the dignity of labour, land to the tillers, meaningful quality Higher Education, maximization of production and in turn increase in the per capital income and further improvement in the quality of life of the society.

The present leadership has taken many positive initiatives. School going children are getting their dresses and bicycles. After many years of vacancies, the posts of teachers are filled up, about 72,000 (Seventy two thousand) elementary schools are getting their proper building, the transport system along with roads and some of the buses has been improved beyond recognition, the law and order situation has improved significantly; it is because of speedy trial that most of the dreaded criminals are behind the bars. The incidents of kidnappings and extortions are rare. Hence, the positive administrative measures have contributed enormously in the double digit growth rate of Bihar. The GDP (Gross Domestic Product) is better than the so called advanced States of India.

A comparative study of Bihar and developed stated like Karnataka suggests that Bihar has a better track record so far the question of political stability and the corruption at the top echelon of the duly elected representative Government is concerned. So is the case with Maharastra, ten thousands of farmers committed suicide. The corruptions related to land and housing corporations have rocked the state. The question of extreme regionalist is against the spirit of the constitution and the gross violation of the fundamental rights of citizens, which may prove detrimental to the national unity and integrity of India. The 'of the soil' theory is a theory of Balkanization of the country and must be condemned. Gujarat is another extreme case of sectarians. A comparative study of the two Heads of the Governments– Bihar and Gujarat their perceptions and orientations towards welfare schemes are well known to the people at large.

Table-1 : S.ocial Structure in Bihar

Year	Population	Sex Ratio	Child Sex ratio	Urbanization
2011	103,804,637	916	933	11.30%
2011	82,878,796	919	942	10.47%

Table-2 : State of Edu.cation in Bihar

Year	Male	Female	Total
2011	73.39%	53.33%	63.82%.
2011	59.38%	33.12%	47.00%

Table-3 : School and Enrollment in Bihar

Year	Primary School	Children enrolled	Teachers	Teachers Students
2011	71031	1.95 Crore	3.25 Lakh	1.50
2005	52112	1.40 crore	1.14 Lakh	1.90

Table-4 : Public Health Scenario in Bihar

Year	Child mortality rate	Year	Mortality rate among mothers	Vaccination
2009	52 per thousand	2010-11	261 per lack	68.0%
2002	61 per thousand	2003-05	371 per lack	18.6%

Bihar is facing the tremendous challenges of development. The explosion of population. Limited quality human and material resources, uneven geographical landscapes, vagaries of weather, no irrigation with the electricity, the second lowest per capita income in India i.e. next to Orissa. Higher education without plan and objective, in fact, rudderless boat in the sea, no investment in research and development, little scope in the field scientific and technological innovation, in planning and its implementation. However, it has set the goal of development through empowerment unlike the previous regime the present political regime is a committed one. Despite the fact that the state government does not have sufficient capital at it is disposals to carry forward the ambitious project of socio-economic transformation. A lot of positive initiatives have been taken up by the government.

The out migration of the educated and uneducated youth is still a major challenge. We have not been able to achieve anything concrete in the filled of Higher education. The reason is best known to the policy makers themselves. No society can make proper progress without quality higher education. It is the idea which moves the world : the idea may not come only through the mere universalisationof Elementary Education. One may not believe in the Mcaulay's policy of colonial policy of limited standard of education for the native Indians. Therefore, we must to something essential to strengthen higher education in Bihar which in turn, will contribute to the holistic development of the youth, revenue losses of the state, quality job opportunities for them within the state. The assemblies Election of 2010 are the testimony to the positive initiatives of the state government the massive mandate is in its favour it is against the feudal mind set, the massage is loud and clear it is for the secular, democratic and progressive Bihar and castes and communal forces have been rejected thoroughly. Hence, the future belongs to Bihar. The current trend in the migration of child labour has witnessed a slow pace. It has not been checked completely as the incidents of poverty and illiteracy have not been checked properly.

However, our polity should not get influenced by demands made by the voluble and privileged majority and thereby implement policies that detrimentally affect the silent majority. In a representative democracy, the wishes and dreams of the silent majority should matter at least as much, if not more, than that of the voluble, privileged minority. The trade unions represent 15% of the workforce that works in the organized sector and is therefore substantially more privileged than the 85% majority that works in the unorganized sector. The trade unions represent the privileged minority that gets several benefits such as leave, retirement benefits, insurance that the silent majority can only dream of.

In spirit, politicians catering to this voluble minority are no different from politicians pandering to the religious minority. When such pandering on religious lines is denounced as pseudo-secularism, why shouldn't similar catering to an economically privileged minority by described as pseudo-secularism? Why is criticism of such pseudo-secularism not even on the agenda of any political party?

Yet, it is both fair and tactical for political parties to not advocate pseudo-socialism. After all, in a true democratic setup, it is fair that the dreams and aspirations of the entire population, and not just a small minority, are reflected in the policies of the government of

the country. In fact, fairness would also demand that the policies cater disproportionately to the dreams and aspirations of the have-nots even of they hurt the interests of the haves.

Instead, current policies do exactly the opposite. For instance, all the hurdles imposed by labour laws on the firing of employees prevent employers from firing some of the unmotivated and/or unproductive permanent works. This is so despite the fact that any of the scores of equally qualified members from the silent majority would be doubly motivated if given the chance to replace such incumbents. Similarly, trade unions' insistence on the government bleeding to keep alive loss-making public sector enterprises favours the incumbent workers in these enterprises at the cost of opportunities to the silent majority. 'Directing tax payers' money away from loss-making enterprises to productive, profitable public sector enterprises would create many more jobs in the economy.

The privileged 15% accounts for less than 0.03% of the voting population on average in the 500 odd parliamentary constituencies. In contrast, the silent 85% can account for close to 0.2% of the voting population on average in any such constituency. And policies that help corner 0.2% of the vote are much more likely to swing an election than policies that help corner less than 0.03% of the vote. Even if one accounts for waves that can influence all constituencies, the silent 85% represents six times as many votes as the voluble 15%.

Of course, policies benefiting the unprivileged 85% need to be implemented in the first half of a government's five-year term so that the incumbent political party can reap the electoral rewards from its policies. While such policies do involve greater risk, they can generate disproportionately greater electoral rewards than policies that cater to the privileged 15% only.[12]

The CPM used land reforms in West Bengal in its initial years to empower the landless and thereby generated a loyal vote bank that remained grateful for three decades. Similarly, jobs created in the organized sector can provide the best form of social and financial inclusion for the unprivileged 85% that gets economically uplifted from one of its members getting a job in the organized sector would remain grateful for a long time. Thus, any political party that has the courage to chose this course of action can generate disproportionate rewards, besides serving the country well.

CONCLUSION :

The process of growth is unlikely to face the challenge of poverty and child labour The prospect of making India's growth processmore inclusive is not encouraging. Even if the rapid growth continues it may not necessarily and automatically 'trickle down' and help the poor, and it cannot check the further incident of child labour and poverty in India. The capacity of Indian states to implement pro-poor, redistributive policies has always been limited. This limitation is because of the emerging alliances in India. This alliance at its core is an alliance of state and capital for growth. The growth has already lost its significance for the poor. It highlights the poverty of anti poverty programmes. The gap between the rich and the poor is increasing like anything. The present demoeratic set up is unable to address this challenge in the era of crony capitalism; although, the role of trans national capital is yet to be studied properly.

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INDO – ASEAN PARTNERSHIP

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ABSTRACTS

The ocean especially the high seas always remained the core of global geopolitics. According to the UNCLOS the high seas are global common and therefore free from regulations of any nation had resulted in the power play in the oceans. The increasing prosperity and power of the Asian region countries has made the Indian Ocean region strategically important has attracted the mighty military powers and of all around the world and all the major powers like the United States, China and Japan are increasing their presence in the Indian Ocean region. The increasing military strength has directly challenged the marine environment and security of the IOR but the unfortunately most of the countries in this region are unprepared to meet these emerging challenges due to their poor technology, weak infra structure and research quality. The IOR has strong historical links with the ASEAN and India. The sea channels of the IOR are commercially and strategically important for both India and ASEAN and such power play is creating unease for both. For the Indians the India and ASEAN Indian Ocean is perceived as the nation's backyard and any activity causing damage to the environmental and security is direct threat to the economy, environment and security, while for Beijing and Washington, the region is regarded as a domain for protecting commerce, national security objectives, and for projecting power and therefore they are reluctant to the environmental and security threats caused by them. In such situation the Indo ASEAN partnership can be major instrument in counter balancing the power play, managing the peace, environmental security and maritime security in the Indian Ocean region. The current paper intend to explore what are the scope and objectives of the Indo ASEAN cooperation to attain the common goals of maritime security and environmental protection in the Indian Ocean and pathway to attain this. The another focus would be what are capacities and challenges in this cooperation.

***Key Words :** Geopolitics, UNCLOS, IOR, Maritime Security. Counterbalance*

The term Indian Ocean Region includes the Indian Ocean and the countries rimming it. The IOR is home to about 2 billion people and serves as a global energy highway with nearly 50 percent of the world's container traffic and 70 percent of the world's petroleum products travelling through its waters. In a complex, globalized and interdependent world, the IOR could be the global commons that is most contested amongst the great powers (Sharma 2014). This has been divided into five sub regions —

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1. Middle East and Gulf,
2. Red Sea and Horn,
3. East Africa and Sub Sahara
4. South Asia and
5. Southeast Asia/Oceania.

The Indian Ocean, the third largest ocean in the world (after the Pacific and the Atlantic), occupies approximately 20 percent of the Earth's sea surface, covering a total area of 73.56 million square miles. It is bounded to the north by the Indian subcontinent; to the west and northwest by the east African coast and Arabian Peninsula, respectively; to the east by Thailand, the Malay Peninsula, Indonesia, and Australia; and to the south by the oceanic margin with the Southern Ocean at latitude 60°S, the northern limit of the area covered by the original Antarctic Treaty (1959). The western extremity of the Indian Ocean is delineated from the Atlantic Ocean in two places— at the Suez Canal, and at the meridian running south from Cape Agulhas in South Africa. At its easternmost extremity, the Indian Ocean touches the Pacific Ocean at the 147°E meridian, running south from South East Cape on Tasmania to 60°S latitude. The northernmost extent of the Indian Ocean is the Iranian port of Bandar Imam Khomeini in the Persian Gulf. In addition, the Indian Ocean encompasses several regional seas and sea areas: the Andaman Sea, the Arabian Sea, the Bay of Bengal, the Great Australian Bight, the Gulf of Aden, the Gulf of Mannar, the Gulf of Oman, the Laccadive Sea, the Mozambique Channel, the Persian Gulf, and the Red Sea (Michel and Sticklor : 2012).

The IOR per se has unique political challenges. The three basic challenges for this region have been identified —

- The western part of the IOR is the gulf countries and Iran shape the energy export to the global market and thus play critical role in the global economy. This area per se is the high risk zone for the military conflict.
- The central part of IOR is always under threat of nuclear war due to emerging tension between India and Pakistan.
- The third and most critical is that overall stability of the flow of shipping and maritime traffic through the IOR impacts on the exporters on the global basis, affects the flow of energy export. The overall security of maritime traffic throughout the region is the key strategic priority in the nation outside IOR and the major trading nation within the IOR sea lanes are globally connected.

The focus of this article is third issue the third issue and explore; what Indo ASEAN partnership can contribute in maintain the maritime security in the IOR. The paper would be divided into five sections. The first section would discuss why Indian Ocean region has emerged as the core of geopolitics? The second would explain why Indian Ocean is important for both India and ASEAN? What are the core geopolitical issues in the IOR? The third section would discuss current strategic scenario and power game in the IOR and its implications for the India and ASEAN? The forth section would explore the what India and ASEAN relation can cooperate for making a peaceful IOR and what are the impetus and challenges in this cooperation and collaboration? The last section would be conclusion of the discussion.

The high seas are the core of geopolitics because of three reasons: first: according to

United Nations Convention on the law of Seas (UNCLOS) because it is free from regulations and control of any nation. This means that any nation can use the ocean for the purposes of trade, for defense without infringement other's sovereignty subject of course to certain international agreements. This the actual reason given the birth of power play in the high seas. Second this slice of sea is used for shipping channel for all the purposes whether strategic or commercial. Third; this zone is regarded as global common for any sort of commercial activities like fishing, mining explorations for all the countries of the world. This principle is simply based mightiest would be the winner. The high sea of the world oceans are now changed into battle field. Navigation of commercial ships through the high seas has become a reason of increasing piracy and creating challenges for the governancewhere as the navigations of warship has given birth to power game in the high sea..The Indian Ocean is also not immune from this. The disintegration of the USSR and coming into force of the UNCLOSIII in 1994 fuelled the overt confrontation most evident in the Asian waters due to cessation of the super power's power play (Khurana 2004).

Emerging Geopolitics in the Indian Ocean:

The sea lanes in the Indian Ocean are considered among the most strategically important in the world— according to the *Journal of the Indian Ocean Region*, more than 80 percent of the world's seaborne trade in oil transits through Indian Ocean choke points, with 40 percent passing through the Strait of Hormuz, 35 percent through the Strait of Malacca and 8 percent through the Bab el-Mandab Strait. The commercial importance of the Indian Ocean made it centre of power game also. More than half the world's armed conflicts are presently located in the Indian Ocean region (De-Silva and Ranasinghe 2011).[1] Because of high growth rates recorded by the economies of China, India, and other countries in southern and eastern Asia, experts are predicting that the world's economic centre of gravity will gradually shift to the East (HCSS 2010) The growth of these m economy has fostered the demand for energy for the growing and expanding industrial sector.In order to meet the energy needs of their burgeoning industries and expanding populations. In the coming decades, these economies are dependent upon the Middle East and Africa.This would increase the importance of Sea Lanes of Communication (SLOC). The thirteen of the world's Busiest ports are located in Asia are directly dependent of the safety of the SLOCs of the Indian Ocean for their business. The SLOCs of the Indian Ocean has been shown in the map I.A.

The littoral states of the Indian Ocean possess more than two thirds of the world's oil reserve, and roughly 35 per cent of the world's gas reserves, 60 per cent of uranium, 40 per cent of gold and 80 per cent of all diamond deposits. It has served as a catalyst for many nations. Japan imports almost 90 per cent of its oil from the IOR, Italy 85 per cent, Britain andGermany 60 per cent and France almost 50 per cent. Indian Ocean is also important because of the industrial raw materials it possesses like lithium, beryllium, zirconium, thorium, coal, iron, copper, manganese, tin, bauxite, chromite, nickel, cobalt, vanadium and phosphates (Michel, Fuller & Dolan, 2012). Indian Ocean is not just a geographical entity but in the modern the world context it has assumed a special

significance in the context of Islam based politics including energy politics. It is also important of growth of terrorism and emergence of China and India as economic and military power has added a new dimension to Indian Ocean politics and other powerful nations including the US seeing it as potential theatre of rivalries.

Challenges in the Indian Ocean :

The Indian Ocean and its contiguous waters present a plethora of security and legal issues. Its centrality, the emerging multi-polar influences will continue to converge and will be further catalysed by the strategic sea-lines and the significance of West Asia, a sub-region that remains volatile and unstable. Besides, the Indian Ocean is located at the crossroads of terrorism originating from 'two banks' to its west and east that are hotbeds of Islamic fundamentalism, thus making it a *de-facto* 'lake of jihadi terrorism'. The region has hardly any security bonding because the existing institutions are mostly confined to the economic issues. The threats to freedom of navigation in the IndianOcean may be broadly divided into three categories:

India and ASEAN Interests and challenges in the Indian Ocean Region:

Rising prosperity in Asia, growing dependence on natural resource flows linking producers and consumers across the Middle East, Africa, and Asia, and globalized supply chains and distribution networks are knitting the region ever more closely together by sea. At the same time, emerging problems ranging from piracy and territorial disputes in the regional seas to global environmental pressures on coastal and marine resources pose significant governance challenges for maritime policymakers around the IOR (Michel and Sticklor:2016). Both India and ASEAN nations have their coastline in the Indian Ocean and all have their commercial and strategic interests in the Indian Ocean Region. Geographically India is located in the centre of the Indian Ocean and having 7500 kilometres coastline (Jaishankar 2016). The dominance to preserve the shipping lanes for free navigation would strengthen the strategic position of both India and ASEAN that is clear from the locations of the SLOCs. The Sea Lines of Communications (SLOCs) are important for the concerned states within Asia, Europe and Americas. They are regarded as those strategic waterways whose location limits the amount of circulation that could bypass and whose alternative ways may increase not only the commodity's price but also add up extra days for transferring the same. Three main characteristics define the chokepoints to be resources i.e. Physical characteristics, Usage and Access (Rodrigue, 2004). Therefore, to use chokepoints as resources states concerned are required to overcome any obstacle in a way to ensure these three (Fatima and Jamshed 2015)

The free and safe navigation in the shipping lanes are depended upon the maritime security for large extent. The term maritime security has two aspects; traditional and non traditional. Traditional maritime security threats, involving defence against military threats and the protection of national interests and sovereignty. These are normally considered national matters and outside the scope of multilateral security forums. Non traditional security threats are environmental threats and illegal fishing (Bateman:2011).

Currently three factors impeded he free and safe navigation in the Indian Ocean first interstate conflicts, second non states actors and third is natural causes.

Inter-State Conflicts :

The first category is a classical inter-state maritime conflict, can be initiated by a seemingly benign show of maritime might for assertion of sovereignty, such as Indonesia's closure of the Sunda and Lombok Straits in 1996 to demonstrate a resolve so as to enforce interpretation of its Archipelagic status. The article76 of UNCLOS III extended the jurisdiction of states over adjoining maritime zones, has fuelled confrontations among neighbours. Moreover, despite efforts to make it comprehensive, it enfolds ambiguities, the varied interpretations of which are potential sources of conflict Sea mining is the most inexpensive form of maritime warfare and can cripple sea-borne trade particularly at vital choke points. Of course, the economic stakes involved today necessitate security of the SLOCs for trade flow and make a full-scale maritime conflict unlikely in the near future. However, the same cannot be asserted for the long term, when the demand for resources may revive such conflicts (Khurana:2004).

Piracy and Maritime Crime :

Piracy and maritime crimes is major issue in the Strait of Malacca which has been declined in 2005 but recorded a significant increase in the year 2008. The two major areas in the Malacca Strait threatened by piracy; one is the Strait of Riau Archipelago and another is in the northern Malacca strait between Sumatra and the western coast of Malaysia. The analysts have argued that the poverty, unemployment and overpopulation of Indonesia and lack of infrastructure is contributing towards such problems in this region (Simon 2010). The Mozambique strait is under frequent attacks by Somali pirates. Although Mozambique borders this essential and second longest coastline after Somalia, it lacks resources to police the channel on its own.

Apart from interstate disputes and piracy the Indian Ocean's trade routes are also used for the trafficking of drugs, people, and small arms by international criminal organizations. The Indian Ocean has emerged as an important transit route for the narcotic trade from the Golden Triangle (Myanmar, Laos, and Thailand) and the Golden Crescent (Afghanistan, Pakistan, and Iran) to the West and Far East. In the near future, criminal organizations will probably continue to use the Indian Ocean waterways for their activities. In addition, terrorist organizations are known to participate in the illegal drug trade to finance their operations, thereby blurring the lines between the activities of terrorists and organized crime.

Shipping Lanes of Indian Ocean:

The Indian Ocean enjoys a privileged location connecting the major engines of the international economy in the Northern Atlantic and Asia-Pacific. The shipping lanes in the Indian Ocean have been shown in the map.

1. *Strait of Hormuz*is one of the world's most important waterways or chokepoints that connects the oil fields of Persian Gulf, Gulf of Oman and the Indian Ocean an outlet to the largest oil producing states of the Persian Gulf to an open ocean. Any disruption in this strait has direct effects on the global economy leading to the sharpening of oil prices and disrupting the energy supply.
2. *Strait of Malacca* linking the Indian Ocean with South China Sea and Pacific Ocean is most important for the ASEAN nations. It lies between Malaysia, Singapore and

Indonesia. It connects the Indian Ocean with the South China Sea and the Pacific Ocean and serves as the shortest route between the Persian Gulf and its markets in Asia. Despite it is a narrow channel and presence of tiny islands and shallow reefs that brings it to the centre of the risk of collision (Massey, 2008) it has served its large capacity as it carriesoil all the way coming from the Persian Gulf through the Indian Ocean, by crossing the strait to the South China Sea and to the Pacific Ocean towards South Korea, Japan, China and other Pacific Rim states. Strait of Malacca accounts for approximately 30 per cent of the world's trade and around 80 per cent of the petroleum imported by China, Japan, South Korea and Taiwan through this strait (Rumley, Chaturvedi, Yasin:2007).

3. *Bab-el-Mandeb* is the third most busiest and important waterway which connects the Indian Ocean with the Red Sea by way of Gulf of Aden. This strait carries most of the European crude oil imports as it allows the tankers to carry oil from the Persian Gulf through the Suez Canal and then from a pipeline to Europe and United States of America. The strait has the capacity to cater 3.3 million barrels of oil per day from the Persian Gulf. On the other hand the approximate flow of oil passing through the Suez Canal to Europe and America accounts for some 2.1 million barrels per day (Rodrigue, 2004). In an event of closure of this strait, the alternative route is Cape of Good Hope. But then again the transfer of oil tankers all the way from Cape of Good Hope to Europe and America shall increase the shipping cost.

4. *The Sunda and Lombok straits:* The strait of Sunda and Lombok are usually counted as the alternative routes in the event of closure of the Strait of Malacca. The Sunda strait lies between the two Indonesian Islands of Java and Sumatra while connecting the Java Sea with the Indian Ocean. The shallowness and the tidal waves make navigation tough through this strait. The Lombok strait which is another alternative route to the Strait of Malacca lies between the two islands of Bali and Lombok is a safest route and is much wider, deeper and less congested than the Strait of Malacca but it is longer and thus costlier.

5. *Mozambique Channel* lies between the island nation of Madagascar and South east Africa is highly strategic waterway which carries almost 30 per cent of the world's oil trade and almost 100 per cent of the South Africa's maritime trade.

6. *Ten Degree Channel* lies between the two Indian Islands of Andaman and Nicobar while the *Six Degree Channel* lies between the Indian Island of Nicobar and Indonesian Island of Sumatra. As these two channels are close to Indian territories in the Indian Ocean, their significance to India is of great deal.

Indo-ASEAN Partnership and Maritime Security :

Geographical proximity provided both India and ASEAN to work and cooperate to develop closer security ties on maritime issues in the Indian Ocean. The Andaman Nicobar Islands, which are located near the Strait of Malacca, are geographically closer to ASEAN than India. India signed boundary demarcation treaties with Indonesia, Myanmar

and Thailand. This made has interwoven the India's commercial and strategic interests with the ASEAN. D Ramakrishnan —

"Given the increasing salience of maritime trade and energy security for India, the safety of sea lines of communication in the ASEAN region is crucial. India has recognized that a peaceful and prosperous ASEAN that straddles vital sea lines between the Indian and Pacific Ocean is in its best interest." (2017)

Since the early 1990s, the Indian Navy has taken an active role in extending India's political and strategic reach into Southeast Asia, conducting a coordinated program of naval diplomacy and promoting itself as a benign provider of maritime security. An expansion of Indian naval influence throughout the region has been encouraged by the US (Brewster 2011). The Malacca Strait, the primary point of transit between the Pacific and Indian Oceans and a maritime "choke point," has become a major focus of India's regional maritime strategy. Foreign Minister Jaswant Singh commented, "An uninterrupted access to the Malacca Strait and the South China Sea, vital for the economies of the ASEAN region and India, needs to be ensured."According to the Indian Navy's 2004 Maritime Doctrine —

"By virtue of geography, we are ..... in a position to greatly influence the movement/ security of shipping along the [sea lines of communication] in the [Indian Ocean region] provided we have the maritime power to do so. Control of the choke points could be useful as a bargaining chip in the international power game, where the currency of military power remains a stark reality."[2]

The main forum for ASEAN security dialogue is the ASEAN Regional Forum (ARF). India has been attending annual meetings of this forum since 1996 and has actively participated in its various activities. The ASEAN Defence Ministers' Meeting (ADMM) is the highest defence consultative and cooperative mechanism in ASEAN. The ADMM+ brings together Defence Ministers from the 10 ASEAN nations plus Australia, China, India, Japan, New Zealand, Republic of Korea, Russia, and the United States on a biannual basis. Defense Minister attended the 3rd ADMM Plus held from 4-5 November 2015 in Kuala Lumpur. Expanded ASEAN Maritime Forum (EAMF) is an avenue for track 1.5 diplomacy focusing on cross cutting maritime issues of common concern. India participated in the 4th EAMF held in Manado, Indonesia on 10-11 September 2015.[3]

India is a signatory of ASEAN Regional Forum (ARF) Ministerial Statement on Enhancing Cooperation among Maritime Law Enforcement Agencies. The Foreign Ministers of the ASEAN Regional Forum (ARF) 2016 in Vientiane, Laos presented an agenda for the maritime security in the Indian Ocean. Its objectives were to develop concrete and effective regional responses to maritime security challenges and other maritime challenges as stated in the Hanoi Plan of Action to Implement the ARF Vision Statement and the ARF Work Plan on Maritime Security (2015-2017). It called for cooperation among the member nations to promote concrete and practical cooperation between their respective Maritime Law Enforcement Agencies of the ARF participants, including by: Actively cooperating, and building capacity in implementing international instruments on safety of navigation such as the International Regulations for Preventing Collisions at Sea (COLREGs), and the International Convention

for the Safety of Life at Sea (SOLAS); Sharing experience and best practices in managing incidents at sea and dealing with maritime security challenges; and best practices in handling fishing vessels of other countries and their crews; Continuing existing activities, including joint coordinated patrols, intelligence and information exchange, and exercises to combat piracy, armed robbery against ships at sea and other transnational crimes, and exploring new areas of possible cooperation in order to help promote safe and secure sea.[4]

Both India and ASEAN stressed on the maritime security and freedom of navigation during India-ASEAN Commemorative Summit 2018. Both the sides issued a Delhi Declaration which reaffirmed "the importance of maintain and promoting peace, stability and maritime safety and security, freedom of navigation and over flights in the region and other lawful uses of the sea and unimpeded lawful maritime commerce and to promote peaceful resolution of the disputes in accordance with universally recognised principles of international law, including the 1982 UN Convention on the Law of the Sea (UNCLOS), and the relevant standards and recommended practices by the International Civil Aviation Organization (ICAO) and the International Maritime Organisation (IMO),"[5] The declaration said the both sides will strengthen maritime cooperation through existing relevant mechanisms including the Expanded ASEAN Maritime Forum (EAMF) to address common challenges on maritime issues.

Sending across a strong message to China, India and the ASEAN nations stressed on maritime security and freedom of navigation through the critical sea lanes. China is involved in a territorial dispute with several countries including Brunei, Malaysia, Indonesia, the Philippines, and Vietnam. India has become successful in developing strong defence relationship with Singapore and Vietnam. Singapore is a small but key player, at the tip of the Malacca Straits, facing north-westwards towards India and north-eastwards towards China. Despite Singapore's Chinese ethnic background, she has pursued close military-security cooperation with India since 1994, strengthened with their Defence Cooperation Agreement of 2003. A significant message was sent in 2005 when the India-Singapore SIMBEX naval exercises took place, not in their usual Bay of Bengal/ Malacca Straits setting, but eastwards in the South China Sea, an area claimed by China. Other Indian naval deployments into the South China Sea were carried out in 2000, 2003 and 2004 (Scott 2008).

India has been maintain good diplomatic relations with Vietnam. Both Vietnam and India have unresolved territorial disputes with China, both have China as a looming northern land neighbour, and both have faced war with China (India in 1962, Vietnam in 1979). Moves towards military cooperation were already evident by the mid-1980s.76 An initial India-Vietnam defence agreement in 1994 was further strengthened by a joint protocol on defence cooperation in March 2000 which included sharing of strategic threat perceptions and intelligence.

Challenges in India ASEAN Partnership:

India started engaging with ASEAN in 1992 through a sectoral dialogue partnership. In 1996, India was welcomed as a full dialogue partner. In the subsequent years and decades, India joined the ASEAN Regional

Forum (ARF), East Asia Summit (EAS), ASEAN Defence Ministers Meeting Plus (ADMM Plus), Expanded ASEAN Maritime Forum (EAMF), and several other platforms commonly shared with ASEAN. While there is a broad consensus among ASEAN states in favour of India playing a more active security role in Southeast Asia, there is no clear understanding among them as to what that role should be. Nor has India melded its bilateral defense relationships with ASEAN states into a coherent regional strategy, which to a significant extent reflects New Delhi's own systemic failures in strategic planning as well lack of coordination among the ASEAN members. Rather, each of India's defense relationships with ASEAN states is currently driven more by their own dynamics and circumstances. India has relatively good defense relationships only with two states, Singapore and Vietnam, while its security relations with other states such as Indonesia, Malaysia, and Thailand remain at a relatively limited (Brewster 2013).

The another hurdle in Indo ASEAN relationship is poor connectivity in which China has attain a clear cut advantage over India.With Myanmar becoming the part of ASEAN, India and ASEAN now share a land boundary. Apart from this India shares maritime frontiers with three ASEAN members namely, Indonesia, Thailand, and Myanmar and shares its Exclusive Economic Zone (EEZ) with Malaysia. The presence of Indian diasporas and Singapore is another enduring bond (Ramkrishnan 2017). Despite all these India has not become successful in developing connectivity with its ASEAN neighbours. Two major connectivity projects, viz., the Trilateral Highway between north-east India and Myanmar and onwards to Thailand (and Laos and Vietnam) as well as the Kaladan multi-modal transit and transport project, have been under implementation for several years (Sajjanhar 2018).[6]

The ARF where India ASEAN are together has been proved unable to address the more critical regional security issues, including largely side-stepping the South China Sea problem, and maritime sovereignty disputes more generally(Bateman:2011).

China Factor in Indo ASEAN Partnership :

China is increasing its power play with naval presence in the Indian Ocean, which is viewed as emerging security threats by India. The Chinese increasing strength in the Indian Ocean is guided by major security interests. First is its goal of emerging as a dominant and great power in the South Asian region and to mitigate security advantages of India in the Indian Ocean. The String of Pearls Strategy is the manifestation China's geopolitical influence by enhancing its access to its ports, airfields developing special diplomatic ties and modernizing military forces that extends from South China Sea through the strait of Malacca, across the Indian Ocean and Arabian Sea. For fulfilment of this objective China has started to build ports and military bases to facilitate its energy supply along the sea line of communication (SLCOS) (Robinson 2017). Threatened by Chinas rise, India has expanded its naval presence from as far west as the Mozambique Channel to as far-east as the South China Sea. It has been establishing naval staging posts and listening stations on the island nations of Madagascar, Mauritius, and the Seychelles, as well as military relationships with them, precisely in order to counter China

s own very active military cooperation with these states. With a Chinese-Pakistani alliance taking shape, most visibly in the construction of the Gwadar port, near the Strait of Hormuz, and an Indian naval build up on the Andaman and Nicobar Islands, near the Strait of Malacca, the Indian-Chinese rivalry is taking on the dimensions of a maritime Great Game. This is a reason for the United States to quietly encourage India to balance against China, even as the United States seeks greater cooperation with China (Kaplan 2009).

Power play in the Indian Ocean :

Indian Ocean's location and straits and natural resources are three major factors contributed towards its increasing geostrategic importance. The US interests in the Indian Oceans are manifold, the economic interests revolve around the need to ensure access to Persian Gulf oil for itself and its allies. Western Europe and Japan which were American allies approximated 75 per cent and 90 per cent of consumption, respectively, at the time of the 1973-4 embargo. Despite the current glut in worldwide oil supplies and falling prices, the Persian Gulf oil is important for the energy reserves. A related but distinct interest is the concern of the US to maintain sea lanes of communication (SLOCs), particularly through vital choke points such as the Straits of Malacca, Bab el-Mandeb, and Hormuz (Dowdy and Trood 1983). The Indian Ocean is strategically important in the US foreign and defense policy. The US naval and air support facility and logistics base in Diego Garcia features a most intensive and substantial deployment. During the Cold War, it was the US Strategic Air Command's hub for deploying nuclear armed B-52 Strategic bombers against the Soviet Union. The enormous basing potential in terms of its natural harbour and anchorage facilities allows it to bring in US naval carrier task forces within its vicinity, and has been staging area for US aerial attacks against the Taliban in Afghanistan 2001 onwards, as well as in the Iraq theatre of operations 2003 onwards. Diego Garcia has a very significant basing and logistical array of operational capabilities, with semi-permanent anchorage of US warships and fast attack nuclear submarines, a fleet of logistical ships to deliver pre-positioned equipment sufficient for the US Army and Marine Corps brigades. Diego Garcia supports the US Conventional Global Prompt Strike and a regional hub for Signals Intelligence (SIGINT), and Electronic Intelligence (ELINT).

The strategic manoeuvring of the US and China form the prelude to an era of renewed maritime rivalry. Both India and ASEAN nations are unable to counterbalance the US and Chinese naval presence in the Indian Ocean due to their limited financial and military strength. One more very important factor is that many ASEAN countries are political unstable like Myanmar. The countries like Indonesia and Malaysia finds itself vulnerable in patrolling the Strait of Malacca. Although India has been modernizing and improving its navalcapabilities since the late 1990s, it currently lacks the expeditionary capability todeploy forces on a permanent basis beyond the reach of its bases. India's defense expenditure in the maritime security is very less as compare to Chin and the US. Nevertheless,India's geographical position provides it with considerable strategic leverage, asit is located along the major transit route and it possesses several smaller islandsacross the ocean (HCSS 2010).

Conclusion :

The Indian Ocean region despite its poverty underdevelopment is geopolitically significant due to its resource endowment and shipping lanes. The shipping lanes of the Indian Ocean are strategically important due to the location of the Indian Ocean, their connectivity to oil producing nations to the rest of the world. All these has provided an impetuous to major powers to dominate this region on the basis of their naval capacity. The US which is an extra regional power is the largest investor in the making military build up in the Indian Ocean. China is raising its presence in the Indian Ocean through all method, military and diplomacy (String of Pearls). Both India and ASEAN perceive these development and military manoeuvring as the defence threat but unable to counter this unilaterally. Therefore, India has extended its cooperation with the ASEAN in the area of maritime security to make more stable IOR which is crucial for India's defense interest. But these is quiet difficult task for India because of many factors like limited budgetary capacity and political instability in the ASEAN nations. The China which has a clear advantage in all the fields due to its economic relations and better connectivity with the ASEAN nations is presenting stiff challenge for the Indo ASEAN partnership in the Indian Ocean. But there are many factors like China's dispute with some of the ASEAN members, India' strong relations with Singapore and Vietnam and some improvement in the relations with Indonesia and Myanmar has opened the door for this partnership. But despite this fact that India and ASEAN are natural partners in the Indian Ocean and shared interests this partnership is still missing its proper direction, where these two has to convince that geography is strongest bound between these two has made it mandatory to collaborate and cooperate to make a more stable Indian Ocean Region (IOR).

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PANCHAYATI RAJ : OBSTACLES FACING BY WOMEN MEMBERS IN PARTICIPATION

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ABSTRACT

Women face obstacles to their political participation in political institutions. Many factors and prevailing structures are considered as obstacles during the course of participation. The present paper is an attempt to identify some internal and external circumstances and factors that obstruct the creation of a supportive atmosphere for women's political participation in the local government institutions in Bihar through qualitative methods. The outcome of the present study indicates that the goal of women's empowerment through political participation will not be accomplished by affirmative actions alone. To further and speed up this process it is necessary to implement some additional strategies which can encourage the self-confidence of women and eliminate operating obstacles.

Key Words : *Women empowerment, Gender Quota, Political participation, Bihar, Panchayati Raj, India*

Introduction

Women's marginalization from political bodies and practices can be seen as a result of many operational, practical and personal factors across the world. As women are globally under-represented at all levels of governance in relation to their share of the population (IDEA 2006), a large number of countries have presented gender quotas system. Scholars have also justified the increased role of women in politics. (Phillips, 1993; Ross, 2002). Although the political participation is an equal democratic right for women but it does not mean that they have the same opportunities in entering and participation in the political field, as do men. For example, in a country like India where society is still highly patriarchal and most women are supposed to be dependent on their family, how gender quotas, as established by the Constitution of India at grassroots level after 73rd amendment in 1992, can empower women? This is a matter of concern because regarding the participation of women in the local government institutions of India many scholars have used the notion of "proxy women" (Omvedt, 2005; Chattopadhayay & Duflo, 2003) as an interpretation of elected women with only formal power. Then it can be argued that the presence of women is not necessary synonymous with their participation.

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There are many elements that obstruct women to participate fully in political institutions. Thus there is a need to attempt for a deeper understanding of the constraints of a society in which women's political participation is instituted. Thus the basic research question of the present paper is what kind of difficulties faced by women representatives, elected on the basis of gender quotas? The paper is structured as follows: in the first section the current state of knowledge is discussed. Section two discusses the gender and local governance in India followed by section 3 deals with the Bihar model of gender quota. In Section 4 Conceptual framework of the study is discussed. Section 5 discussed the research methodology and in section 6 data has been analysed. Section 7 shows the findings. The section 8 concludes by examining the findings and last section identifies areas for future research.

The current state of knowledge

Regarding the theories about the factors that detain the entry and participation of women in political field numerous studies have identified these obstacles. One of them is Shedova´s (2005) study discusses about the masculine model of politics, a dual burden of domestic chores and professional obligations, lack of support from party and a lack of confidence and self-esteem. However according to Matland (1998) this research has not completely discussed about the way these obstacles can be valid in a background of low economic development. Matland maintains that one of the most important features of the society, connected with women's representation levels, is a country's state of development.

There are more studies that have made us aware about obstacles of the elected women in Indian PRIs, such as; opposition from family, discrimination in the panchayat meetings, influence of husband, unwillingness from parties, caste-based discrimination, lack of education and illiteracy amongst elected women (Baviskar 2003), dependence on support from males (Hust 2004), a risk for a high rate of drop out of elected women during their term 3 in office (Sivakumar & Maduresh 2006), and attitudes that women are not supposed to participate in the public sphere (Mahanta 2007). Other studies also explain about same issues. For instance, Bari´s (2005) paper attempts to investigate bases of women's exclusion from the formal arena of politics. According to her structural and functional constraints faced by women are generally shaped by social and political relations in a particular society. She identifies five factors that hinder women in political participation and those are ideological factors, political factors, socio-cultural factors, economic factors and lack of social capital and political capacities. Similarly, Bano (2009) analyses the obstacles in the way of women´s political participation which are reluctance of political parties, cultural values and lack of unity among women politicians.

Nevertheless, when researchers unfold the obstacles for elected women the picture is more diverse but still many factors seem to be absent. Thus there is a need for a more deep theoretical view on the obstacles for elected women in political institutions. The reservation itself cannot bring empowerment because women are constrained by a variety of social, cultural, economic, and political factors. In the existing research discourse, local governmental institutions in Bihar have not received much attention.

Gender and Local Governance in India : A Historical Background

Mahanta and Sinha (2007) describe that the word 'Panchayat' traditionally means a body of five elders in a village who were accountable to resolve the conflicts and to give punishment to the offenders. In this traditional conception of a 'Panchayat', women and lower castes were not allowed membership. Omvedt (2005) also explains the traditional working of panchayats (village level governmental intuitions) as caste communities which were controlled by men from the rural elite. In this social and political structure the system of self-governance known as Panchayati Raj was introduced in 1959 following the Balwant Rai Mehta Committee Report (1957) and it was further strengthen by the recommendation of Ashok Mehta Committee (1978) report. The Indian Government endeavoured to create a strong local government system but few women were elected to the panchayat and their participation was insignificant. Then the 73rd and 74th Amendments were passed in 1992 and 1993 concerning rural local self-government and urban local-self administration (municipalities) and established the reservation of 33% of all seats in panchayats and municipalities for women.

After the reservation it was supposed that women will have strong representation however Hust (2004) maintains that the representation of women is not adequate in itself as it does not offer the possibility of active participation. Hust states that in India most of the women lag behind, because they are uneducated and more dependent on men. This is the reason why many scholars such as Omvedt (2005), Chattopadhayay & Duflo (2003) and Mishra (1999) have used the word 'proxy' or 'token' for the women who are vested only with the formal power while the real power still resided with the male members of their family.

Gender Quota: Bihar Model

Following the suggestions of the amendment acts, the state of India reserved 33% of seats for women in the local self-government (Panchayati Raj Institutions). But the state of Bihar has 4 gone forward of this quota limit and has through the Bihar Panchayat Raj Ordinance introduced a reservation of 50% for women in local government institutions: (The Bihar Panchayat Raj Ordinance, 2006, Section 13, No. 2 and 3). The reform in Bihar is the first of its kind in India and according to the information made available by the Institute for Democracy and Electoral Assistance (IDEA) there is no other country where the local governance has adopted a reservation of fifty per cent (IDEA 2006). Bihar has a total no of 9032 local government bodies; it includes 8463 Gram Panchayats, 531 Panchayat Semites, and 38 Zilla Parishads. Following the Bihar Panchayat Raj Ordinance 2006, elections were held and women candidates got elected in the excess of 54%. This is a significant increase in women representation and it is believed that such a reservation policy will have a positive effect on women's empowerment.

Conceptual Framework for Obstacles and Research Method

To understand the factors those restrain the entry and participation of women in political field three concepts, presented below, have been identified. They have been used by (Shvedova 2005) in earlier research about the obstacles that women elected to parliaments face—

1. Socio-economic obstacles
2. Psychological/Ideological obstacles
3. Political/Institutional obstacles

Selection of geographical area :

The unique social political and economic environment of Bihar is the primary reason for selecting it for the study. The population is 103, 80 million (approx.) in which the female population is 49, 61 million (approx.). The literacy rate is 63.82 per cent, in case of males (73.39 per cent) and females (53.33 per cent) , the All-India figures were 75.26 per cent and 53.67 per cent respectively. An overwhelmingly large percentage of women are either illiterate or educated below primary level, and a majority are employed in agriculture. The labour force participation rate of women in Bihar was only 13.8% in rural areas and 6.5% in urban areas in 2004-05; the corresponding percentages for India as a whole were 32.7% and 16.6% respectively. These figures are alarming and thus compelling researchers across disciplines to take a serious look at the situation and bring some possible measures for policy makers. Another reason for selecting Bihar as the location for the study was the change that has taken place there in the form of 50 per cent reservation for women in elected bodies of local government institutions. It has opened the door for women from different social settings and has given them an opportunity to come into power. Thus it is a matter of interest to explore whether a quantitative rise in the representation of women in political decision-making can transform into qualitative changes in the participation of women. The collection of data was completed by a field study in Bihar, adopting a qualitative method, based on the need of information about people's own experiences and interpretation of their own social situation. 5

Selection of respondents

The study was conducted by interviewing women members from the different levels of the 'Panchayati Raj' system (Sarpanch, Chairman and Vice Chairman of the Panchayat Samiti, Chairman and Vice Chairman of Zila Parishad and other members). The principle of maximal variation was used to find elected women with different backgrounds, as the literature suggests that the background for the elected women is an important factor in determining their participation in the PRI´s. The thirty women selected had varied characteristics regarding religion, caste, age, wealth, education, political background of the family. The interviews were semi-structured as this allows more flexibility than structured interviews or surveys and permits for the exploration of new topics and ideas rather than to depend only on concepts and questions defined in advance of the interview. Also to avoid the risk of questions being answered by their male family members or assistants, a personal interview technique was the most suitable for this study. Apart from the data collected through interviews, the other sources were official reports of the government of Bihar. The secondary sources were mainly books and articles published in journals and other published literature related to the research work.

Data collection

As for primary sources 30 women serving representatives from different level of local self-government institutions have been selected and interviewed. The interviews were made according to the preferences of the interviewees. The location of interviews was mostly in Patna, but respondents were from Patna, Araria, Arwal, Gopalganj, Bhojpur, Gaya, Sitamarhi, Kishanganj, Munger, Purnia, Bihta, Mokama, Hajipur, and Samastipur. Interviews were sometimes held in the homes of the interviewee and at the other times at

the training camps for the panchayat members, also at the Bihar Rajya Panchayat Samiti office in Patna.

Findings

To present a better description about the obstacles three broad concepts produced by Shvedova (2005) has been used. These three concepts are: Socio-economic obstacles, Psychological/Ideological obstacles and Political/Institutional obstacles.

1. **Socio-economic obstacles-**

Shvedova (2005) argues that there is no doubt that the social and economic status of women in society has a direct influence on their participation in political institutions and elected bodies. As stated by her the socio-economic obstacles that have impacts on women's participation can be categorized in many ways such as: poverty and unemployment; lack of adequate financial resources; illiteracy and limited access to education and choice of professions; and dual burden of domestic tasks and professional obligations. During the research the present study also found out some of these obstacles which can be described as follows: 6

a) **Condition of income and occupation and choice of profession-**

In a developing country like India the condition of income and occupation and choice of profession also determine the participation of women in political offices. There are many examples of women who cannot participate fully because of their poor condition of income. For example, respondent no. 18 argues, "If financial condition is bad then we can't work. It is not possible to attend the meeting twice in a month on very small amount of money. If I decide to go to the meeting then I have to spend more. There is a need to increase allowance." It is found from the study that most of the women members are living in poverty. They are unemployed housewives from peasant's family of lower income group. To sustain the family they have to give maximum time in their family work or agriculture. In this process they find less financial support to expend for attending meetings. In some families, they are principal bread earners. In the sample it was noticed that some of the women members are the main bread earners in their family. Thus in such conditions, women participation in the local self-governing institutions does not come to the high level.

b. **Lack of proper education**

It is evident from the sample that most of women respondents have only basic education. Without proper education it is very difficult for women to discuss for their concerns. According to Kabeer (2005) access to education can bring cognitive ability which is essential for women´s capacity to question, reflection, action and knowledge. Furthermore, women cannot understand the issues and working of political bodies if they have not ability to read between the lines. Respondent no. 2 stated that: "As I am not well educated others alternate me. When I show interest in any work they (men) say that you are not able to understand this. The party also puts a lot of limitations and restrictions on me. I think a less educated women like me have no status. Sometimes I feel frustrated because other people are doing all the works on behalf of me and I am ignorant of all. I think this is only because of my lack of education." Thus it can be argued that the lack of

education is an important factor that hinders women to participate in the meetings. Without proper education they feel hard to understand the rules of politics. Thus the education is the most vital channel to encourage women so that they can raise their voices about politics, their problems and issues related to them and to other people.

c. **Division of labour:**

A predominant view is that women are to accept the household role in the society, and this effect of socialization is strong enough to prevent their entry into politics. This is the reason, Shvedova (2005) argues that traditions continue to emphasize and often dictate, women's primary role as mothers and housewives. In many countries a traditional, strong, patriarchal value system favours division of labour which affects the growth and participation of women in any political process. Similar condition was seen during the field work of present study where respondent no.13 described about her difficulties like this, "When I informed my family that I am going to stand for elections they opposed. According to them I should devote myself for domestic works and not to think for political life. But even though I stood for 7 elections and won. Now I have become very busy because I am performing my traditional works and also doing political works. Nobody at home wants to help me because they think that cooking, washing, cleaning and taking care of children and elders are only my responsibility." It is evident from the statement that there are many works which women have to perform in traditional societies like cooking and taking care of children. Then it is really hard for them to get free time and even to think about coming in public life.

D. **Dual burden of domestic tasks and professional commitments-**

The dual burden of domestic and professional works and responsibilities are one of those factors that restrain women's participation in the political system. Like many other countries of the world, women in India also are doing a substantial part of domestic work. So it is natural that they have no choice but to devote much of their time to accomplish the basic needs of their families. Respondent no. 11 said, "I belong to a business family. Our family business is fishing. Now my in-laws are in old age and not in good health so I and my husband have to do all things. I have a one year old daughter who still does not go to school. So I have to take care of her also. Besides all these things I have to be punctual in my political works also. I am Mukhiya so I have some responsibilities toward my people. I also try to render my services to them. It is hard to accomplish all these things together." Along with some women have full-time careers like teachers, lawyers, doctors etc. Thus starting a political career is like a third job and then it is like overwork. Many women are trying to balance their family life with the demands of their work which is a hard task.

2. **Psychological/Ideological obstacles:**

There are also some psychological and ideological obstacles that restrain women to enter and participate in political life. In a traditional society like India, women have been nurtured to fulfil the domestic responsibilities first then anything after that. At first they have to overcome their own lack of confidence then they have to fight

with the traditional norms and attitudes of their surroundings. The respondents explained about these obstacles in different ways.

A. **Self-esteem and self-confidence-**

According to Shvedova (2005) lack of confidence in women members is one of the main reasons for women's under-representation in formal political institutions, including parliaments, governments and political parties. This can be seen while discussion with some women members in local self-government institutions. Respondent no. 29 stated, "I belong to an agricultural family. I never went out of the house to talk for public works. Honestly speaking, I never thought about joining politics. When my family and other neighbours discussed about my name for the Mukhiya, I just denied. I thought I would not be able to do this because I do not know anything about the politics." This statement clearly shows the lower level of self-confidence in that women member. This is not only one story. There were some other members with same kind of feelings. 8

B. **The norms, cultural patterns—**

Societal limitations of rural India require that women do not participate alone in public spaces. The customary perception of women's role being in the house is still strongly prevailing in rural India. Women who work with male colleagues in political meetings are looked down upon as women of suspicious personality. Women also have a restriction of timing as they cannot work outside after evening. According to them it is partly because of the tradition and partly because of the security. Respondent No. 7 stated, "I cannot work outside for a long time because after evening it is not safe for a woman to be out of the house. After evening or in the late night you can find many drunken men. There is also a chance to be robbed. So being a woman it is difficult to face these types of incidents."

C. **Attitudes of their surroundings –**

On the basis of discussion with respondents, it can be divided into two broad categories.

i. **Lack of support from the family**

It is very interesting to find out that the women who contested elections on their own initiatives faced more problems within and outside the family in comparison to the women who contested elections on the initiative of their husbands or family members. Respondent no, 12 stated that, "Those women who got support from their family are very lucky. I do not belong to that category. I faced obstacles by my husband and other family members regarding Panchayat elections but still, I won and came to the gram panchayat. I want to do so many things for my people but I am not sure I will be able to do this."

ii. **Adverse treatment from bureaucracy** :

The interviews reveal that the adverse treatment by the bureaucracy has been a hurdle for participation for women. Respondents reported that they feel disregarded by the clerks in the administration. This feeling is voiced in the following quote of respondent no. 18 "I think something has to be done by the government about the bureaucracy. If I compare to men I feel women are not treated with due respect. The bureaucrats will not talk to you unless you are a very important

person. The thing become more adverse if you are a woman and uneducated as then they even don't greet you."

D. **The lack of media attention :**

Shvedova (2005) argues that the media in any society has two roles: to serve as a chronicler of current events and as an informer of public opinion, thereby fostering different points of view. But it is unfortunate that the mass media often have a tendency to minimize the exposure of occasions and organizations related to women. Respondent no. 16 said, "There is a lack of appropriate attention about the activities of women members here. Because of this there is a lack of public awareness about women's issues and development works done by women." 9

3. **Political/Institutional obstacles :**

Women are limited in political arena by the political and institutional obstacles also. As Shvedova (2005) argues that masculine model of politics restrain women in politics. According to her men dominate the political arena and formulate the rules of the political game; they define the standards for evaluation. For example, the political model, as Shvedova (2005) argues, is based on the idea of winners and losers, competition and confrontation, rather than on shared respect, teamwork and consensus building. This environment is habitually unfamiliar with women. Thus, according to Shvedova (2005), the presence of this male-dominated model of politics results in women rejecting politics altogether or rejecting male-style politics. The present study suggests that the obstacles related to the political system proved to be many. In relation to earlier research all these obstacles can be well-matched with the obstacles that Shvedova mentioned. Thus the present study makes those aspects more strong.

A. **Lack of support from the political party**:

Shvedova (2005) argues that women play important roles in campaigning and organizing support for their parties, hitherto they rarely occupy decision-making positions in these structures. The research suggests that gender bias on the part of the electorate is usually presented as one of the main reasons for the fact that political parties resist selecting female candidates. (Sacchet, 2005) This condition was evident from the responses of women members as many women members complained about the behaviour of political party. According to the respondent No. 15, "Some people support me. On the other hand some of the party leaders always oppose me. Most of them are senior to me. Consequently I am facing obstructions to do something new."

B. **Kind of electoral system**:

While the government has successfully launched the quota system in the local self-government institutions it is also very important that there should have some supplementary policies that can support the system. The present study suggests that there is a lack of proper training and capacity building programs for the elected women members. Respondent no.26, states, "Although the government has applied reservation for us (women), but I think it has no concern to make the women members trained. Although some of them (women members) may not perform up to the mark, but it is evident that women members are more responsible than the male members." She further

argues, "It is the government as well as Panchayat department responsibility to render proper training to them."

C. **Role of women's organizations** -

In many countries women's organizations are working with political and governmental institutions to facilitate women's nomination and election. It results in increased women's representation within legislative bodies. Yet, according to Shvedova (2005), in recently developed or partially developed democracies there is a limited connection and collaboration between women politicians and women's organizations or other broad interest organizations such as trade and labour unions. While talking to the women political representatives of local 10 self-governmental institutions in Bihar it was found that there is also more or less the same condition. Respondent no.10, explained, "We have not any well-defined or well organized connections with any women organization. I think if we had good communication with them it would be a great opportunity to discuss about women issues and then we can have more strong voice."

D. **Prevailing political culture:**

During the research it was found that the political culture prevailing there also hinders the women to enter and participate in the political institutions. When asked about political constrains the informants stated that intervention by male members is the key problem in participation. Pointing out this problem respondent no. 3, said:, "It is very hard. They (men) don't want us to speak. They think that we cannot understand anything and says that you are newcomer in this field and it will take long time to understand all things. My point is that if I will not get chance to participate how can I learn panchayat works?" They also said that party intervention is the most prominent problem. Respondent no.16, said, "There are so many constraints and interventions by the political parties. I don't want to stand for the elections next time due to the political chaos here. There is so much intra-party clash in my party that I can't work. I feel uncomfortable in such type of environment."

The prevailing political culture is also a major deterrent factor for women. In the present political setup the qualities of commitment and honesty are considered to be out dated and crafty strategies are adopted to win elections. In this atmosphere, even women who are already in the political field rarely give vent to their feelings of disgust and frustration. Violence has also come to dominate the PRI elections, thus making participation of women more difficult and problematic. Most of such violence is consequential of the caste differences where people belonging to lower castes are tortured and murdered for standing against upper caste candidates. Booth capturing have emerged as an accepted norm of the electoral process. Added to this, criminalization of politics is another unpleasant element prevailing in elections. All these things prevent women from joining politics.

Conclusion and discussion

The aim of this study was to find out the factors that restrain the entry and participation of women in political field. Constraints or the obstacles during women´s political entry and participation were judged by using the three broad concepts produced by Shvedova (2005). These three concepts are: Socio-economic obstacles, Psychological/Ideological obstacles and Political/Institutional obstacles.

As far as socio-economic obstacles are concerned the present study found out some of the same obstacles which Shvedova has described. These include poverty and unemployment; lack of adequate financial resources; illiteracy and limited access to education and choice of professions; and dual burden of domestic tasks and professional obligations. While psychological/ideological obstacles are concerned lack of self-confidence, traditional norms, negative attitude of their surroundings and lack of media attention were found out that clearly supports Shedova's work. It is very interesting to discover that the women who contested elections on their own initiatives faced more problems within and 11 outside the family in comparison to women who contested elections on the initiative of their husbands or family members. In the category of political/ institutional obstacles the present study suggests one more obstacle that is 'prevailing political culture' besides Shedova's obstacles which includes the role of political party, kind of electoral system and the role of women organizations.

In summery it can be said that the government of India is trying to empower the women through various economic/socio/ political policies and programs but there are still some gaps to be bridged. The result of the present study shows the goal of women's empowerment will not be accomplished by reservations alone, and there are a number of obstacles identified by the respondents. It can be noted that the restraining factors are so many and so diverse. Steps are being taken to overcome these hindrances, but it is a very time-consuming process. A structure, which has been created over centuries, cannot be dismantled within a short span of time. To expedite and speed up this process it is essential to implement some supplementary policies which encourage the self-confidence of women, build women's capabilities and remove operational obstacles. There is a need to change many aspects of the existing gender relations, power distribution and to take hard decisions concerning power-sharing.

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LIST OF RESPONDENTS

Sl. No.	Age	Caste	Religion	Education	Wealth	Occupation	Political Family Background	Elected in which layer of the PRI's
1	40	Muslim	Muslim	5th Class	50000	House wife	Yes	Mukhiya
2	56	General	Hindu	Literate	240000	Agriculture	No	Ward Sadasya
3	29	S.C.	Hindu	5th class	18000	Labour	No	Ward Sadasya
4	58	Muslim	Muslim	5th Class	28000	Agriculture	No	Ward Sadasya
5	35	S.C.	Hindu	Literate	50000	House wife	No	Zilla Sadasya
6	33	General	Hindu	Intermediate	18000	Teacher	Yes	Mukhiya

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PROTECTION OF HUMAN RIGHTS IN DEVELOPING NATIONS AND ITS IMPACT ON SOCIAL CHANGES

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The concept of social change, as propounded by M. N. Srinivas, addresses the changes and developments in various social characteristics of the given society. In case of India, he has propounded mainly westernisation and sanskritisation as model of social change. Besides, he has also posited that Indian villages are of 'dominant caste model' in which a single caste or a caste group dominate the rest of the village in terms of resources, number and leadership. Here, we are not concerned with the model of Srinivas for examination of social change in context of protection of human rights. Our major concern is – how do the efforts of protection of human rights affect the social values like 'social justice', 'gender justice', and 'social protection' (social security in limited sense). In this context we shall also examine the human rights of Human Rights Defenders (HRDs) as they are the change agents of social change.

Social Change Through Social Justice

There are political theorists who make the distinction, in order to assert that claims under one heading entitle the claimants to less than under the other.

Yet demands for an internationally just order are increasingly framed in terms of human rights. At the same time one genre of theoretical writing on human rights treats them as a concept worthy of independent attention, but develops no detailed analysis of the relationship between them and social justice. Even within the practice of international human rights standard-setting there are both assertions of a distinctive core of minimum standards and appeals to principles of equity. So it is surprising that human rights theorists have tried to settle conceptual human rights questions by looking at human rights practices, or even intuitions about those practices, without first settling whether there might be two concepts in play which could get regularly confused by participants in the practice itself or in people's intuitions about the practices.

When power starts to shift dramatically, whether in Latin America, North Africa or elsewhere, advancing social justice can prove a contradictory process. Justice, the rule of law, peace and equal rights– including sexual and reproductive health rights, the right to development or the right to political participation– may be promised, whilst simultaneously injustices, violence and exclusions continue to shape people's daily lives. Advancing global promises such as

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safety, human rights and human security, including food security, requires a critical engagement with the realities of peoples' social exclusion. These tensions between the aspirations and realities of social justice form the starting point. The Social Justice offers critical reflections on issues relating to gender, human rights, conflict and social mobilization, which are all key to social justice. The issue goes beyond the normative, often oppositional conceptualizations of social justice which frequently take a simplified focus on either economic inequalities, or identities, or symbolic representations. Instead, it examines the processes through which diverse inequalities, exclusions and asymmetries persist and are reproduced in societies. We do this by criticizing the dichotomous representation of the global and local, personal and political, individual and structural. Aryeh Neier affirms that the pursuit of social justice is not an appropriate goal of a human rights organization, arguing that human rights is concerned with restraints on the exercise of power whereas social justice is concerned with the redistribution of wealth and resources.

Human rights and social justice are not synonymous. But the distinction that Neier draws between the two concepts is based on a questionable characterization of both, as well as on a drastically limited notion of what constitutes "power." Human rights are defined in a way that renders economic, social and cultural rights completely invisible. As the international community marks the 20th anniversary of the Vienna Declaration, which unequivocally affirmed the indivisibility and equal importance of all human rights, there can be little credible basis for asserting that civil and political freedoms are the deserving "core" of the human rights agenda. Since Vienna, outdated arguments regarding the non-justiciability of economic and social rights, their vague or exclusively programmatic nature, and the impossibility of measuring progress have all been significantly eroded through practice.

The Center for Economic and Social Rights is part of a generation of international human rights organizations born after the end of the Cold War to challenge injustice in the economic and social sphere from a holistic human rights perspective. Its mission was shaped by the realities of globalization and the chronic persistence of poverty and widening social inequality despite the democratic transitions of the 80s and 90s. In this context, the human rights movement could not just concern itself with constraining abusive interference by the state in individual civil liberties. Protecting human rights involved bolstering the state's capacity to rein in the unbridled power of market forces, and ensuring its institutions were equipped to protect the enjoyment of human rights from infringements by private actors, such as Chevron/Texaco in Ecuador or Shell Oil in Nigeria, as well as to fulfil a series of positive obligations necessary for people to live lives of dignity.

Today, there are powerful reminders all around us that human rights and social justice aspirations are inseparable. From the ongoing turmoil in Egypt, to the protests over public services in Brazil or austerity in Europe, the same frustration is being voiced that democratic freedoms do not in themselves lead to more just societies unless accompanied by fairer social and economic governance. Exposing the injustice behind more systemic policy failures - for example, building the evidence that high rates of preventable maternal death in Angola or

Guatemala are linked to inequitable allocation of resources, or that post-crisis austerity measures in Ireland and Spain are discriminatory and retrogressive - has required developing new methods for rights-based monitoring and advocacy. These include quantitative tools (marshalling statistical evidence using indicators, benchmarks and indices) and techniques such as budget and tax analysis to assess whether resources are allocated and generated in line with human rights principles.

Experience has shown that for human rights advocacy to bring about change in the sphere of economic and social policy, accountability must be pursued in a variety of different forms and venues, from courtrooms to boardrooms, newsrooms, classrooms, living rooms and on the streets. The most durable and transformative change comes about when judicial challenges and policy advocacy aimed at decision-making elites has been part of a broader strategy enabling social justice movements to deploy the tools of human rights advocacy in ways adapted to their particular context. For this reason, economic and social rights organizations have made it a priority to forge links with social movements and grassroots groups, working with them to devise tools and strategies for accountability and to support their efforts to localize and "vernacularize" human rights claims. There is considerable evidence that human rights research, policy advocacy and litigation, particularly when associated with social movement mobilization, have been successful in many different contexts in challenging economic and social injustices, from the denial of access to life-saving medical treatment to starvation deaths resulting from dysfunctional food schemes.

Poltico-legal System and Social Justice

Another aspect of assuring social justice is concerned with politico-legal arrangements and delivery of justice. The relationship between access to justice and human rights protection stems from the fact that it is only when individuals have access to the courts that they can espouse and seek for the protection of their basic rights. In other words, the legal and institutional structures existing in a system may be such as to preclude the citizens from having access to the courts, who are therefore unable to seek for the enforcement or protection of their basic rights. In the case of Nigeria, it does appear that a systemic inability of the legal order to guarantee access to justice in the country. The importance of this second class of obstacles stems from the fact that for a third world country such as Nigeria, where the level of illiteracy is unacceptably high, and the conditions of existence extremely difficult for people to eke out a living, issues concerning human rights protection necessarily take a secondary position in the scheme of things.

There are linkage between access to justice and the quest for the promotion and protection of human rights in Nigeria. One can mark that there are a number of fundamental obstacles to the attainment of this highly desirable goal of increasing access to justice. While some of the obstacles are substantive, others are procedural. The point has further been made that some of the constitutional provisions which are geared towards ensuring human rights protection, also have the unintended effect of engendering undue delays, and consequently, conspire against access to justice. The implication of this is that there is need to strike a delicate and beneficial balance between the desire to

maximize human rights protection and the imperative of enhancing greater access to justice in Nigeria.

For reasons which need not detain us here, some of the rights important in the West are of no interest and no value to most Africans. For instance, freedom of speech and freedom of the press do not mean much for a largely illiterate rural community completely absorbed in the daily rigors of the struggle for survival ... if a Bill of Rights is to make sense, it must include, among others, a right to work and to a living wage, a right to shelter, to health, to education. That is the least we can strive for if we are ever going to have a society which realizes basic human rights ... in Africa, if liberal rights are to be meaningful in the context of a people struggling to stay afloat under very adverse economic and political conditions, they have to be concrete. And most importantly, concrete in the sense that they can be realized by their beneficiaries. Indeed, to a large majority of citizens, issues of human rights protection appear to be luxuries that they can hardly afford. The result is that it is often seen as an elitist past time designed to attract attention, even when the underlying objective is the promotion of corporate good.

In short we can say that the moral standard one chooses when judging a given action matters very much, because different standards direct us to different types of agent, goods and costs, types of duty and concomitant forms of accountability. That is a difference in practical reason. Who we identify, and how we identify them as committing a wrong, is in the balance. That is, unless one holds an outcomes view what it would mean for human rights to be a distinctive category of moral standard. The field of international human rights law and campaigning is dominated by unreflective adoption of the outcomes view, a tendency partly resulting from a diminished understanding of the importance of social justice. Running together human rights and social justice standards not only blurs their distinctive features, it diminishes their distinctive contributions to our moral repertoire. By reinstating a distinctive role for human rights, then, we would be doing an additional service: reinstating the distinctive moral importance and value of social justice.

Empowerment of People by Human Rights Defenders

As an illustration, the 2011 Millennium Development Goals Report shows that it is the poorest children that have made the slowest progress in terms of improved nutrition, and that opportunities for full and productive employment remain particularly slim for women. This report also highlights the powerful influence of social and economic circumstances on life chances, as children from the poorest households, those living in rural areas and girls are the most likely to be out of school. These results signal the need to re-orientate actions being taken to enable all people, especially the poor and marginalized, to benefit from improvements resulting from these new measures. In this sense, every action should be guided by a social inclusion approach based on the principle of non-discrimination, to ensure equal opportunity for all, regardless of background. UNESCO is working to promote the formulation of policies and strategies committed to equity and social justice and which respect and value diversity. Projects and programmes are being developed with an integrated Human Rights Based Approach (HRBA) with a view to building more inclusive and just societies, and making 'social inclusion' the Organization's priority.

Fox suggests that there is a difference between empowerment (as capacities) and rights (as institutionally recognised opportunities): rights may be recognised institutionally, but power imbalances often mean that actors are not able to actually claim them. A focus on the empowerment aspects of a HRBA, however, helps to emphasise the importance of the ability to exercise rights rather than merely their possession. Save the Children has faced concerns associated with the empowerment of children in contexts where there is no acceptance of children expressing their views. Projects aimed at taking children out of employment to go to school were halted following consultations with children themselves. Instead, Save the Children decided to stop advocating for the full eradication of child labour, and has tried instead to find ways of combining education opportunities with children's responsibilities towards their families, including through appropriate labour practices that do not undermine their development.

All programmes, policies and technical assistance should further the realization of human rights as laid out in the Universal Declaration of Human Rights and other Human Rights instruments. It also implies that human rights principles and standards should guide the programming process in all fields and all stages, including the design, implementation, monitoring and evaluation of public policies. HRBA helps to explain the value of human rights in development and in National Programming Processes in order to define inclusive patterns in which everyone feels valued and has the opportunity to participate fully in the life of society. Social exclusion is about resources, opportunities and capabilities. It concerns all groups that live in conditions of isolation and disconnection from society and development processes. In this sense the challenge is to re-connect these groups by means of targeted actions that enable and motivate them to become active citizens.

This means that political, civil, economic, social and cultural rights are connected and equally important for their mutual realization. In particular, economic, social and cultural rights have a crucial role to play in the fight against poverty. They constitute the first step to ensuring that access to all human rights is granted to each individual in order to attain universality. In this regard, the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 2008 was an important advancement, as it enables individuals or groups of individuals to be entitled to any of the rights enshrined by this Covenant before the Committee on Economic, Social and Cultural Rights. The above situation indicates towards the empowerment of the people, particularly the poor, deprived and socially weak/ marginalised people through assuring human rights. The human rights workers address these issues in almost all countries.

Social work promotes social change, problem solving in human relationships, enhanced well-being and the empowerment and liberation of people, by intervening at the points where people interact with their environment. Social workers are guided by principles of human rights and social justice in undertaking this work. Independent Living Centre (CIL) an NGO in Nepal works for disabled in order to ensure social justice through human rights work. CIL aims to promote the principle of "independent living" by raising awareness and empowering persons with disabilities in Nepal. The organization promotes equal rights and

opportunities for all. The organisation's objective is to shift the disability movement from charity-based to rights-based. "Our goal is to empower the disabled so that they can live the life they want in the community they like," The term "independent living", as defined by people with disabilities, does not mean doing things for yourself, or living on your own, Instead, it means having a choice and control over the assistance and/ or equipment/assistive devices needed for daily life and having access to amenities that society has to offer, such as housing, transport, health services, employment, as well as entertainment, education and training opportunities. Independent Living as a movement grew out of the civil rights and disability rights movement during the late 1960s and the 1970s. It is a worldwide movement that promotes equal opportunities, self-determination and self-respect for the disabled. The key features of the independent living movement are consumer choice, autonomy and control.

It is pertinent to explore these principals in relation to the challenges of practicing social work in the area of sexual crime. Anti-oppressive practice principles form a corner-stone of social work values and are enshrined in professional association codes of practice and ethics. In Ireland, the newly established Social Work Registration Board, under the auspices of CORU, the regulatory body for Health and Social Care professionals, has also re-affirmed social justice and anti-oppressive values and principles as core to professional practice. The Code also emphasises the need for ethical awareness and competence in all that social workers do. In the UK, the newly revised BASW Code of Ethics for Social Work similarly upholds values and principles relating to human rights, social justice and professional integrity.

Apart from the practice challenges of gaining legitimacy to engage with service-users in cases involving the diverse and complex needs emerging in the aftermath of sexual crime, social workers who do manage to work with such individuals are challenged in their attempts to retain a social justice and anti-oppressive perspective, as the profession becomes increasingly susceptible to a host of new technologies of managerialism, monitoring, assessment and evaluation.

Gender Justice Through Human Rights

Gender-based discrimination reveals ugly face of the society. This issue is very old and is global as well with varying degree. Really, it is a travesty of all canons of social justice and equity for women who constitute half of the world's population and work for two-third of the world's working hours and who earn just one-tenth of the world's property and remain victim of inequality and injustice. This anomaly is, now, being openly questioned and the underlying discrimination is seriously challenged. As human development occupies centre stage in the global development debate, gender equality and gender equity are emerging as major challenges. Gender discrimination, though amongst the most subtle, is one of the most all-pervading forms of institutionalised deprivation.

The question of gender equality is a very old and burning problem. Twenty years ago in Mexico the First World Conference on Women inspired a movement that has helped to reduce gender inequality worldwide. Illiteracy among women is declining, maternity mortality and total fertility rates are beginning to fall, and more women are participating in the labour force than ever

before However, much remains to be done. Persistent inequality between women and men constraints a society's productivity and, ultimately, slows its rate of economic growth. Although this problem has been generally recognised, evidence on the need for corrective action is more compelling today than ever.

Although these rights are guaranteed equally to men and women, there are several ways in which the structure of the family and the existence of several inequitable social customs and practices serve to deprive women of these rights. In particular, discrimination occurs within the family where norms regarding women's secondary status are reinforced in children from birth. Preferential status to son is one of the key aspects underlining social values that view girls as burdens. Women are viewed as dependents within the family and face severe restrictions on their mobility, which further impede their ability to gain access to education, economic opportunities, to move freely and settle anywhere, to form unions or groups and so on, which are all fundamental freedoms under the Indian Constitution. Freedom of speech and expression is often denied to women within the family, and women are kept out of decision-making processes even within the community and State institutions. Cultural norms regarding appropriate behaviour for women often reinforce images of docility, passivity and subservience, severely curtailing for women the exposure and confidence they require for participating on an equal footing with men in public life. Practices like female foeticide, infanticide and the constant if not increasing incidence of violence on women also constitute consistent assaults on women's right to life and personal liberty.

In our tradition-bound society, structured on old social values, when a woman is subjected to a crime like rape, it becomes a multiple crime. She is raped at home, then in public life, followed by an agonising cross-examination in court, and the climax is reached when sensational reports about the crime appear in the media. The victim of the crime finds the public exposure more agonising than the crime inflicted on her. The most humiliating aspect of crime against a woman is that her status in the hierarchical structure of society also comes in the way of securing justice for her. Thus, her social status compounds her gender injustice.

In a well-known rape case, the most obnoxious situation was that the court concerned observed that the alleged rapists were middle-aged and as such, were respectable and were not amenable to a crime against woman. Not satisfied with this, the court made the astounding observation that "since the alleged rapists were higher caste men, the rape could not have taken place because the alleged victim was from a lower caste". Such observations only give credence to the widely prevalent prejudiced view that men from the higher social echelons of society are paragons of virtue and not likely to commit atrocities on socially deprived women. What a tragedy that woman has to face the compounding of gender as well as social injustice.

The battle for gender justice has been a long-drawn struggle. The sustained efforts of several social reformers, even in the face of resistance from social orthodoxy, have given impetus to the cause of gender justice. Constitutional provisions, various laws, and judgments of courts have made their own contribution to the cause of gender justice. However, more fundamental is the work and

role of social reformers, who sought to change the mindset of orthodox tradition-bound society and usher in women's reforms in the social, economic and educational fields.

Despite resistance from orthodoxy, women's education gradually acquired greater acceptance. In the old orthodox society, the sati system of widows on the funeral pyre of their husbands was an atrocious practice. If this practice was gradually discarded, it was not only because of the Sati Prohibition Act in Bengal in 1829 at the behest of Bentinck, Governor-General, but mainly due to the social reform movement against the sati system carried on by the eminent social reformer, Raja Rammohan Roy. Though the sati system is banned under law, in isolated cases, it is still implemented in a clandestine way due to both remnants of orthodox beliefs, and to machinations by the relatives of the widow to garner her wealth and property by forcing her to mount the funeral pyre of her dead husband. Still, there are efforts to continue to build a halo of sanctity around the sati system. This only amounts to a glorification of gender injustice and has to be resisted through an awakened public opinion.

In different parts of the world, male chauvinism in different degrees has led to gender injustice. In some developed countries too, women were accorded the right to vote very late. They had to launch a determined struggle to secure the right of adult franchise. Even when women secured the right to vote, initially, they did not receive in the legislatures the recognition they deserved on the basis of their merit and ability.

If the social reform programme is to be pursued vigorously, certain attitudinal changes are urgently called for. These comprise change of context, change of relations and change of values. Without such a comprehensive change in the existing value judgments of the present consumerist culture, the battle for gender justice cannot be won.

The battle for human rights in general and for protection of women's rights, in particular, already facing invisible but steady decline and fall, needs immediate struggle for vitalising the United Nations and vicariously, its auxiliary institutions. Human rights are writ large canvass as the sky. The lawmakers, lawyers, law students, law teachers, judges and members of NGOs must take steps vibrant with human values, not to be scared of consequences and the status quo order. Women rights challenges of today need a mobilisation of revolutionary consciousness sans which civilised system ceases to exist.

Social Protection/Security

The development of social security systems in Britain and the United States (and other countries in this tradition) must be viewed against the backdrop of a political commitment to the market mechanism for resolving problems of unemployment and poverty coupled with a deep suspicion of state intervention in market dynamics for social purposes. There was thus a great reluctance to develop a welfare state in which the state played a major role in guaranteeing universal access to social security. The social assistance systems developed in these countries were designed to provide a minimum of social security to the most needy. Entitlement to assistance depended on the applicant demonstrating sufficient neediness by passing a means test. This often involved a degrading inquiry into the private assets and affairs of the applicant. Excessive restrictions on access to social security during the period of the Great Depression led to demonstrations and civil unrest.

Social protection is a relatively new policy approach that aims to integrate concerns about social security and poverty reduction into a unified framework. To date, the social protection agenda has generally been presented in terms of categories of poor, excluded and vulnerable social groups, differentiated according to age, health status and relationship to formal labour markets. This emphasis on the formal sector has left out women in particular. Although some measures are targeted primarily at female-headed households, gender is rarely used as a differentiating lens through which to understand poor people?s exposure to risk and vulnerability and to design social protection measures accordingly. At the same time, however, social protection programmes are rarely gender neutral, and poorly designed programme can exacerbate or contribute to inequalities.

The full range of social protection interventions comprises protective, preventive, promotive and transformative measures.

- Protective measures are narrowly targeted safety nets for income and consumption smoothing in periods of crisis or stress (e.g. social assistance programmes for the chronically poor).
- Preventive measures seek to avert deprivation (e.g. social insurance such as pensions and maternity benefits).
- Promotive measures aim to enhance real incomes and capabilities, and provide springboards and opportunity ladders out of poverty.
- Transformative measures seek to address concerns of social equity and exclusion through social empowerment (e.g. collective action for workers rights, building voice and authority in decision-making for women).

Social protection measures can have different and often overlapping objectives and impacts (e.g. simultaneously "promoting" incomes as well as "preventing" deprivation). Social protection measures can contribute not only to more livelihoods security for poor and vulnerable groups, but also to some of the mainstream goals of development, including economic growth, human development and good governance.

Social security is a human right and is enshrined as such in the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), and in other major United Nations human rights instruments

The ILO also adopts further initiatives to support international efforts aimed towards the realization of social security for all —

- In 2003, it launched the Global Campaign on Social Security and Coverage for All, reflecting a global consensus on the part of governments and employers' and workers' organizations to broaden social security coverage among working people, particularly in the informal economy, and raising awareness about the role of social security in economic and social development. The campaign also seeks to develop a broad partnership involving international organizations, donor countries, social security institutions and civil society organizations.
- In 2008, the Declaration on Social Justice for a Fair Globalization established a new foundation on which the ILO can effectively support the efforts of Member States to promote and achieve progress and social justice through the four strategic objectives of the ILO's Decent Work Agenda: the promotion of fundamental rights, employment creation, social protection and social dialogue.

- In 2009, in response to the crises, the ILO designed a framework to guide national and international policies aimed at stimulating economic recovery, generating jobs and extending social protection for all. The Global Jobs Pact specifically calls on countries to give consideration to build "adequate social protection for all, drawing on a basic social protection floor including: access to health care, income security for the elderly and persons with disabilities, child benefits and income security combined with public employment guarantee schemes for the unemployed and working poor."
- In 2011, the Recurrent discussion on the strategic objective of social protection (social security) at the 100th International Labour Conference came out with strong conclusions regarding the extension of social security to all through national defined social protection floors.
- In June 2012, the International Labour Conference adopted the Social Protection Floors Recommendation, 2012 (No. 202). This Recommendation provides guidance to Member States, so as to ensure that all members of society enjoy at least a basic level of social security throughout their lives.

The Social Protection Floor Initiative (SPF-I), launched in 2009, is also grounded in a rights-based framework. Its concept is based on shared principles of social justice and reflects the call of the Declaration of Human rights for adequate life standards, access to health, education, food, housing and social security. Moreover, the SPF-I enables the concrete realization of human rights. The results of ILO research shows that a social protection floor can be afforded by virtually all countries and that it would constitute an effective tool in the fight against poverty and in reaching the Millennium Development Goals.

The achievement of social security for all is at the core of the ILO's Constitution and mandate. The Declaration of Philadelphia (1944), which is an integral part of the ILO Constitution, recognizes that the extension of social security worldwide is one of the Organizations' main objectives. More precisely, it recognises the solemn obligation of the ILO to further among the nations of the world programs that will achieve, inter alia, "the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care", as well as "provision for child welfare and maternity protection", thereby extending the protection from workers to all those in need.

To this end, the ILO has adopted Conventions and Recommendations on social security that lay down obligations and guidelines for States. These international standards have greatly contributed to the development of international social security law and to the definition of the human right to social security.

The ILO promotes a rights-based approach to social security with ILO standards as its principal means of action for assisting member states towards the realisation of this right.

Billions of people in developing countries face severe poverty and deprivation without any form of social security. In addition to persistent day-to-day deprivation, they are also vulnerable to crises arising from natural calamities, civil war and fluctuations in the economy. The extended family and kinship ties that traditionally provided support are increasingly breaking down due to economic

and social changes, including rapid urban migration.

Faced with large numbers of needy persons and with electoral compulsion, many governments announce promotional or populist measures. These measures may indicate a symbolic commitment to the problems of poor, and it may be better to have some populist measures rather than no programs for the poor. However, such schemes tend to lead to corruption, political patronage and waste, and often end up not reaching the intended beneficiaries. Thus, instead of populist measures based on a particular leader or political party's whim and fancy, what is needed is a social policy to deal with the question of poverty.

General characteristics of social security in developing countries —

- Few countries have established comprehensive social security schemes with universal coverage.
- They tend to target special groups (children, pregnant mothers, etc.).
- Most schemes deal with emergency relief programs to provide support during calamities.

Developing countries in their efforts to establish social security systems encounter obstacles such as the scale of poverty, lack of administrative capacity, debt burden and structural adjustment policies imposed by international financial agencies.

Conventional programs that are based on the needs of urbanized wage-earning workers cannot be easily adopted to meet the needs of the large poor rural populations in developing countries. Similarly, conventional programs are often not suited for meeting the needs of large numbers of people who are working in the informal sector.

Thus, it is important to take a broader view of social security in situations of poverty and deprivation with an underdeveloped economy. Social security should be seen as "the prevention, by social means, of very low standards of living irrespective of whether these are the result of chronic deprivation or temporary adversity."

From a broader perspective on social security, the role of public action becomes essential. It would demand the design of a greater variety of schemes including widows' pensions and food-for-work programs as well as improvements in sanitation, water supply and education.

An effective and equitable social security system cannot be established in a context in which government is undemocratic and corrupt, and avenues of public protest and participation in the policymaking process are nonexistent. The protection of human rights by human rights defenders is quite essential in the given condition. To cap it all, human rights protection process facilitates social justice, gender justice and social protection thereby participating in the social change process.

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MELTING ARCTIC, BURGEONING OPPORTUNITIES AND CHALLENGES

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ABSTRACT

The global warming has made the fabled Arctic accessible and many economic opportunities have emerged. Now the Arctic Ocean has emerged as the core of global geopolitics and geoeconomics and geo strategic interests. But all these have serious implications on the fragile environment of the Arctic. The article presents an analysis of burgeoning global interests in this region and its implications.

Scott Borgerson states, "Climate change may transform the Arctic Ocean into a third waterway for transcontinental traffic into North America. The result is that the northern tier will become open to the benefits and exposed to the potential costs of worldwide commerce" (Borgerson 2008). The transforming Arctic has intensified the competing claims by Arctic states over territorial waters as well as outer continental shelf extensions. These challenges are of various types: disputes over the territories in which only the Arctic nations are involved, and the disputes in which the Arctic and non-Arctic nations are involved over various matters like fishing, oil drilling and shipping routes. The UNCLOS III which was ratified in 1982 settled a number of important issues related to ocean usage and state sovereignty, viz. navigation rights; limitation of territorial sea boundaries (twelve miles offshore); set exclusive economic zones (up to 200 miles offshore); set up rules for extending continental shelf rights (up to 350 miles offshore); created the International Seabed Authority; and created other conflict resolution mechanisms (i.e., the UN Continental Shelf Commission). Though it is a comprehensive document to govern the Ocean, some of the emerging situations in the Arctic Ocean inhibit its seamless applicability and some territorial disputes have emerged and are unresolved and some are likely to emerge (Proelss, & T Müller 2008).

Territorial · Disputes and Overlapping Claims:

The overlapping continental shelf claims in the Arctic are complex because of the configuration and geology of the sea floor and are further compounded by sovereignty claims, territorial claims and maritime passage (Kadir 2014). As the Arctic continental shelf has semi-enclosed shape encircled by littoral states, the extension of the continental shelves and delimitation of maritime boundaries would lead to invariably overlapping claims (Ebinger and Zambetakis2009). Any sort of such claims are relevant to a range of maritime uses in the Arctic, including resource development, navigation and ocean management (Ilulissat Declaration 2009). In the Arctic region the A5 nations have overlapping claims including continental shelf .Disputed boundaries represent the major security challenge for the countries that border

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each other in the Arctic. These include not only border disputes but also the questions of passage rights, domestic and international waters, the length of the continental shelf and the boundaries of the Exclusive Economic Zones (EEZs).There are two main international laws that provide principles for the nations to settle their differences – the 1958 Continental Shelf Convention and the 1982 UNLOS III. The Convention of 1958 establishes that coastal states have sovereign rights over the natural resources within 200 nautical miles from their baselines. Beyond the EEZ lie the high seas, where the rights of free shipping and flag rights apply. The most problematic question is where the continental shelf starts and where it ends.

Two questions, thefirst regarding the delimitation of national boundaries and second the respective EEZ, affect almost all Arctic countries and have created several boundary disputes among the Arctic littoral nations. These two questions have become highly controversial in case of existing treaties regarding boundary delimitation before the UNCLOS III. For example, disputes currently exist between Russia and the United States regarding the Bering Sea; the US and Canada over the Beaufort Sea; Canada and Denmark concerning the Davis Straits; Denmark and Iceland with respect to the Fram Strait.

In 1867 the United States purchased the territory of Alaska; the purchase agreement defined a marine boundary between Russia and the newly acquired US territory. The Convention of 1867 determined two geographical lines – one in the Bering Sea and the second one in the Arctic Ocean – to delimit American and Russian territories. "However, in case of the Bearing Sea the 1867 Agreement actually not only applied to maritime territories and was not intended for the delimitation of EEZ", the concept didn't exist at that time (Konyshev and Sergunin 2014). When the UNCLOS III was adopted, the 1867 Treaty line became the most contentious marine boundary in the world because of the indistinct language of the purchase agreement between Russia and the US. The treaty failed to define the type of line, map projection and horizontal datum used to illustrate this boundary. None of these two countries have original or other authenticated maps used during the negotiations to resolve the issue. When the United States and the former Soviet Union implemented a 200 nautical mile Exclusive Economic Zone (EEZ) in 1977, they exchanged diplomatic notes indicating their intent "to respect the line set forth in the 1867 Convention" as the limit to each countries' fisheries jurisdiction where the two hundred nautical mile boundaries overlapped. This boundary was resolved in a 1990 treaty, commonly known as the "Baker-Shevardnadze Agreement, between the United States and the former USSR". Though both the countries made compromise the US still controlled a far greater amount of area in the Bering Sea than what the new agreement proposed, based on the equidistant line principle normally used in international boundary disputes. The US quickly ratified the 1990 Agreement but the USSR didn't ratified (Kaczynski 2007).The United States and Russia have implemented their maritime boundary agreement provisionally while awaiting ratification by the Russian government.

The EEZ boundary in the Arctic is yet to be resolved either formally or provisionally in the US-Canada boundary in the Beaufort Sea; the language of the 1825 treaty between Russia and the United Kingdom failed to define the maritime boundary north of the Arctic coastline.

The Arctic states have reached agreement on most of the maritime boundaries of their seas and sea beds. Russia has negotiated boundary treaties with Norway (Russia-Norway 2010).[1]In April 2010 Norwegian Prime Minister Jens Stoltenberg and Russian President Dmitry Medvedev publicly announced that negotiations had been completed, with the exception of some technicalities. The final agreement was signed in Murmansk, Russia, on September 15, 2010, and has been subsequently approved by the two countries' national parliaments. The document came into force in July 2011 (Konyshev and Sergunin 2014).

There is another dispute regarding the Spitsbergen Archipelago. Norway obtained sovereignty over the Spitsbergen Archipelago – Svalbard – in the Treaty of Paris of 1920. All the other signatories, i.e., some forty countries, got equal rights to fisheries, commercial enterprise, and the exploitation of resources on the land at Svalbard and within 12 nautical miles from shore. With the establishment of 200 nautical miles EEZ, Norway also argues for establishment of EEZ around Svalbard. The other signatories are claiming that the non-discriminatory principle of the Svalbard Treaty must be applicable also to the 200 nautical mile zone, whereas Norway adheres to the literal interpretation of the treaty text. The other signatories' argument is that the wider ocean areas would have been included in the 1920 treaty of commercial activity outside the territorial water which had been an option at the time. To avoid the conflict Norway did not establish an EEZ around Svalbard rather, a so-called fishery protection zone (Ostrued and Honneland 2014).

Norway has resolved disputes with Iceland and Denmark.Denmark and Canada have reached an agreement on their maritime boundary between Greenland and Canada from Baffin Bay through Nares Strait and the Lincoln Sea, though this agreement has not yet been finalised as a treaty.

Like many legal texts that are written by large committees, Article 76 appears clear on its face but, upon closer examination, bears little relationship to the real world: its terminology is ambiguous and overly simple. Plus the process that is followed inside the Commission has, up to now, not been transparent as it appears in the writing. The provision made under Article 76 of the UNCLOS III seems to be generating some major disputes in the Arctic region. According to thisthe coastal State is authorised to exploit the resources beyond the 200 nm of its EEZ according to UNCLOS 76(1) for establishingthe outer limits of such a continental shelf, a state has to approach the Commission on the Limits of the Continental Shelf (CLCS) with supporting scientific and technical evidences as soon as possible, within ten years after ratifying the UNCLOS III. Article 76(5) UNCLOS provides that,"the outer edge of this continental shelf shall not exceed 350 nm from the baseline or 100 nm from the 2,500 m isobaths, whichever is more favourable to the Applicant State. The latter criterion is particularly significant in light of the overall flat nature of the Arctic Ocean (most parts are no deeper than 2,500 m)." However, there is one exception to this rule with respect to "submarine ridges": if the continental shelf covers parts of such a ridge," it cannot be extended to more than 350 nm from the coast no matter where the 2,500 meter isobaths falls." This issue lies at the heart of the dispute over the remaining Arctic territory wherein particular the definition of the Lomonosov and Alpha-Mendeleev ridges as "submarine ridges" (or instead as "submarine

elevations" which are natural components of the continental shelf and do not fall under the limit of 350 nm) is disputed.Though the Article 76 requires scientific evidence of a natural prolongation to be submitted to the UN commission on the limits of the continental shelf for review, "the commission

claims it to be an oceanic ridge and thus not an extension of any State's continental shelf, and therefore refutes any claim to its ownership. The Arctic countries have submitted their claims for their extended continental shelf beyond 200 nautical miles. Theirclaimshas been shown in the table-1 below.[2]

Table-1 : Claims Submitted to the CLCS by the Arctic Countries

Year	Country	Area	Decision
2001	Russia	Beyond 200M Arctric	Rejected
2009	Norway	Barents Sea	Rejected
2009	Denmark	Fame Islands	Granted
2009	Norway	Bouvetoya and Dronning Maud Land	Pending
2010	Denmark	Farne Rockfall Plateau Region	Pending
2012	Denmark	Southern Continental Shelf of Greenland	Pending
2013	Russia	Okhotsk Sea	Granted
2013	Denmark	North-Eastern Continental Shelf of Greenland	Pending
2014	Denmark	Northern Continental Shelf of Greenland	Pending
2015	Russia	Artic Ocean	Pending

will not issue recommendations with respect to overlapping claims. It is up to the countries involved to negotiate a solution, refer the matter to an international court or tribunal, or simply agree to disagree and not issue exploration licenses for the contested area", therefor the states have to resolve the dispute in their own (Byers 2009; Dorman 2009). In case of the extended continental shelf the coastal countries' right is on the sea bed only; the waters and the ice in this zone would be part of high sea (Byers 2009), where the right of unrestricted passage exits.

Canada, the Kingdom of Denmark and the Russian Federation each assert that the Lomonsov Ridge is an extension of their own continental shelf. Proof of its continuation would give the State access to the seabed and natural resources beyond the current 200 nautical mile (nm) limit. The United States

Pursuant to article 76, paragraph 8 Russia submitted an application to extend its continental shelf in 2001 in which it claimed a huge portion of the Arctic. This was rejected in 2002 was rejected in 2002. Then Russia submitted another claim in the Sea of Okhotsk in 2013 and CLCS decision was in in Russia's favor. Again in August 2015 Russia submitted another revised claim on the border in the Arctic Ocean and the decision over this submission is still pending. Denmark submitted five claims; the first in 2009 related to claims on the Faroe Islands has been accepted by CLCS. Decisions on four applications,(i) Faroe Rockfall Plateau Region of 2010,(ii) Southern Continental Shelf of Greenland of 2012,(iii) North-Eastern Continental Shelf of Greenlandof 2013 and Northern Continental Shelf of Greenland of are still pending. Norway's first submission

regarding the limits of the Barents Sea (2009) was rejected by the CLCS and it advised to directly negotiate with Russia, which it subsequently did. This negotiation paved the way for historical 2010 agreement dividing Barents Sea in half between the two Arctic states and ending 40 years of disputes between the two countries. At the heart of that four decades-long dispute were the sea's "offshore oil and gas reserves. Again Norway has submitted a second application in 2009 related to Bouvetøya and Dronning Maud Land, which is still pending. This seems that no country is satisfied even after the acceptance of their claims and therefore further submissions are being made (Brutschin and Schubert 2016).

Prospects of Militarisation

As discussed in previous section that both the superpowers are close neighbours in the Arctic region. The US territory Alaska is much closer to the Russia than the US mainland. The geography played a vital role in making the Arctic region strategically important. In this context Greenland, Iceland and United Kingdom GUIK gap, which is a natural chokepoint which consists of Denmark Strait, and the Norwegian Sea and constitutes the principal outlet to the North Atlantic for the vessels of the Russian Northern Fleet (Oshernko and Young 1989) as shown in the map.

Map 6 The GIUK gap :



.Because they lay athwart the passage these Russian vessles must taken route to the open sea. Thus the Norwegian Coast and Svalbard Archipelago canbe target by Russia in case of war against Europe. Both Russia and NATO country Norway share common border in this location and therefore important for NATO and Russia both (Oshernko and Young 1989. The current scenario indicates probability for increasing militarisation and more actors would be involved.As Lincoln Edson Flake states, "As climate change opens up a more accessible theatre of operations in the Arctic for the world's navies, littoral states are increasing the tempo of military manoeuvres' in the region (Flake 2014).

A5 are increasing their investment in building new equipment and deploying troops closer or even northof the Arctic Circle. Norway shifted its base northward, from Jåttå (south of the Arctic Circle) to Bodø (north of the Arctic Circle) in 2009 and Canada created four new reserve Arctic units, in north of 60" . Throughout 2013–2015 Russia created a new Arctic command spread around theArctic Circle, with forces installations positioned on Wrangel Island and Cape Schmidt in the Chukchi Sea near Bearing Sea patrolling the Eastern borders of Russia, as well as on Alexandra Land Island (Barents Sea) patrolling the Western borders of Russia. Denmark revived its Arctic command in 2012 with headquarters inNuuk, Greenland, which operates Station Nord, "the northernmost base in the world" located at 81æ%3N, 16æ%40 W (Brutschin and Schubert 2016)..

Many of the military activities in 2014 were concentrated on the investments in new military equipments.After the disintegration of Russia there hd been a sign of reduction in Russian presence in the Arctic (Czarny

2015)but Russia has shown retreating from this position and has deployed new radar systems on Wrangel Island and Cape Schmidt (Eastern part of Russia), but it also stationed new combat aircraft on Novaya Zemlya—an archipelago situated between Barents and Kara Seas (Northwestern Russia). Moreover, the Russian military announced plans to increase the number of troops stationed on Novaya Zemlya by 2020. Russia also reported a successful 2500 km flight over the Arctic without a landing by its SU-34 fighter bombers; aircrafts that are "intended for high-precision strikes, including strikes with nuclear weapons, on land and sea targets at any time of day". Canada acquired a new maritime surveillance satellite, "RADARSAT Constellation", which "will provide on average daily coverage of Canada's maritime approaches and frequent coverage ofCanada's land". Probably this satellite should be fully operational by 2018 and would facilitate the surveillance capacity of Canada. Canada has planned to acquire six ice-capable ships for Arctic offshore patrol by 2018. The US, Norway and Denmark each has repeatedly declared the intention to increase their respective Arctic capabilities pointing to new investments either in place or in the pipeline (Brutschin and Schubert, 2016).

Beyond the littoral countries anumber of non littoral stat es are also making efforts to seeking military access in the Arctic. The EU has growing its interest in the Arctic and established a cooperative naval presence to build security in the North Atlantic region, just as it has done in the Horn of Africa. Such presence would also complement growing EU discussions about the need to develop a comprehensive maritime strategy to support member interests. As members of NATO and EU nations are continuing to find opportunities to practices high- intensity operations in winter weather. In 2012 the UK assets joined US and Dutch forces for Norwegian –led Operations 'Cold Response' (Willett 2012).

The growing commercial and strategic importance of the Arctic and its SLOCs and maritime chokepoints has become centre of military deployment for both defensive and offensive purposes. This confers on the GUIK gap and the Bearing Strait, offensive and defensive submarine capabilities and operations have the potential to alter significantly the region's strategic balance. Russia is investing on Arctic submarine capacity with SSNs and SSBNs. Despite significantly reducing their SSNs flotillas in the post –Cold War period both the US and Russian Navy routinely send SSNs for under ice training. The five major actors- China, France, Russia, the UK and the US are not only the nuclear powers but also posses the SSBNs capability. The sustained presence of the SSBNs is symbolic of militarization in the Arctic (Willett 2012). The figure given in the next page shows the military activities of the Arctic nations in the Arctic region.

Environmental & Governance-related Challenges:

The melting of ice and increasing human activities are a severe threat to the Arctic environment. The global warming and melting of the ice has a devastating impact on the biodiversity of the Arctic. Many animals like polar bears, ice-dependent seals, walruses and ice-dependent sea birds would face the threat of extinction, as the animals rely on the ice for essential habitat, foraging and reproductive activities and for born or newborn lives.

(a) **Pollution :** The pollutants are the most dangerous threat for the Arctic

environment. There is a risk to Arctic ecosystems from oil spills which may caused by several reasons like exploratory drilling, production, pipelines, terminals and shipping, militarisation and other human activities

(b) **Oil Spill :** In the icy waters of the Arctic the oil spill takes significantly long time even decades. Lack of sunlight and freezing temperature inhibits the breakdown of oil. The flowing oil locked up or sandwiched under the various levels of ice and then released when the ice melts. The Arctic ecosystem has not get rid of the devastating impacts of the Exxon Valdez oil spill[3] that occurred 29 years ago. According to BBC News," around 250,000seabirds, nearly 3000 sea otters, 300harbour seals, 250 bald eagles and up to 22 killer whales died as a result of this spill."(BBC, 24 March 1989). Similarly an event of oil spill took place in the Russian Arctic. An oil spill which oc-curred in the Russ-ian Arc-tic in late April 2012 took nearly 36 hours to get the leak-age under con-trol. It has been es-ti-mated that 2,200 tons of oil were spilled out over at least 1,5 square kilo-me-tres of tun-dra, in-clud-ing rein-deer graz-ing grounds.

Shallow waters are the more prone to pollution, and these areas are important to organisms of all levels of the Arctic food chain.The oil spills in such areas cause "extensive acute mortality in plank-ton, fish, birds, and marine mammals... [and] there would also be significant... physiological damage, altered feeding behaviour and reproduction, and genetic injury that would reduce the overall viability of populations". Because Arctic animals tend to be concentrated around open areas of water within the ice, a nearby spill could have a "devastating population level effect" (House of Commons UK 2012).

(c) **Dumping of Nuclear Wastes :** During the Cold War the developed nations usually dumped the nuclear wastes in the oceans which became a major concern and the Arctic Ocean was also not an exception.The first incidence of such kind of nuclear wastage dumping in the Arctic was reported in 1991 by the former Soviet Union into the Arctic Ocean in the Barents and Kara Seas (Rothwell 1995), but Russia denied it whenever it has been questioned. In the Fifteenth Consultative Meeting of the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter in 1993, the Russian government was asked to provide report on its radioactive waste disposal practices. In response, the Russian government commissioned a report, and the final text, authored by Russian experts, was submitted in April 1993. The report known as the Yablokov Report, "revealed that the former Soviet Union had dumped six nuclear reactors containing fuel, a nuclear icebreaker shielding assembly containing fuel, and 10 nuclear reactors without fuel into the fjords of Novaya Zemlya and the Kara Sea. It also revealed that from 1959 to 1992, the former Soviet Union and later Russia disposed of over 17,000 containers of liquid and solid radioactive waste into the Barents and Kara Seas of the Arctic Ocean" (Nyman 2002).The total radioactivity of the wasteestimated to be 8.5 × 1016 TBq,9[4] which was ten times greater than the amount the Chernobyl[5] accident and Russian nuclear testing together deposited in the Arctic.

Research conducted in the Arctic region reveals dangerously high concentration levels of caesium and strontium in the aboriginal population and in local food and reindeer. Seals have also been found to be dying of cancer linked to radioactive contamination near the Novaya Zemlya nuclear testing site. The level of radionuclide in the blood of inhabitants of northern Russia is 100 times higher than that found in Moscow residents. In two other incidencesRussia was responsible for adding nuclear wastes: one was the sinking of submarine Komsomolets in 1989 with two nuclear warheads in the Barents Sea Continental slope to the south-west of the Bear Island. The corrosion of the cooling system released Co and Ni. The amount of radioactivity was small and therefore a limited impact has been expected. The other was a small amount of radioactive water leaked out of the Kola nuclear power plant near the Finnish border in September 1992.

The topographical and oceanographic features of the Arctic Ocean made it susceptible to radioactive accumulation which is a matter of grave concern. These features are: first; the Arctic is almost enclosed by landmasses. It is essentially an estuary of the Atlantic with limited circulation with it and the Atlantic and the Pacific Oceans. The limited circulation between the Arctic and the Atlantic Ocean and the Barents Sea tends to concentrate and confine such pollution. Second, the majority of the dumping of nuclear wastes and pollution has been occurring in the Eurasian side which consists of shallow waters lying on the continental shelf. Furthermore the Arctic does not contain deep basins; rather, it contains a higher ratio of freely connected shallow seas. The shallow waters allow the pollution to remain concentrated, making it difficult for the pollutants to be diluted.

(d) **Governance :** The continued strategic importance of the Arctic and absence of treaty to govern the security and other critical issues like nuclear pollution have posed the challenges to govern the Arctic region. Being affected by incidences like the Exxon Valdez, take unilateral instance, which impinge with either international law or with other countries. After the disaster the United States adopted legislation or the Oil Pollution Act (OPA) in 1990[6] to protect its territorial waters. Under this legislation, "ships entering in the American waters are regularly inspected, primarily to ensure that they comply with safety standards and regulations pertaining to the adequacy of qualification and training of the crew members. The OPA also established a double hull requirement for the tanker vessels operating in the American waters. Much of the OPA content has been incorporated into International Regulations as well, including provision of reliable radio technology for on-board communication and vessel identification system to enable shipping activities to check the ships' course and position at the time." The United States which exhibits so much deep concern about the Exxon Valdez accident and was keen to introduce new legislation was against the Canadian step to check pollution in the Canadian Arctic and a serious and unresolved dispute is going

on. Sometimes the problems remain unresolved due to a rigid attitude of the countries. One important example is the Russian deposition of the nuclear waste in the Arctic Ocean. In the international community Russia shows its inability to clear the nuclear wastes in the Arctic Ocean due to its economic problem but at the same time it refuses the assistance of the other neighbouring countries.The countries like Norway with an individual interest in environmental protection or security offered funds and technical expertise to assist Russia in nuclear waste disposalhas been often refused by Russia. Russia is not in favour to allow the inspection trips needed for other countries to authorise aid and it has refused to allow technical experts from Western countries to enter its military bases. The refusal might have intended to prevent other countries from observing Russia's current nuclear submarine technology. Norway offered a sum of $2 million to clean nuclear contamination but Russia rejected the Norwegian proposal to examine the area and even denied to give any information about the fund given to Russia for cleaning the nuclear waste. In another act of defiance, Russia continued to build and operate nuclear-powered submarines. Russian President Vladimir Putin is supports the constructing the nuclear-powered submarines, as a way of reclaiming the superpower status for Russia.Annually 5,000 tonnes of solid radioactive waste is dumped by Russia in the Arctic. Russia's unwillingness to check the dumping nuclear wastes is severe threat for the Arctic region (Nyman 2002). In this background the international laws become helpless.

There is the absence of any treaty to check military confrontation in this region. One major challenge is the exploitation of the seabed beyond the 200 nm EEZ, is controversial because this area is commonly referred to as the High Sea, no State has the right to autonomously exploit natural resources but has to apply to and cooperate with the International Seabed Authority which acts on behalf of mankind as a whole (Articles 137, 153, 157 UNCLOSIII), unless it is proven that the coastal state has rights over the respective resources that lie within its continental shelf (UNCLOSIII).[7]

Conclusion:

The Arctic is melting and the whole world is eyeing the Arctic for economic benefits and ignoring the environmental implications. The insensately towards the ecology of the Arctic has cost the life of millions of innocent aquatic lives and the limitations of the international governance would spoil the region's ecology forever.

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Footnotes

1. The dispute between Norway and Russia over maritime boundaries in the Barents Sea was settled by an agreement in September 2010. An area of more than 1,75,000 square kilometres was equally divided between the two countries.
2. 15 Submissions, through the Secretary-General of the United Nations, to the Commission on the Limits of the Continental Shelf, pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea of 10 December 1982
3. In March 1989, the Exxon Valdez's ran aground near the Prince William Sound in the Gulf of Alaska. Some 2,000 km of stretch was affected by the oil spill over and years later, some areas were still found contaminated with the oil residues, because of the low temperature of Alaska. It was the largest marine spill in the vicinity of the Arctic and led to the death of birds and animals and local flora and fauna.
4. 26 Terabecquerel (TBq) is a radioactivity measurement unit.
5. World's worst nuclear power plant accident occurred at the Chernobyl nuclear power station in the former Soviet Union in 1986. Only after Swedish authorities reported the fallout did Soviet authorities reluctantly admit that an accident had occurred.
6. Oil Pollution Act of 1990: The Oil Pollution Act of 1990 (OPA) (101 H.R.1465, P.L. 101-380) was passed by the 101st United States Congress and signed by President George H. W. Bush.
7. According to UNCLOS, "the continental shelf is a maritime area consisting of the seabed and its subsoil attributable to an individual coastal State as a natural prolongation of its land territory".

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INDIA'S NUCLEAR POLICY IN CONTEXT OF CHINA AND SUPER POWERS

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ABSTRACT

The claims over South China Sea is being contested by China, the Philippines, Vietnam, Malaysia, Brunei and Taiwan, and any move to build nuclear reactors is bound to stoke further tension in the region. China is the most active builder of nuclear power plants, with 32 reactors in operation, 22 under construction and more planned. Thanks to the conditions that prompted India to stick on its current policy and could be successful in having nuclear agreement with United States of America resulting into Hyde Act 2006. As such, it becomes pertinent to mark– how has India's nuclear policy been oscillating between strategic and peace purposes. By an accident of history India was not an independent state at that moment, and its only hope for representation at the conference was the Churchill administration, then in its closing days, which vehemently opposed India's national aspirations. Finally, relations with Pakistan, India's long - standing adversary remained contentious as ever. In considerable part the relationship with Pakistan deteriorated because of the outbreak of an ethno - religious insurgency in the dispute state of Jammu and Kashmir in December 1989. India's security analysts are also perturbed by how after the disintegration of the Soviet Union, the world's sole super power has along with it's military allies decimated small and vulnerable nations. The aggressive manner in which the US and it's NATO allies targeted Iraq and Yugoslavia has undoubtedly played on the minds of India's national security analysts. However despite the Pakistani provocation India exercised remarkable restraint and a large scale war was effectively avoided. Similar in the aftermath of the terrorist attack on the Indian parliament in December 2001 India resorted to a strategy of coercive diplomacy albeit with mixed results. The Bush administration's willingness to exempt India from the expectations of the Nuclear Non-proliferation Treaty negotiations the Congress-led regime of Prime Minister Manmohan Singh withstood a parliamentary vote of no-confidence in July 2008. There little question that this agreement can make a meaningful contribution towards alleviating India's energy needs.

Keywords : *Nuclear, Weapon, India, USA, Russia, Security, Policy, Pakistan, Indian, NATO, NPT, CTBT.*

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The recent turbulence and turmoil in South China Sea has again opened the debates on whether India should possess nuclear warheads or go strictly for the peaceful uses The claims over South China Sea is being contested by China, the Philippines, Vietnam, Malaysia, Brunei and Taiwan, and any move to build nuclear reactors is bound to stoke further tension in the region. China is the most active builder of nuclear power plants, with 32 reactors in operation, 22 under construction and more planned It relies heavily on U.S., French and Russian technology but is developing its own. The latest initiatives are led by China General Nuclear Power Group (CNG) and China National Nuclear Co. (CNNC) Both have research or consulting agreements with Westinghouse Electric Co. And France's EDF and Areva, but say their floating plants will use home - grown technology aggressive attitude of China and North Korea in the waters[1] on one hand and confrontations posed by some countries like America and even India on the other. Though India, being the pioneer of international peace, has always pleaded for deterrence in use of nuclear power, yet it cannot ignore comprehensive security needs in the present situation. India has thrived for possessing nuclear power since beginning but international situation has been compelling its nuclear policy shifting between the two extremes. Thanks to the conditions that prompted India to stick on its current policy and could be successful in having nuclear agreement with United States of America resulting into Hyde Act 2006. As such, it becomes pertinent to mark - how has India's nuclear policy been oscillating between strategic and peace purposes. The current paper examines the shifting trends of India's nuclear policy from beginning of Cold War to Post – Cold War periods and onwards.

India's indigenous efforts in nuclear science and technology were established remarkably early. The first step was taken by Dr.HomiJehangirBhabha in March 1944 when he submitted a proposal to the Sir Dorab Tata Trust (established in honor of Bhabha's own uncle, Sir Dorab Tata) to found a nuclear research institute, over three years before independence and a year before the first nuclear weapon test. This led to the creation of the Tata Institute of Fundamental Research (TIFR) on 19 December 1945 with Bhabha as its first Director. The new government of India passed the Atomic Energy Act, on 15 April 1948, leading to the establishment of the declared: "We must develop this atomic Indian Atomic Energy Commission (IAEC) not quite one year after independence. At that time Prime Minister Pandit Jawaharlal Nehru energy quite apart from war - indeed I think we must develop it for the purpose of using it for peaceful purposes. ... Of course, if we are compelled as a nation to use it for other purposes, possibly no pious sentiments of any of us will stop the nation from using it that way".[2]

Nuclear Policy of India during Cold War:

The end of World War II marked a revolution in world affairs– the recasting of nations and relations between nations, and the emergence of a new technology which fundamentally changed the role of warfare. Within the span of two years and two months, from 1945 to 1947, three critical events occurred whose reverberations have brought the threat of nuclear war in South Asia seemingly daily to the front pages of newspapers everywhere.

members all acquired nuclear, then thermonuclear, arms. With the signing of the Nuclear Non-Proliferation treaty in 1970, and the replacement on the Council of the non nuclear Taipei Chinese government with the nuclear armed government in Beijing shortly thereafter, the de facto principle that the Security Council permanent members and the nuclear club " were one and the same was firmly established.[4]

Recognition of India as a world power in driving the critical importance of the desire for forward the nuclear weapons program, even overshadowing considerations of military necessity and deterrence is underscored by comments by former weapons program leader Raj Ramanna– "There was never a discussion among us over whether we should not make the bomb. How to do it was more important, For us it was a matter of prestige that would justify our ancient past. The question of deterrence came much later. Also, as Indian scientists we were keen to show our Western counterparts, who thought little of us those days, that we too could do it."[5]

Post-Cold War Nuclear Policy

Simultaneously, India also directed its gaze towards South-East Asia after a long span of neglect. During much of the Cold War Indian policymakers had shunned the states of South-East Asia, with the critical exception of Vietnam, seeing them as mostly American puppets. Now as part and parcel of the opening of its markets to foreign investment and seeking to develop a viable export sector, the country embarked upon "Look East policy". Closer to home, the Narasimha Rao regime efforts continued to improve relations with the PRC, a process that had been initiated during the Rajiv Gandhi regime in the late 1980s. Even though the two sides forged two important confidence building measures (CBMs) in 1993 and 1996 designed to reduce tensions along the Line of Actual Control, little or no progress was made in resolving the border dispute.[6] Finally, relations with Pakistan, India's long-standing adversary remained contentious as ever. In considerable part the relationship with Pakistan deteriorated because of the outbreak of an ethno-religious insurgency in the dispute state of Jammu and Kashmir in December 1989. The origins of this insurgency were mostly indigenous could be traced to a process of growing political mobilization against a backdrop of steady institutional decay. However, with the outbreak of the insurgency Pakistan's policymakers quickly stepped into the fray and helped transform a largely internal uprising into an ideologically charged, sanguinary, extortion racket.[7]

In the new circumstances India went to alter the country's foreign policy orientation towards the emergent, sole superpower, the United States ran into an important hurdle for three compelling reasons First, at a global level, the United States had few significant interests in India barring , non-proliferation This issue, of course, put the two sides on a collision course as India was a staunch opponent of the Nuclear Non-proliferation Treaty (NPT) and categorically refused to accede to its expectations. The US, especially, under the Clinton administration, was committed to its indefinite and unconditional extension at the Review Conference in 1995. Not surprisingly, their fundamental differences put the two countries ate odds. Second, a regional level, even though the US Department of Commerce under the stewardship of Secretary of

Commerce, Ron Brown, had anointed India as one of the world's big emerging markets "[8], American investment in and trade with India was so negligible that the nonproliferation issue overshadowed other interests. Third and finally, at a bureaucratic level in both countries the "shadow of the past weighed heavily on all deliberations. Most Indian foreign policy bureaucrats looked were dubiousabout American goals and interests in South Asia and there were lingering distrust of India in both the state and defense departments in the United States. These mutual misgivings hobbled the growth of the relationship even though some small progress had been made in the last days of Indira Gandhi and her son and successor Rajiv Gandhi. As an outcome of these three factors improvements in relations were at best fitful, and frequent hostage to minor, episodic differences. For example, the Assistant Secretary of State Robin Raphael's careless remark about Kashmir's accession to India at a press briefing in Washington, DC became a major diplomatic contretemps. Ibid.[9]

In an interview with Rakesh Sharma of Deccan Herald News Service former prime minister I K Gujral elaborated at length on India's security concerns he pointed to the fact that Indian coastal borders were very extensive nearly 7,000 miles, and was located in an area that was heavily nuclearised. The Indian Ocean is home to the US military base in Diego Garcia which has been nuclearized by the U S government and there is constant movement of nuclear weapon carrying warships, submarines and aircraft carriers in the Indian Ocean, the Arabian Sea and the Persian Gulf. US, NATO and Australian military maneuvers have greatly increased in this region.

India's security analysts are also perturbed by how after the disintegration of the Soviet Union, the world's sole super power (i.e. the US) has along with it's military allies decimated small and vulnerable nations. The aggressive manner in which the US and it's NATO allies targeted Iraq and Yugoslavia has undoubtedly played on the minds of India's national security analysts. ***Dilip Lahiri*** Additional Secretary (UN) hinted as much when he explicitly brought up the US bombardment of Yugoslavia at the *United Nations Disarmament Commission* on April 13, 1999, in New York. He stated that "Apart from the impact which it has already had on regional peace, the implications of NATO action in the Federal Republic of Yugoslavia are far-reaching. If a group of countries or regional arrangements take it upon themselves to act outside the UN Charter, in violation of its provisions, using violence against another sovereign state without the authorization of the Security Council, the legal foundations on which international relations have been built up since the end of the Second World War are gravely undermined. So too is the confidence of states in agreeing disarmament measures, because if countries can be attacked without sanction, because its opponents are militarily more powerful none would be prepared to lower its guard events in the Balkans therefore will inevitably have repercussions on the international disarmament agenda. "It should be noted that it was the threatening and coercive presence in the Bay of Bengal of the US Seventh Fleet (led by the nuclear-powered aircraft carrier enterprise) during the 1971 Bangladesh war of independence that had triggered India's first nuclear test.[10]

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Pakistan's needling of India in Kashmir was and remains susceptible to management through India's conventional military capabilities. Nor does Pakistan's conventional about a possible nuclear exchange between India and Pakistan have not materialized Pakistan's feckless attempt to revive the Kashmir issue through its incursion in the capabilities pose an especially compelling threat to India's security. The conventional military capabilities, the persistence of the border dispute and the PRC's nuclear weapons posed an altogether different order of threat to India's security. Indeed it was the long-term security threats that the PRC posed to India proved to be the most compelling underlying factor that drove India's nuclear weapons program. The specific timing of the program, contrary to much polemical writing had little to do with the ascendance of the right-of-centerBharatiya Janata Party (BJP) to power.[11] Instead it was closely tied to the successful extension of the NPT in 1995 and the seeming inexorable efforts of the Clinton administration to conclude a comprehensive nuclear test ban treaty. Fearful that the test ban treaty was all but inevitable Indian policymakers chose to exercise the nuclear option before ineluctable pressures were brought to bear on India to accede to the regime.

Despite the initial burst of hostility from the United States and the other great powers, the international community has come to grudgingly accept India as a de facto nuclear weapons state. Secretary of State, *Strobe Talbott and Jaswant Singh* the Indian Minister for External Affairs.[12] Also their alarmist claims and fears about a possible nuclear exchange between India and Pakistan have not materialized. Pakistan feckless attempt to revive the Kashmir issue through its incursion in the Kargil region did contribute to a limited war between the two states in 1999.[13] However despite the Pakistani provocation India exercised remarkable restraint and a large scale war was effectively avoided. Similar in the aftermath of the terrorist attack on the Indian parliament in December 2001 India resorted to a strategy of coercive diplomacy albeit with mixed results. However it is important to note that neither of these two crises culminated in a full-scale war between the two long-standing adversaries.

In the aftermath of the 2001-2002 crisis India and Pakistan with some American prodding embarked upon a peace process The results from this process have been limited though it had resulted in some de escalation of tensions on the Kashmir front. 10 However, in August 2008, tensions once again came to the fore with Indian claims about a Pakistani violation of the cease-fire agreement. Matters worsened considerably after India (and the United States) alleged that Pakistan's Inter-Services Intelligence Directorate (ISI-D) was behind the attack on the Indian Embassy in Kabul in July 2008.[14]

While relations with Pakistan remain quite fraught, Indo-US relations now seem to be on a very secure footing. The Bush administration's willingness to exempt India from the expectations of the Nuclear Non-proliferation Treaty (which India had never acceded to in the first place) and pursue a civilian nuclear agreement provided a sound foundation for the relationship.[15] After protracted bilateral and internal) negotiations the Congress-led regime of Prime Minister Manmohan Singh withstood a parliamentary vote of no-confidence in July 2008. There little question that this agreement can make a

meaningful contribution towards alleviating India's energy needs. However, once consummated, its greater importance will lie in ending India's thirty-odd years of nuclear isolation from the global order. Since the United States had been one of the principal protagonists in creating and bolstering these global arrangements, the shift in American policy, which made an exception for India, was nothing short of revolutionary. Consequently, the American concession on this critical issue must be construed as recognition of India's emerging potential as a great power in Asia and beyond.[16]

Post-Soviet Russia's official line Vis-a-Vis India that the differences over the NPT and CTBT would not be allowed to come in the way of their multifarious cooperation. The task of exerting pressure on India on the nuclear issue largely left to the USA, indisputably the most powerful country in the post-Cold War period. It seemed that in its present state relative weakness and dependence on Western economic assistance, the Russian government would not like to do anything that would disturb the present balance of power and annoy the West.

The present system of international relations due to historical reasons, is largely dominated by the Western powers led by the USA, Russia has been accepted in most of the fora as a part of the system. Last year, Russia was admitted to the G-7 also, the grouping of the world's richest and the most advanced countries which consequently became the G-8. However, the fact remains that although Russia has no overwhelming impulse and need to question and oppose the basic parameters of the current world order; still it is not a very satisfied member of the system. The eastward enlargement of the North Atlantic Treaty Organization (NATO) raises a grave spectre of security threat for Russia Moscow is piqued by energetically pursued US policy of cultivating the former Soviet republics and giving a prop to their independence "so that a resurgent and cohesive Eurasia does not again pose a challenge to the West as the Soviet Union did earlier. The declaration by the USA of oil and gas rich Central Asia and Caucasus as the sphere of US interests has particularly irked Moscow as also the overtures of NATO to Ukraine, the Baltics and other former Soviet republics. Russia also has reasons to be dissatisfied with the scale of Western economic assistance.

As regards India, there seems to exist a general consensus in Russia regarding the need of cementing ties with New Delhi, India is often referred to as Russia's "strategic partner. "Indo-Russian broad geo-political interests not only do not clash, but in most cases coincident India's nuclear tests on May 11 and 13 1998 Therefore, put Russian policy-makers on the horns of a dilemma. In its official response Moscow unequivocally criticized the tests. President Yeltsin lamented that "India has let us down. "The official statement issued by the Russian Foreign Ministry on May 12 expressed" alarm and concern "and" very deep regret in Russia "over the Indian action. The statement urged India to reverse its nuclear policy and sign the NPT and CTBT An apprehension was expressed that India's policy may lead to a chain reaction in South Asia and beyond this, in fact, became the legit motif of all Russian pronouncements on the subject. Foreign Minister Yevgeny Primakov remarked that India's decision to carry out nuclear explosion was "short sighted" and "unacceptable" as

far as Russia was concerned. He felt that there was serious risk of India-Pakistan conflict and added, "We especially would not want Pakistan to follow in India's footsteps." Moscow is one with other P-5 countries in ***Sumit Ganguly***, "Border Issues, Domestic Francine Frankel and Harry Harding, eds his desire to keep the nuclear club small and exclusive and not allow new entrants. It is not prepared to recognize India as well as Pakistan as nuclear weapon states as according to the NPT only those states which had nuclear - weapons or had exploded a nuclear device prior to January 1, 1967, can be regarded as nuclear weapon states.

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WOMEN'S POLITICAL SENSITIZATION THROUGH SOCIAL CAPITAL : SOME RESEARCH ISSUES

Dr. Shobha Kumari Gupta*

Prologue :

The feminist scholars have now started concentrating their attentions of women's uplift is not possible without their visibility in political arena at all levels and at grassroots level in particular. Western scholars do also advocate that unless women seek power and extend their role in politics, they cannot be empowered (Stacey, M. and Price, M., 1981). The National Commission for Women of India has also expressed its intention to take steps for their political empowerment (N.C.W: 1997). It desired women to be visible and active in politicalspheres.

The other significant aspect of women's political empowerment is concerned with provision of reservations for them in representative bodies. In this context it is general agreement that simply getting certain percentages of women elected cannot lead to substantial results rather they should by made to participate actively in decision making process and also in democratic activities at grassroots level as well as contribute to social domain (Mohanty, B. : 1996 : n13-15). Despite constitution and statutory provisions in favour of women's political participation, there is enough evidence to prove that they have been found less participative in politics in general and in Bihar in particular (Verma, R. K. and G. K. Yadav : 1996). Now the question is-if politico-legal provisions fail to get success in empowering women at the grassroots level, what should be done?

The Quest :

Quick yet simple answer to this question is they should be made self assertive and interested in political roles in the local sociopolitical milieu. The scholarship on social capital has been much hopeful of it being a strong weapon of sensitizing weaker sections including women for political roles at grassroots level.A few studies have marked the role of social capital in this sphere (Pai, Sudha : 2001, Jayal, N.G. : 2001). But this simple answer ismost difficult to be grounded. Women are regarded as weaker section and there are weakest of the weaker like SC, ST, OBC categories of women who are much more deprived than the women of middle and upper class categories. These women are subjugated at ulmost level (HRW: 1999). Then there is a big question how to sensitize such women at the grassroots level? If they are not made active at the grassroots level, again there will be host of proxy women political leaders in the representative bodies like national and state legislatures, panchayat bodies and unban local bodies besides, lower level functionaries of political parties.

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Thus, it is suggested that motivational force with spontaneous human impulse can sensitize women to exercise the politico legal strategies or provisions and potentialities created by the policy. There is strong advocacy for creation of social capital among the women actors at the society level in order to make them more assertive. Now the question is how can women be sensitized and social capital be created among them in general?

The above situation makes an urgent imperative to look into the modes of voluntary human impulse in order to educate, sensitize and motivate the common women for their political participation and sharing power structure. The role of social capital needs also to be examined. A comprehensive study is urgently required.

It is true that an array of studies has examined the political empowerment of women at the macro level, but very few studies can be found covering the micro-level examinations. Besides, some studies are happy to present examples of certain celebrated women in pokitical sphere like Indira Gandhi, Chandrika Kumaratunge, Srimao Bhandarnayake, Sui-Kei, Margret Thatcher and such other women political leaders (Sidiqui, F.E. : 1999). Besides, some studies indicate towards rise and fall of percentage of women representatives in legislative houses and found women politically lesser participative than their share in population and work force (Vidhanmala : 2001) Women's Share in political power structure of united Bihar (Bihar and Jharkhand combine) has been examined many scholars. Studies by R. K. Verma and G. K. Yadav (1996), R. K. Verma and Manorama Singh (2001), Henna Tabassum (2001) and some others are worth mentioning who have taken stock of women's share in power structure But these do not throw much light of women's political empowerment at the grassroots level. Subhash Kasyap (2001) has hinted towards the need of sensitization of women at the lower levels. The Human Rights Watch (1999) has, in its report though discussed violence plight against women, yet it describes the political misery of Scheduled Caste women in India including Bihar. Vijay Agnew has dealt the issue of political roles taken by women inBihar in historical perspectives. He discusses the role of women in freedom struggle.

Prabhawati (1996) has underlined the legislative roles played by women political leaders inside the legislature and their shares in power structure. But all these studies have ignored the issue of political empowerment and sensitization of common women at the grassroots level in general and women of weaker sections in particular.

The term 'social capital' has been coined by western and Indian scholars in the context of both development and participative roles (Putnam, R. : 1993, Blomkvist, H. and Swain, Ashok : 2001). A very few studies on social capital for gazing the grassroots level democracy has been done very recently in India but none in context of Bihar political system (Pai; Jayal; and Mahapatra op cit). The role of voluntarism in enhancing political participation of women, sensitization of women towards political roles and motivating them for sharing power sounds unique, but it is real. Such studies have found in a few numbers, one is worth reference (Verma, R. K. and Singh M. : 2001a, 2001b). The study has raised a significant issue in this context. In short, the above review of literature suggest that it is high time to examine the issues of social capital and women's sensitization for political roles at thegrassroots level.

Potential Areas of Research :

In the backdrop of the above situation and gap in literature, social capital becomes a striking issue to be examined in the context of making women politically sensitized. In this context the following are the potential areas of urgent attention —

1. Position of women in social and political spheres in the Bihar milieu.
2. Conceptual considerations on the concepts of 'social capital', 'political leadership', 'women empowerment' and 'voluntarism in political arena'.
3. The role of voluntarism in creation of social capital among women in order to sensitize them for political roles.
4. Modes of voluntary actions in this arena and making adolescents as vehicle of communication.
5. Strengthening of grassroots democracy by enhanced women politicalparticipation.

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MAOIST MOVEMENT AND INDIA – NEPAL RELATIONS

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Nepal is a Himalayan Territory and a land locked country has a close cultural, historical, geographical, political relation with India and shares its boundary with other interrelated trade pact through India via four transit routers agreed upon by Indo-Nepal Treaty. Traditionally India has a good relation with Nepal and has an open border with it. Therefore, any socio-political and economic change in Nepal has a direct bearing an Indian security. Nepal being a buffer state between India and China, is of great concern for India from security point of views. Nepal is a small landlocked country of less than 55,000 square miles, where more than 23 million human souls are compressed. Sandwiched between the two Asian giants-China and India-its geographical position is hardly enviable, as it has been traditionally characterized as a yam trapped between two rocks. The country is separated from its other two neighbouring countries. Bangladesh and Bhutan, by a narrow trip of Indian territory. The territorial detachment from Bangladesh is particularly notable, for it makes Nepal totally dependent on India for its external transit routes and sea access, even for most goods and products coming from China. The country is hence, absolutely vulnerable to India's trade and transit policy toward Nepal as was demonstrated by the trade embargo that the former imposed on the latter in 1989. It is precisely this geographical squeeze between China and India that has historically played a paramount role in defining Nepal's human geography.[1]

Nepal's Border with India :

Open border between India and Nepal, a unique dimension of their relationship has results of geographical constraints to a large extent. The present border between India and Nepal was shaped by the Treaty of Sugauli concluded between the British and the Shah rulers of Nepal in 1816.[2] It is well demarcated.[3] In the west, Mahakali river separates Nepal from Pithouragarh district of Uttar Pradesh state of India. In the south and east U.P., Bihar and the West Bengal from nearly 1700 Km. long border with the Terai region of Nepal. Geographically and culturally the Tarai is a transitional region between the Hills of Nepal and the Gangetic -plains of India.[4]

This long border does not provide any natural barrier. Most of its area is covered by agriculture fields, forests and rivers and streams at certain places, which flow from north to south and enter into the plains of India after crossing the Tarai region of Nepal. The Indo-Nepal border, indeed provides an example how geography has interlinked the two countries with same kind of agriculture fields forests and settlement patterns on both sides.[5]

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In fact geographically it is not possible to distinguish the Tarai region of Nepal from the neighbouring region of India. In the absence of means of transportation and communication between the eastern and western region of Nepal for a long time the movement of people between these two region was possible only via India. Most of the Nepalese still travel through India between these two region.

On the other hand Nepal's northern border is contiguous with the Tibetan region of China. This border is formed by Snowclad Mountains of the Himalayas. Due to harsh climatic conditions and poor economic prospects the entire mountainous region is scarcely populated. The land-locked nature of the country has made it dependent on India for its outlet to the sea and for many other things. It may also be noted that Nepal's strategic location in the Himalayas has made its significant for India's security concerns in Himalayas.[6] It is thus clear that geography has endowed Nepal with peculiar position wherein it is natural and essential for her to maintain close links with its southern neighbour.

The Strategic Buffer :

Nepal is sandwiched between two giant countries and is strategically located to play the role of a buffer. During the British period when Tibet was autonomous from China and British power extended beyond the Himalayas– Tibet (not Nepal), played the role of buffer. But with the rise of China, as a power and her occupation of Tibet, it ceased to serve the role of buffer. China's frontier was extended up to Nepal. India's interest in Nepal became important because the five hundred-mile long, Nepal-Tibet border which was also the main natural defence line of India had now been exposed. The threat to India's security became real because the Himalayas on the north of Nepal could be penetrated in quite a few passes. India has an open border with Nepal and the latter's northern border runs along the Tibetan frontier, therefore, if Nepal falls under the occupation or influence of China or any every power, the entire Indo-Gangetic plain would be gravely exposed. It is in this respect that Nepal occupies an important strategic position in India's northern security system. Jawaharlal Nehru had highlighted the point by observing in the parliament on 6 December 1950.

"Apart from our sympathetic interest in Nepal, we are also interested in the security of our own country. From time immemorial, the Himalayas have provided us with a magnificent frontier of course they are no longer as imposable as they used to be. But they are still fairly effective. We cannot allow that barrier to be penetrated because it is also the principal barrier to India."[7]

The strategic significance of Nepal is indisputable. However, the role of Nepal as a buffer has serious limitations. Since the main Himalayan range lies to the north of Nepal. It is the Himalayas and not Nepal that dominate the frontier between China's Tibet and India. Since there is no natural frontier between India and Nepal, the latter in spite of its separate political entity, remains geographically a part of India and cannot be excluded from its defence parameter. Besides this, as a buffer state should physically be so viable as to be able to survive the pressure of external subversion. The physical depth of Nepal is too narrow to serve the purpose of an ideal buffer. However, despite these limitations, both the countries have never lost sight of Nepal as a buffer and both would want Nepal continue playing this role.

Politico-Strategic Consideration India and Nepal's Open Border :

As pointed out earlier, Nepal's strategic location in the Himalayas has been significant for India. Nepal separates Indian plains from the Tibetan region of China. Its border with Tibet is constituted of high snow clad mountains which make it almost inaccessible. However, in modern times, due to techno-logical advancements, the border is no more s inaccessible as it used to be.

Problems and Issues :

1. **Border Demarcation :**

The problem of border demarcation between India and Nepal has existed ever-since the days of British rule in India. The issue of maintenance of border some time acquired a serious dimension as well. In 1829 an agreement was concluded between the two to erect new border pillars whenever the old pillars were destroyed.[8]

The problem of border demarcation arises due to reasons. Firstly, sometimes the stone pillars erected on the border are destroyed with an intention to grab land by the people of both sides or by acci-dents which create confusion about the line of demarcation and which give rise to dispute between the two countries. Secondly, the rivers like Kosi and Gandak, sometimes change their course and destroy the existing border pillars which also give rise to border demarcation prob-lems. The border dispute has serious implication for relations between the two countries. In the 1960's Susta border dispute became prominent. The displace-ment of border pillars in the Tanakpur dam area was raised, along with the Tanakpur barrage controversy by the opposition political parties in Nepal. Nepal has also raised the Kalapani issue by claiming that the Kalapani area belongs to her. This region forms a narrow neck along Mahakah river in Pithauragarh and Dharchula districts of India and Nepal respectively. Indian para military forces have been guarding this region since the Chinese attack in 1962. This issue is still not settled.

2. **Problem of Controlling Crime and Terrorism :**

The open border is a boon to criminals, murderers, bandits and other anti -social elements of both sides. After committing crime on one side of the border they easily escape to the other side. These activities naturally give rise to the problem of jurisdiction, incidents of police crossing the border without consulting its counter-part on the other side of the border etc. More recently the problem of terrorism across the border has become serious. The terrorists wanting to operate in India find Kathmandu a safe place whenever they are under pressure from security forces, because of their unchecked entry in that country. Both the countries have concluded extradition treaties to help each other in the case of criminals. But it is extremely difficult to identify anti-social elements due to open border. These activities bear security problems for both countries. For instance, increased terrorist activity Indo-Nepal border may have serious implications for national security of the two countries. It is in this context that the crime and terrorist activities in the border is a serious issue which may even affect other aspects of relations between two countries. Thus, an open border may become a source of threat to the internal security of the concerned countries.

Historical Backdrop :

India and Nepal bear a complex nature of relationship, which is not oriented of political factors alone but cover the entire gamut of socio-cultural and economic issues. During the time of Nehru, he wanted to create a security zone around India's neighbourhood where Cold War politics could be kept at bay. Thus on 31st July 1950, 'The Treaty of Peace and Friendship' and 'Treaty of Commerce and Trade' were signed by India and Nepal. The Treaty of Peace and Friendship required India and Nepal to consult mutually on matters relating to national security. The Treaty recognised Nepal's sovereignty, territorial integrity and indepen-dence. From Indira Gandhi to Manmohan Singh, India followed the same established pattern of foreign policy shaped by Nehru. India realised that stability at times was more important than establishment of democracy.

After the accession to thrown in 1955, King Mahendra took up the tasks of defining the fundamentals of Nepal's identity and self image were possible only by reducing its dependence over India. In 1960, he dismissed the Koirala government and himself took power.[9] This led to the deterioration of relations with India. Anti-Indian sentiments and furtherance of Nepalese nationalism were major happenings which affected heavily the future course of actions at political level between the two countries. During the time of King Birendra, Nepal started was declared as a "zone of peace". By 1955, as the process of change in the domestic and external milieu advanced in Nepal, the pattern of its 'special relations' with India also changed alternatively. Nepal started evolving the policy of balance of power in relation to the neighbouring region. The Panchasheel agreement between India and China prompted Nepal to normalise its relations with China.

India's foreign policy towards Nepal has three major and yet interrelated objectives, strategic political and economic. Strategic interest, i.e., to meet any threat coming from China via Nepal.... The political objective constituted mainly of maintaining a 'special relationship' under the 1950 treaty, countering the China and other powers., containment of communism, supporting a regime with a pro-Indian orientation, and looking after the interests of Nepalese of Indian origin and people of India living in Nepal. Its economic objective has been guided by two main considerations to exert influence on harmonising economic policies between the two countries and sharing water resources for mutual benefits.[10] The official establishment in India thinks that China's presence behind Nepal with the formers military consolidation in Tibet will naturally make Indo-Nepalese border much harder even as compared to Indo-Bangladesh and Indo-Burmese border.[11] Another reason is that the Nepali Maoists. The creation of a Compact Revolutionary Zone(CRZ) by the Nepal and stretch across more than five Indian states 'hold certain advantages to the insurgents and thus significant security implications for India.'[12]

The fact is that, Nepal's treaties and agreements with India were 'conditioned more by short strategies of regime survival than by genuine national interests."[13] The passion of Nepalese ruling class to seek the support of Indian Governments for their own survival and sustenance still continue. In short, the 1950 Treaty of Peace and Friendship created visible strains on the juridical claim of equal sovereignties with the Unified Communist Party of Nepal (Maoist)-UCPN(M) assuming power in 2008. Beginning with the 12 point understanding reached between the Seven Party Alliance(SPA) and the Maoists in Delhi in November 2005,13 Government of India

welcomed the roadmap laid down by the historic Comprehensive Peace Agreement of November 2006 towards Political Stabilisation and institutionalisation of multi-party democracy which culminated in the 2008 constituent assembly elections. However the strain may be way of fissures as the Maoists in Nepal pledge to scrap the treaty which guides the two countries 'special relationship.' [14] During Prime Minister Prachand's (Pushp Kamal Dahal) visit to India in September 2008, both sides agreed to receive, adjust and update the 1950 treaty of peace and friendship. However, India was not interested at that point of time in the Maoists getting credit for giving Nepal a Constitution and consolidating politically on that basis. It is in these circumstances that India helped to form a Non-Maoist Government in Nepal.

The November 2013 elections for a new Constituent Assembly (CA-II) in Nepal gave a fractured mandate but one that made the traditional upper caste and upper class groups dominant again.15 While the Maoists have emerged as the single- largest party in 2008, with 240 seats and the three Madhesis parties accounted for 84 seats, the outcome in 2013 elections turned out very differently. Maoists were down to 80 seats and the Madhesis parties which had splintered from three to a dozen, could only manage 40 seats. NC moved up from 115 seats in 2008 to 196 and the UML from 108 to 175 seats. In a way, the defeat of the Maoists in the second Constituent Assembly elections was considered as an angry reaction of a highly frustrated electorate which had placed great hope in the Maoists to lead the way in the realisation of a new progressive constitution, enduring peace, political stability and progressive socio-economic transformation.[15] In the context of the new developments, the issue of updating the 1950 treaty came up for discussion during the Joint Commission (JC) meeting held in Nepal on 26 July 2014. Prime Minister Narendra Modi's visit to Nepal in August 2014, was first by an Indian Prime Minister after a gap of 17 years.

The relations between the two countries have strained since Indian origin people living in southern parts of Nepal, Terai have protested violently against the new constitution. The adoption of constitution in Nepal by overlooking interests of Indian origin Madhesis is seen as a single most diplomatic challenge for the Government of India. The Madhesis believe that the new constitution will lead to their marginalisation in Nepal. India's support to the Madhes agitation against a discriminatory constitution adopted in September 2015 had resulted in restricted supply of essential goods to Nepal for nearly six months, causing unprecedented hardship to Nepal's people and generating strong anti-India sentiments among the country's hill communities.

The blockade has alienated Nepal's political parties as well as public opinion from India and exposed the Madhesi Community to further vulnerability from Nepali national chauvinists who have always accused them of being a fifth column for India. In these circumstances, Nepal Prime Minister K.P. Sharma Oli's visit to China in March 2016, is a message to India that Nepal has a viable option in mobilising support from China to counter any pressure generated from India. Mr. Oli concluded 10 important agreements and memoranda of Understanding (MoU)s covering fields of transit and trade, connectivity and infrastructure, energy exploration and storage, banking and education. It is evident that the new government in Nepal ignored India's concerns and advice and has blamed India for encouraging disturbances in the Terai and interfering in Nepal's internal affairs.

The anti-Rana revolution of 1951, the success of UCPN (Maoists) in 2008 and the adoption of new constitution in September 2015 and the Madhesi agitation against it, are all major landmarks in Nepal's political evolution which influenced the content and contours of Indo-Nepal relations. India needs to pay due respect to the democratic aspirations of the Nepalese people, even if this does not collaborate well with India's perceived interests.[16] Instead of using pressure tactics, India should help the Nepali leadership to sort out issues related to Madhes and Janjathis and engage with Nepal as a sovereign entity. The so called Chinese influence on Nepal is to be dealt with diplomacy based on mutual understanding and mutual benefit in trade and security. India needs to change its diplomatic posture from a hardline position to quiet and creative initiatives where it can nudge both the marginalised and the dominant governing elites in Nepal to engage with each other meaningfully to work out credible and lasting compromises.

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GLOBAL THREATS TO ECONOMIC NATIONALISM OF INDIA

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ABSTRACT

This paper encapsulates that Globalization is itself limited to the free flow of capital, labor, goods and services in order to corner the maximum benefits from the local markets for the globally dominant players. Technology and technical-know-how are not being shared freely and equally. We purchase the Drone, but not the technology of Drone, therefore, dependency is bound to be there. The dominant–dependent–syndrome continues to be there in this globalised 21st century. Some of the so called equal partners are more equal than others.

We may sum up finally the process of globalization will end up not in the maximization of quality production rather than globalization of Prices with many more technological dependency of India. Therefore, the process of liberalization without calculation will accentuate the 'Development of Under Development.'

Key-Words : *Dominant-players, Dominant-dependent syndrome, equal partners, pricing strategies, Demand-supply chain and its gap, payment subsidies, Development of under development.*

Historically speaking, the Global Threats to Economic Nationalism of India has an anti-colonial past. Till the first half of the 19th Century, Indian intellectuals have positive attitude towards British rule. They hoped that Britain would modernize India. It was expected to develop, India's productive forces through the introduction of modern science and technology and capitalist economic organization.[1] The future development did not conform to their expectations. Finally, they had to revolt.

Between 1951-91, we had a centralized development planning based on the import substituting industrialization strategy. Indian model was regarded as the role model of development planning until the mid-1960s[2] at least for those who supported the Nehruvian model of Mixed Economy with Public Sector at its Commanding Height. However, since the late 1980s may observe came to the conclusion that this model was not in tune with the changing times. For them, India needed to rethink its inward looking development strategy, particularly after the astounding successes achieved by several East Asian and South East Asian countries in achieving sustained high growth with better development of human resources and improved distributive justice.

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India did well in terms of achieving fairly high growth rates of output in the 1980s (at around 2 1%) which earlier acted as a drag on improving the growth rate of per capita income Towards the end of the 1980s, it also became clearer that this relatively high growth rate was unsustainable.

The growth rate was unsustainable because of the unsound financial patter. It was based on the excessive centralization and bureaucracy, especially revenue problems were compounded by the ballooning of direct and indirect subsidies, the rapid growth of domestic debt, and soaring bills of interest payments nearing an internal debt trap; very low rates of return on huge investment made in the public sector; and excessive growth of external debt especially of a costlier short term nature, requiring short periods of repayment[3] and finally led to the BoP (Balance of Payment) crisis

Pranab Bardhan[4] and P. N. Dhar[5] are of opinion that there were three major beneficiaries of the regulatory economic system – (i) politicians, (ii) bureaucrats and (iii) big industrialists.They were quite comfortable with quick and assured returns. They did not want a change to a different type of system (East Asia) with uncertain, long-term returns. In addition to the above dominant classes, one can add, rich farmers and the organized trade unions. These pressure groups were quite vocal and exerted great influence in the formulation of economic policy.

In brief, the economic crisis originated from the (i) over-politicization, (ii) over-bureaucratization and (iii) under-management of India's economy.[6] Therefore, India has been described as the 'Caged Tiger'. Although, the cage had been its own creation.

"The crisis has been simmering since the 1980s, with governments relying on sunsustainable levels of foreign and domestic borrowings".[7] Ajay Joshi and I.M.D. opines that Indian economy was brought to the boil by the Iraqi invasion of Kuwait in August 1990, resulting in a rise in the price of oil. The National Front Government of V. P. Singh, and the successor "Lame duck" government of Chandrashekhar, failed to take action commensurate with the rapidly growing crisis. Immediate drastic action, including a large devaluation and deflationary fiscal measures was essential to prevent default by securing the co-operation of official donors and lenders.[8]

The unprecedented crisis of 1990-91 was turned by the new government under the Prime Ministership of Mr. P. V. Narshimha Rao and Finance Minister Dr. Manmohan Singh into an opportunity to take the road of substantive and sustained liberalization of the economy. This was in sharp contrast to the several earlier episodes of hesitant liberalization lauched in India since the 1960s and the most notable by the then Prime Minister Mr. Rajiv Gandhi in 1985 without any conditions of economic crisis.

The new government of P. V. Narshimha Rao moved swiftly and announced a "Programme of macro-economic stabilization and structural adjustment'. It believed that economic reforms should be gradual and incremental in nature. Reforms should be politically feasible without arousing too much protest from the vested interests, and without generating undue social tensions. The first task had to be the formulation of an appropriate macro-economic policy. With economic skill and little political interference, India succeeded in overcoming its macro economic crisis in about two years. Perhaps,

this was the fastest and least painful recovery under the stabilization package agreed with the IMF by any developing country.

However, the central concern of this paper is not political, rather economic nationalism and swadeshi. In the absence of a socio-logically organized politics of the bottom half of Indian society, critics would say these changes have been organized and deter-mined by the microscopic minority and bourgeoisfication of India's propertied classes. Therefore, we have the expansion of bourgeoisie and its assertation at the national level. So is the case with the yawning gap between the rich and poor.

On the eve of independence in 1947, we had a pan-Indian social formation, which was indeed district in the entire third world. 'For we had a well developed big industrial bourgeoisie. The class was able to use the Indian state to accelerate and diversify industrial growth.'[9] The economic policy had a definite tilt in favour of the industrially rich. The Indian nationalism based on 'mixed economy' has never been above and beyond doubts. In fact, the idea of mixed economy with the public sector at its commanding height has collapsed in the middle. Large public sector component of the Nehruvian industrial strategy was not socialist but it was successful in reflecting the ability to mould and get the support of toiling masses. It was through this so called popular mechanism that a vast army of a largely "upper caste professional or intellectual class"[10] or the entrepreneurs could get their place in bureaucracy and industry. Hence, this crisis is further deepening and widening.

The unraveling of that strategy by the late 1960s brought slow but progressive deregulation of the Indian Economy and a spurt of growth aimed at the absolutely enlarged but relatively narrow bourgeois market. Most of the economists argue, "the import intensity of this pattern of industrialization led to the need for IMF loans in 1991 which, in turn, brought a drastic acceleration of deregulation, the major shift towards external liberalization and fight fiscal and monetary policies.[11]

Liberalization is a political project which means the free trade and flow of capital. It has to be understood in the context of historical setting in which it is evolving and at the same time helping to define. It has to be an ideological project in as much as an objective description of global reality is concerned. One has to locate the social forces that promote and benefit from globalization and serves to delineate transformational possibilities. Ideology becomes important in the construction of narratives around a nation-state, its power and incapacity. Therefore, the neutrality of the nation-state is ruled out and thereby global threats become inevitable.

In this phase of liberalization, reaffir-mation of economic nationalism is important. Historically, it is important for the under-standing of liberalization and for engaging in debate about the future possibilities of national state action for development. Challenging narratives that 'there is not alternative' (TINA factor) is important normatively and can be done with reference to ample empirical evidences which highlight the multiple forms that capitalism takes, depending on the social and political context in which they are embedded.[12]

Mittelmen, citing Berresford notes, "The term liberalization/globalization reflects a more comprehensive level of interaction that has occurred in the past, suggesting

something different from the word 'internationalism'.[13] The emphasis is one the increasing speed and intensity of exchanges (by implication in finance and communication). Anthony Giddens argues, 'Globalization can this be defined as the intensification of world wide social relations which link distant localities in such a ay that local happenings are shaped by events occurring many miles away and vice-versa."[14]

It is the construction of time and space compression that has given rise to popular notions of 'one-worldism'. The concept of 'one-worldism' has given rise to fears about the potential of globalization to homogenize economic and cultural life. Another important phraseology is 'McDonaldisation'[15] Therefore, the notion of intricate patterns of interdependency is said to connect the fate of nations in unprecedented ways.

We have had debates in Social Sciences about the organization of world systems and the existence of dependency between North and South or core and periphery. Today, what is notable about this latest stage in global capitalism is the potential for 'boomerang effects', where actions and decisions taken in one part of the world can have rapid if not immediate impacts elsewhere. The East Asians financial crisis underscored this new reality in alarming terms. The American economy is facing the challenge of depression.

The proliferation of the national bourgeoisie has already changed the orientation of economic policy. It has virtually robbed it of a common interest which can be the basis of any alternative to the IMF/World Bank Programmes. There are serious problems and they are likely to plague the entire economy. 'But there is no bourgeois alternative to it', says Prabhat Patnaik.

Internally, the black economy in India is 40% of the GDP which amounts to Rs. 7,00,000 crores. This includes a contribution of 32% from illegal activities like smuggling, drugs and flight of capital. The black income generation of this magnitude is concentrated in the hands of at the most 3 percent of the wealth.[16] For the 'Sangh Pariwar', perception is different, K. S. Sudarshan says the post-1991 reform is as bad as the pre-1991 socialist tilt. He criticized trade liberalization because is 'destroys our national self-confidence ridiculed, the 'urban orientation' of economic policymakers and lambasted the import of 'job-killing' technologies which is pushing our youngsters into terrorism and crimes. K.S. Sudarshan was speaking at the inauguration ceremony of the "Swadeshi Mela" on 13 September, 1998.

It was part of a discernible strategy to moderate the party's hard-line image as an ideologically driven, single issue party of aggressive Hindutva (Hinduness) assertion. Practically, it was in no way a reflection of the abandonment of controversies and themes at the core of the ideological agenda of the 'Sangh Pariar'16. Most of the core agenda of the Sangh Pariwar appeared in the BJP's majifesto campaign as an attempt to project itself as the natural successor to the Congress as a dominant 'national' party representing governmental stability, securing territorial and economic sovereignty. In brief, in 1998 the slogans and rhetoric of past campaigns with strong 'Hindi Heartland' or north Indian overtones, such as Ram and Roti, has given way to new mantras of national stability, security and Swadeshi. The stragetic emphasis placed upon the Swadeshi critique of unbridled liberalization can be explained both in terms of the BJP's search for new issues of national relevance after

1993, and (ii) its search for a degree of common ground in the regional coalition building efforts of the party prior to the polls. Consequently, the 'National Agenda for Governance' produced by the party and its coalition partners after the election paced weight upon national security and a pre-consideration of economic policy whereas other more controversial Sangh Pariar agenda were absent.[17]

The public positions adopted by the party leadership in regad to Indian economic policy has been marked by a significant degree of inconsistency, some broad themes of 'Saffron Swadeshi" can be identified. There has been considerable conflict and disconflict within Sangh Pariwar as to the extent to which even calibrated, gradualist globalization can be ideologically acceptable for Hindu nationalist organizations. The RSS established a new swadeshi oriented organization, the Swadeshi Jagran Manch. It is the primary vehicle for projecting the devastating cultural and economic consequences of foreign investments, external economic intervention and the 'consumerist' culture of the West as represented most visibly by the market entry of multi-national companies in the consumer goods sector. However, their interpretation of the meaning and content of Swadeshi is one that tends to envisage a more autonomous and encapsulated India in all respects. Consequently, this approach has tended to conflict with the BJP's attempt to represent the Swadeshi campaign as a call for balance between the demands of global economy and the gradual development of domestic industrial and economic capacities. However, the global threats to the Indian Entrepreneurship is and has to be underlined and accordingly the Indian-nation State will have to plan itself.

Conclusion :

Now it is not only the cultural nationalism rather Economic Nationalism which has moved to the centre, with a section of Sangh combine trying to tap the forces of discontent. The Swadeshi Jagran Manch (SJM) alongwith other trade unions cutting across the party lines have got their act together in less than a year after the demolition of the Babri Mosque. The ideologues of Swadeshi Jagran Manch say that we ought to 'shun things foreign'. The idea was openly espoused at its founding conference in September, 1993.

At the Banglore Session of the party executive in 1993, L. K. Advani made his formulation that 'the country welcomed the computer chip but would shun potato chips.' The shortlived Bombay club gave industrial teeth to the ideology of self-reliance. Even as the Congress under the Prime Ministership of P. V. N. Rao who pushed ahead with reforms, the Hindutva forces sought to give the process their own distinctive stamp. Now it seems that markets has been fine as long as the color of reform has remained saffron. The compulsions of politics and the worldwide webs of trade and capital flows have taken the economic politics of the BJP led government in very different directions. The shortlived ministry gave the green light for the Enron project in May 1996. Since 1998, there has been no let up with the insurance sector and telecommunications being opened up. Indian even relaxed the quantitative restrictions on several products aheads of the deadline imposed by international treaty.

The Congress legacy of reform has lived on under the BJP led coalition regime. The former General Secretary of the BJP, K. N.

Govindacharya hopes to focus on the concerns of artisans, traders and cultivators. These are the very groups that have been at the heart of the meteoric growth of the party over the decades. The slogan of 'India Shinning' could not work. The party has been voted out of power. The SJM has distributed a pamphlet in cities and towns across northern India and warned that 99% of the cold drinks, 92% of the toothpaste, 71% of ice-cream are sold by multinational companies. The customer is urged to replace the foreign made products with its indigenous counterpart. Lever detergent or soap is to be replaced with Nirmal, Gilette Blades by Ashoka. Hence 'Be Indian and Buy Indian' is the catch word of swadeshi.

Therefore, with the unabated process of liberalization the economic nationalism of India faces global threats unprecedented crisis, scams, bankruptcy, voluntary retirement schemes, retrenchment, ban on recruitments, shutting down factories, taking into account the all-round crisis trade unions of left and right ideological groups are coming together to fight the consequences of liberalization. Therefore, the question is not just who wins or loses today's power play. It is a battle for the ideological high ground that matters much more. The centrality of the party to India's governance makes it a contest with the consequences of the process of economic liberalization whose significance hardly needs any further explanation.

Differences have been there between the BJP led NDA government and the Swadeshi Jagran Manch of the RSS-but there is no evidence to prove its seriousness. Therefore, differences are there, but it appears that the BJP wants state power and also tries to occupy important space in civil society and pursues a double-edged strategy. On the one hand, they did not push the criticism to a point which would break the government, especially not on the issue of liberalization and globalization which its middle class constituency supports up to a point. On the other hand, they have been trying to claim the nationalist ground and undermine Congress, claim as the spokesperson of nationalism, and also because their petty bourgeois support middle class which have gained very little from liberalization, in fact they have been hurt by it. The RSS has attempted to assume both the position of support and opposition, it remains to be seen to what extent self-contradictions are managed and paradoxical situation is being controlled. Hence, ideological and political limitations and contradictions are bound to surface. Moreover, the Globalization is itself limited to the free flow of capital, labor, goods and services in order to corner the maximum benefits from the local markets for the globally dominant players. Technology and technical-know-how are not being shared freely and equally. We purchase the Drone, but not the technology of Drone, therefore, dependency is bound to be there. The dominant – dependent – syndrome continues to be there in this globalised 21st century. Some of the so called equal partners are more equal than others.

We may sum up finally the process of globalization will end up not in the maximization of quality production rather than globalization of Prices with many more technological dependency of India. Therefore, the process of liberalization without calculation will accentuate the 'Development of Under Development.'

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SOCIOLOGY OF BRAHMANISM

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Religion in India has always been very complex owing to two contradictory conditions– first, many religions working well in harmony with each other on one hand and second a few of them having a hostile relationship to each other on the other. While this meant a relatively peaceful existence for those practicing those religions, it means that understanding the history of each religion is quite difficult for those of us who wish to understand them thousands of years later.

Perhaps nowhere is this truer than when we try to reach as far back into Indian history as possible to understand one of its oldest religions, Brahmanism that has grown into the brahmanical social system. Brahmanism gets its name due to its reverence for the overwhelming power of Lord Brahman and also from the class of priests who commune with Brahman. Predating Hinduism by centuries, Brahmanism, nonetheless, is eerily similar to Hinduism. From its earliest days in the earliest cities of the Indus River Valley, many of the major beliefs of Brahmanism still hold true today.

But it's not just the words and chants of a few Brahman priests that shed light on Brahmanism. Remember, only the members of the Brahman caste, the highest caste of Indian society, are allowed to be priests. So, what about everyone else? Much like Hinduism and other religions in the subcontinent, Brahmanism believed in **reincarnation**, or that the soul would be reborn again. In fact, we've found many of the same artefacts that point to the belief in reincarnation in the Indus River Valley as we have found in later Hindu sites.

However, Brahmanism itself was also heavily influenced by the Aryan invasion, as the transition from Brahmanism to Hinduism was not as simple as a mere invasion. In fact, the Aryan Vedas, the poems and hymns that much of Hinduism is based upon, themselves feature many of the stories of traditional North Indian rivalries against those societies in the South. In fact, Brahmanism, as we understand it, would be very limited without the addition of the Aryans, as they provided through the earliest Vedas an important link in understanding the practices of the Brahmans.

Far from being a uniform system of worship, Hinduism, in this large sense, comprises, besides orthodox Brahminism, the numerous sectarian developments of cult in honour of Vishnu, Siva, and their associates, in which for centuries the great mass of the people have

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found satisfaction for their religious cravings. In Hinduism, as distinguished from the heretical sects of India, it is of minor importance what sort of worship is adopted, provided one recognizes the supremacy of the Brahmins and the sacredness of Brahmin customs and traditions. In the pantheistic all-god Brahma, the whole world of deities, spirits, and other objects of worship is contained, so that Hinduism adapts itself to every form of religion, from the lofty monotheism of the cultivated Brahmin to the degraded nature-worship of the ignorant, half savage peasant. Hinduism, to quote Monier Williams, "has something to offer which is suited to all minds. Its very strength lies in its infinite adaptability to the infinite diversity of human characters and human tendencies. It has its highly spiritual and abstract side suited to the metaphysical philosopher and its practical and concrete side suited to the man of affairs and the man of the world-its esthetical and ceremonial side suited to the man of poetic feeling and imagination-its quiescent and contemplative side suited to the man of peace and lover of seclusion. Nay, it holds out the right hand of brotherhood to nature-worshippers, demon-worshippers, animal-worshippers, tree-worshippers, fetish-worshippers. It does not scruple to permit the most grotesque forms of idolatry, and the most degrading varieties of superstition. And it is to this latter fact that yet another remarkable peculiarity of Hinduism is mainly due-namely, that in no other system in the world is the chasm more vast which separates the religion of the higher, cultured, and thoughtful classes from that of the lower, uncultured, and unthinking masses. Hinduism is thus a national, not a world religion, it has never made any serious effort to proselytize in countries outside of India. The occasional visits of Brahmins to countries of Europe and America, and their lectures on religious metaphysics are not to be mistaken for genuine missionary enterprises. Not to speak of its grosser phases, Hinduism, even in its highest form known as Brahminism, could not take root and flourish in countries where the caste system and the intricate network of social and domestic customs it implies do not prevail. Nor has Hinduism exercised any notable influence on European thought and culture. The pessimism of Schopenhauer and his school is indeed very like the pessimism of Buddhism and of the Vedanta system of philosophy, and seems to have been derived from one of these sources. But apart from this unimportant line of modern speculation, and from the abortive theosophical movement of more recent times, one finds no trace of Hindu influence on Western civilization. We have nothing to learn from India that makes for higher culture. On the other hand, India has much of value to learn from Christian civilization.

Intimately bound up in the religious teaching of Brahminism was the division of society into rigidly defined castes. In the earlier, Vedic period there had been class distinctions according to which the warrior class (*Kshatriyas*, or Rajanas) stood first in dignity and importance, next the priestly class (*Brahmins*), then the farmer class (*Vaisyas*), and last of all, the servile class of conquered natives (*Sudras*). With the development of Brahminism, these four divisions of society became stereotyped into exclusive castes, the highest place of dignity being usurped by the Brahmins. As teachers of the sacred

Vedas, and as priests of the all-important sacrifices, they professed to be the very representatives of the gods and the peerage of the human race No honour was too great for them, and to lay hands on them was a sacrilege One of their chief sources of power and influence lay in their exclusive privilege to teach the youth of the three upper castes, for education then consisted largely in the acquisition of Vedic lore, which only priests could teach Thus the three upper castes alone had the right to know the Vedas and to take part in the sacrifices, and Brahminism, far from being a religion open to all, was exclusively a privilege of birth, from which the despised caste of Sudras was excluded.

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CONTEMPORARY SEA PIRACY IN THE INDO-PACIFIC REGION

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Sea Piracy and Pirates are long-standing problems affecting the international order. Often perceived as an 18th-centuryphenomenon,but increasing pirate activities, particularly around the Horn of Africa, the larger east African coast, and the Southeast Asian waters, have once again drawn the international attention towards the nagging issue sea-piracy.

Maritime piracy is an unlawful act of attacking or plundering at sea. It is linked to politics and state weakness, despite not being a political crime. It is somewhat predictable and different from maritime terrorism and forms a separate cluster in the maritime security domain. Article 101 of the UNCLOS defines piracy as any of the following acts —

a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed;

(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(b) any act of voluntary participation in the operation of a ship or an aircraft with knowledge of facts making it a pirate ship or aircraft;

(c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b)."[1]

This narrow definition of maritime piracy is used by the UN shipping regulator, the International Maritime Organisation (IMO), to define MaritimePiracy. This definition limits it to the high seas and not in territorial waters, thereby mobilizing specific law-enforcement possibilities against it. In many cases, pirates have evaded capture by merely sailing from the high seas to the territorial water of countries with weaker jurisdictions and ill-equipped ones to combat maritime crime. In doing so, they put themselves beyond the reach of international and domestic laws. Countries typically try to prevent foreign navies and coast guards' entry into their maritime jurisdictions and territorial waters; often, pirates exploit this by crossing into another country's waters if discovered and pursued by the joint task forces of navies and coast guards.

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The absence of a single definition by drafters of law and governments results in disputes and confusion while defining and classifying violent maritime incidents. Such ambiguities act as significant roadblocks to navies, coast guards, and other agencies charged with preventing maritime piracy.[2] Along with maritime pirates victims, the agencies dedicated to preventing sea piracy prefer a more precise and broader definition. The nuanced distinction between an act of piracy and armed robbery at sea is of little relevance.[3]

Sea Piracy is a global phenomenon, not a global problem.It has many shared features, but how they are linked or related to one another is specific to each region and locality.[4] To understand piracy, one has to understand pirates and their pursuits in the first instance. Pirates are a gang of criminals who want money and other valuables. Piratesprefer cash or anything that can be readily sold for money, like ships' stores, equipment such as navigational aids, radios, and other crews' possessions. The element of unpredictability associated with pirates might coax them to take crew members' lives while still indulging in plunder. More organized pirate groups steal items, including the entire cargo, readily disposable commodities like metal bars, and even the ship itself. Some try to sell the original cargo ship or use it for further maritime fraud.Bystriving and obtain other cargoes that they will steal ultimately. It is known as a "Phantom Ship" fraud.[5] These stolen ships are registered based on false information, and once the crime has been committed, it is often impossible to trace them or their crew. These sorts of frauds have been a regular feature of Southeast Asia piracy, where corrupt authorities facilitate paperwork and registrations by setting up paper companies based in temporary offices.[6] In the Sulu Sea and the Malacca Straits, pirates might also kidnap crew members for ransom apart from stealing the ships. Pirates can also hijack whole ships and demand ransom for the ship, cargo, and crew together.This form of piracy has been unique to Somalia because it requires a safe anchorage where the vessels can anchor without its recapture.

The Implications of Piracy

There are various dangers associated with piracy and have many sides. One obvious cost that is far from hypothetical is the human cost regarding numbers killed and traumatized.[7] Those that have suffered attacks are often unwilling to return to the sea due to lingering trauma.[8]

Apart from the direct economic impact in fraud, stolen cargos, and delayed trips, piracy can affect states politically. It can play a pivotal role in weakening and undermining the existing government or regime legitimacy. For instance, itcould happenthroughfestering corruption among authorities and government officials in many countries. Indonesia is a prime example, which until 2008was consistently rated as the most pirate-prone hot spot in the world.

Piracy can cause a significant environmental hazard too. If pirates attack some oil-laden vessel with oil spills over sea lines of communication, it is bound to cause tremendous environmental damage. For instance,if a pirates attack causes a mid-sea collision involving an oil-laden tanker in the Strait of Malacca, it would result in the discharge of petroleum over a large area of sea, causing irreparable damage to marine life and offshore resources. Besides, it would severely damage the long stretches of fertile coastal lowlands and coastal infrastructure.

Reasons for Piracy :

Piracy is a low-risk, criminal activity that pays well and occurs because some factors encourage fraudulent maritime practices, lessen the risk of capture or detention, and help protect pirates' capital. Vagg, Martin, and Frecon list out seven factors which encourage Piracy[9]—

1. Legal and jurisdictional opportunities
2. Favorable geography
3. Conflict and disorder
4. Under-funded law enforcement/inadequate security
5. Permissive political environments
6. Cultural acceptability/maritime tradition
7. Reward

Legal and jurisdiction opportunities : Law enforcement agencies face the legal and jurisdictional difficulties that revolve primarily around state sovereignty issues and are significant in lowering the risk factor wherever piracy is a problem. These difficulties exist both in national and international law. The weaknesses in the international law of the Sea (UNCLOS) treaty's approach to piracy starts with the restriction of the definition of piracy to "private" as opposed to "public"or "political" acts, which excludes the actions of terrorists and insurgents and its geographical restriction of piracy to the high seas. The lack of a mechanism to allow hot pursuit by navies and coast guards into a state's territorial waters andthe "two-ship" requirement that excludes internal seizure from the definition of piracy are two significant limitations that restrict the scope of law enforcement agencies. The lack of requirements on states to enact domestic anti-piracy legislation and cooperate in anti-piracy measures and lack of a mechanism to penalize states that do not fulfill their anti-piracy obligations are legal and jurisdictional difficulties law enforcement agencies face to help reduce the risks posed by pirates.

Favorable geography: Piracy is only feasible in places that offer a combination of rewarding hunting grounds, moderate levels of risk, and proximate safe havens. Piracy attacks generally occur in straits, bays, estuaries, and archipelagos, where vessels are forced to move closer to shore for navigational or commercial reasons and offer pirates the best opportunities to manipulate target vessels. Narrow seas are also generally more crowded than the high seas, which means more targets. Crowded seas also force large ships to move slowly, making them easier to board and less capable of taking evasive action such as fishtailing to destabilize the pirate vessel or speeding up to lose it.[10]

Conflict and disorder: Piracy can flourish when coastal states and regions are troubled by war or civil disturbance, or their aftermath, resulting in the absence of law-enforcing authorities and desperate circumstances combine to draw people towards criminality. The splitting of Somalia into several warring fiefdoms following the collapse of the Siad Barre dictatorship in the early 1990s appears to have triggered its piracy problem.

Under-funded law enforcement: Law enforcement at sea is quite expensive, as large areas need protection. One has to possess modern boats and coast guards' vassals along with well-trained crews. It also requires shore-based command and control facilities with access to dynamic information about ship movements and cargoes and reliable intelligence about the pirate activity. It also needs air support for surveillance and the deployment of navy and coast guard. Inadequate state funding and police training,

coast guards, and navies allow pirates the freedom to operate.[11]

Permissive political environment:What helps piracy flourishis not just weak law but also lax law enforcement [12] This laxity couldbe because of a corrupt environment that allows illegal activities to take place for its benefit or under-funding of law enforcement. Generally, both conditions co-occur. Because the law enforcement agencies are under-funded, they are hand-in-glove with criminals to make a living. Whatever the reason, a supportive, criminal infrastructure can develop, which can feed pirate groups with intelligence and equipment, and dispose of stolen goods, and even entire cargoes, if necessary.[13]

Cultural Acceptability: A remarkable fact that is often overlooked during piracy analysis is that it especially flourishes in areas where it is culturally acceptable. Cultural acceptability of piracy is one of the main reasons why piracy thrives in Southeast Asia. Trading patterns in some areas mainly determine this acceptability.Rich cargoes have transited Southeast Asian waters for centuries, making piracy a permanent feature of the local culture and also a way of life established for generations. Furthermore, in these areas, piracy frequently operates on a clan or family basis.

The promise of reward: like in other criminal activities, no opportunity would be exploited without the promise of reward. Piracy can be "a highly lucrative venture," as the OECD points out.[14]

Number and Trends of Piracy Attacks

Four organizations publish regular reports on piracy activities: The International Maritime Bureau (IMB) is the primary agency for maritime piracy reporting and issues a weekly, quarterly, and annual incident report.[15] The International Maritime Organization (IMO) issues monthly reports, quarterly summaries and an annual summary.[16] The UK DIS International Terrorism and Organized Crime Group (ITOC) Maritime Branch issues a monthly "Worldwide Threats to Shipping Report."[17] And the US Office of Naval Intelligence (ONI) issues weekly "Worldwide Threats to Shipping"reports. The ONI also feeds data into the US National Geospatial-Intelligence Agency's (NGA) Anti-Shipping Activity Message (ASAM) database.[18]

The first three organizations, The IMO the ITOC, and the ONI, all rely on the IMB data for most incident reporting. The IMB receives reports directly from ships or the owners of ships that have been attacked or suspect they had been under attack. The IMB only publishes the initial incident report and neither conducts nor tracks subsequent investigations. The IMB established the Piracy Reporting Centre (PRC) in 1992 in Kuala Lumpur in response to the increasing number of piracy attacks in Southeast Asia and better reporting of piracy attacks. PRC is now the internationallyrecognized collection point for piracy reports and statistics, but it has no official standing. In addition to PRC, a new government-sponsored reporting center, the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP), was also opened in Singapore in December 2006 to cover the region of Southeast Asia dedicatedly.

Similarly, with the increase of pirate activities in the western Indian Ocean, particularly around Somalia, under the IMO's auspices in 2009, countries of the Gulf of Aden and Western Indian Ocean region signed the Djibouti Code of Conduct. It provides a framework for capacity building in the Gulf of Aden and the Western Indian Ocean to

combat the threat of piracy. Three Information Sharing Centres (ISCs) have been established in Sana'a, Mombasa, and Dar es Salaam in 2011.

The geographic locations with a high risk of piracy attacks are waters off Somalia, the Gulf of Aden, and the Red Sea, where many piracy attacks were reported. Starting in the mid-1990s andcontinuously ignored by the world community,the number of pirate attacks in Somalia waters reached maximum by 2011, so did it in the Gulf of Aden and the Red Sea. With the international community's persistent efforts and regional states from 2011 onwards, piracy attacks showed a decreasing trend, mainly because international naval vessels patrolled and escorted ships in Somali waters and protected ships from piracy attacks.

In southeast Asia, piracy attacks' geographic locations are waters of Indonesia, Malaysia, and the South China Sea. The majority of attacks were always reported around the Indonesian archipelago. Like waters off Somalia, the Gulf of Aden, and the Red Sea, a drop in the number of reported attacks in 2009, but the number of attacks surged again in 2011. Since 2013, reported attacks have also shown a downward trend.

Cost of Piracy

The cost of maritime piracy calculation is an arduous and tedious process mainly due to a lack of standard measures or definitions, data limitations, incomplete reporting on piracy. Disaggregating effects from general financial or political instability while calculating the cost of piracy location and assembling data on the value of piracy is always a cause of concern. One hasto work with missing and unrecorded data by using proxies, averages, and estimations to fill the gaps. The IMB is the primary source of information on piracy in the world However, even the IMB is subdued by the volume of piracy attacks, and it is permitted to report and document. About half of all pirate attacks go unreported. "In some cases, the ship's owners dissuade the captain from reporting an attack... Theydon't want bad publicity or the ship to be delayed by an investigation."[19] Only 35-40 percent of pirate attacks are reported. Due to various political and economic reasons, piracy is generally downplayed by both governments and industry. While calculating piracy's cost, it is challenging to disaggregate piracy's effects on macroeconomic variables such as reductions in foreign direct investment (FDI), tourism, etc. Since piracy often flourishes in low, developing, or failed states which are prone to political instability, while calculating the cost of piracy, one is forced to speculate over the impact of piracy. The 2009 global economic recession is one such example. How can someone determine whether changes in shipping behavior are related to piracy or the industry's overall deflation?[20]

The cost of piracy is broadly divided into economic cost and human cost. The economic cost is further divided into direct economic costs and secondary (macroeconomic) costs. Direct economic costs include ransom, piracy insurance premiums, deterrent equipment, rerouting vessels away from piracy risk zones, naval deployments in piracy hot zones, piracy prosecutions, and organization budgets dedicated to reducing piracy.[21] Secondary (macroeconomic) costs of piracy include various macroeconomic costs to countries affected by piracy zones. These include the cost to regional trade, cost to food price inflations, cost of reduced FDIs.

International Response against Piracy

Maritime shipping is a global industry, carrying more than 90 percent of international trade. Carriage by sea is also the most environmentally-conscious method of moving large cargo, with a lower carbon footprint per ton of cargo per mile than any other mode. Consequently, vessel security is essential for expanding sustainable trade. The response to piracy in the western Indian Ocean and Southeast Asia has precipitated a renaissance in counter-piracy strategy, law, and diplomacy. The magnitude of the problem and the collective response against piracy has not been seen since nations cooperated in the fight against slavery during the 19th century. Governments and the worldwide shipping industry have developed and executed a variety of strategies to manage the threat.

The shipping industry has adopted numerous practices and safeguards to protect merchant ships against maritime piracy. After the ascendancy of piracy off the coast of Somalia, the variety of passive and active anti-piracy countermeasures increased, and industry best management practices (BMP) and guidance to industry concerning preventive measures were promulgated by industry, states, and international organizations.

Best Management Practices

The International Chamber of Shipping (ICS) has promulgated best management practice (BMP) to safeguard the industry from piracy. The most recent version is BMP522, which was adopted in June 2018. The BMP consists of planning and operational practices for ship owners, operators, managers, and masters of vessels transiting the Gulf of Aden and the Somali Basin. Typical Somali piracy attack profiles are included in the BMP. Five-ship vulnerabilities characterize successful attacks. First, the ships have a low speed. Second, the vessels sit low in the water (low freeboard). Third, vessels that have inadequate planning are at greater vulnerability. Fourth, ships with a visibly low state of alert and evident lack of defensive measures are at higher risk, and, fifth, a slow response by the ship's crew increases the likelihood of a successful attack.

Companies are instructed to plan their vessel transit carefully. Before transit, ships are advised to contact United Kingdom Maritime Trade Operations (UKMTO), Maritime Safety Centre Horn of Africa (MSCHOA), and Maritime Liaison Office Bahrain (MARLO), all three of which connect the shipping industry to maritime security forces operating in the region. By providing notice of transit, warships in the area are better positioned to provide deterrent cover and respond quickly if a ship is attacked.

Shipboard Security : Passive Defensive Measures

Passive measures are not considered primary constituents in the use of force to deter or defeat pirates. The area to be transited, the time of year, the time of day, the type of ship, and the crew's makeup are important factors in passive defensive measures. Piracy off the coast of Somalia, for example, follows a variable annual pattern associated with the climate and weather conditions in the western Indian Ocean. The Horn of Africa is also affected by a winter monsoon season beginning in December. The two monsoon seasons increase sea states and generate high winds hence limiting pirate activities during these seasons.[23]

Razor wire may be secured tightly to the rails, which lowers the wire's vibration from the ship's movement during the voyage. Some

ships suspend 55-gallon drums from the ship's side, and the barrels' swinging motion makes boarding difficult. Finally, many vessels heading through the western Indian Ocean have hung large banners over the ship's side, written in Somali, English, Arabic, or French, warning pirates that the ship is armed (even if it is not).

Once a vessel comes under attack, it may employ several active and passive measures to defeat a piracy attack. A ship being pursued by pirates may alter course, heading into wind and wave, which will leave a large wake that can impede small boat operations. Use of the sonic long-range acoustic device (LRAD), which is commercially available; aiming of fire hoses to deter boarding by pirates; use of disabling fire to halt skiffs; use of concertina wire or barbed wire around the deck rails to prevent the boarding of the ship. Tasers, flashbangs, and dazzling or blinding lights stop pirates. Warning shots are not considered a force by the United States but instead constitute a warning signal.

New York Declaration

In May 2009, the New York Declaration was opened for signature. The N Y Declaration recognizes internationally recognized Best Management Practices to 'avoid, deter or delay acts of piracy.' Signatory States are committed to promulgating recognized best management practices for vessel self-protection of those registered under their respective flags. Also, the N Y Declaration countries (except the UK) commit to ensuring those vessels on their registry have adopted and documented appropriate self-protection measures in their Ship Security Plans as part of the International Ship and Port Facility Security (ISPS) Code.[24]

International Maritime Bureau

The International Maritime Bureau (IMB) is an industry consortium funded by the International Chamber of Commerce (ICC). It is also involved in advising merchant ships on tactics to avoid becoming a victim of piracy. In 1992, the IMB established a Piracy Reporting Centre in Kuala Lumpur, Malaysia. Funded by the merchant shipping industry, the 24-hour IMB Piracy Reporting Centre (PRC) serves as the shipping industry's clearinghouse for assisting shipmasters in avoiding piracy attacks and in reporting actual or attempted attacks or even suspicious movements.

The PRC maintains an internet website that provides location and other data on piracy attacks worldwide. The PRC issues daily status reports on piracy and armed robbery to ships via broadcasts on the Inmarsat-C SafetyNET service and makes reports to law enforcement. The PRC publishes quarterly and annual reports as well. Shipowners, masters, and crew whose ships have been attacked by pirates may seek assistance and advice from the IMB.

The IMB also issues extensive guidance to the shipping industry. Crews should be briefed on piracy risks before transit, and vessels should conduct piracy response emergency drills to test communications procedures before entering into a high-risk area. The master of a vessel should adjust ship routines and watchstanding schedules before entering higher-risk areas. Deck watches should work in pairs, both underway and port. Watchstanders should take rounds of the ship at irregular intervals to avoid a predictable schedule. Ships should eliminate exterior blind spots and lighten darker areas along the sides of the vessel. All crew should

understand alarm procedures and muster stations, and this is particularly important for multinational crews. All of a ship's internal communications should be carried out in the ship's working language, rather than in a mixture of tongues, which could prove confusing.

When transiting in higher-risk areas, ships should rig and pressurize fire hoses to prepare to repel boarders. Security and urgent messages should be ready to broadcast without delay if trouble arises. The telephone numbers of the flag state registry and the PRC should be kept on the bridge. If pirates attack a ship, the master of the vessel should sound alarmed and muster the crew, increase speed and execute evasive maneuvers to create a more massive bow wave and stern wash to prevent small boats from approaching close to the ship. Interestingly, mariners are advised to steam away from land and head into the sea. If pirates board a ship successfully, the master and crew should keep calm and follow instructions, avoiding a physical confrontation.

The IMB is a private entity and represents the shipping industry; the counterpart organization that represents governments' interests is the International Maritime Organization (IMO).

International Maritime Organization :

The IMO is the United Nations' specialized agency for maritime matters. The organization serves as the principal venue for states to develop and implement rules to ensure safe, secure, and environmentally sound shipping throughout the world. In the current version, IMO comes into force in 1984, and it remains the most comprehensive treaty today to ensure safe and secure shipping.

Today, the organization has 174 member states and three associate members. Its remit now includes maritime safety and vessel source pollution discharge, maritime legal matters, seafarers' protection, technical co-operation, and maritime security. The organi-zation also develops universally accepted ship design standards, construction, equipping and manning (CDEM) to facilitate global commerce. The IMO works extensively with non-governmental organizations and the cargo and shipping industry.

Today IMO governs virtually every facet of international shipping. More than 50 treaties and hundreds of codes and guidelines have been completed. Once standardized rules are adopted, the member states are responsible for implementing them on ships flying their flags and in their international ports of call. Once again, the SOLAS treaty underwent significant revisions with the July 2004 adoption of the comprehensive ship-shore security regime called the International Ship and Port Facility Security (ISPS) Code, which was made mandatory for IMO member states. The ISPS Code requires flag states and port states to develop action plans to maintain a secure marine transportation system.

Article 100 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS)[25] requires states to cooperate to suppresspiracy. States may conduct operational naval patrols, share intelligence and law enforcement capabilities, and extradite and prosecute suspected pirates.

The earliest IMO efforts against piracy focused mostly on Southeast Asia. When IMO Secretary-General William A. O'Neil developed a working group (WG) composed of experts from 10 member states to prepare

a report on maritime piracy, It focused on outlining strategies for curtailing piracy in the Strait of Malacca and instructed to prepare recommendations for suppressing piracy and armed robbery throughout the world. As a result of the 1993 report, two circulars, MSC/62226 and MSC/62327, were issued by the MSC's 62nd session in May 1993. The first document contained detailed recommendations to governments for preventing and suppressing piracy, and the second document focused on guiding the maritime sector-ship owners, operators, shipmasters, and crews. In 1999, Circulars MSC/622 and MSC 623 were revised, and then both were updated once again at the 86th session of the MSC in 2009.

In 2009, the IMO revoked MSC/ Circ.622/ Rev.1 and replaced it with MSC.1/Circ.133328, Recommendations to Governments for Preventing and Suppressing Piracy and Armed Robbery against Ships. Circular 1333 raises possible countermeasures that may be employed by Rescue Coordination Centers and maritime security forces, as well as illustrates a draft regional agreement on cooperation in preventing and suppressing acts of piracy and armed robbery against ships. Since piracy is an opportunistic crime, perpetrators likely are involved in other offenses. Piracy and armed robbery at sea should not be viewed in isolation, and so other specialists in money laundering, illegal arms transfers, drug smuggling, trafficking in people, and other crimes should form part of the counterpiracy team.

IMO also instructed the Flag states to institute emergency response procedures. Nations should maintain robust communication internally among their various law enforcement and diplomatic agencies, and between coastal states and flag states. IMO helped many countries develop an international mechanism such as a regional maritime security center to address other maritime security threats, such as maritime drug trafficking and maritime terrorism.

In 2006, the British House of Commons Transport Committee examined Maritime Piracy and found that the crime is underreported and that potentially 25–50 percent of attacks are not disclosed. Reports of piracy attacks can impose delays on vessels trying to leave port due to ensuing criminal investigations, so vessel masters may prefer not to report piracy attacks. "In some ports," moreover, "[vessel masters] are aware that reporting a crime will result in an unwelcome visit from corrupt police or other officials who will use the opportunity to extort cash."[29] It is also asserted that disclosing attacks also carries consequences concerning insurance liability. IMO also encouraged the masters to report piracy and armed robbery incidents against ships and suggested port states and coastal states that they should not unduly delay vessels or impose additional costs related to such reports.

The second revised IMO circular, MSC/623. Rev. 3, suggested measures for the shipping industry to reduce piracy vulnerability, such as employing enhanced lighting and detection mechanisms. The circular also provided additional steps that states can take during and after an attack, such as enhanced alarm procedures and continue reporting.

IMO also suggested that Ship security plans should be formulated based on a risk assessment. Also, in high-threat ports, states should minimize time at anchor. While underway, ships should be routed away from high-threat areas and avoid narrow seas and

bottlenecks, but this measure is not always feasible. Many carriers must use the Suez Canal in the West, which channels vessels through the Red Sea and Gulf of Aden (GOA). In the east, the Straits of Malacca and Singapore are highly congested shipping corridors. Going around these bottlenecks via the Cape of Good Hope or south of Indonesia adds weeks of additional travel time.

In November 2001, the IMO adopted a code of practice for investigating piracy and armed robbery against ships. The resolution urged states to investigate piracy and report the results of their investigations to the IMO. It was revised and updated in Assembly Resolution 1025(26) of January 18, 2010.

In 2005, The IMO Assembly also adopted a resolution to prevent the registration of "phantom ships," a fraudulent act whereby hijackers re-registered seized vessels under different names, often after selling the cargo killed the crew. The resolution required governments to conduct the appropriate checks and authenticate documents to verify ships' identities before vessel registration.

On November 23, 2005, the IMO adopted Resolution A. 979(24), reaffirming earlier resolutions relating to piracy and requested the IMO Secretary-General to bring the matter of piracy off the coast of Somalia to the attention of the UN Security Council. In 2007, the IMO Assembly adopted A.1002(25), a comprehensive resolution on piracy and armed robbery against ships in waters off Somalia's coast.

The 2007 resolution calls for action by IMO member states, the Somali Transitional Federal Government(TFG)[30], and regional partners to address the problem of piracy off Somalia's coast. The resolution also strongly urges the IMO member states to increase their efforts to suppress piracy worldwide, develop their capacity to prosecute and extradite pirates through legislative and judicial reforms and provide technical assistance to the states of East Africa to enhance regional capacity for repressing piracy. The IMO's 2007 resolution also requests the Somali TFG to take action to prevent and suppress piracy originating from Somalia and to deny the use of its coastline as a haven for pirates. The IMO sought assurance from the TFG that vessels hijacked by pirates and taken into Somalia's territorial waters would be released promptly. The IMO also requested that the TFG advise the Security Council to permit consent to foreign warships conducting counter-piracy patrols in its waters and to conclude international agreements to facilitate such operations. However, the major problem was that the international community had a fragile, nonexistent partner in the TFG. Learning from the dramatic reduction in pirate activity in Southeast Asia following the conclusion of the Regional Cooperation Agreement on Combating Piracy and Armed Robbery Against Ships (ReCAAP), IMO sponsored the creation of the Djibouti Code of Conduct, a regional cooperation agreement adopted by seventeen regional governments in January 2009, nine of which have subsequently signed the agreement. Djibouti Code of Conduct[31] agreement constructed a Maritime Rescue Coordination Centre in Mombasa, Kenya, a Sub-Regional Coordination Center in Dar es Salaam, Tanzania, and a regional information center in Sana'a, Yemen. However, the East African and Middle Eastern states that are parties to the agreement do not have resources, financial or legal, commensurate with the Somali pirate threat scope.

To solve the problem of prosecution of pirates captured either by regional security forces or international fleets European Union and the United States had signed agreements with Kenyain early 2009 to receive pirates captured in East African waters.[32]

Furthermore, the Djibouti Code of Conduct calls on the signatories to ensure that local law provides an avenue for prosecuting suspected pirates.[33] But, the sheer scale of the piracy problem in the region overwhelm the local justice systems' financial and legal capabilities of these countries: the commander of CTF-151 recently reported that over one hundred pirates had been turned over to governments for prosecution since the force's inception. This suggests that international legal and financial assistance be necessary to strengthen local jurisdictions' prosecutorial capacity as well.

Conclusion :

The suppression of pirate activity around Somalia waters will require, in the long term, nothing less than the establishment of a functioning Somali government. Short-term efforts to balance the potential costs of engaging in piracy and the potential rewards may control, if not entirely eradicate, pirate activity in East Africa. While international efforts to Deterpiracy in the region have proven somewhat helpful in this regard, ultimately, local governments should and must take a leading role in controlling pirate activity in East Africa. The establishment of a regional cooperation agreement like ReCAAP is a step in the right direction. However, the lack of a functional government in Somalia and other regional governments' relative weakness, combined with the broader geographical region subject to attack, will limit the Djibouti Code's effectiveness. International support to strengthen both enforcement and local prosecutorial capacity is necessary before an East African regional agreement will replicate the successes of ReCAAP.

There isconsiderable scope for further improving the existing regional and international cooperation against piracy by further institutionalizingpiracy on the future Indo-Pacific security agenda and creating more beneficial regional and international assistance conditions. It should be noted that without such moves, there will be little left to avert piracy from shooting up into a more upsetting influence than it already is in the Indo-Pacific region.

Foot Notes :

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POLITICAL IDEAS OF SWAMI VIVEKANAND

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Introduction :

Before Vivekananda began his life of a monk , there were three reformist in India, represented by the Brahmo Samaj and the Theosophical society. But none of these movements could influence and inspire an average orthodox Hindu. This was the period of religious and social crisis in India, and these religious and social movements were pulling the nation in their respective directions. Under such a predicament the nation was in need of a teacher who could guide its thought, humanize its religion and spiritualize its social purposes and activities. The nation got Swami Vivekananda at such an opportune time. Even when he was a boy had and intuition which prompted him to feel that he was born to help his fellowmen. He used to go into the slums to help the poor, the ignorant and the outcaste. During his youth he passed through a terrible mental crisis, always in quest of the ultimate goal of human existence.

Of course Swami Vivekananda did not propound any systematic theory of the state like Green, Bosanquet and Hegel. But in the following pages an attempt has been made to present a view of the state according to Swami Vivekananda, by arranging, systematizing and developing his ideas on the subject, as found in his lectures and writings.

A View of the State :

The state is an object of quite conflicting definitions. Some define it as 'an organization of one class dominating over the other classes': others regard it as 'an organization that transcends class and stands for the whole community.' Some view it entirely as 'a community organized for action under legal rules'. Some view it as no more than 'a mutual insurance society', others as 'the very texture of all our life'. To some "state is a necessary evil". While to others, an evil which will be unnecessary some way. Some class the state as one in the order of "corporations" and others think of it as indistinguishable from society itself. Some identify it with the nation; others regard nationality as incidental or unnecessary or even as a falsifying element which perverts the nature and function of the state.[1]

Swami Vivekananda's view of state is somewhat similar to the last but one view, expressed in the above paragraph. He identified state with nation. He wanted to unite the people of India and restore the pristine glory of the nation. His view of the state is in logical corollary of Vedanta. The goal of human life, according to Vedanta, is the attainment of a blissful state of mental and spiritual realization of the several spiritual realities which the society cannot undertake to provide. Every individual will have to tread the path of spiritual discipline by

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himself. But man is a member of society and it must, therefore, create conditions conductive to spiritual development by minimizing occasions for conflict and frustration, exploitation and injustice, and maximizing opportunities for the exercise of the moral virtues. Among the many instruments which society uses to serve its purpose, the state is perhaps the most important and most powerful. The state with the help of society alone can foster and promote the common economic, intellectual and spiritual interests of the people. It is a means to an end. It can bring justice, leisure, fair play, honesty and peace in society. Being only one of society's agents, the state cannot have interests other than the interests of the individuals who form the society.

Individual Freedom :

Freedom is the next important thing which he considered necessary of individual growth[2]. His theory of individual freedom is very comprehensive. He believed that "Samashti" in its constant motion and represents the dominant quest for freedom is goal. The laws of nature are the methods through which we are struggling to reach that freedom, under the guidance of Mother. This universal struggle for freedom attains its highest expression in man in the conscious desire to be free."[3] He regarded freedom as the only condition of individual growth and declared that "freedom in all matters, i.e., advance towards Mukti, is the worthiest gain of man. To advance oneself towards freedom, physical, mental and spiritual, and help others to do so, is the supreme prize of man. Those social rules which stand in the way of the enfoldment of this freedom are injurious and steps should be taken to destroy them speedily".[4]

In one word, Swami Vivekananda stood for the spiritual freedom of the individual. He wanted the emancipation of individual from the bonds and demands of Maya. But how this spiritualfreedomcoulse attained?

Swami answered that it would be "attained by the threefold means of – work, worship and knowledge.

(a) Work– constant, unceasing effort to help others and love others.

(b) Worship– consists in prayer, praise and meditation.

(c) Knowledge– that follows meditation."[5]

But Vivekananda did not stop there. Along with the spiritual freedom he demanded the material or external freedom of man. He was a practical Vedantin, a Karma Yogi. He was convinced that without material freedom, spiritual freedomis meaningless. Both are complementary.

He said, "Liberty does not certainly mean the absence of obstacles in the path of misappropriation of wealth, etc. by you and me, but it is our natural right to allowed to be used. Our own body, intelligence or wealth according to our will, without doing any harm to others; and all the members of a society ought to have the same opportunity for obtaining wealth, education or knowledge."[6]

He was a believer in the theory of natural rights. "He earnestly hopes that the freedom which dawned in America on July 4, 1776 would become universal in the world"[7] in his poem "to the fourth the July"[8] He wrote —

"All hell to the,thou the Lord of Light -!
A welcomenews to thee, today,
O Sun! Today thou she deist Liberty!
Bethink thee how the world did wait,
And search for thee through time and clime.

* * * *

Move on, O Lord, in the resistless path!
Till thy high noon overspreads the world,
Till every land reflects thy light,
Till men and women, with uplifted head,
Behold their shackles broken, and know,
In springing joy, their life renewed" [9]

EQUALITY AND FRATERNITY:

But freedom is meaningless unless it is only in the setting of equality, the true freedom can ever be enjoyed. In the days of 'Laissez-fiare' this freedom was elevated to such a high pedestal that in its sacred name workers were sweated and starved and the state looked on while the poor had the freedom to remain poor and the rich had the freedom to become richer.[10] Vivekananda was a staunch supporter of equality. To him equality was the "way to freedom in equality the way to bondage. No man and no nation can attempt to gain physical freedom without physical equality, nor mental freedom without mental equality".[11] "Ignorance ,inequality and desire", according to him, "are the three cause human misery, and each follows the others inevitable union. Inequality is the bone of human nature the curse upon mankind, the root of all misery. This is a source of all bondage, physical, mental, and spiritual." [12] As already stated Vivekananda regarded equality as a way to individual freedom. He wanted that every individual should have the same right and insisted upon freedom of thought and action of every way.[13]

But he was aware that "Absolute equality is impossible, it is against the law of nature." Absolute equality, that which means a perfect balance of all the struggling forces planes, can never be in this world. Before you attain that state, the world will have become quite unfit for any kind of life, and no one will be there. Be find, therefore, that all these ideas..... of absolute equality are not only impossible but also that, if we try to carry out, they will lead us surely enough to the day of destruction.... We come into the world unequal endowments;we come as a greater men or as lesser man, and there is no getting away from the prenatally determined condition." [14]

He thought so long this world lasts, differentiation there will and must be, and the millennium of perfect equality will come only when a cycle of creation comes to an end, yet, he realized that the idea of equality is a great motive power. Just as inequality is essential for creation itself, so the struggle to limit it is also essential. "If there were no struggle to become free and get back to God, there would be no creation either. It is the difference between these two forces that determines the nature of motives of man. There will be always being these motives to work, some tending towards bondage and others towards freedom." [15]

Equality is the one of the fundamental principal of Vendanta. "The idea that one man is born superior to another has no meaning in Vedanta; that between two nations one is superior and other is inferior has no meaning whatsoever. Put them in the same circumstances, and see whether the same intelligence comes out or not. Before that you have no right to say that one nation is superior to another. And as to spiritually, no privilege should be claimed there.... There are no special messengers of God, never were, and never can be. All being great or small, are equally manifestations of God, the difference in only in the manifestation".[16]

None can be Vedantist, and at the same time admit of privilege to anyone, mental, physical or spiritual; absolutely no privilege for anyone. All knowledge is in every soul, even in the most ignorant- he has not

manifested it but perhaps, he has had the opportunity, the environment were not perhaps, suitable to him. When he gets the opportunity, he will manifest it.[17]

He said : "those of you who have studied the Geeta will remember the memorable passages —

"He who looks upon the learned Brahmin, upon the cow, the elephant, the dog, the outcaste with the same eye, he indeed in the sage and the wise man"; " Even in these life he was conquered relative existence whose mind is firmly fixed on this sameness, for all, and are pure, are said to be living in God".[18] This is the gist of Vedantik morality. This is what is called in Vedanta attaining to freedom. The sign of approaching that freedom is more and more of this sameness and equality. In misery and happiness the same, in success and defeat the same– such a mind is nearing that state of freedom.[19] According to Swami Equality is an ideal. We should preserve it and hope that we shall attain it sometime, and strive for it.

Lastly, it should be remembered that Vivekananda was not enamored of mere equality; He also stood for cultural and spiritual fraternity. He said: "gradually be reaching the idea of universal brotherhood by flinging down the walls of inequality".[20] "That is grand idea we ought to remember. In every man, in every animal, however weak or wicked, great or small, resides the same omnipresent, omniscient soul. The difference is not in the soul, but in the manifestation. Between me and smallest animal the difference is only manifestation, but as a principle he is the same as I am, he is my brother, he has the same soul as I have".[21] This idea of universal brotherhood, preached by Swami Vivekananda, is of great political significance in modern times. It is the cornerstone of the Indian tradition, the chief content of Indian national character.

Supporter of Democracy :

There are many forms of Governments- Monarchy, Aristocracy, Oligarchy, Democracy etc. Swami Vivekananda favored Democracy and condemned monarchy. He found monarchy incompatible with individual liberty. He said," Even if the kings be of as God like nature as that of Yudhisthira, Ramchandra, Dharmashoka, or Akbar, under whose being rule the people enjoyed safety and prosperity, and where looked after with paternal care by their rulers, the hand of him who is always fed by another gradually loses the power of taking the food to his mouth. His power of self-preservation can never become fully manifest, who is always protected in every respect by another".[22]to him, monarchy jeopardizes individual growth and brings destruction to the nation. He further wrote: " Being always governed by kings of God like a nature, to home is left the whole duty of protecting and providing for the people, they (men) can never get any occasion for understanding the principal of self-government. Such a nation being entirely dependent on the king for everything and never caring to exert itself for the common good or for self-defense, become gradually destitute of inherent energy and strength . If this state of dependence and protection continues long, it becomes the cause of the destruction of the nation, and its ruin is not far to seek".[23]

He also detested aristocracy. He called it as the tyranny of minority. He said, "The tyranny of minority is the worst tyranny that the world ever sees. A few men who think that certain things are evil will not make a nation move."[24]

Vivekananda stood for the democratic form of Government. He regarded self-government to be good government, for any country. But his good Government which gives ample opportunities for the moral, mental and material development to its individuals. Neither he favored the partiamentary Government of British Model nor did he like the monopolistic presidential Government of American pattern. He stood, in fact, for the spiritual democracy. A government based of teachings of Upnishadas. He concluded that "When the government of a country is guided by codes of laws, enjoined by Shastres which are the outcome of knowledge inspired by divine genius of great sages , such a government must lead to the unbroken welfare to rich and the poor, the wise and the ignorant , the king and subject as like."[25]

Besides, he found democracy in complete conformity to Indian transition, he said that, "the voice of the ruled in the government of their land– which is he watchword of the modern western world, and of which the last expression has been echoed with a thundering voice in declaration of the American Government, in the words, "That the government of the people of this country must be by the people for the good of the people— cannot however we said to have been totally unrecognized in ancient India". [26]

Buddhistic literature and writings of the Chinease and Greek travellers substantiate Vivekananda hypothesis. There is not even an idea of doubt about it, that the germs of self-government were at least present in the shape of village Panchayats in India. But the germs remained the germs for many centuries; the seats thoughts put in the ground could not sprout before the middle of twentieth century. To conclude, Swami Vivekananda regarded self-government as training school for individual. Popular intelligence and virtue its most valuable results, since it is based on the general principle of equality, it is likely to promote justice and love for the nation.

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हिन्दी खण्ड

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चीनी विस्तारवाद और मोदी की आक्रामक नीति

प्रो० रामदेव भारद्वाज*

चीन का चरित्र मूलतः अविश्वसनीय है, संदेहास्पद, भ्रामक और कपटपूर्ण है। चीन कूटनीति का चतुर खिलाड़ी है। चीन जो दिखता है वह नहीं है और जो है वह दिखता नहीं है। चीनी राजनय विश्व के प्राचीनतम राजनयों में एक है। वह अपने शत्रु से भी शत्रुता प्रदर्शित नहीं करता। चीन में एक प्राचीन राजनयिक सूक्ति है "अगर आप किसी को धोखा देना चाहते हो तो पहले उसको अपना मित्र बनाओ, उसका विश्वास जीतो, उससे पूरा–पूरा लाभ लो और फिर घात करो, धोखा दो, उसे कलंकित और बदनाम करो। आज चीन की नीतियों और इसके व्यवहार अर्थात् वैश्विक संबंधों में चीन का मौलिक चरित्र चरितार्थ होता हुआ नजर आ रहा है। चीन की विदेश नीति, राजनय और अंतरराष्ट्रीय संबंधों की विशेषता है कि दक्षिण एशिया में भारत के सभी पड़ोसियों के साथ उसके बहुत ही मधुर और विश्वनीय संबंध है वहीं भारत के साथ संबंधों में उतार–चढ़ाव आते रहे हैं और संबंधों में सहयोग कम और विवाद अंधिक की स्थिति बनी रहती है। चीन का विवादों के साथ गहरा अन्योन्याश्रित संबंध है। इतिहास साक्षी है कि जहां चीन की उपस्थिति है और वहां विवाद न हो ऐसा संभव नहीं।"

सीमा विवादों पर चीन के तर्क : चीन की भौगोलिक सीमाएं 14 पड़ोसी देशों के साथ लगभग 22 हजार किलोमीटर तक लगती है। परन्तु आश्चर्यजनक तो यह है कि चीन का इन सभी 14 देशों के साथ सीमा विवाद रहा है। चीन का इन पड़ोसी राष्ट्रों में युद्ध का भय दिखता है।

चीन की सीमा भले ही 14 देशों से लगती हो, लेकिन वह कम से कम 23 देशों की जमीन या समुद्री सीमाओं पर दावा जताता है। ला ट्रोबे यूनिवर्सिटी की एशिया सुरक्षा रिपोर्ट ने यह खुलासा किया है। चीन अब तक दूसरे देशों की 41 लाख वर्ग कि०मी० भूमि कब्जे में ले चुका है, यह मौजूदा चीन का 43% हिस्सा है। भारत से जमीनी और समुद्री तथा जापान, वियतनाम और फिलीपींस के साथ समुद्री सीमा को लेकर उसका गहरा विवाद है। कुल मिलाकर चीन का 23 देशों के साथ विवाद चल रहा है। यद्धपि चीन ने अपने 13 पड़ोसी देशों के साथ सीमा विवाद सुलझा लिया है, परन्तु भारत के साथ चीन का सीमा विवाद अभी भी है।

1. **तजाकिस्तान :** चीन का कहना है कि तजाकिस्तान पर 1644 से 1912 के बीच चीन के किंग राजवंश का शासन रहा है। इस लिहाज से तजाकिस्तान पर उसका हक है।

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2. **किर्गिस्तान और ताजिकिस्तान :**
साथ ही चीन का दावा है कि किर्गिस्तान और ताजिकिस्तान के बड़े हिस्से पर उसका अधिकार है, क्योंकि 19वीं सदी में उसने इस भू–भाग को युद्ध में जीता था।

3. **अफगानिस्तान :**
चीन और अफगानिस्तान के बीच 92.45 कि०मी० लंबा बार्डर है। इस बार्डर पर पड़ते बदखशां प्रांत के वखन क्षेत्र पर अफगानिस्तान का राज है। इस क्षेत्र को लेकर दोनों देशों के बीच विवाद बहुत पुराना है। वर्ष 1963 में समझौते के बावजूद चीन अफगानिस्तान के बड़े भू–भाग पर अपना आधिपत्य जताता रहा है।

4. **पाकिस्तान :**
चीन का अपने घनिष्ठ मित्र देश पाकिस्तान के साथ भी सीमा को लेकर विवाद है, लेकिन पाकिस्तान चीन के आगे सरेंडर कर चुका है। जिस तरह से चीन इकॉनामिक कॉरिडोर बना रहा है, वो आने वाले वक्त में पाकिस्तान को सबसे बड़ा नुकसान साबित होगा।

5. **नेपाल :**
नेपाल के बड़े हिस्से पर चीन अपनी दावेदारी ठोकता है और ये विवाद नया नहीं बल्कि 1788 से 1792 के बीच चीन और नेपाल के बीच हुए युद्ध के समय का है। चीन कहता है कि नेपाल–तिब्बत का हिस्सा है इस लिहाज से नेपाल चीन का हुआ।

6. **भूटान :**
मौजूदा समय में भूटान के डोकलाम में चीन हस्तक्षेप कर रहा है। वहीं भूटान के एक बड़े भू–भाग पर चीन की दावेदारी रही है। दोनों देशों के बीच इस मुद्दे पर कई दौर की बातचीत हो चुकी है। इसके बावजूद मसला सुलझने की बजाय उलझ गया है।

7. **म्यांमार :**
पिछले पांच साल से चीन करीब 35 देशों को हथियार एक्सपोर्ट कर रहा है। इसके खरीददार देशों में मुख्य रूप से कम आय वाले देश शामिल हैं। चीन के हथियार निर्यात का करीब तीन चौथाई हिस्सा केवल पाकिस्तान और म्यांमार को जाता है। दूसरी तरफ म्यांमार के साथ चीन की सीमा लगती है। चीन के युआन राजवंश के समय बर्मा (अब म्यांमार) चीन का अंग हुआ करता था। इतिहास को आधार मानते हुए चीन ने म्यांमार के एक बड़े भू–भाग पर अपनी दावेदारी कर रखी है।

8. **लाओस :**
चीन के मुताबिक युआन राजवंश के शासनकाल में लाओस पर उसका अधिकार रहा है। यही वजह है कि चीन अब भी लाओस को अपना हिस्सा मानता है। चीन खुले तौर पर कहता रहा है कि ताईवान चीनी गणराज्य का हिस्सा है। हालांकि ताईवान इस बात का पुरजोर विरोध करता रहा है।

9. **वियतनाम :**
चीन के मुताबिक वियतनाम पर भी उसका हक है, क्योंकि एक समय चीन के मिंग राजवंश (1368–1644) का यहां शासन रहा था। कहा जाता है कि वियतनाम और अमरीका में अच्छी मित्रता रही है लेकिन बाद में वियतनाम चीन के पाले में चला गया लेकिन फिर चीन उसकी भूमि पर अपना हक जताता है।

10. **उत्तर कोरिया :**

कोरिया–अमेरिका के बीच कभी दोस्ताना संबंध भी रहा है। 1882 तक दोनों देशों के बीच उच्च स्तर पर व्यापारिक संबंध स्थापित थे और दोनों में 1905 तक बेहतर संबंध रहे हैं। कोरिया के विभाजन के बाद उत्तर कोरिया और चीन में मैत्रीपूर्ण संबंध पैदा हो गए। कहा जाता है कि उत्तर कोरिया के इतनी बड़ी सैन्य ताकत बनने और उसके परमाणु मिसाइल कार्यक्रम के पीछे सबसे बड़ा हाथ चीन का है, मगर इसके बावजूद चीन उत्तर कोरिया के जिन्दाओ इलाके पर अपनी दावेदारी पेश करता रहा है।

11. **मंगोलिया :**

चीन का मानना है कि युआन राजवंश के शासनकाल में मंगोलिया भी उसका हिस्सा रहा है। हालांकि सच्चाई यह है कि मंगोलिया के चंगेज खान ने चीन पर अपना आधिपत्य जमा लिया था।

12. **रूस :**

हालांकि आज चीन को रूस का महत्वपूर्ण सामरिक सहयोगी माना जाता है, लेकिन रूस और चीन के आपसी संबंध हमेशा शांतिपूर्ण नहीं रहे हैं। रूस के साथ लगती कई वर्ग किलोमीटर सीमा पर चीन अपनी दावेदारी जता चुका है। दोनों देशों के बीच कई समझौते हो चुके हैं लेकिन अब तक कोई नतीजा नहीं निकल सका। रूस और चीन के बीच 1969 में सीमा को लेकर लड़ाई हो चुकी है। विश्व की इन दोनों बड़ी ताकतों के बीच इससे पहले कभी इतने बड़े स्तर पर युद्ध की संभावना सामने नहीं आई थी। हालांकि जैसा कि रूस के इतिहास में अक्सर होता आया है, युद्ध में रूस को जो बढ़त मिली थी, उसे शांति वार्ता के दौरान गंवा दिया गया। इसके बाद 1969 के शरदकाल में दोनों देशों के बीच बातचीत हुई, जिसमें यह तय किया गया कि चीनी और सोवियत सीमारक्षक उसुरी नदी के तटों पर रहेंगे और इनमें से कोई भी पक्ष दमानस्की द्वीप में प्रवेश नहीं करेगा।

13. **कजाखिस्तान :**

चीन का अपने सीमावर्ती कजाखिस्तान के साथ भी सीमा विवाद है। हालांकि हाल ही में दोनों देशों के बीच समझौते हुए हैं, जो चीन के पक्ष में गए हैं।

दक्षिण पूर्व एशिया में विस्तार :

दक्षिण पूर्व एशिया में चीन अपनी सीमाओं का विस्तार करना चाह रहा है। इन देशों को चीन आर्थिक, सामरिक एवं अन्य प्रकार की मदद देकर इन राष्ट्रों पर अपना प्रभुत्व स्थापित करना चाह रहा है। कुछ राष्ट्रों ने तो चीन को लीज पर अपनी जमीन भी दे रखी है, चीनी बहुराष्ट्रीय कम्पनियां दक्षिण पूर्व ऐशियाई राष्ट्रों में संचालित भी है। चीन फिलीपींस, कम्बोडिया की जमीन पर भी अपना हक जता रहा है। दक्षिण चीन सागर में कुछ तटीय द्वीपों पर ब्रुनेई का कब्जा रहा है। हालांकि, चीन को लगता है कि यह उसका इलाका है। दक्षिण चीन सागर के कुछ इलाकों पर इंडोनेशिया का अधिकार है, जबकि चीन का कहना है कि यह पूरा इलाका उसका है। सिंगापुर के साथ चीन का विवाद दक्षिण चीन सागर को लेकर ही है। चीन यहां मछली मारने को लेकर कई बार सिंगापुर से अपनी आपत्ति दर्ज करा चुका है। दक्षिण चीन सागर में जिन तटीय द्वीपों पर मलेशिया का अधिकार होना चाहिए, चीन उन्हें अपना मानता है।

चीन की एकाधिकारवादी महत्वाकांक्षा :

चीन के विस्तारवाद और फिर एकाधिकारवाद की प्रवृत्ति की समीक्षा करें, तो चीन के जापान और दक्षिण कोरिया के साथ भी विवाद है।

A. **जापान (सेनकाकू द्वीप समूह पर चीन–जापान में विवाद) :**

चीन के अपने उत्तरी– पूर्वी इलाके में पिछले दिनों युद्धाभ्यास के बाद जापान की सेना ने भी मियाकोजियमा द्वीप पर सतह से हवा और समुद्र में युद्धपोतों को तबाह करने वाली मिसाइलों को तैनात किया है। यही नहीं जापान की सेना ने 340 सैनिकों को भी तैनात किया है। यद्धपि सेनकाकू एक निर्जन द्वीप समूह है, जो पूर्वी चीन सागर में स्थित है। यह द्वीप समूह वर्षों से जापान के प्रशासनिक क्षेत्र का हिस्सा है, लेकिन चीन इस पर अपना दावा जताता रहा है। चीन का कहना है कि द्वितीय विश्व युद्ध से पहले यह द्वीप समूह चीन के कब्जे में था, इसलिए वह कभी इस बात को स्वीकार नहीं करेगा कि यह जापान का क्षेत्र है। चीन सेनकाकू द्वीप पर उसका ऐतिहासिक अधिकार मानता है। चीन का कहना है, वर्ष 1874 तक यह द्वीप चीन का बंदरगाह शहर रहा है। इसे लेकर सन् 1900 में साईनो–जापान युद्ध–1 तक हो चुका है। दूसरे विश्व युद्ध के दौरान यह द्वीप युनाईटेड स्टेट्स का हिस्सा भी बन चुका है। दूसरे विश्व युद्ध के दौरान जापान ने इसे अमेरिका के सुपुर्द कर दिया था और बाद में अमेरिका ने इसे 1972 में जापान को सौंप दिया था। जापान सेंकाकू द्वीप समूह पर सरकारी कर्मचारियों की तैनाती पर विचार कर रहा है। चीन के विदेश मंत्रालय के प्रवक्ता हांग ली ने प्रतिक्रिया व्यक्त करते हुए कहा कि, चीन सरकार की देश की क्षेत्रीय संप्रभुता की रक्षा करने का अडिग संकल्प और प्रतिबद्धता है। चीन अपनी संप्रभुता के बारे में किसी भी उकसावे को बर्दाश्त नहीं करेगा। चीन की समुद्री निगरानी बेड़े ने दियावोयू द्वीप के जलक्षेत्र में अवैध रूप से दाखिल होने वाले जापानी पोतों को बाहर कर दिया। चीन ने विवादित क्षेत्र में चार तटरक्षक जहाजों को स्थापित किया है जो हथियारों से लैस है।

B. **दक्षिण कोरिया :**

दक्षिण कोरिया पूर्वी चीन सागर में कई इलाकों पर लंबे समय से अपना कब्जा जमाए हुए हैं। हालांकि चीन का कहना है कि पूरे दक्षिण कोरिया पर उसका हक है। यहां उसने ऐतिहासिक तथ्यों का हवाला दिया है, जिसमें कहा गया है कि दक्षिण कोरिया पर चीन के युआन राजवंश का शासन रहा था।

C. **हांगकांग में चीन :**

चीन और हांगकांग के बीच तनाव का मुख्य कारण चीनी सरकार का वह नया कानून है, जिसके अंतर्गत हांगकांग के अपराधियों को चीन को सौंपना पड़ेगा। ऐसा क्यों? इसलिए कि चीन समझता है कि हांगकांग उसका हिस्सा है, जबकि हांगकांग मानता है कि उसकी बहुसंख्या चीनी जरुर है लेकिन वह चीन के अन्य प्रांतों की तरह चीन का प्रांत नहीं है, क्योंकि जब 1997 में वह ब्रिटेन के डेढ़ सौ साल के राज से मुक्त हुआ तो इस शर्त पर कि 'एक देश और दो व्यवस्थाएं' चलेंगी, याने वह चीन के साथ रहते हुए भी स्वायत्त रहेगा। यह व्यवस्था 2047 तक चलेगी, लेकिन अब चीन हांगकांग को अपने प्रांतों की तरह अपने आधीन बनाने पर तुला हुआ है। चीन की इस कार्रवाई को लेकर

हांगकांग में जबरदस्त जन–आंदोलन खड़ा हो गया है। लाखों लोग इन अहिंसक प्रदर्शनों में सड़क पर उतर आए हैं। यदि चीनी सरकार ने हांगकांग को अपने कब्जे में ले लिया तो अमेरिका और ब्रिटेन जैसे देशों ने उसे जो विशेष दर्जा दे रखा है, उसे वे रद्द कर देंगे। इससे हांगकांग की अर्थव्यवस्था ही चौपट नहीं हो जाएगी, बल्कि वहां रहने वाले हजारों गैर–चीनी लोग भाग खड़े होंगे। भारत और अमेरिका के वीजा–इच्छुकों की लंबी कतारें लगनी अभी से शुरु हो गई हैं। जाहिर है कि इस विवाद में भारत किसी भी देश के साथ उलझना नहीं चाहेगा, लेकिन यह भी शक है कि इन दिनों कोरोना की अंतरराष्ट्रीय बदनामी और अपनी अंदरुनी मुसीबतों से चीनी लोगों का ध्यान हटाने के लिए चीन ने हांगकांग और भारत–चीन सीमा–विवाद का नया राग छेड़ दिया हो।

D. **ताइवान :**

ताइवान पूर्वी एशिया का एक देश है। यह ताइवान द्वीप तथा कुछ अन्य द्वीपों से मिलकर बना है। इसका प्रशासनिक मुख्यालय ताइवान द्वीप है। इसके पश्चिम में चीनी जनवादी गणराज्य (चीनी) उत्तर–पूर्व में जापान, दक्षिण में फिलीपींस है। 1949 में चीन के गृहयुद्ध के बाद ताइवान चीन से अलग हो गया था परन्तु चीन अब भी इसे अपना ही एक असंतुष्ट राज्य कहता है। 1951 की सैनफ्रांसिस्को संधि के अंतर्गत जापान ने ताइवान से अपने सारे स्वत्वों की समाप्ति की घोषणा कर दी। दूसरे ही वर्ष ताइपी (Taipei) में चीन–जापान–संधि–वार्ता हुई। किंतु किसी संधि में ताइवान पर चीन के नियंत्रण का स्पष्ट संकेत नहीं किया गया। 1954 में अमेरिकी राष्ट्रपति आइजन हावर ने ताइवान के साथ आपसी रक्षा संधि पर भी हस्ताक्षर किए। 1971 में चीन को संयुक्त राष्ट्रसंघ की सदस्यता मिल गई, परन्तु चीन के दवाव में ताइवान की सदस्यता खारिज कर दी गई। चीन ने ताइवान को अपना प्रांत घोषित कर दिया। ताइवान में सन् 2000 के चुनावों में स्वतंत्र ताइवान समर्थकों की जीत हुई किंतु चीन ने चेतावनी दे दी कि उसे ताइवान की स्वतंत्रता स्वीकार नहीं है। 2008 के चुनावों में सत्तारुढ़ दल की हार हुई और राष्ट्रपति मा यिंग जू के चीन समर्थक थे, इसलिए चीनी प्रशासन ने भी सन् 2008 से ताइवान के प्रति अपना रुख नरम कर लिया और मा यिंग जू के कार्यकाल में चीन के साथ कई व्यापारिक और पर्यटन के समझौते किए।

2016 में साई इंग–वेन सत्ता में आई तब चीन ताइवान से बातचीत करने से इनकार करता रहा है। मई 2020 ताइवान की राष्ट्रपति साई इंग–वेन ने अपने दूसरे कार्यकाल की शुरुआत के मौके पर कहा कि "लोकतांत्रिक ताइवान चीन के नियम–कायदे कभी कबूल नहीं करेगा और चीन को इस हकीकत के साथ शांति से जीने का तरीका खोजना होगा।" ताइवान की राष्ट्रपति साइ इंग–वेन के दूसरे कार्यकाल के शपथ ग्रहण समारोह में सांसद राहुल कासवान ने सहभागिता की। इस पर चीन के राजदूत की काउंसलर लिउ बिंग ने लिखित आपत्ति जताते हुए भारत से अपने आंतरिक मामलों में दखल देने से बचने को कहा है। राजनयिक ने कहा कि इंग–वेन को बधाई देना बिलकुल गलत है। विदेश मंत्रालय का कहना है कि उनका देश उम्मीद करता है कि हर कोई ताइवान की आजादी के लिए चलाई जा रही अलगाववादी गतिविधियों को लेकर चीन के लोगों द्वारा विरोध का समर्थन करेगा। साथ ही राष्ट्रीय एकीकरण को समझेगा।

दक्षिणी चीन सागर :

दक्षिणी चीन सागर चीन के दक्षिण में स्थित एक सीमांत सागर है। यह प्रशांत महासागर का एक भाग है, जो सिंगापुर से लेकर ताईवान की खाड़ी लगभग 35,00,000 वर्ग किमी में फैला हुआ है। पाँच महासागरों के बाद यह विश्व के सबसे बड़े जलक्षेत्रों में से एक है। इस सागर में बहुत से छोटे–छोटे द्वीप हैं, जिन्हें संयुक्त रूप से द्वीपसमूह कहा जाता है। सागर और इसके इन द्वीपों पर, इसके तट से लगते विभिन्न देशों का संप्रभुता की दावेदारी है। इन दावेदारियों को इन देशों द्वारा इन द्वीपों के लिए प्रयुक्त होने वाले नामों में भी दिखाई देती है।

चीन अपनी विस्तारवादी नीति के अंतर्गत दक्षिण सागर पर अपने एकाधिकार का दावा करता है लेकिन दक्षिण चीन सागर किसी एक देश की धरोहर न होकर एक प्रमुख वैश्विक व्यापारिक मार्ग है। साथ ही दक्षिण चीन सागर के तटवर्ती देश इस पर प्राकृतिक तेल, गैस, ऊर्जा, मत्स्य सुरक्षा इत्यादि हेतु निर्भर हैं। ऐसे में चीन द्वारा विवादित द्वीपों पर कब्जा और कृत्रिम द्वीपों के निर्माण के माध्यम से अपने क्षेत्र में वृद्धि करने की नीति और कृत्रिम द्वीपों पर नौसैनिक अड्डा बनाए जाने के कारण दक्षिण चीन सागर के तटीय देश (वियतनाम, फिलीपींस, ब्रुनेई, इंडोनेशिया, मलेशिया आदि) चीन से नाराज हैं। इसलिए ये तटवर्ती देश चीन से दूरी बना रहे हैं और भारत के साथ निकट सानिध्य महसूस करते हैं। ऐसे में चीन की विस्तारवादी मानसिकता के कारण तटवर्ती देश चीन के विरुद्ध लामबंद हो रहे हैं। इस प्रकार दक्षिण चीन सागर में चीनी वर्चस्व चीन को न केवल महाशक्तियों से अपितु उसके पड़ोसियों से भी दूर कर रहा है।

स्प्रैटली द्वीप समूह (Spratley Islands) :

दक्षिणी चीन सागर में स्थित 750 से अधिक रीफों, समुद्र से बाहर उठने वाली चट्टानों, एटोलों और द्वीपों का एक द्वीप समूह है। इतू अबा (Itu Aba) इसका सबसे बड़ा द्वीप है। यह फिलिपीन्ज और पूर्वी मलेशिया के तटों से आगे दक्षिणी वियतनाम की तरफ जाते हुए एक–तिहाई रस्ते पर मौजूद हैं। इनमें कुल मिलकर चार वर्ग किमी जमीन से भी कम क्षेत्रफल है और यह 4,25,000 वर्ग किमी के समुद्री क्षेत्र पर फैले हुए हैं। वैसे तो इन छोटेसे द्वीपों– रीफों पर कोई मनुष्य नहीं रहता और इनका ज्यादा आर्थिक मूल्य नहीं है लेकिन यह जिस भी देश के अधीन होंगे, उसकी समुद्री सीमा बहुत विस्तृत हो जाएगी और संयुक्त राष्ट्र की समुद्री कानून संधि के अंतर्गत उनके नीचे मिलने वाले खनिजों पर और उसमें मौजूद मछलियों पर उस देश के विशेष अधिकार बन जाएंगे। फौजी दृष्टि से भी उस देश की नौसेना अधिक क्षेत्रफल पर सक्रीय हो सकेगी। स्प्रैटली द्वीप समूह के इर्द–गिर्द के बहुत से देशों ने इन द्वीपों पर स्वामित्व होने का दावा किया है। चीन, वियतनाम, ताइवान, मलेशिया और फिलिपीन्ज़ ने लगभग 45 टापुओं पर अपने फौजी दस्ते भेजे हैं और इनमें आपसी तनाव बना रहता है। इनके नेता भी अखबारों के जरिये इन द्वीपों के बारे में एक–दूसरे से तू–तू मैं–मैं करते रहते हैं। ब्रुनेई देश ने यहाँ अपनी सेना तो नहीं भेजी लेकिन समुद्री कानून संधि के अंतर्गत यह स्प्रैटली समूह के दक्षिण–पूर्वी भाग को अपना आरक्षित आर्थिक क्षेत्र (एक्सक्लूसिव इकॉनॉमिक जोन) बताता है।

भारत के साथ चीन के मध्य सीमा विवाद :

भारत चीन के साथ 3,488 किलोमीटर लंबी सीमा है। ये सीमाएं जम्मू–कश्मीर, हिमाचल

प्रदेश, उत्तराखंड, सिक्किम और अरुणाचल प्रदेश से होकर गुजरती है, जो तीन सेक्टरों में बंटी हुई है– पश्चिमी सेक्टर, यानी जम्मू–कश्मीर, मिडिल सेक्टर, यानी हिमाचल प्रदेश और उत्तराखंड और पूर्वी सेक्टर, यानी सिक्किम और अरुणाचल प्रदेश। यद्धपि अब तक पूरी तरह से सीमांकन नहीं हुआ है। अतः कई क्षेत्रों में भारत के साथ सीमा विवाद है।

1. **अक्साई चिन (अक्साई चिन चीन, पाकिस्तान और भारत) :**

भारत : भारत और चीन के बीच सीमा विवाद 1950 से पहले का चला आ रहा है। अक्साई चिन चीन, पाकिस्तान और भारत के संयोजन में तिब्बती पठार के उत्तर पश्चिम में स्थित एक विवादित क्षेत्र है। यह कुनलुन पर्वतों के ठीक नीचे स्थित है। ऐतिहासिक रूप से अक्साई चिन भारत को रेशम मार्ग से जोड़ने का जरिया था। भारत से तुर्किस्तान का व्यापार मार्ग लद्दाख और अक्साई चिन के रास्ते से होते हुए काश्गर शहर जाया करता था। 1950 के दशक से यह क्षेत्र चीन के कब्जे में है। भारत इस पर अपना दावा जताता है और इसे जम्मू व कश्मीर राज्य का उत्तर पूर्वी हिस्सा मानता है। अक्साई चिन जम्मू व कश्मीर के कुल क्षेत्रफल के पांचवें भाग के बराबर है। चीन ने इसे प्रशासनिक रूप से शिनजियांग प्रांत के काश्गर विभाग के कार्गिलिक जिले का हिस्सा बनाया है। सीमा विवाद को लेकर 1962 के युद्ध के बाद भारत के साथ चीन की कई बार झड़प हो चुकी है। एक बार फिर दोनों देशों की सेनाएं आमने–सामने हैं।

2. **अरुणाचल प्रदेश :**

पूर्वी सेक्टर में चीन अरुणाचल प्रदेश पर अपना दावा करता है। चीन कहता है कि ये दक्षिणी तिब्बत का हिस्सा है। चीन तिब्बत और अरुणाचल प्रदेश के बीच की मैकमोहन रेखा को भी नहीं मानता है। चीन का कहना है कि 1914 में जब ब्रिटिश भारत और तिब्बत के प्रतिनिधियों ने ये समझौता किया था, तब वो वहां मौजूद नहीं था। चीन का मानना है कि तिब्बत उसका हिस्सा रहा है। वास्तविकता यह है कि 1914 में तिब्बत एक स्वतंत्र, यद्धपि कमजोर राष्ट्र था। लेकिन चीन ने तिब्बत को कभी स्वतंत्र मुल्क नहीं माना। 1950 में चीन ने तिब्बत को पूरी तरह से अपने कब्जे में ले लिया। तिब्बत के निर्वासित सरकार के प्रधानमंत्री ने कहा कि लद्दाख भारत का अंग है। उन्होंने आजतक से कहा कि हम हमेशा से यह मानते रहे हैं कि लद्दाख, अरुणाचल प्रदेश और सिक्किम भारत के अंग हैं। उन्होंने अपने मौन को लेकर उठते सवालों पर कहा कि दलाई लामा पिछले 60 साल से लगातार अंतरराष्ट्रीय फोरम में चीन के खिलाफ बोलते आए हैं। चीन के तिब्बत पर कब्जा कर लेने के बाद हम भी कठिनाई में हैं। सांगेय ने कहा कि तिब्बत पर चीन के कब्जे के बाद ही दोनों देशों के बीच इसी को लेकर तनाव उत्पन्न है।

3. **सिक्किम :**

चीन सिक्किम सैक्टर के डोकलाम इलाके में सड़क बना रहा है। डोकलाम के पठार में ही चीन, सिक्किम और भूटान के बॉर्डर मिलते हैं। भूटान और चीन इस इलाके पर अपना–अपना दावा करते हैं। भारत इस विवाद में भूटान का साथ देता है। भारत में यह इलाका डोकलाम और चीन में डोंगलांग कहलाता है।

4. **LAC पर चीनी का विस्तार :**

एलएसी तीन सेक्टर्स में बंटी है। पहला अरुणाचल प्रदेश से लेकर सिक्किम तक।

दूसरा, हिमाचल प्रदेश और उत्तराखंड का हिस्सा और तीसरा है, लद्दाख। भारत, चीन के साथ लगी एलएसी करीब 3,488 किलोमीटर पर अपना दावा जताता है, जबकि चीन का कहना है, यह बस 2000 कि०मी० तक ही है। LAC दोनों देशों के बीच वह रेखा है, जो दोनों देशों की सीमाओं को अलग–अलग करती है। दोनों देशों की सेनाएं एलएसी पर अपने–अपने हिस्से में लगातार गश्त करती रहती हैं। पैंगोंग झील पर अक्सर झड़प होती है। झील का 45 किलोमीटर का पश्चिमी हिस्सा भारत के नियंत्रण में आता है जबकि बाकी चीन के हिस्से में है। पूर्वी लद्दाख LAC के पश्चिमी सेक्टर का निर्माण करता है जो कि काराकोरम पास से लेकर लद्दाख तक आता है। उत्तर में काराकोरम पास जो 18 किमी लंबा है, यहीं पर देश की सबसे ऊंची एयरफील्ड दौलत बेग ओल्डी है। अब काराकोरम सड़क के रास्ते दौलत बेग ओल्डी से जुड़ा है। दक्षिण में चुमार है जो पूरी तरह से हिमाचल प्रदेश से जुड़ा है। पैंगोंग झील, पूर्वी लद्दाख में 826 किलोमीटर के बॉर्डर के केंद्र के एकदम करीब है। 19 अगस्त 2017 को भी पैंगोंग झील पर दोनों देशों की सेनाओं के बीच झड़प हुई थी। डोकलाम संकट के बाद भारत द्वारा एलएसी (लाइन ऑफ एक्चुअल कंट्रोल) के पास अवसंरचनात्मक विकास किया जा रहा है। चीन इन गतिविधियों का विरोध करता है। लद्दाख में एलएसी के नजदीक भारत द्वारा निर्मित किए जा रहे पुल पर चीन को आपत्ति है। गलवान घाटी जहां चीन ने बंकर बनाने पर जोर दिया है, वहीं एलएसी स्थित है और इसके पास भारत ने शियोक नदी से दौलत बेग ओल्डी तक 235 किमी लंबे अति सामरिक महत्व के सड़क का निर्माण कार्य लगभग पूरा कर लिया है।

5. **दौलत बेग ओल्डी :** दौलत बेग ओल्डी देपसांग पठार के अक्साई चिन के इलाके के पास है। भारत ने यहां निर्मित एयरबेस पर मालवाहक सी 130 और सी 17 जहाजों को पहले ही लैंड करा रखा है। विवादित इलाकों पर अपने अधिकार क्षेत्र के खोने का डर चीन को सता रहा है। सीमा सड़क के इस निर्माण कार्य को भारत सरकार और खासकर रक्षा मंत्रालय ने जिस संवेदनशीलता के साथ प्राथमिकता के तौर पर लिया है, उससे चीन कहीं ना कहीं हताश अवश्य हुआ है। भारत द्वारा सामरिक स्थलों पर पुलों, हवाई पट्टियों के निर्माण कार्य में सक्रियता दिखाना और भारत– चीन सीमा पर निगरानी चौकसी के लिए गश्त बढ़ाने की रणनीति ने चीन को एकतरफा आक्रोश में आने को विवश किया है। चीन यह मानता है कि इससे इस क्षेत्र में भारत द्वारा यथास्थिति को बदला जा रहा है, पर क्षेत्र में विवाद का कारण तो चीन की हिमालयन क्षेत्र के मानचित्र को बदल देने की जिद है।

6. **लद्दाख में चीन :**

चीन ने लद्दाख के पासनगारी कुंशा एयरपोर्ट पर पैंगयोंग लेक से करीब 200 किलोमीटर की दूरी पर तिब्बत में स्थित एक एयरबेस का निर्माण किया है। सैटेलाइट तस्वीर में रनवे को देखा जा सकता है तथा एयरबेस पर 4 लड़ाकू विमान खड़े दिख रहे हैं। सम्भावना है कि ये J–11 या J–16 हो सकते हैं जो रूसी सुखोई–27 या सुखोई–30 के वैरिएंट हैं। यह चीन के प्रमुख लड़ाकू विमान हैं और भारतीय सीमा से केवल 200 कि०मी० दूर इनकी तैनाती वाकई भारत के लिए चिंता का विषय है। पैंगोंग त्सो और गलवान घाटी में भारत की स्थिति मजबूत है। इन दोनों

विवादित क्षेत्रों में चीनी सेना ने अपने दो से ढाई हजार सैनिकों की तैनाती की है और वह धीरे–धीरे अस्थायी निर्माण को मजबूत कर रही है। कई क्षेत्रों में भारतीय और चीनी सैनिकों के बीच तनाव की स्थिति बरकरार है और 2017 के डोकलाम गतिरोध के बाद यह सबसे बड़ी सैन्य तनातनी का रूप ले सकती है।

7. **चीन की विस्तारवादी फिंगर पॉलिसी :** भारत और चीन के मध्य फिंगर 4 और फिंगर 8 को लेकर तनाव बना हुआ। पैंगोंग झील के उत्तरी किनारे पर बंजर पहाड़ियां हैं। इन्हें स्थानीय भाषा में छांग छेनमो कहते हैं। इन पहाड़ियों के उभरे हुए हिस्से को ही भारतीय सेना 'फिंगर्स' कहती है। भारत का दावा है कि LAC की सीमा फिंगर 8 तक है। लेकिन वह फिंगर 4 तक को ही नियंत्रित करती है। फिंगर 8 पर चीन का पोस्ट है। परन्तु चीन की सेना का मानना है कि फिंगर 2 तक एलएसी है। छह साल पहले चीन की सेना ने फिंगर 4 पर स्थाई निर्माण की कोशिश की थी, लेकिन भारत के विरोध पर इसे गिरा दिया गया था। विगत कुछ वर्षों से चीन की सेना पैंगोंग झील के किनारे सड़कें बना रही है। 1999 में जब पाकिस्तान से करगिल की लड़ाई चल रही थी उस समय चीन ने मौके का फायदा उठाते हुए भारत की सीमा में झील के किनारे पर 5 कि०मी० लंबी सड़क बनाई थी। इस क्षेत्र में पेट्रोलिंग के लिए चीनी सेना हल्के वाहनों का उपयोग करती है। गश्त के दौरान अगर भारत की पेट्रोलिंग टीम से उनका आमना–सामना होता है, तो उन्हें वापस जाने को कह दिया जाता है। क्योंकि दोनों देशों की पेट्रोलिंग गाड़ियां उस जगह पर घुमा नहीं सकते। इसलिए गाड़ी को वापस जाना होता है। भारतीय सेना के जवान पैदल गश्ती भी करते हैं। अभी के तनाव को देखते हुए इस गश्ती को बढ़ाकर फिंगर 8 तक कर दिया गया है। मई में भारत और चीन के सैनिकों के बीच फिंगर 5 के इलाके में झगड़ा हुआ है। इसकी वजह से दोनों पक्षों में असहमति है। चीनी सेना ने भारतीय सैनिकों को फिंगर 4 से आगे बढ़ने से रोक दिया था। चीन के 5,000 जवान गलवान घाटी में मौजूद हैं।

तिब्बत की निर्वासित सरकार के प्रधानमंत्री लोबसंग सांगे ने चीन की गैर आधिकारिक नीति फाइव फिंगर पॉलिसी को चीन की इस विस्तारवादी नीति का प्रमुख कारण माना था। इस नीति के तहत चीन का यह मानना रहा है कि तिब्बत उसकी हथेली है और अरुणाचल प्रदेश, भूटान, सिक्किम, नेपाल और लद्दाख के हिस्से उसके फाइव फिंगर, यानी पांच अंगुलियां हैं। इसलिए इन क्षेत्रों पर कब्जा करने की चीन की चाहत नई नहीं है। चीन की फाइव फिंगर पॉलिसी के अंतर्गत ही चीन ने 1962 में भारत पर आक्रमण कर उसके अक्साई चिन क्षेत्र पर अपना कब्जा भी कर लिया था। परन्तु चीन के हितों को सबसे बड़ी चोट तब लगी जब पिछले वर्ष भारत ने जम्मू कश्मीर राज्य पुनर्गठन अधिनियम के तहत लद्दाख को केंद्र शासित क्षेत्र के रूप में घोषित किया। इससे यह क्षेत्र सीधे केंद्र सरकार की निगरानी में आ गया। चीन द्वारा तब इस पर गंभीर आपत्ति भी व्यक्त की गई थी।

भारत ने डोकलाम प्रकरण के बाद 2018 में सिक्किम में भारत–चीन सीमा से मात्र 60

कि०मी० दूर स्थित सामरिक महत्व वाले पाक्योंग हवाई अड्डे का उद्घाटन किया था। जनवरी 2019 में भारतीय वायु सेना ने यहां पर अपने सबसे विशालकाय विमान एएन–32 उतारकर चीन को अपने सुरक्षा प्रबंध का बड़ा संदेश देकर भी परेशानी में डाला था। चीन पहले ही चुंबी घाटी इलाके में सड़क बना चुका है, जिसे वह और विस्तार देने की कोशिश कर रहा है। यह सड़क भारत के सिलिगुड़ी कॉरिडोर या चिकन नेक इलाके से थोड़ी ही दूर पर है। इसी कारण से भारतीय सैनिकों और चीनी सेना के बीच अक्सर टकराव होता रहता है। पीएलए के जवानों को वर्ष 2017 में इस विवादित इलाके में निर्माण कार्य करने से भारतीय सेना ने रोक दिया था। चीन को एलएसी पर प्रतिसंतुलित करने के लिए भारतीय सेना ने डोकलाम प्रकरण के बाद बॉर्डर रोड ऑर्गनाइजेशन के साथ मिलकर तीन नई सड़कों का काम शुरू किया था।

8. **शी चिनफिंग का एशियाई स्वप्न :** चीन के राष्ट्रपति शी चिनफिंग एशियाई स्वप्न (Asian Dream) है, वे 21वीं शताब्दी को एशियाई शताब्दी के रूप में बनाना चाहते हैं और उसमें चीन के नेतृत्व में एकध्रुवीय एशिया की स्थापना, उनकी बड़ी महत्वाकांक्षा है। इस दिशा में चीन एशिया में भारत को अपना प्रमुख प्रतिद्वंद्वी मानता है। यही कारण है कि पिछले कुछ वर्षों से वह भारत की सामरिक घेरेबंदी का प्रयास कर रहा है। इसके लिए वह भारत के पड़ोसी देशों में "चेकबुक डिप्लोमेसी" के द्वारा अपना महत्व स्थापित करने का प्रयास कर रहा है। एक ओर तो चीन दक्षिण एशिया में भारत का प्रभाव कम करने की नीति में संलग्न है, ताकि भारत के पड़ोसियों में भारत विरोधी भावनाएं मजबूत हो सकें। दूसरी ओर चीन, भारत को सीमा विवाद में उलझाए रखना चाहता है।

9. **सौदेबाजी और दबाव की रणनीति :** चीन को लगता है कि इस बारगेनिंग पॉलिटिक्स और प्रेशर टैक्टिस (Bargaining politics & pressure tactics) के मध्यम से भारत को दक्षिण एशिया की राजनीति में ही उलझाए रखा जा सकता है। इस दिशा में चीन अभी तक भारत को हिंद महासागर क्षेत्र में वन बेल्ट वन रोड के माध्यम से घेरना चाह रहा था, जिसे स्ट्रिंग ऑफ पर्ल नीति भी कहा गया, पर वहां पिछले कुछ समय से भारत की स्थिति पहले से ही मजबूत है। ऐसे में चीन अब भारत को अपनी सीमा से लगे हुए पर्वतीय क्षेत्रों से घेरने की कोशिश कर रहा है एवं इस नीति को प्रभावी रूप देने के लिए उसने भारत के साथ लगे सीमावर्ती क्षेत्रों में गतिविधियों को तेज कर दिया है।

10. **उग्र राष्ट्रवाद और वन चाइना पॉलिसी :** चीन अपने अतीत के पूर्वाग्रह से ग्रसित है। 19वीं शताब्दी में चीन जिस प्रकार औपनिवेशिक शक्तियों का शिकार हुआ, इसका दर्द आज तक चीनी जनमत में गहराई तक समाया हुआ है। चिनफिंग यह भलीभांति जानते हैं कि अगर चीन में साम्यवादी सरकार को मजबूत बनाए रखना है, तो उग्र राष्ट्रवादी भावनाओं को भड़काना जरूरी है। ऐसे में चीन अपनी वन चाइना पॉलिसी के साथ कोई समझौता नहीं करना चाहता। परन्तु चीन की विडम्बना यह है कि हांगकांग, ताइवान, तिब्बत वन चाइना पॉलिसी के विरोधी बन चुके हैं। इसी बीच ताइवान में राष्ट्रपति के

शपथ ग्रहण के लिए आयोजित कार्यक्रम में भारत के दो सांसदों की भागीदारी ने भी चीन को भारत के विरुद्ध आक्रामक रुख अपनाने के लिए प्रेरित किया है, जिससे भारत भविष्य में चीन विरोधी ऐसे मंचों पर ना जा सके।

11. हिमालयी क्षेत्र भू–सामरिक राजनीति का हॉट स्पॉट :

आजकल हिमालयी पर्वतीय क्षेत्र भू–सामरिक राजनीति का हॉट स्पॉट बन चुका है। 5 मई, 2020 को लद्दाख में और 9 मई को फिर सिक्किम के नकुला सेक्टर में भारतीय और चीनी सैनिकों के बीच झड़प हुई थी। डोकलाम संकट जैसा ही एक गंभीर सैन्य संघर्ष मंडराता नजर आ रहा है। दरअसल चीन की इस बौखलाहट का तात्कालिक कारण भारत द्वारा एलएसी (वास्तविक नियंत्रण रेखा) के पास किए जा रहे अवसंरचनात्मक विकास की गतिविधियां हैं, जिस पर चीन को आपत्ति है। चीन, भारत–नेपाल–चीन के बीच बहुआयामी संपर्क बनाने के लिए एक आर्थिक गलियारा बनाना चाहता है। नेपाल के विदेश मंत्री प्रदीप कुमार ग्यावली की उनके चीनी समकक्ष वांग यी ने एक संयुक्त प्रेस वार्ता म कहा कि चीन और नेपाल ने हिमालय पार एक बहुआयामी संपर्क नेटवर्क स्थापित करने के दीर्घकालीन दृष्टिकोण पर सहमति है। चीन–नेपाल के मध्य अरबों डॉलर वाली बेल्ट एंड रोड पहल (बीआरआई) पर सहमति है। जिसमें बंदरगाह, रेलवे, राज मार्ग, उड्डयन और संचार को लेकर रिश्तों का दीर्घकालिक दृष्टिकोण शामिल हैं। इस प्रकार का नेटवर्क चीन, नेपाल और भारत को भी जोड़ने वाले आर्थिक गलियारे के लिए अनुकूल स्थिति पैदा कर सकता है।

माउंट एवरेस्ट पर चीन का दावा :

जब पूरा विश्व एक कोरोना वायरस के संक्रमण से जूझ रहा है, तो वहीं दूसरी तरफ चीन अपनी विस्तारवादी नीति को करने में लगा हुआ है। 10 मई को चीन ने विश्व के सबसे ऊंचे पर्वत माउंट एवरेस्ट के चीन के भू–भाग में होने का दावा किया है। इसको लेकर उसने एक फोटो भी जारी की है, वहीं आज भारत और चीन के बीच हिंसक झड़प होना सामने आया था। चीन का यह रवैया नेपाल के साथ एक बड़ा धोखा है। हाल ही में चीन ने यह बड़ा दावा किया है कि विश्व का सर्वोच्च पर्वत शिखर अब उसके अधिकार क्षेत्र में है। चीन ने कहा कि माउंट एवरेस्ट चीन के भू–भाग में पड़ता है। यह चीन की विस्तारवादी नीति की मंशा को जाहिर करता है।

कोरोना काल और शक्ति की राजनीति :

कोरोना वायरस की आपदा के राजनीतिकरण से उपजे जिस शक्ति राजनीति ने जन्म लिया है, वहां सभी बड़ी शक्तियों के वैश्विक प्रभाव और वर्चस्व दांव पर लगे हुए हैं। आपदा को अवसर के रूप में अमेरिका भी देख रहा और चीन भी। वर्ष 2008 की आर्थिक मंदी के सबसे बड़े शिकार अमेरिका और यूरोपीय देशों की कमजोरी ने पिछले एक दशक में चीन की वैश्विक सुपर पॉवर बनने की हसरतों को बढ़ा दिया है। अब अमेरिका कोविड के बहाने चीन को दुनिया में अलग–थलग करने की कोशिश में लगा है, तो चीन भी कभी भय तो कभी प्रलोभन की राजनीति के जरिये अलग– अलग देशों को अपने गुट में शामिल करने में लगा हुआ है। इन दो बड़ी महाशक्तियों की शक्ति राजनीति का केंद्र बिंदु भारत बना हुआ है। यही कारण है कि अमेरिकी राष्ट्रपति ने भारत और चीन के बीच मध्यस्थता के लिए पहल करने की मंशा के बहाने यह दिखाने की कोशिश भी

की कि वह भारत के साथ खड़ा है और अभी भी विश्व में शांति एवं सुरक्षा को बनाए रखने वाला निर्णायक देश है। चीन नहीं चाहता है कि भारत चीन विरोधी गुट में खुलकर शामिल हो। इसीलिए डोकलाम संकट के बाद वुहान और चेन्नई बैठक के जरिये पहले तो चीन ने भारत से संबंधों को मधुर बनाने की पहल की थी। परन्तु कोरोना काल में चीन की भूमिका को लेकर बने एलायंस में भारत ने भी जब चीन के विरुद्ध भाग लिया, तो चीन ने अपनी नीति बदलनी शुरू कर दी। अब वह पाकिस्तान और नेपाल के बहाने एक तरफ भारत को घेर रहा है, तो दूसरी तरफ अनसुलझे सीमा विवाद को उठाकर भारत पर मनोवैज्ञानिक बढ़त बनाने की कोशिश में लगा है।

मोदी की आक्रामक नीति रू वर्तमान में तत्काल ही भारत ने चीन के विरुद्ध जिस प्रकार वैश्विक शक्तियों से गठजोड़ किया है, उसी का परिणाम है कि भारत की तरफ से सख्त संदेश मिलने के बाद चीन ने भी अब समझौते की भाषा बोलनी शुरू की है। भारत में चीन के राजदूत सुन वेडांग ने कहा है कि भारत और चीन एक–दूसरे के लिए खतरा नहीं, बल्कि अवसर हैं। द्विपक्षीय सहयोग में दोनों देशों के मतभेद की परछाई पड़ने की इजाजत नहीं दी जानी चाहिए। इसी क्रम में भारतीय प्रधानमंत्री, रक्षा मंत्री, राष्ट्रीय सुरक्षा सलाहकार, चीफ ऑफ डिफेंस स्टाफ और तीनों सेनाओं के प्रमुख के साथ लद्दाख में घुसपैठ के मुद्दे पर हुई बैठक में निष्कर्ष यह निकला है कि सैन्य बल के सहारे दबाव बनाने की चीन की रणनीति को नाकाम किया जाएगा।

चीन के एतराज के बावजूद सीमावर्ती क्षेत्रों में सड़कों एवं दूसरे निर्माण कार्य को जारी रखा जाएगा, क्योंकि यह भारत की प्रादेशिक अखंडता और संप्रभुता का मामला है। इस बीच भारत ने भी स्पष्ट कर दिया है कि वह चीन के खिलाफ किसी भी संघर्ष की स्थिति में उचित जवाबी कदम उठाने से नहीं हिचकेगा। भारत चीन को यह संदेश देने में सफल रहा है कि अब वह उसे 1962 का भारत नहीं समझे। उसका सॉफ्ट पॉवर होना उसकी कमजोरी तो बिल्कुल नहीं समझे, क्योंकि अब भारत क्षेत्रीय अखंडता को बनाए रखने के लिए हार्ड पावर के इस्तेमाल से भी संकोच नहीं करेगा। हालांकि अभी भी चीन अपने डीप पॉकेट और धूर्त राजनीति के कारण भारत से अनेक क्षेत्रों में उन्नत स्थिति में है, परन्तु चीन यह भी समझता है कि जैसे–जैसे भारत की अर्थव्यवस्था मजबूत होती जाएगी, चीन की चाहतें भी वैसे–वैसे समाप्त होती जाएंगी। इसलिए भारत को एक ऐसी खास विदेश नीति और घरेलू नीति की जरूरत है, जिससे आत्मनिर्भर, सशक्त और विश्व में रचनात्मक भूमिका निभाने में सक्षम भारत का उदय हो सके। प्रधानमंत्री मोदी ने आत्मनिर्भर भारत का जो अक्षुण्य मंत्र दिया है, वह आत्मविश्वास और आत्मसम्मान के साथ स्वदेशी नीति और सक्षम समर्थ भारत की रूपरेखा और रणनीति स्पष्ट करता है।

कूटनीतिक रणनीति :

भारत और चीन के बीच कूटनीतिक स्तर पर प्रतिस्पर्धा चल रही है। चीन जहां दक्षिण एशिया के छोटे–छोटे देशों में सामरिक एवं आर्थिक दृष्टि से महत्वपूर्ण अड्डों का निर्माण करके भारत को घेरने की रणनीति बना रहा है वहीं, प्रधानमंत्री मोदी जी की "पड़ोसी सबसे पहले" की आक्रामक नीति ने चीन को कई देशों में कटु उत्तर दिया है। चीन मोतियों की माला की नीति (String of Purl Policy) के अंतर्गत दक्षिण एशिया के छोटे–छोटे देशों में सामरिक एवं आर्थिक दृष्टि से महत्वपूर्ण अड्डों का निर्माण करके भारत को घेरने

की लंबे समय से जीतोड़ कोशिश कर रहा है। इसलिए, प्रधानमंत्री नरेंद्र मोदीजी भी अपने पड़ोस में चीन की विस्तारवादी महत्वाकांक्षा को पूरी नहीं होने देने की आक्रमक नीति पर अग्रसर हैं। ऐसे में दक्षिण एशिया दो शक्तियों की प्रतिस्पर्धा के रूप में बदल रहा है।

1. **मालदीव में बदली तस्वीर :**

प्रधानमंत्री मोदीजी ने मालदीव के नवनिर्वाचित राष्ट्रपति इब्राहिम मोहम्मद सोलिह के शपथ ग्रहण समारोह में हिस्सा लिया था। पूर्व राष्ट्रपति अब्दुल्ला यामीन के दौर में मालदीव के साथ भारत संबंधों में खटास आ गई थी। भारतीयों को वर्क वीजा देने पर पाबंदी, चीन के साथ मुक्त व्यापार समझौता जैसे यामीन के फैसलों ने भारत को चिंता में डाल दिया था। लेकिन, अब वहां की नई सरकार चीन के साथ मुक्त व्यापार समझौता तोड़ने का ऐलान कर चुकी है।

2. **फंडिंग का जाल :**

फंडिंग के जरिए भारत को घेरने की चीनी चाल दरअसल, चीन ने पड़ोसी देशों में बुनियादी ढांचों के निर्माण के लिए बड़े पैमाने पर फंडिंग करके भारत को घेरने की चाल चली। लेकिन, जब चीन की फंडिंग "कर्ज के जाल" के रूप में प्रकट होने लगी, तो भारत के पड़ोसी देशों की नींद खुली और उन्हें आर्थिक प्रगति के लिए भारत की ओर से मुहैया किए जा रहे अवसरों की महत्ता समझ में. आने लगी। इसका नतीजा यह हुआ कि अब वे देश चीन के चंगुल से निकलकर भारत के साथ आर्थिक संबंध स्थापित करने को उत्सुक दिख रहे हैं।

3. **श्रीलंका में भारत :**

भारत के पड़ोसी देशों में चीन का प्रभाव घटाने के मोदी के अथक प्रयासों से दोनों देशों के बीच शक्ति संतुलन को लेकर खींचतान बरकरार है। श्रीलंका में महिंदा राजपक्षे को सत्ता से हटाने के लिए भारत ने मैत्रीपला सिरिसेना और रानिल विक्रमसिंघे के बीच गठबंधन कराने में अपनी भूमिका निभाई। राजपक्षे ने चीन को हंबनटोटा बंदरगाह को लीज पर दे दिया था। इसके अतिरिक्त उनकी सरकार ने कोलंबो बंदरगाह के निर्माण एवं चीन के समुद्री जहाजों को वहां आने की अनुमति भी दे दी थी। इससे चीन को श्रीलंका में रणनीतिक प्रवेश मिल गया था। विक्रमसिंघे ने अब चीन के साथ हुई पुरानी डील को खत्म कर दिया और हंबनटोटा एयरपोर्ट के संचालन के लिए भारत के साथ समझौता कर लिया। हालांकि श्रीलंका में राजनीतिक उथल–पुथल के कारण भारत अभी भी चिंतित है।

4. **नेपाल का चीन के प्रति बदलता नजरिया :**

चीन की आर्थिक ताकत के मद्देनजर उसे परास्त करने के लिए भारत ने और कड़े प्रयास किए हैं। मोदी की "पड़ोसी सबसे पहले" की आक्रामक नीति के कारण नेपाल की एक पनबिजली परियोजना चीन के हाथ से निकल गई। चीन ने इसके पीछे की वजह यह बताया कि वह हजारों परिवारों को दूसरी जगह बसाने को तैयार नहीं था। हालांकि, बताया जाता है कि इसके पीछे वास्तविक कारण फिर से भारत ही रहा। भारत ने कथित तौर पर नेपाल से स्पष्ट कह

दिया था कि वह इस परियोजना से पैदा हुई बिजली नहीं खरीदेगा। इससे चीन समझ गया कि छोटे से देश नेपाल में इस परियोजना से पैदा हुई बिजली की पूरी खपत नहीं हो पाएगी और उसे नुकसान हो जाएगा, इसलिए उसने मजबूरन इस परियोजना से अपना हाथ खींच लिया। मोदी सरकार द्वारा नेपाल के सात जिलों में 56 हायर सेकंडरी स्कूलों का पुनर्निर्माण करेगी।

5. चीन की इन्फ्रास्ट्रक्चर फंडिंग को लेकर पड़ोसी देशों में खुद ही शंका पैदा होने लगी है। इसका एक उदाहरण बांग्लादेश के फैसले में देखा जा सकता है। चीन ने बांग्लादेश को पद्मा नदी पर रेल एवं सड़क पुल निर्माण के लिए फंडिंग का लालच दिया, लेकिन बांग्लादेश ने इस लालच में न आकर अपने पैसे से यह निर्माण कार्य पूरा करने का फैसला किया। हालांकि, इस प्रोजेक्ट में कुछ चीनी कंपनियां काम कर रही हैं, लेकिन बांग्लादेश ने चीन से कोई कर्ज नहीं लिया है। बांग्लादेश न केवल चीन से कर्ज को लेकर काफी सतर्कता बरत रहा है, बल्कि उसने अपने यहां इन्फ्रास्ट्रक्चर प्रोजेक्ट्स में काम करने की इच्छुक चीनी कंपनियों को नकारा है। इतना ही नहीं, उसने कुछ चीनी कंपनियों को ब्लैकलिस्ट भी कर चुका है।

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सुदृढ़ लोकतंत्र की आधारशीला- स्वतंत्र एवं निष्पक्ष निर्वाचन

अमित कुमार*

परिचय :

भारत विश्व का सबसे बड़ा लोकतांत्रिक देश है। लोकतंत्र वह पद्धति है जिसमें जनता की सरकार होती है। यह लोगो की अपेक्षाओं, आशाओं, आकांक्षाओं, संघर्षों एवं जीवन विधि का प्रतिनिधित्व करती है। स्वतंत्र एवं निष्पक्ष चुनाव, विचार एवं अभिव्यक्ति की स्वतंत्रता, प्रेस की स्वतंत्रता एवं स्वतंत्र न्यायपालिका, लोकतंत्र के आधारभूत स्तंभ है। इनमें से स्वतंत्र एवं निष्पक्ष निर्वाचन ही लोकतंत्र की सबसें मुख्य आधारशिला हैं। यह निर्वाचन प्रकिया की आत्मा या हृदय है। यह निर्वाचन प्रक्रिया जनता की इच्छा पर निर्भर करता है। वास्तव में लोकतंत्र राष्ट्रीय मुद्दों पर निर्भर जनता की सक्रिय भागीदारी एवं हितों पर आधारित होती है। निर्वाचन में ही एक व्यक्ति मतदाता के रूप में सामने आता है क्योकि यह निर्वाचन ही है जो जनता की संप्रभुता को संस्थागत रूप एवं वास्तविकता प्रदान करता है। संम्पूर्ण निर्वाचन प्रक्रिया का भार उत्तरदायी कार्यकारी अधिकारियों के कंधों पर होता है।

New Standard Encyclopaedia के अनुसार, निर्वाचन मतदान के द्वारा प्रतिनिधियों को चुनने की प्रक्रिया है। निर्वाचन ही लोगों को अपनी इच्छाओं को प्रकट करने एवं इसे प्रभावकारी बनानें का मुख्य साधन मुहैया कराता है। स्वतंत्र, बारम्बार एवं निष्पक्ष निर्वाचन के बिना लोकतंत्र का अस्तित्व संभव ही नहीं है।

भारतीय लोकतंत्र एवं चुनाव–

लोकतांत्रिक शासन प्रणाली में निर्वाचन का महत्वपूर्ण स्थान होता है। निर्वाचन के माध्यम से ही लोकनीति में नागरिकों के मनोभावों की सहभागिता से प्रजातन्त्र का कियान्वयन होता है। विशाल जनसंख्या, विस्तृत भूमि तथा व्यापक कार्य क्षेत्र के कारण आधुनिक लोकतांत्रिक राज्यों में जनता प्रत्यक्ष रूप से शासन में सहभागी हों, ऐसा असभ्भव है। इसके विकल्प के रूप में ही प्रतिनिधिमूलक प्रजातंत्र का प्रचलन हुआ है। इस तरह के प्रजातांत्रिक राज्य में जनता अपनी शासन शक्ति का प्रयोग प्रतिनिधियों को चुनकर उनके माध्यम से करती है। इस तरह प्रतिनिधित्व का महत्व प्रजातंत्र के विकास के साथ ही बढ़ता गया है।

"लोकतंत्र में राजनीतिक व्यवस्था से सम्बन्धित सता जनता के पास होती है। यह जनता प्रतिनिधियों को निर्वाचित कर अपनी ओर से उन्हें शासन का अधिकार प्रदान करती है। इससे हर

* शोधार्थी, राजनीति विज्ञान विभाग, वीर कुँवर सिंह विश्वविद्यालय, आरा, बिहार

प्रजातांत्रिक राजनीतिक व्यवस्था में प्रतिनिधि ही व्यवहार में शासन शाक्ति के धारणकर्ता एवं प्रयोगकर्ता दोनों हो जाते है।"[1] "वर्तमान समय में जनता का महत्वपूर्ण कार्य उन प्रतिनिधियों के बीच माध्यम बनना है, जो राजनीतिक व्यवस्था दृटिगोचर होती है, जिसे रॉबर्ट डहल ने प्रजातंत्र का "द्वितीय हस्तानान्तरण की प्रकिया" कहा है।"[2]

लोकतंत्र शब्द का आशय समझ लेना आवश्यक है। लोकतंत्र के लिये अंग्रेजी भाषा 'डेमोक्रेसी' शब्द का प्रयोग किया जाता है। 'डेमोक्रेसी' शब्द युनानी 'डेमोक्रेसी' से अस्तित्व मे आया है।'' डेमोक्रेटस शब्द, दो शब्दों 'डेमो' और 'क्रेटस' से मिलकर बना है। डेमो का अर्थ जनता और क्रेटस का शासन होता है। अतः डेमोक्रेसी का अर्थ जनता का शासन होता है''[3] 400 ई०पू० के लगभग यूनान के एथेन्स में प्रारम्भ किये गये प्रजातंत्र में डेमास (जनता) को, अन्य किसी की भी अपेक्षा अत्यधिक शक्ति प्राप्त थी। यूनानी प्रजातांत्रिक नगर– राज्यों की जनसंख्या कम होने के कारण वहाँ की जनता की प्रत्यक्ष भागीदारी शासन व्यवस्था में सम्भव होती थी। आज के राष्ट्रीय राज्यों की तुलना में उन नगर राज्यों की जनसंख्या काफी कम हाने की वजह से वहाँ की जनता शासन सता में अपनी प्रत्यक्ष सहभागीता सुनिश्चित कर लेती थी। ''442 ई०पू० में जन्में महान यूनानी दार्शनिक प्लेटो ने अपनी प्रसिद्ध कृति 'दी लाज' में आदर्श राज्य की जनसंख्या 5040 बतायी थी।''[4] इस प्रकार एथेन्स के नगर राज्यों का आकार छोटा होता था। सीमित जनसंख्या के कारण ही यूनानी नागरिक इस स्थिति में थे कि वहाँ की राजनीतिक प्रकिया की निगरानी एवं स्वयं का नियंत्रण स्थापित कर सकें।

परन्तु आज के युग में प्राचीन युनानी नगर–राज्यों जैसे राज्य नहीं रह गये हैं। लोकतंत्र ने अपनी विकास यात्रा में बहुत बदलाव किया है। आज यूनानी नगर–राज्यों का आकार विस्तृत हो चुका है। ''अगर आज के राष्ट्रीय राज्यों एवं प्राचीन यूनानी नगर–राज्यों की जनसंख्या का तुलनात्मक अध्ययन किया जाय, तो पाते हैं कि प्लेटो द्वारा आदर्श राज्य के लिए निर्धारित जनसंख्या 5040 का स्थान भारत जैसे लगभग 50 लाख एक अरब वाले विशाल राज्यों ने ले लिया है। यद्यपि यह निःसन्देह सत्य है कि विशाल आकार एवं जनसंख्या के कारण प्राचीन यूनानी नगर–राज्यों की तरह शासन तन्त्र में आज जनसहभागिता सम्भव नही है। फिर भी लोकतंत्र में जनसहभागिता एक महत्वपूर्ण तथ्य है। लोकतंत्र में जनता की भागीदारी का उल्लेख 'पौराणिक गाथाओं' में भी मिलता है।''[5] ''प्रजातंत्र एक ऐसी शासन व्यवस्था है, जिसमें जनता समस्त मामलों में एवं समस्त राजनितिक प्रक्रियाओं पर अपना नियत्रंण रखती है। अब्राहन लिंकन ने 1861 ई० में गेट्सबर्ग में दिये गये भाषण में प्रजातंत्र को परिभाषित करते हुए कहा था कि प्रजातंत्र जनता का, जनता के द्वारा और जनता के लिए शासन है।''[6]

वर्तमान समय में निर्णय–निर्माण एवं राजनीतिक इच्छा के पूर्णता हेतु पृथक एवं अलग प्रकिया को स्वीकार किया जाता है, जिसमे विशाल आकार के प्रजातांत्रिक राष्ट्रों की सामान्य इच्छा के संकल्प को पूरा किया जा सके। यह सत्य है कि ''वर्तमान समय मे यूनानी नगर–राज्यों के समान लोकतंत्र की स्थापना करना सम्भव नही है, फिर भी आधुनिक समाज में राज्य के कार्यों में, विशेष रूप से व्यवस्थापन में बहुत ज्यादा लोगों की भागीदारी होती है और अधिकांश

लोग शामिल होते है, उनकी इस तरह की सहभागिता भी प्रभावी एवं अर्थपूर्ण है।''[7] चुंकि यूनानी नगर–राज्यों की प्रजातांत्रिक व्यवस्था में, जनता का सम्पूर्ण भाग नीति–निमाण एवं राजनीतिक कार्यो में भाग लेने के लिए एक स्थान पर इकट्ठा होकर अपना मत व्यक्त करते थे, परन्तु आज के विशाल राज्यों में सम्पूर्ण जनता का एक स्थान पर इकटठा होकर अपना मत व्यक्त करना सम्भव नही है, तो भी आधुनिक प्रजातांत्रिक व्यवस्था में जनता अपनी सहभागिता प्रदान कर रही है और अपना मत व्यक्त कर रही है, वह भी महत्वपूर्ण एवं तर्कसंगत नही है।

भारत में संविधान द्वारा वयस्क मताधिकार अपनाया गया है, जिसका उल्लेख ''संविधान के अनुच्छेद 326 में स्पष्ट रूप से किया गया है। इस अनुच्छेद के तहत यह व्यवस्था की गई है कि कोई भी भारतीय नागरिक, जो 18 वर्ष की आयु पूरी कर चुका हो, मतदाता सूची मे नाम दर्ज कराने के लिए अहर्ताएं पूरा करता है। प्रारम्भ में यह आयु सीमा 21 वर्श थी, लेकिन 1989 में''[8] यह आयु सीमा घटाकर 18 वर्ष कर दी गई। तब से आज तक यही आयु सीमा मतदाता सूची में नाम दर्ज कराने के लिए किसी भी भारतीय नागरिक के लिए आवश्यक है। ऐसा व्यक्ति जिसका नाम मतदाता सूची में दर्ज नही है, निवार्चन में मतदाता के माध्यम से अपनी सरकार चुनने का वैधानिक अधिकार नही रखता है। दूसरे शब्दों में कहा जा सकता है कि अगर कोई भी ऐसा व्यक्ति है, जिसका नाम मतदाता सूची में मतदाता के रूप में पंजीकृत नही है, वह मतदान का अधिकारी नही होता है। अगर कोई भी व्यक्ति शासन सता में अपनी भागीदारी सुनिश्चित करना चाहता है, तो उसे मतदाता सूची में मतदाता के रूप में अपना नाम दर्ज कराना अनिवार्य शर्त है।

वास्तव में अगर देखा जाय तो भारतीय संविधान में किसी भी स्थान पर नागरिकों को सरकार के निर्माण का अधिकार स्पष्ट रूप से उल्लिखित नही है, परन्तु जनता का सरकार बनाने या लोकप्रिय सरकार की स्थापना का अधिकार लोकतंत्र का मुख्य स्तम्भ होता है। यह अधिकार किसी भी नागरिक की उस सर्वोच्च स्वतंत्रता को परिलक्षित करता है, जिसे अभिव्यक्ति की स्वतंत्रता कहा जाता है। ''अभिव्यक्ति की स्वतंत्रता को भारतीय संविधान में अधिकारों की श्रेणी में रखा गया है।''[9]

नागरिक वस्तुतः उसी अधिकार का व्यवहार में प्रयोग करते हुए सरकार निमार्ण की प्रकिया में भागीदारी सुनिश्चित करते है। संविधान में 19 (क) के अतिरिक्त भी ऐसे अन्य अनुच्छेद हैं जो समस्त व्यक्तियों को नही, बल्कि नागरिको को ही मौलिक अधिकार प्रदान करते हैं। इस प्रकार मतदाता सूची में व्यक्तियों के नाम दर्ज किये जाने के सन्दर्भ में व्यक्तियों एवं नागरिकों में अन्तर स्पष्ट है।

जनप्रिय सरकार वास्तव में एक प्राधिकृत सरकार होती है। संविधान के अन्तर्गत एक प्राधिकृत सरकार वह है, जो नागरिकों द्वारा निर्वाचित हो। भारत में नागरिक अपनी सरकार का निर्वाचन संविधान के अन्तर्गत प्राप्त अनुच्छेद 19 (क) द्वारा प्रदत मूलाधिकार के प्रभाव से करते हैं। लोकप्रिय सरकार जनता के चयन के प्रमाण के रूप में संविधान के अन्तर्गत कार्य करने हेतु जनता द्वारा प्राधिकृत होती है। लोकतंत्र जनता के मत की महत्ता से संचालित होता है और मत किसी नागरिक के द्वारा उसके चयन की अभिव्यक्ति का प्रतीक है।

मत देने का अधिकार वास्तव में अभिव्यक्ति की स्वतंत्रता के संव्यवहार का एक माध्यम है।

संविधान के अन्तर्गत मतदाता सूची में नाम दर्ज होने के विषय में जाति, धर्म, वर्ग या इसी प्रकार के अन्य आधारों पर विभेद पर प्रतिबन्ध है, अर्थात किसी भी व्यक्ति का नाम मतदाता सूची में दर्ज करने से इस आधार पर इनकार नही किया जा सकता है कि सम्बन्धित व्यक्ति अमुक जाति या धर्म से सम्बन्ध रखता है।[10] इसी प्रकार संविधान के अन्तर्गत ही लोक सभा व राज्यों की विधानसभाओं का निर्वाचन 'सार्वभौमिक व्यस्क मताधिकार के आधार पर होते है। संविधान में कहा गया है कि "कोई नागरिक केवल अनिवास, चित–विकृत, अपराध भ्रष्ट अवैध आचरण के आधार पर ही संविधान या उपयुक्त विधायिका द्वारा मतदाता सूची में पंजीकृत होने के लिए अनर्ह घोषित किया जा सकता है।"[11]

वस्तुतः निर्वाचन सरकार और जनता के बीच अनुबन्ध की अभिव्यक्ति है। अगर देखा जाय तो यह स्पष्ट हो जाता है कि ''राज्य की उत्पति के 'सामाजिक समझौता सिद्धान्त' के विचारक थॉमस, हॉब्स, जॉन लॉक व जीन जैक्स रूसो द्वारा संकल्पित सामाजिक संविदा दर्शन का सिद्धान्त मतदाता की स्वतंत्रता के रूप में परिलक्षित होता है। राज्य का संविधान लेखबद्ध संहिता होता है।''[12]

वास्तव में संविदा का विचार संविदा के पक्षकारों की स्वतंत्र सहमति की पूर्व अपेक्षा करता है और सहमत होने की स्वतंत्रता किसी भी संविदा का मूलाधार होता है, लेकिन सहमति होने के लिय यह भी आवश्यक है कि सहमत होने वाला व्यक्ति अनुबन्ध करने मे सक्षम हो। सक्षमता किसी भी व्यक्ति के अनुबन्ध में पक्षकार होने के लिए पूर्व शर्त है। यह एक मान्य तथ्य है कोई विक्षिप्त या अवयस्क व्यक्ति अनुबन्ध करने में सक्षम नही है। भारतीय संविधान के सन्दर्भ में अनुबन्ध हेतु निर्धारित पूर्वशर्तों का उल्लेख किया गया है। यह अभिव्यक्ति संविधान के अनुच्छेद 326 में हुई है। संविधान के अन्तर्गत मत देने के अधिकार का प्रयोग करने की प्रथम शर्त यह है कि व्यक्ति मतदाता बनने हेतु निर्धारित अर्हताए पूर्ण करता हो। अभिव्यक्ति की स्वतंत्रता का व्यापक तथा वास्तविक मूल अधिकार, जहाँ सभी नागरिकों को प्राप्त है, वही सरकार के निमार्ण के सन्दर्भ में अपने अभिव्यक्ति के अधिकार का संव्यवहार करने का अधिकार एवं स्वतंत्रता सभी नागरिकों को प्रान्त नही है। इसका प्रयोग केवल मतदाताओं द्वारा किया जा सकता है, और मतदाता बनने के लिए कुछ पूर्व अपेक्षा संविधान द्वारा निर्धारित की गई है, जिसका उल्लेख संविधान के अनुच्छेद 326 में किया गया है, जिसको पहले अन्यत्र लिखा भी जा चुका है।

यहाँ पर यह संशय करना उचित नही है कि संविधान के अनुच्छेद 326 में किसी भी प्रकार अनुच्छेद 19(1)क में प्रत्याभूत मौलिक अधिकार में कटौती की है। अभिव्यक्ति का सामान्य अधिकार समस्त नागरिकों के द्वारा संव्यवहार्य है तथा अनुच्छेद 326 में केवल नागरिकों के एक उपवर्ग को अभिप्रेत किया गया है, जिसे सरकार के निमार्ण सम्बन्धी दायित्वों का उतरदायित्व प्रदान किया गया है।

किसी भी राज्य में निर्वाचन के लिए उतरदायी निकाय का सम्बन्ध समस्त नागरिकों से न होकर केवल मतदाताओं से होता है।'' भारतीय संविधान में स्पष्ट रूप से कहा गया है कि अभिव्यक्ति स्वतंत्रता एक मौलिक अधिकार है।''[13] इसका आषय यह है कि ''इस अधिकार पर आक्रमण या इसका उलंधन किसी भी शक्ति द्वारा नही किया जा सकता है।''[14] मत देने का अधिकार ही वास्तव में ऐसी शक्ति है, जिसके तहत कोई भी

व्यक्ति राज्य की सता मे अपनी भागीदारी निभाता है। लोकतंत्र के मौलिक अधिकार के रूप में वयस्क मताधिकार समाज व शासन के सम्बन्ध को व्यक्त करता है।

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सुशासन एवं नागरिक घोषणा–पत्र : एक विश्लेषणात्मक अध्ययन

डॉ० अखलाख अहमद*

आधुनिक सरकारें लोकतांत्रिक मूल्यों की प्राप्ति हेतु सुशासन के स्थापना की हिमायती है। 'सुशासन' वर्ममान विश्व में अति आवश्यक होता जा रहा है। एक लक्ष्य के रूप में सुशासन की अवधारणा अतिप्राचीन है किन्तु सुशासन की जिस अवधारणा को हम वर्तमान में प्रयुक्त करते है, वह वर्ष 1989 में विश्व बैंक द्वारा प्रवर्तित की गई है। सत्त मानव विकास को प्राप्त करने के लिए सुशासन को वैश्विक स्तर पर स्थापित करना अंतर्राष्ट्रीय समुदाय की एक महती पूर्वपेक्षा बन गई है।

सामान्यतः सुशासन से तात्पर्य है किसी सामाजिक राजनीतिक इकाई को इस प्रकार संचालित करना कि वह वांछित परिणाम दे। 'शासन' में 'सु' उपसर्ग लग जाने से सुशासन शब्द का जन्म होता है। 'सु' उपसर्ग का अर्थ गुण, अच्छा, मंगलकारी आदि भावों को व्यक्त करनेवाला होता है। विश्व बैंक के दास्तावेज "Governance & Development" के अनुसार किसी देश के विकास हेतु आर्थिक एवं सामाजिक संसाधनों के प्रबंधन के सम्बंध में प्रयुक्त शक्ति का आशय शासन से है।" आक्सफोर्ड शब्दकोष में "शासन से तात्पर्य नियंत्रण के तरीके या सरकारे चलाने की पद्धति से लिया गया है।" जॉन स्टुअर्ट मिल के शब्दों में किसी सरकार के अच्छेपन को देखने का एक तरीका यह है कि शासन चलाने में कितनी अच्छाइयों को काम में लेती है।"

'सुशासन का संक्षिप्त अर्थ– 'उत्कृष्ट शासन, अर्थात् सुशासन, शासन के उस व्यवहार से संबंधित है जिसमें राज्य की मशीनरी व संस्थाएँ अपनी उत्कृष्टता प्राप्त करती है।"

सुशासन की अवधारणा मूलतः ई– शासन के साथ घुली–गिली है जिसे आजकल स्मार्ट शासन (Smart Govt.) कहा जा रहा है, जिसका अर्थ है–

S – Small (नौकरशाही का आकार कम करना)

M – Moral (प्रशासन में नैतिकता का समावेश)

A – Accountable (लोकसेवकों में जवाब देयता लाना)

R – Reliable (जनता के प्रशासन के प्रति विश्वास उत्पन्न करना)

T – Transparent (सरकारी नीतियों, निर्णयों, कार्यो तथा सेवाओं में पारदर्शिता लाना)

* सहायक प्राचार्य, रानीति विज्ञान विभाग, डी० के० कॉलेज, डुमराँव, वीर कुँवर सिंह विश्वविद्यालय, आरा

संयुक्त राष्ट्रसंघ के अनुसार सुशासन के निम्न आठ विशेषताएँ होती है–

1. विधि का शासन (Rule of law)
2. समानता का समावेशन (Equity and inclusiveness).
3. भागीदारी (Participation)
4. अनुक्रियता (Responsiveness)
5. बहुमत / मतैक्य (Consensus oriented)
6. प्रभावशीलता (Effectiveness)
7. पारदर्शिता (Transparency)
8. उत्तरदायित्व (Accountability)

वर्तमान में एशिया विकास बैंक ने सुशासन के चार महत्वपूर्ण तत्व अथवा आधार बताए है–

1. **उत्तरदायित्व**– उत्तरदायित्व का तात्पर्य उन लोगों के प्रति अपने उत्तरदायित्वों के निर्वहन से है जिन्होंने उन्हें अधिकार दिए है।

2. **भागीदारिता**– भागीदारिता से तात्पर्य जनता का प्रशासनिक कार्यो में हिस्सा लेने से है अर्थात जनता ही सुशासन की कुंजी अथवा आधार है।

3. **संभाव्यता**– संभाव्यता से तात्पर्य समाज को नियंत्रित करने वाले कानूनों अथवा नीतियों के निर्धारण से है, ताकि शासन को सुदृढ़ता मिले।

4. **पारदर्शिता**– पादर्शिता से तात्पर्य जनता का सरकार की नीतियों के नियमों से पूर्णतः अवगत होने से है। यह भ्रष्टाचार को समाप्त करने का प्रमुख आधार है।

भारत में सुशासन के समक्ष बाधाएँ–

भारत में सुशासन के समक्ष सर्वाधिक बड़ी वाँधा भ्रष्टाचार की व्यापकता है। भ्रष्टाचार राजनीतिक एवं प्रशासनिक दोनों स्तरों पर दृष्टिगत है। न्यायिक, पुलिस एवं प्रशासनिक सुधारों की दिशा में गंभीरतापूर्वक एवं तत्परतापूर्वक प्रयास भी नहीं किए गए। जो छोटे–छोटे कदम उठाए गए उन पर भी सच्ची नियत से न तो प्रयास किए गए न ही जन सहयोग लेने की दिशा में काम हुए, इसलिए प्रयासों का कोई सकारात्मक परिणाम नहीं निकला।

संसाधनों के अविवेकपूर्ण एवं अन्यायापूर्ण वितरण से अमीरी और गरीबी के मध्य अत्यधिक अंतर पाये जाने से न्याय, समता एवं समावेशन जैसे सुशासन के लक्ष्य अधूरे रह जाते है।

जनसंख्या विस्फोट सुशासन की एक बड़ी बाधा है जो विकासमूलक उपलब्धियों को कमतर बना देती है एवं शासन के मार्ग में बाधा पैदा करती है।

संक्षेप में नौकरशाही का अनुत्तरदायी पूर्ण रवैया, जवाबदेही का अभाव, लेट–लतीफी, अधिकारोन्मुख प्रवृतियाँ, कानून और नियमों का अभाव क्रियांनयन, संसाधनों के उपयोग के संबंध में लूट–खसोट की मनोवृत्ति, भ्रष्टाचार तथा लचर कानूनी व्यवस्था इत्यादि भारत में सुशासन के समक्ष चुनौती है।

वर्त्तमान मोदी सरकार के सुशासन हेतु स्पष्ट एजेंडा है–

1. भ्रष्टाचार मुक्त प्रशासन
2. नीति आयोग का गठन
3. सहकारी संघवाद की क्रियांवयन
4. अवसंचरना का विकास
5. उर्जा क्षेत्रों का विकास
6. राष्ट्रीय राजमार्गो पर जोर
7. स्वच्छ भारत अभियन
8. प्रधानमंत्री जन–धन योजना
9. अर्थव्यवस्था को प्रोत्साहन
10. स्किल इण्डिया एवं मेक इन इंडिया कार्यक्रम।

सत्ता एवं आम जन के बीच सदभाव बढ़ाने एवं सुशासन के उद्देश्यों को ध्यान में रखते हुए विश्व भर में प्रशासनिक तंत्र को जनता के प्रति संवेदनशील बनाने हेतु पिछले दो दशकों से तीव्रता से प्रयास हुए। 1991 में सर्वप्रथम ब्रिटेन के तत्कालीन प्रधानमंत्री जॉन मेजर ने नागरिक अधिकार पत्रों की शुरूआत की। नागरिक अधिकार पत्र एक ऐसा हथियार है, जो प्रशासन की जबावदेही और पारदर्शिता को सुनिश्चित करता है। इन अधिकार पत्रों के द्वारा जनता को प्रशासन के प्रति जागरूक करने एवं प्रशासन में पारदर्शिता सुनिश्चित करने को महत्व दिया जाता है। ब्रिटेन में नागरिक घोषणा पत्र काफी लोकप्रिय है।

भारत के संदर्भ में आर्थिक विकास एवं बढ़ता हुआ साक्षरता दर ने लोगों में अपने अधिकारों एवं मांगों के संदर्भ में जागरूकता बढ़ा दी है। उपभोक्ता अधिकारों की दिशा में जागरूकता लाने में 'जागो ग्राहक जागो' जैसे कार्यक्रमों की महत्वपूर्ण भूमिका रही है। 1996 में भारत सरकार में एक प्रभावी और अनुक्रियाशील प्रशासनिक तंत्र के विकास पर सहमति बननी प्रारंभ हो गयी थी। 24 मई 1997 को प्रधानमंत्री की अध्यक्षता में होने वाली बैठक में केन्द्र एवं राज्य स्तरों पर प्रभावी और अनुक्रियाशील शासन के लिए एक्शन प्लान को अपनाया गया।

विभिन्न राज्यों एवं संघ शासित प्रदेशों के मुख्यमंत्रियों के सम्मेलन में (1997) निर्णय लिया गया कि केन्द्र एवं राज्य सरकारे नागरिक घोषणा–पत्रों का निर्माण करेगी और इन घोषणा पत्रों की शुरूआत विस्तृत पब्लिक इंटरफेस वाले क्षेत्रों, जैसे– रेलवे, दूरसंचार, डाक, तार तथा लोक वितरण प्रणाली से की जाए। इन घोषणा पत्रों के लिए सेवाओं के मानकों और समय–सीमा को शामिल करना आवश्यक माना गया। इस प्रकार यह अपेक्षा की गई कि नागरिक घोषणा–पत्र के निर्माण, प्रचालन एवं समंवय की पहल की गई है। नागरिक घोषणा–पत्र में निम्नांकित बातों को शामिल होने की अपेक्षा की जाती है–

1. दृष्टिकोण एवं मिशन वक्तव्य।
2. संगठन के द्वारा कार्यवाही एवं व्यवसाय का ब्यौरा।
3. ग्राहक, उपभोक्ता विवरण।
4. प्रत्येक ग्राहक समूह को उपलब्ध कराई जाने वाली सेवाओं का विवरण।
5. ग्राहकों से अपेक्षाएँ।
6. संगठन के अन्तर्गत शिकायत निवारण तंत्र और वहाँ तक पहुँच के बारे में विन्दुवार वर्णन हो।

द्वितीय प्रशासनिक आयोग द्वारा वर्णित सिटिजन चार्टर की समस्याएँ–

1. भारत में सिटिजन चार्टर में गुणवत्ता का उल्लेख नहीं है।
2. जिन विभागों में गुणवत्ता का उल्लेख है उनका मानक अत्यधिक खराब है।
3. अधिकांश चार्टर अत्यधिक लंबे है।
4. उल्लेखित वादे अस्पष्ट एवं अर्थहीन होते है।
5. भारत में क्षतिपूर्ति प्राप्त करना अत्यधिक कठिन है।
6. इसका सुधार एवं पुनरावलोकन नहीं किया जाता।
7. सिटिजन चार्टर निमाण में वरिष्ठ नागरिकों एवं दिब्यांग लोगों के हितों का ध्यान नहीं रखा जाता
8. इसमें परिवर्तन का विरोध होता है।
9. लोगों में जागरूकता का अभाव है।
10. चार्टर निर्माण में गैर–सरकारी संगठनों की सलाह न लेना।

उपर्युक्त कमियों को दूर करने के लिए निम्न अनुशंसा की जाती है–

1. सेवावों के गुणवत्ता के अभाव में दण्ड एवं मुआवजे का स्पष्ट प्रावधान होना चाहिए।
2. उन्हीं वादों का उल्लेख हो जिन्हें पूर्ण किया जा सके।
3. लम्बे आदर्शो की बजाय व्यवहारिक बिन्दुओं का प्रयोग हो।
4. निर्माण से पूर्व विभाग की अपनी संरचना आंतरिक व्यवस्था व प्रक्रिया को बेहतर करना चाहिए।
5. एक समान चार्टर सभी परिस्थितियों के लिए उपयुक्त नहीं होता।
6. यह स्थानीय आश्यकताओं व जमीनी हकीकत के अनुकूल होना चाहिए।
7. स्पष्ट प्रतिबद्धता होना चाहिए व शिकायत निवारण तंत्र नागरिक केन्द्रित होना चाहिए।
8. मूल्यांकन नियमित होना चाहिए।
9. परिणाम के लिए अधिकारियों का उत्तरदायित्व निर्धरित होना चाहिए।

सिटिजन चार्टर की बाते तब तक बेमानी लगेगी जब तक कि प्रशासनिक तंत्र समुचित रूप से इसके अनुरूप न हो जाए, अन्यथा नागरिक घोषाणा पत्र के आदर्शो को मूर्त रूप नहीं दिया जा सकता। हमारी नौकरशाही लालफीताशाही, अकर्मण्यता और भ्रष्टाचार के लिए बदनाम है। 1970 के दशक में जे० के० गालब्रेथ की टिप्पणियों से लेकर हालिया सर्वेक्षणों में भारतीय नौकरशाही के संबंध मे यही तथ्य उजागर होता रहा है।

प्रधानमंत्री नरेन्द्र मोदी ने इस समस्या के समाधान के लिए 'मिशन कर्मयोगी' शुरू करने का फैसला किया है। इसका उद्देश्य पारदर्शिता, प्रशिक्षण और प्रोद्यौगिकी के जरिये लोक सेवकों की कार्य क्षमता में सुधार लाना है ताकि सच्चे जन–सेवक बन सुशासन के उद्देश्यों को मूर्त रूप दिया जा सके।

संदर्भ–

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2. राजनीति विज्ञान शोध पत्रिका, मेरठ
3. सुशासन की एक आवश्यक शर्त है– भ्रष्टाचार मुक्त प्रशासन, डॉ० सुधा गुप्ता, भ्रष्टाचार शोध पत्रिका , मुरैना
4. लोक प्रशासन के मुख मुद्दे, डॉ० फड़िया
5. गुड–गवर्नेन्सः न्यू पब्लिक मैनेजमेंट प्रोस्पेटिक, जर्नल ऑफ आईआईपीए।
6. गुड–गवर्नेन्स इन इंण्डिया, सी० पी० वर्णवाल, दीप एवं दीप पब्लिकेशसन प्रा० लि० नई दिल्ली।
7. भ्रष्टाचारः सुशासन में एक बाधा, डॉ० सक्सेना, योगेशचंद्र, त्रिवेदी, श्याम सिंह, भ्रष्टाचार मुक्त प्रशासन, शोध पत्रिका, मुरैना
8. क्राइसिस ऑफ गवर्नेन्स, भवानी सेन गुप्ता, कोनार्क पब्लिकेशंस, नई दिल्ली।
9. वल्ड बैंक, 1992 गवर्नेंस एण्ड डबलपमेंट वाशिंगटन
10. के० सी० तिवारी, 21वीं शताब्दी के युग में भारत में सुशासन की चुनौतियाँ है।

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पिछड़ी जातियों के उभार में लालू यादव और नीतीश कुमार की भूमिका

राजेन्द्र कुमार*
डॉ० मो० अलाउद्दीन**

आज श्री लालू प्रसाद यादव का नाम किसी परिचय का मोहताज नहीं है। अत्यंत पिछड़े और बहुत ही गरीब पृष्ठभूमि से निकला यह पिछड़े वर्ग का व्यक्ति एक दिन भारतीय राजनीति के मानचित्र पर अपनी उपस्थिति को इतना अधिक प्रभावपूर्ण और प्रभुत्वशाली व्यक्तित्व की पराकाष्ठा को स्थापित करेगा, किसी ने इसकी कल्पना तक नहीं की थी। जिस अनपढ़ और अशिक्षित सामाजिक समुदाय वाले परिवेश से यह अनमोल रत्न अपने जीवन की सभी चुनौतियों का सामना करता हुआ और पहचान और उपलब्धि को हासिल करता हुआ जिस तरह से अपने आप को तराशता हुआ भारतीय राजनीति में अपनी उपस्थिति दर्ज कराई ,बहुतों ने इन बातों की कभी कल्पना तक न की होगी। जिस परिवार में न तो पहनने–ओढ़ने के सही कपड़े थे और न खाने–पीने की पर्याप्त भोजन की व्यवस्था थी, उस परिवेश से निकलकर देश ही नहीं बल्कि विदेश में भी अपनी साख को कायम करने वाला यह शख्स कोई और नहीं बल्कि हमारे गरीबों और पिछड़ों का मसीहा और महान जननायक श्री लालू प्रसाद यादव ही हैं। देश में सेकुलर राजनीति का यह चमकता सितारा आज भी भारतीय राजनीति में अपनी एक अलग पहचान कायम किए हुए है। दोषारोपण करने वाले तो किसी को भी दोषी ठहरा सकते हैं। लोगों ने तो भगवान तक पर भी दोषारोपण किए, लेकिन फिर भी भगवान आज भी पूजनीय है और हमेशा पूजनीय रहेगा। ठीक उसी तरह लालू प्रसाद यादव भारत की राजनीति और खासकर के बिहार की राजनीति से कभी भी ओझल नहीं हो सकते हैं।

एक किसान परिवार में जन्मे लालू के लिए शिक्षा हासिल करना किसी कठिन काम से कम नहीं था। क्योंकि जिस फुलवरिया गांव के अशिक्षित माहौल में उनका जन्म हुआ था वहां उस समय लोग शिक्षा को लेकर इतने जागरूक नहीं हुआ करते थे। साथ ही साथ लालू यादव के माता–पिता के हालात भी इतने अच्छे नहीं थे कि वह अपने सभी बच्चों की पढ़ाई का खर्च उठा सके, लेकिन लालू यादव की पढ़ाई में काफी रुचि हुआ करती थी। इसी रुचि के कारण वे एक शिक्षित व्यक्ति बन सके वह बैचलर ऑफ लॉ और पॉलिटिकल साइंस में मास्टर डिग्री हासिल की।

इण्डियन पॉलिटिक्स में कदम रखने से पहले लालू यादव ने अपने कॉलेज में होने वाले सारे कई छात्र चुनाव को जीता था। साल 1970 में लालू यादव ने पटना यूनिवर्सिटी स्टुडेन्टस यूनियन के महासचिव बने और बाद में इसके अध्यक्ष भी बने। साल 1974 में "जयप्रकाश नारायण" द्वारा शुरू

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किए गए "बिहार आंदोलन" में लालू ने हिस्सा लिया था और इसी दौरान उनको कई राजनीतिक राजनेताओं से मिलने का मौका मिला। "बिहार आंदोलन" की मदद से ही लालू यादव "जनता पार्टी" में अपनी जगह बनाने में कामयाब हो सके थे और इस पार्टी के साथ जुड़कर ही इन्होंने अपना राजनीतिक सफर शुरू किया था।

जनता पार्टी की ओर से 'छपरा जिले' से पहली बार लोकसभा चुनाव लड़ने का मौका मिला और वे इस चुनाव को आसानी से जीते। उस समय उनकी उम्र मात्र 29 वर्ष थी। 1979 में जनता पार्टी की सरकार गिरने के बाद वे 'जनता दल' में शामिल हुए और 1980 में बिहार विधानसभा का चुनाव लड़ा और जीत हासिल की। इस दौरान लालू यादव को बिहार विधानसभा में विपक्ष के नेता की भूमिका निभाने का मौका भी मिला। आगे चलकर जनता दल से रास्ता अलग होने के बाद, लालू यादव ने खुद की एक पार्टी बनाई 5 जुलाई 1997 को बनाई गयी इस पार्टी का नाम उन्होंने 'राष्ट्रीय जनता दल' (राजद) रखा। यह पार्टी बहुत ही कम समय में एक प्रतिष्ठित पार्टी के रूप में सिर्फ बिहार में नहीं बल्कि भारत के कई राज्यों में अपनी एक अलग छवि कायम की। यह राष्ट्रीय पार्टी के रूप में भी भारतीय राजनीति में अपनी उपस्थिति दर्ज की।

श्री लालू यादव एक भारतीय राजनेता हैं, जिन्होंने अपने मेहनत के दम पर 'भारतीय राजनीति में अपनी एक अलग पहचान बनाई है। श्री यादव ने कई सारे अहम पदों पर कार्य भी किया। साल 1990 में लालू पहली बार बिहार स्टेट के मुख्यमंत्री बने और वे इस पद पर साल 1997 तक इसी पद पर बने रहे। इसी दौरान किन्ही कारणों के चलते इन्हें अपने यह पोस्ट छोड़ना पड़ा। जिसके बाद इन्होंने बिहार के मुख्यमंत्री की पोस्ट अपनी पत्नी श्रीमती राबड़ी देवी को सौंप दी। लेकिन नेतृत्व की सभी समीकरण अपने हाथों में ही सुरक्षित रखी। चारा–घोटाले में नाम होने के कारण इन्हें मुख्यमंत्री के पद से इस्तीफा देना पड़ा था। लेकिन यह महज एक दोषारोपण था। जिससे राजनीतिक साजिश के तहत इनकी बढ़ती पहचान एवं उपलब्धियों पर अंकुश लगाने की साजिश थी। इन्हें चारा घोटाला के एक मामले में जमानत मिल गई है लेकिन तीन और मामलों में उन पर सजाएं चल रही है।

जिन साजिशों के तहत इन पर दोषारोपण किया गया था, उसमें कुछ नहीं था बल्कि इनकी उभरती राजनीतिक प्रभावशाली प्रभुत्व पर विराम लगाने की राजनीतिक साजिश रची गई थी। क्योंकि वे बिहार में पिछड़ो के मसीहा बने हुए थे। मुख्यमंत्री बनने के बाद लालू यादव ने जिस प्रकार समाज के गरीब और सदियों से वंचित लोगों को मुख्यधारा से जोड़ने का प्रयास किया, उनकी बातों को जनप्रतिनिधियों से लेकर प्रशासनिक महकमे तक संज्ञान में लेने, समाज में व्याप्त विषमता को खत्म करने ,दलितों, पिछड़ों और अल्पसंख्यकों को उनका अधिकार दिलाने, सबको समान शिक्षा, स्वास्थ्य और रोजगार दिलाने और सबको एक समान जीने का अधिकार दिलाने की बातों पर जोर देना शुरू किया, सामंतवादी ताकतें इनके खिलाफ होती गई। सामंतवादी ताकतों के वर्चस्व को उनके प्रयास से गहरा आघात पहुंचा। क्योंकि बिहार की बहुत सारी पिछड़ी जातियां इन सामंतवादी ताकतों के शोषण का पूरी तरह से शिकार बनी थी। राजनीतिक दबंगों एवं सामंती ताकतों ने दलित, पिछड़ों एवं अल्पसंख्यक लोगों को कभी भी उन्हें विकास का मौका नहीं दिया। वे आजाद देश के सामंती ताकतों का गुलाम बने रहे। जब लालू ने इन्हें अपने अधिकार से परिचित कराने का बीड़ा उठाया तो यही सामंती ताकत इनके दुश्मन बनते चले गए।

लेकिन लालू यादव जैसे निर्भीक राजनेता बिना किसी की परवाह किए गरीबों को उनके हक दिलवाने की लड़ाई लड़ते रहे। जहां भी रहें अपनी एक अलग प्रभावशाली पहचान कायम की। देश के राष्ट्रीय जनतांत्रिक गठबंधन की सरकार को यदि सबसे अधिक किसी नेता ने चुनौती दी तो वह सिर्फ लालू प्रसाद यादव ही हैं। लालकृष्ण आडवाणी के रथ अभियान जो पूरे भारत भ्रमण के लिए और जनादेश को अपने पक्ष में कायम करने के लिए निकला था को लालू यादव ने बिहार में रथ–यात्रा पर पूर्ण विराम लगा दी और राष्ट्रीय दिग्गज नेता लालकृष्ण आडवाणी को गिरफतार भी किया। इस तरह से वे संघ परिवार के ताकतों को बड़ी प्रतिस्प्रर्धी चुनौती दी।

इतने बड़े वीर और बहादुर नेताने अपने जीवन की हर क्षेत्र में अलग और प्रसिद्ध पहचान बनाई। वे शुरू से अपने पार्टी राष्ट्रीय जनता दल के अध्यक्ष और फाउण्डर बने रहे। बिहार के राजनीतिक गलियारों में एक प्रसिद्ध मुख्यमंत्री के रूप में अपनी एक अलग उपलब्धि और पहचान कायम की। 2002 से 2004 तक राज्यसभा के सदस्य भी रहे। 2004 के लोकसभा के चुनाव में लालू यादव एक बार फिर 'किंग मेकर' की भूमिका में आए और देश के रेल मंत्री के रूप में अपने आपको बहुत ही उपलब्धिपूर्ण के रूप में अपने इस कार्य को अंजाम दिया। रेल मंत्रालय को लालू यादव ने काफी अच्छे से चलाया था और भारतीय रेलवे को नुकसान से बाहर निकालने के लिए कई सारे कार्य भी किए थे। इनके द्वारा रेल मंत्रालय में किए गए कार्यों की सराहना सिर्फ देश में ही नहीं बल्कि विदेशों में भी चर्चा हुई थी।

आज भले ही ये जेल में है लेकिन इनकी छवि आज भी अपनी पहचान को कायम किए हुए है। एक पिछड़ी जाति का व्यक्ति भारत की राजनीतिक मानचित्र पर जो अपनी उपलब्धियों की पहचान कायम की है, वो कई सदियों तक कायम रहेगी।

श्री नीतीश कुमार की भूमिका :

सारांश :

श्री नीतीश कुमार भारतीय राजनीति में काफी चर्चित चेहरा है। ये भारतीय राजनीति में एक ऐसा व्यक्ति है जो मौलिक और दूरगामी चिंतन से ओत–प्रोत है। उनकी स्वभाविक एवं ईमानदार शैली उन्हें एवं अलग प्रतिष्ठित छवि वाले व्यक्ति के रूप में साबित करती है।

एक पिछड़ी जाति एवं साधारण रहन–सहन वाले परिवेश से निकलकर ये असाधारण प्रतिभा एवं व्यक्तिव के धनी व्यक्ति अपने जीवन के बहुत सारी चुनौतियों का सामना करते हुए आज बहुत ही उपलब्धिपूर्ण सम्मान को प्राप्त किया है। एक सफल भारतीय राजनीतिज्ञ एवं सम्प्रति बिहार के मुख्यमंत्री के रुप में ये राजनीतिक गलियारे में एक उच्च दर्जे के सुसज्जित व्यक्तित्वपूर्ण छवि एंव कीर्तिमान कायम किए हुए हैं। इन्होंने 1972 में बिहार कॉलेज ऑफ इंजीनियरिंग (NIT) पटना से विद्युत इंजीनियरिंग में डिग्री हासिल की। कुछ दिन बिजली बोर्ड में काम किए लेकिन शीघ्र ही वे उस जगह को त्याग कर वैसी जगह पर पहुंच गए जहां उनकी मानो पहले से ही इंतजार थी। कुर्मी परिवार का यह व्यक्ति एक दिन भारतीय राजनीति के सिरमौर व्यक्तियों के रूप में अपना स्थान बनाएगा, किसी ने कल्पना नहीं की थी। लेकिन इन्होंने अपने स्वार्थ हीन कर्तव्यों और सच्ची लगन और मेहनत से अपनी एक अलग पहचान बनाई।

वे 1974 एवं 1977 में 'जयप्रकाश बाबू' के संपूर्ण क्रांति में शामिल रहे थे एवं इस समय के महान समाजसेवी एवं राजनेता "सत्येंद्र नारायण सिन्हा" के काफी करीबी बने। श्री नीतीश कुमार बिहार विधानसभा के लिए 1985 में चुने गए। 1987 में वे "युवा लोकदल" के अध्यक्ष बने। 1989 में उन्हें बिहार में "जनता दल" का सचिव चुना

गया और उसी वर्ष वे 9वीं लोकसभा के सदस्य भी चुने गए। 1990 मे पहली बार केंद्रीय मंत्रिमंडल मे बतौर कृषि राज्यमंत्री के रूप में चुने गए। 1991 में वे एक बार फिर लोकसभा के लिए चुने गए और उन्हे इस बार "जनता दल" का राष्ट्रीय सचिव चुना गया। 1998–1999 में कुछ समय के लिए वे केंद्रीय रेल एवं भूतल परिवहन मंत्री रहे। सन 2000 में बिहार के मुख्यमंत्री बने लेकिन सिर्फ 7 दिनों में त्यागपत्र देना पड़ा। उसी साल वे फिर से केंद्रीय मंत्रिमंडल में मंत्री बने। मई 2001 से 2004 तक वे वाजपेयी सरकार में केन्द्रीय रेल मंत्री रहे। और नवम्बर 2005 में राष्ट्रीय जनता दल को हराकर बिहार में अपने आप को मुख्यमंत्री के रूप में स्थापित किया और तब से आज तक कुछ उतार चढ़ाव के क्रम से होते हुए आज भी बिहार के मुख्यमंत्री के रुप में अपने आपको स्थापित किया है।

श्री नीतिश कुमार के शासकीय काम धरातल से जुड़े एवं आमजन के जीवन स्तर को प्रभावित करने वाले रहे हैं। उनके कार्य लोकप्रिय होने के साथ–साथ परिवर्तनकारी भी रहे हैं। नवम्बर 2005 में काम करने का अवसर मिलने पर उन्होने न्याय के साथ–साथ विकास के सिद्धांत पर भी बिहार में आर्थिक एवं सामाजिक बदलाव का प्रयास किया। इन्होने जो भी निर्णय लिया वे जमीनी सच्चाई से जुड़ी हुई थी और जिनसे समाज की अंतिम पंक्ति में भी खड़े लोगों के जीवन के विकास से संबंधित थी। उनके कुछ महत्वपूर्ण कार्यों में राज्य में कानून का राज स्थापित करना, पंचायत एवं नगर निकायों में अन्य पिछड़ें वर्ग एवं महिलाओं को आरक्षण, स्कूलों के बाहर बच्चों को विद्यालय में नामांकन, बालिकाओं के लिए साइकिल एवं पोशाक योजना, मुफ्त दवा एवं चिकित्सा की जांच की व्यवस्था एवं डॉक्टरों की उपस्थिति सुनिश्चित कर स्वास्थ्य केंद्र एवं अस्पतालों को क्रियाशील करना, राज्य में सड़क एवं पुल के निर्माण का जाल बिछाकर सुदूर क्षेत्रों एवं लोगों को जोड़ना, महिला सशक्तिकरण एवं जीविका, कृषि रोडमैप, मिशन मानव विकास, कौशल विकास मिशन, ऑद्योगिक प्रोत्साहन नीति शासन के क्षेत्र में लोक सेवाओं का अधिकार, कानून एवं लोक शिकायत निवारण अधिकार कानून को लागू करना विकास के सात (7) निश्चिय योजनाएं ,शराबबंदी, दहेज–प्रथा एवं बाल विवाह के विरुद्ध सामाजिक अभियान आदि निश्चय असंख्य कार्य प्रमुख हैं।

श्री नीतीश कुमार ने देश के अन्य क्षेत्रों में बिहार की नकारात्मक छवि को बदलने के साथ–साथ एक अलग राजनीतिक शैली स्थापित की। इनके शासन के दौरान लिए गए निर्णयों का विहंगम अवलोकन उनकी सामाजिक दृष्टि एवं विकास की रणनीति को स्वयं ही बयान करते हैं। इन्होंने समाज के सभी वर्गों को साथ लेकर सुशासन, पारदर्शिता एवं समावेशी विकास के सिद्धांतों पर सुशासन के कार्यक्रम बनाए और उन्हें लागू किया। जिनके बेहतर कार्यान्वयन से कुछ वर्षों की अवधि में ही कई सार्वजनिक संस्थाओं एवं व्यवस्थाओं का पुर्निर्माण संभव हुआ। इस सफर में जहां एक और प्रभावी विधि व्यवस्था, कानून का राज स्थापित करने में सफलता मिली वहीं दूसरी ओर मानव संसाधन के साथ–साथ उत्तम आधारभूत संरचना के विकास में कई नई उँचाइयाँ हासिल की। उनके प्रसास से लोगों के मन में सुरक्षा एवं निश्चय का माहौल बना जिनका प्रभाव शहर तथा गांव में आर्थिक तथा सामाजिक गतिविधियों में देखा जा सकता है। समाज में कमजोर, साधनहीन एवं विकास से वंचित वर्गों को प्राथमिकता देते हुए बिहार के विकास की एक नई दिशा निर्धारित की गई।

महिलाओं के सामाजिक, शैक्षिक एवं आर्थिक सशक्तिकरण तथा उनके समानता के अधिकार को सुदृढ़ करते हुए उन्हें विकास की मुख्यधारा से जोड़ने के तहत राज्य सरकार ने विभिन्न योजनाओं के क्रियान्वयन के साथ–साथ अनेक नीतीगत पहल भी की है। महिला सशक्तीकरण हेतु सर्वप्रथम पंचायती राज संस्थाओं एवं नगर निकायों के निर्वाचन तथा प्राथमिक शिक्षकों को नियुक्ति में महिलाओं को 50: आरक्षण दिया गया। राज्य की गरीब एवं वंचित समुदायों की महिलाओं के समेकित विकास बचत को बढ़ावा देने, संस्था और क्षमता का निर्माण करने एवं वित्तीय समावेशन के लिए राज्य में "जीविका" कार्यक्रम लागू हुआ इसके अलावे राज्य सरकार ने कन्याओं के संरक्षण, स्वास्थ्य, शिक्षा, स्वालंबन पर आधारित "मुख्यमंत्री कन्या उत्थान योजना" लागू की।

श्री नीतीश कुमार ने हमेशा लोक शिकायतों के निवारण एवं क्षेत्रीय निरीक्षण, समीक्षा एवं लोक संवाद का सर्वोच्च प्राथमिकता दी। नीतीश सरकार ने 2015 में नई सरकार के गठन के बाद नए उत्पाद नीति तैयार कर "शराबबंदी" लागू करने की व्यवस्था की। समाज के सभी वर्गों ने खासकर महिलाओं ,बच्चों एवं युवाओं ने सरकार की इस पहल की सराहना की। इसको व्यापक समर्थन मिला। पूर्ण शराबबंदी से समाज अधिक सशक्त, स्वस्थ एवं संयमी हुआ है, जिसका अतुल्य प्रभाव बिहार की प्रगति में परिलक्षित हो रहा है। शराबबंदी के कारण परिवारों की आर्थिक स्थिति में सुधार तथा पारिवारिक हिंसा, घरेलू कलह एवं सामाजिक अपराध में भी कमी आई है।

जो मजदूर अपनी दिन भर की मेहनत की कमाई शराब के चंद घूटों में गवाँ देता था। उसके घर की माली स्थिति की हम कल्पना स्वयं कर सकते हैं। जिनके घर के मासूम बच्चे जिन्हें कभी न भर पेट भोजन मिलता था तो कभी अन्न के लिए तरसते रहते थे। जिनके घर की औरतें शाम के समय चूल्हा–चौका तैयार करके इस इंतजार में बैठी रहती थी कि उनके पति उनके घर की जरूरतों का सामान लेकर आएंगे और वह खाने–पीने की तैयारी करेंगी। लेकिन वह शराबी पति चंद शराब के घूँटों की खातिर इनके आशाओं पर भी प्रतिघात कर देता था। लेकिन जब से श्री नीतीश कुमार ने बिहार में शराबबंदी कानून लगा दिए, तबसे हमारे बिहार राज्य में मानो हर गरीब और मध्यमवर्गीय परिवार में खुशियों का अलग बयार कायम हो गया। आज इस नशा मुक्ति के कारण इनके घरों की मां–बहनों की चेहरे की खुशियों को स्पष्ट रूप से देखा और महसूस किया जा सकता है। जिन आर्थिक तंगियों को ये परिवार एक पीड़ित दंश की तरह झेला है वह बहुत हद तक कम हुई है।

आज इसी शराबबंदी कानून का प्रभाव है कि जहाँ बिहार में लोगों का मासिक व्यय एवं ग्रामीण इलाकों में 2005 में 417 रुपये मात्र था, वहां इस वर्तमान में 1127 रुपये हो गया है। इस तरह मासिक व्यय में 710 रुपये की वृद्धि दर्ज की गई है। जहां शहरी लोगों का मासिक खर्चा 2005 में 696 रुपये था वह वर्तमान में बढ़कर 1507 रुपये हो गया है। इस तरह से 811 रुपये लोग ज्यादा खर्च कर रहे हैं। आज हमारे मुख्यमंत्री की नीतियों का ही प्रभाव है कि आर्थिक जगत में सुधार के कारण प्रति व्यक्ति आय (ळैक्च) 2005 में जहां 8773 था वहीं यह बढ़कर 2019 में 47541 हो गया। इस तरह बिहार के लोगों के प्रति व्यक्ति आय 38768 रुपये बढ़ा। छैक्च के अनुसार 2005 में जहां 7914 रुपये था बहीं यह बढ़कर 2016–17 में 25,950 हो गया। इस तरह से 18,036 रुपये की वृद्धि हुई।

श्री नीतीश कुमार के दूर–दष्टि के तहत "सात निश्चय योजना" कार्यक्रम के तहत बिहार विकास की विचारधारा को धरातल पर लाने की प्रयास भी काफी सराहनीय है। इस योजना के तहत बिहार के विकास के चहुमुखी प्रयास को इसके आर्थिक समृद्धि की ओर एक सकारात्मक सोच एवं योजना बताई जा रही है। यह उनकी बहुत ही प्रसंशनीय कार्यक्रम के तहत एक निश्चित विकास योजना के रूप में स्वीकार हुई है।

सात योजना का लक्ष्य युवा पीढ़ी को शिक्षा, कौशल विकास, शिक्षा ऋण, सभी गांवों में बिजली कनेक्शन, हर परिवार को पाइप वाले पानी की आपूर्ति प्रदान कर, शहरी क्षेत्रों में सड़क और निकास व्यवस्था के माध्यम से आत्मनिर्भर बनाना है। इस कार्यक्रम के माध्यम से हमारे बिहारवासियों में एक सुंदर और विकसित बिहार की सपना उनकी आंखों में देखी जा सकती है। इसके अतिरिक्त नीतिश मंत्रिमंडल ने आधुनिक सूचना प्रसारण के विकास के तहत राज्य के सभी विश्वविद्यालयों और महाविद्यालयों को मुत "वाई–फाई कनेक्टिविटीप्रसारण" प्रदान करने की भी मंजूरी दी है जिससे कि यहां के छात्रों में सूचना प्रसारण के तहत वैश्विक तकनीकी एवं उनकी आर्थिक गतिविधियों के। समझने और उससे जुड़ने का अवसर उपलब्ध हो सके।

आज श्री नीतीश कुमार जी की "जल जीवन हरियाली योजना" पूरे देश में एक अलग पहचान कायम की है। जल जीवन हरियाली योजना का लाभ हमारे सभी किसानों को मिल सके इसके लिए बिहार का "कृषि विभाग" काफी प्रयत्नशील है। इस योजना के माध्यम से पर्यावरण संतुलन, पर्याप्त जल और हरित आवरण बढ़ाने के लिए बिहार राज्य में हर स्तर पर प्रयास किया जा रहा है।

इस तरह से श्री नीतिश कुमार के क्रियाकलापों का ऐसे कई उदाहरण हैं, जो इन्हें एक सामान्य व्यक्ति से विशिष्ट व्यक्ति का दर्जा देता है। भारत की राजनीति में एक स्वच्छ एवं विशाल छवि के रुप में इनकी उपस्थिति शुरु से ही प्रशंसनीय रही है। हमें गर्व है इस तरह के राजनीतिक सितारे पर जो जमीन पर बहुत कम ही नजर आते हैं।

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गठबंधन के दौर में स्थायित्व, क्षेत्रवाद, जातिवाद और दल-बदल की राजनीति : एक अध्ययन

प्रिय रंजन*

परिचय :

विश्व के सबसे बड़े लोकतांत्रिक देश भारत में बहुदलीय पद्धति को अपनाया गया है। 1952 के आम चुनाव से लेकर 2019 तक के आम चुनाव तक विभिन्न राजनीतिक दलों ने राजनीतिक व्यवस्था में प्रतिनिधित्व प्राप्त करने के लिए सदैव प्रयास किया है लेकिन दलों की अधिकता ने भारत की राजव्यवस्था को कई बार नुकसान भी पहुँचाया है। 'कांग्रेस सिस्टम' के बाद से भारत में कई दलों का एक साथ मिलकर सरकार बनाने का सिलसिला शुरू हुआ जिसे गठबन्धन सरकार कहा जाता है। विगत् तीन दशकों से भारत में गठबन्धन सरकारें बनती रही हैं। प्रस्तुत शोध-पत्र में गठबंधन सरकारों का राजनीतिक व्यवस्था पर पड़ने वाले दुष्प्रभावों का विश्लेशण किया गया है।

भूमिका :

भारत में लोकतांत्रिक मूल्य प्राचीन काल से ही विद्यमान रहे हैं। इसके प्रमाण बौद्ध ग्रन्थ अंगुत्तरनिकाय अट्ठल निपात, रामायण और महाभारत जैसे ग्रन्थों में मिलते हैं। स्वतंत्रता के पश्चात यह व्यवस्था जारी रही। जब संविधान सभा का गठन हुआ तभी पण्डित नेहरू के नेतृत्व में एक अन्तरिम सरकार गठित हुई जिसमें कांग्रेस सहित कई दल सम्मिलित थे। 1952 के प्रथम आम चुनाव में कांग्रेस पार्टी ने बड़ी जीत हासिल की। यहाँ से लेकर चौथे आम चुनाव के पहले तक कांग्रेस का भारतीय राजनीति में वर्चस्व रहा। 1967 के चौथे आम चुनाव में कांग्रेस की स्थिति कमजोर हुई। फिर भी कांग्रेस सबसे बड़ी पार्टी थी। केन्द्र में उसी की सरकार बनी लेकिन उत्तर प्रदेश सहित नौ राज्यों में कांग्रेस को सरकार बनाने के लिए दूसरे दलों पर निर्भर होना पड़ा। राज्यों में यही से गठबन्धन का युग शुरू हुआ। ध्यातव्य है कि 1952 के आम चुनाव में त्रावणकोर कोचीन में कांग्रेस की गठबनन सरकार बनी (कोठारी 2002 पृ०-1)। 1969 तक कांग्रेस पार्टी में आन्तरिक कलह के कारण फूट पड़नी सुनिश्चित हो गयी। 1969 में कांग्रेस दो हिस्सों कांग्रेस (R) कांग्रेस (O) में बँट गयी, कांग्रेस (R) का नेतृत्व इन्दिरा गाँधी ने किया और उन्होंने कुछ दलों के साथ मिलकर केन्द्र में पहली गठबन्धन सरकार बनायी। यद्यपि केन्द्र में गठबन्धन का यह पहला प्रयास था यथापि अपनी निजी आकांक्षाओं को देखते हुए श्रीमती गाँधी ने 1971 में आम चुनाव सम्पन्न कराया। अपने विरोधियों के लामबन्दी का ध्यान में रखते हुए उन्होंने 'गरीवी हटाओं' का नारा दिया और प्रचण्ड बहुमत के साथ सत्ता में आई किन्तु गलत नीतियों के चलते 1977 में हुए आम चुनाव के पश्चात उन्हें सत्ता से बेदखल होना पड़ा।

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* शोध छात्र (राजनीतिशास्त्र विभाग), वीर कुँवर सिंह विश्वविद्यालय, आरा

1977 में हुए आम चुनाव में जनता पार्टी की सरकार बनी। यह सरकार केन्द्र में पहली गैर–कांग्रेसी गठबन्धन सरकार थी। भारतीय राजनीति में गठबन्धन सरकारों का वास्तविक दौर 1989 से देखने को मिलता है, जब विश्वनाथ प्रताप सिंह के नेतृत्व में गठबन्धन सरकार अस्तित्व में आई। उसके बाद चन्द्रशेखर सिंह की सरकार अस्तित्व मे आई। केन्द्र में 1991 में हुए आम चुनाव के पश्चात नरसिम्हा राव की सरकार बनी। यह पहली ऐसी सरकार थी जिसने गठबन्धन होने के बाद भी अपना कार्यकाल पूरा किया। इसके बाद 1996 से 1999 तक लगातार अस्थिरता का दौर जारी रहा किन्तु 1999 के बाद से अब तक केन्द्र में गठबन्धन की सरकारें रही हैं जिन्होंने अपना कार्यकाल सफलता पूर्वक पूरा किया है।

गठबन्धन की सरकारों को दृश्टिगत रखते हुए राजनीति में इनकी स्थापना के पश्चात् आने वाली कमियों को निम्नांमित रूपों में स्पष्ट किया जा सकता है–

1. **स्थायित्व का खतरा**– भारत में पहली गठबन्ध सरकार श्रीमती इन्दिरा गाँधी के नेतृत्व में केन्द्र स्तर पर गठित हुई इसके पहले कांग्रेस पार्टी का दबदबा था इसी को रजनी कोठारी ने 'कांग्रेस सिस्टम' नाम दिया था। उन्होंने यह कहा कि स्वतंत्रता के पश्चात भारत एक सशक्त सरकार की आवश्यकता थी जिसे कांग्रेस ने पूरा भी किया (कोठारी, 1964 पृ0 1161)। यह दौर बहुत लम्बे समय तक नहीं चल सका कांग्रेस में विभाजन हो गया। इस विभाजन के पश्चात् गठबन्धन सरकार बनी। 1969 की इन्दिरा सरकार इसी का परिणाम थी लेकिन यह सरकार भी बहुत लम्बे समय तक नहीं चल पाई यदि केन्द्र में बनने वाली जनता पार्टी की सरकार भी मात्र 850 दिन ही चल पाई यदि केन्द्र में बनने वाली सरकारों का विश्लेशण किया जाय तो विदित होता है कि इन सरकारों ने अस्थिरता को जन्म दिया है।

2. **क्षेत्रवाद तथा जातिवाद का बढ़ता दायरा**– संविद सरकार की यह सबसे बड़ी कमी रही है कि इनसे क्षेत्रवाद और जातिवाद को बढ़ावा दिया है। 1989 में जब जनता दल की सरकार बनी तो इनसे '3–ड' का कार्ड खेला– मन्दिर, मण्डल और मार्केट (योगेन्द्र यादव एवं अन्य, 2006 पृ० 98–101)। मण्डल जो वी०पी० सिंह द्वारा दी गई रिपोर्ट का संक्षिप्त रूप है। वी०पी० सिंह के पूर्व किसी भी सरकार ने इस रिपोर्ट को लागू करने की हिम्मत नहीं की। इस रिपोर्ट के लागू होने के पश्चात भारतीय राजनीति में भूचाल आ गया। इस रिपोर्ट का विशेश रूप से असर उत्तर प्रदेश और बिहार की राजनीति पर पड़ा। इसके पश्चात ही समाजवादी पार्टी, बहुजन समाज पार्टी, राश्ट्रीय जनता दल और लोक जनशक्ति पार्टी का अभ्युदय हुआ। इन पार्टियों के कारण गठबन्धन की स्थिति कमजोर रही है।

क्षेत्रवाद की राजनीति भी गठबन्धन के लिए घातक साबित हुई क्षेत्रिय मुद्दों ने राश्ट्रीय मुद्दों को प्रभावित किया। क्षेत्रीय हित राश्ट्रीय हित से महत्वपूर्ण होने लगे। क्षेत्रवाद की इस राजनीति ने अस्मिता को बहुत अधिक चोट पहुँचाई। 'भूमि–पुत्र' के सिद्धान्त ने क्षेत्रवादी प्रवृत्तियों को बढ़ावा दिया। शिवसेना, असमगण परिषद, जैसे दलों ने इसकी राजनीति की और केन्द्र में तथा राज्यों में गठबन्धन में शमिल भी होते रहे।

पिछली केन्द्र सरकार ने यद्यपि अपना कार्यकाल सुचारू ढंग से पूरा किया यथापि शिवसेना और भाजपा की टकराहट यदा–कदा देखने को मिलती रही है। बहुत ही प्रयास के पश्चात शिवसेना और भाजपा का गठबन्धन 2019 के आम चुनाव में हो सका, वह भी अमित साह जैसे कुशल खिलाड़ी के चलते।

इस प्रकार से यह कहा जा सकता है कि सत्ता के लोलुपता के चलते गठबन्धन बनाए जाते रहें है और वे गठबन्धन लगातार टकराव की स्थिति में रहते हैं।

3. **दल–बदल की राजनीति का बदलता प्रभाव**– गठबन्धन की राजनीति ने दल–बदल को बढ़ावा दिया है। इससे भारत की दलीय व्यवस्थ कमजोर पड़ी है। 1967 के आम चुनाव के पश्चात दलीय व्यवस्था अत्यधिक कमजोर हुई। 1957 से 1967 के मध्य 10 वर्शों के अन्तराल में होने वाले दल परिवर्तनों से कांग्रेस को अत्यधिक लाभ मिला। इस दौरान कांग्रेस को छोड़ने वाले दलों की संख्या 98 थी और अन्य दलों को छोड़कर कांग्रेस में सम्मिलित होने वालों दलों की संख्या 419 थी। मात्र एक वर्श पश्चात यह स्थिति बदल गयी और यह संख्या क्रमशः 175 और 39 हो गयी (एस० एम० सईद, 2001 पृ० 77)।

1985 में दल–बदल अधिनियम 52 वें सर्वधानिक संशोधन और 2003 में इसे और मजबूत करते हुए 91वें संविधान संशोधन को किया गया (भारत का संविधान, 2010)। इन संशोधनों का भी कोई बहुत अधिक प्रभाव पड़ता हुआ नहीं दिखलायी पड़ रहा है। सम्प्रति भारत की दलगत राजनीति भारतीय राजनीतिक व्यवस्था को नियंत्रित करने लगी है। अत्यधिक दलों के कारण गठबन्धन का बनना स्वाभाविक है और इससे बड़े दलों को लगातार नुकसान उठाना पड़ा है। राश्ट्रीय दल अपनी अस्मिता के संकट से जूझ रहे है। 2009 में भाजपा, 2014 और 2019 में कांग्रेस जैसी पार्टी आज अगर भारतीय राजनीति हाशिए पर खड़ी है तो इसके लिए कहीं न कहीं विभिन्न मुद्दों पर आधारित छोटी–छोटी पार्टियाँ है। वर्तमान समय में कार्नाटक में यही स्थिति बनी हुई है जहाँ कांग्रेस ने जनता दल (स0) के साथ गठबन्धन सरकार बनायी और पार्टी होने के बावजूद कुमार स्वामी को मुख्यमंत्री बनाया और लगातार सौदेबाजी को झेल रही है।

कुल मिलाकर यह कहा जा सकता है कि गठबन्धन की राजनीति में दलीय दुश्चक्र ने महत्वपूर्ण भूमिका निभाई है और राजनीति व्यवस्था को गहरी चोट दी है।

गठबन्धन की राजनीति में इस बात की सदैव समस्या रही है कि किसी भी विषय में आम सहमति कैसे बनायी जाए। अस्थिर सरकारों में यह सामान्य बात थी। जबसे गठबन्धन की राजनीति में स्थायित्व (1999 के बाद) आया तब से सरकार में सम्मिलित दलों के बीच आम सहमति को लेकर के हमेशा खींचा–तानी होती रही है। यू0पी0ए0–1 के कार्यकाल में '123 एग्रीमेण्ट' जिसे 'हाइड एक्ट' भी कहा जाता है। (मारिया सुल्तान व अन्य, 2008) को लेकर तत्कालीन गठबन्धन में लगातार खिंचा–तानी का दौर चलता रहा। इसी प्रकार चुकि गठबन्धन सरकारें अलग–अलग सिद्धान्तों वाले दलों पर आधारित होती है, इस कारण उनके मध्य मतभेद की स्थिति बनी रहती है। केवल सरकार बचाने के निमित कई बार इन सिद्धान्तों के आगे राश्ट्रीय हित को भी नकार दिया जाता है।

गठबन्धन की सरकारों में यह भय सदैव बना रहता है वह कभी भी सरकार गिर सकती है और स्थिति में दुबारा चुनाव की स्थिति बन जाती है। गठबन्धन सरकारों के द्वारा सम्प्रदायिकता और भाशावाद जैसे मुद्दों को भी यदा–कदा उठाया जाता रहा है, जो राश्ट्रीय एकीकरण के लिए धातक है। गठबन्धन की इसी राजनीति के चलते शाहबानों मामले और राम मन्दिर मुद्दें ने तूल पकड़ी। आरक्षण का दौर भी इस राजनीति का ही परिणाम रहा है, चाहे वह जातिगत आधार पर हो अथवा आर्थिक आधार पर निःसंदेह इसने अपने सत्ता की लोलुपता के चलते समाज को वर्गों में विभाजित किया है।

चाहे सरकारें चुनाव पूर्व रहीं हो अथवा चुनाव पश्चात गठबन्धन की राजनीति अपने पुराने ढर्रे पर चलती रही हैं। बावजूद इसके गठबन्धन की राजनीति के कुछ सकारात्मक पहलू भी हैं। इससे संघवाद को मजबूती मिली है, साथ ही इसने अल्पसंख्यक समुदाय के प्रतिनिधित्व को भी मजबूती प्रदान की है।

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3. मरिया सुल्तान एवं मियाँ बेहजाद आदिल, 2008, ''द हेनरी जे० हाइड एक्ट एण्ड 123 एग्रीमेंट : एन अस्सिमेन्ट'' लंदन : साऊथ एशियन स्ट्रेटजिक स्टेबिलिटी इन्स्टीच्यूट।
4. योगेन्द्र यादव और सुहास पलिश्कर 2006, ''पार्टी सिस्टम एण्ड एलेक्टोरल पॉलिटिक्स इन द इण्डियन स्टेटस' 1952–2002– फ्रॉम हेजिमोनी टू कन्वर्जेन्स' ई० श्रीधरन एण्ड पीटर रोनाल्ड डिसूजा (स0) इण्डियाज पॉलिटिक पार्टीज नई दिल्लह, सेज प्रकाशन।
5. रजनी कोठारी 1964 ''द कांग्रेस सिस्टम इन इण्डिया'' एशियन सर्वे, वा-IV नं० 12
6. रजनी कोठारी 2002 ''द कांग्रेस सिस्टम इन इण्डिया'' जोया हसन (स०) पार्टीज एण्ड पार्टी पॉलिटिक्स इन इण्डिया, नई दिल्ली ऑक्सफोर्ड यूनिवर्सिटी प्रेस।

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नक्सलवाद : बिहार के विकास में एक अवरोध

डॉ० मुकेश कुमार*

सार संक्षेप

गौरवशाली अतीत के बावजूद बिहार की गिनती आज बीमारू राज्यों में की जाती है। स्वतंत्रता प्राप्ति के पश्चात् सरकार द्वारा अनेक कल्याणकारी योजनाएँ अवश्य चलायी गयीं, किन्तु इससे आम जनमानस की स्थिति में अपेक्षित सुधार नहीं हो पाया। इसके लिए अनेक कारक जिम्मेवार हैं। अमीर और गरीब के बीच की खाई शनैः शनैः और भी चौड़ी होती चली गई। भूमि सुधार कानून बनाने वाला पहला राज्य होने के बावजूद बिहार में आज भी ऐसे भूस्वामियों की कमी नहीं है, जिनके पास सैकड़ों नहीं हजारों एकड़ जमीन उपलब्ध है। ऊँच–नीच, वर्गीय विभेद एवं जातियता के रंगों में सराबोर बिहार में गरीबी रेखा से नीचे जीवन–यापन करने वालों की संख्या लाखों में नहीं करोड़ों में है। बिहार के विकास में अनेक तत्त्व बाधक रहे हैं, जिनमें नक्सलवाद एक बड़ी वजह है। नक्सलवादी आंदोलन के इतिहास के अवलोकन के पश्चात् यह स्पष्ट हो जाता है कि नक्सलवाद के लिए बिहार में वह सभी चीज उपलब्ध रही है, जो उसे पोषण देने का काम करती है। बिहार में नक्सलवाद का इतिहास काफी पुराना है। साल 1967 में पश्चिम बंगाल के नक्सलवाड़ी से आरंभ नक्सलवाद का सर्वाधिक विकास बिहार में हुआ। अनेक हिंसक घटनाएँ घटी। निजी सेनाओं के उदय ने बिहार की सामाजिक, राजनीतिक और धार्मिक समीकरण को बिगाड़ कर रख दिया। इसमें कतई संदेह नहीं है कि बिहार के विकास में नक्सलवाद एक बड़ा अवरोध रहा है।

मुख्य शब्द– जाति, हिंसा, असमानता, नक्सलवाद, पिछड़ेपन

परिचय– बिहार के इतिहास को तीन काल खंडों में विभाजित किया जा सकता है–

(क) प्राचीन काल (ख) मध्यकाल एवं (ग) आधुनिक काल

उपरोक्त तीनों कालखंडों में प्राचीन काल में बिहार अपने चरमोत्कर्ष पर था। विश्व को सत्य, अहिंसा का पाठ पढ़ाने वाला बिहार समय के साथ–साथ खुद हिंसा की चपेट में आता चला गया। सवतंत्रता के पश्चात् अन्य राज्यों की अपेक्षा बिहार का विकास नहीं हो पाया। केन्द्र सरकार की उदासीनता तथा जाति एवं वर्गों में विभाजित बिहार के लोगों की स्थिति दिन–ब–दिन खराब होती चली गई। धीरे–धीरे प्रति व्यक्ति आमदनी, जीवन प्रत्याशा के मामले में बिहार की गिनती सबसे पिछड़ों राज्यों में की जाने लगी। कृषि आय का प्रमुख स्रोत रहा है। भूमि सुधार कानून बनाने वाला प्रथम राज्य होने के बावजूद बिहार में भूमि सुधार कार्यक्रम को मूर्त रूप नहीं दिया गया है। यहाँ की 90

* +2 शिक्षक, राजनीति विज्ञान, तिरहुत एकेडमी, मुजफ्फरपुर

प्रतिशत आबादी ग्रामीण इलाकों में निवास करती है, जिनका मुख्य पेशा कृषि कार्य है। कृषि कार्यों में संलग्न लोगों की अधिकांश संख्या खेतिहर मजदूरों की है। ये खेतिहर मजदूर भू–स्वामियों के जुल्म का शिकार होते आये हैं। अनवरत इनका शोषण किया जाता रहा है। भू–स्वामियों एवं भूमिहीनों के बीच की खाई धीरे–धीरे और भी चौड़ी होती चली गई।

जाति संरचना के लिहाज से बिहार में सामान्य जाति, पिछड़ी जाति, अति पिछड़ी जाति, अनुसूचित जाति एवं अनुसूचित जनजाति के लोगों में विभाजित है। इसके अलावे मुसलमानों की संख्या भी लगभग 16.9 प्रतिशत है। आबादी के ख्याल से बिहार का स्थान उत्तर प्रदेश, महाराष्ट्र के बाद तीसरा है।

बिहार की सामाजिक संरचना में दलित और पिछड़ी जातियों की स्थिति काफी दयनीय रही है। यहाँ जमींदारी प्रथा पूरे शबाब पर थी। कमिया प्रथा के कारण दलित एवं आदिवासी लोगों की एक बड़ी संख्या पीढ़ी–दर–पीढ़ी गुलामी की पीड़ा सहती रही है। सदियों से सामाजिक अपमान और आर्थिक शोषण के शिकार दलित और पिछड़े भूमिहीन गरीब मजदूर धीरे–धीरे संगठित होने लगे।[1] इनके संगठित होने से बिहार की सामाजिक स्थिति में बड़ा बदलाव आया। परिणामस्वरूप निजी सेनाओं का उदय हुआ।

बिहार के विकास में अनेक तत्त्व बाधक रहे हैं, जिनमें प्रमुख हैं–

(i) सामाजिक संरचना
(ii) उद्योग धंधों का अभाव
(iii) कृषि का मानसून पर निर्भरता
(iv) रोजगार का अभाव
(v) बाढ़
(vi) सुखाड़
(vii) केन्द्र सरकार की उदासीनता आदि।

उपरोक्त सभी कारणों में एक प्रमुख कारण नक्सलवाद है। प्रस्तुत आलेख में हम बिहार के विकास के अवरोध के रूप में नक्सलवाद का अध्ययन करेंगे।

नक्सलवाद : बिहार के विकास में अवरोध – स्वतंत्रता प्राप्ति के पश्चात् केन्द्र सरकार से अपेक्षित सहायता का अभाव, राज्य की हीन वित्तीय स्थिति, निम्न साक्षरता दर, उद्योग का अभाव, अकाल, बाढ़, सुखाड़ आदि के कारण बिहार देश के अन्य राज्यों की तुलना में पिछड़ता चला गया। रही–सही कसर 1960 के दशक में उत्पन्न नक्सली आंदोलन ने पूरी कर दी। नक्सलवाड़ी से निकला हुआ नक्सलवादी आंदोलन की चपेट में जल्द ही बिहार के कई जिले आ गये। बिहार में नक्सलवादी आंदोलन की शुरूआत मुजफ्फरपुर जिले के मुशहरी प्रखंड से हुआ था। जल्द ही इसके गिरफ्त में पटना, गया, जहानाबाद सहित बिहार के कई जिले आ गये। नक्सलवादी आंदोलन के कारण बिहार में अनेक हिंसक घटनाएँ घटी, जिसके कारण सैकड़ों लोगों को अपनी जान गँवानी पड़ी। यहाँ नक्सली हिंसा के कारण हुई मौतों के कुछ आँकड़े नीचे दिये गये हैं।

विभिन्न नक्सली[2] संगठनों द्वारा बिहार में दिये गये घटनाओं का विवरण–

वर्ष	घटनाएँ
1994	594
1995	742
1996	868
1997	767
1998	540
1999	65
कुल–	**3576**

इसी तरह वर्ष 1994 से 1999 तक विभिन्न नक्सली संगठनों द्वारा की गई हत्याएँ[3]–

वर्ष	घटनाएँ
1994	238
1995	295
1996	436
1997	424
1998	255
1999	39
कुल–	1687

बिहार बँटवारे के बाद नक्सली घटना–

बिहार के बँटवारे के बाद बिहार में नक्सली घटनाओं में कमी आई है, जिसका विवरण निम्नांकित है –

वर्ष	घटना	शहीद	मुठभेड़	हथियार लूट
2003	205	27	28	68
2004	342	03	31	57
2005	192	27	24	56
2006	63	08	27	11
2007	73	23	24	37
2008	79	21	26	56
2009	123	25	17	28
2010	95	05	16	11

बिहार में निजी सेनाओं का उदय–

नक्सलवादी आंदोलन गरीब, भूमिहीन, दलित, आदिवासी कृषक मजदूरों द्वारा चलाया गया आन्दोलन था। इसमें कुछ बुद्धिजीवियों का भी साथ मिला। बिहार में नक्सली आन्दोलन के प्रत्युत्तर में अनेक भूपतियों द्वारा विभिन्न निजी सेनाओं का गठन किया गया, जिसका परिणाम यह हुआ कि मूल नक्सली संगठनों एवं विभिन्न भूपतियों द्वारा गठित निजी सेनाओं के बीच अनेक हिंसक घटनाओं को अंजाम दिया गया। यहाँ उल्लेखनीय है कि इन दोनों संगठनों के बीच संघर्ष का केन्द्र बिन्दु मध्य बिहार रहा।[4] मध्य बिहार के जहानाबाद के सेनारी गाँव में एक साथ 34 लोगों की हत्या कर दी गई। यह घटना 1 दिसम्बर, 1997 को लक्ष्मणपुर बाथे नरसंहार में मारे गए 58 लोगों की हत्या के प्रत्युत्तर में घटित हुई।

नक्सलियों ने अपने आन्दोलन के शुरूआती दौर में अनेक क्रूर और अत्याचारी सामंतों का सफाया किया था। इसी आतंक से मुक्ति पाने के नाम पर ही निजी सेनाओं का उदय हुआ, जो जाति आधारित सेना थी, जिसका विवरण नीचे दिया गया है–

बिहार में मुख्य जातीय सेनाएँ–

सेना	जातीय जुड़ाव	निर्माण के वर्ष	कार्यक्षेत्र के जिले
कुंवर सेना	राजपूत	1979	भोजपुर पटना, नालंदा, नवादा, जहानाबाद
भूमि सेना	कुर्मी	1983	पटना, नालंदा, जहानाबाद
लोरिक सेना	यादव	1983	पटना, नालंदा, जहानाबाद
ब्रह्मर्षि सेना	भूमिहार	1984	भोजपुर, औरंगाबाद, जहानाबाद
किसान संघ	राजपूत ब्राह्मण	1984	पलामू, औरंगाबाद
किसान सेवक समाज	राजपूत	1985	पलामू औरंगाबाद
सनलाईट सेना	पठान राजपूत	1989	पलाम, गया, गढ़वा, औरंगाबाद
सवर्ण लिबरेशन फ्रंट	भूमिहार	1990	गया, जहानाबाद
किसान संघ	भूमिहार	1990	पटना, भोजपुर
किसान मोर्चा	राजपूत	1989–90	भोजपुर
रणवीर सेना	भूमिहार	1994	गया, जहानाबाद, पटना, भोजपुर,

उपरोक्त घटनाओं के कारण बिहार का विकास अवरूद्ध हो गया। बिहार में पलायन आम बात हो गई। छोटे–छोटे कुटीर उद्योग, निर्माण कार्य, खेती–बाड़ी में संलग्न आम मजदूर वर्ग, जो

किसी राज्य की निर्माण के मुख्य स्तम्भ होते हैं का पलायन अपनी जान बचाने तथा रोजगार के लिए बड़े पैमाने पर होने लगा, जिससे बिहार के विकास की गति रुक गई। भारत सरकार की प्रवासी भारतीय कार्य मंत्रालय की रिपोर्ट के अनुसार अकेले खाड़ी देशों में श्रमिकों को भेजने के मामले में बिहार देश के पाँचवें नम्बर पर है। बड़ी तादाद में खाड़ी के देशों में श्रमिकों का पलायन अब भी जारी है। निम्नलिखित आँकड़े इस बात की पुष्टि करते हैं–

वर्ष	पलायन किए गए श्रमिकों की संख्या
2004	21,812
2005	9,366
2006	36,493
2007	51,805
2008	60,642
2009	13,074

बिहार शिक्षा के मामले में भारत के सबसे पिछड़े राज्यों में शामिल है। शिक्षा, स्वास्थ्य, उद्योग धंधे, GDP सभी को नक्सलवाद ने काफी प्रभावित किया है। अमेरिकी विदेश मंत्रालय की तरफ से 2018 में जारी एक रिपोर्ट में यह बात कही गई कि नक्सलवाद भारत के आतंरिक सुरक्षा के लिए चुनौती बने दुनिया के चौथे सबसे खतरनाक आतंकी संगठन हैं। सीपीआई (CPI) माओवादी को विश्व का चौथा सबसे खतरनाक संगठन करार देते हुए 2018 की अमेरिकी स्टडी में यह भी कहा गया कि भारत में हुए 53 प्रतिशत हमलों में इसका हाथ रहा है।[5]

एक तो पहले से ही केन्द्र की नीतियाँ बिहार को आगे बढ़ने से रोकने में कोई कसर नहीं छोड़ती थी, ऊपर से ये नक्सली बिहार के एक बड़े भू–भाग को शिक्षा, स्वास्थ्य जैसी मूलभूत सुविधाओं से वंचित कर रखा है। जहाँ ये सुविधाएँ पहुँची भी, वहाँ पर विकास के इस दुश्मन ने इन्हें तबाह कर दिया या विस्फोट कर ध्वस्त कर दिया। स्कूलों, अस्पतालों और सरकारी भवनों को नक्सलियों ने बन्द करवा दिया। उन्हें इस बात का डर था कि कही ये लोग पढ़–लिख लेंगे तो उनकी सोच बदल जाएगी और वे उनकी बात नहीं मानेंगे और उनका अस्तित्व खतरे में पड़ जाएगा।

शिक्षा, स्वास्थ्य के अलावे उन्होंने सड़क, संचार, बिजली जैसे आवश्यक चीजों को भी तहस–नहस करके बिहार के विकास को अवरुद्ध करने का काम किया है। क्योंकि सड़क विकास के द्वार कहे जाते हैं, वहीं संचार कहीं से भी एक–दूसरे के सम्पर्क में आकर पढ़ाई–लिखाई, महत्त्वपूर्ण सूचनाओं की जानकारी लेने में मदद करता है तथा बिजली से उद्योग–धंधे को बल मिलता है, नये उद्योगों को पनपने में सहयोग करता है, को नक्सलियों ने एक सोच के तहत काफी हद तक प्रभावित करने का काम किया है, जिसके चलते बिहार का विकास काफी हद तक अवरुद्ध रहा। इस मानसिकता ने बिहार को हमेशा पिछले पायदान पर रखने में कोई कसर नहीं छोड़ा।

उपर्युक्त घटनाएँ यह दर्शाने के लिए पर्याप्त है कि नक्सली आन्दोलन अपने मूल स्वरूप से भटक चुका है। नक्सली संगठन अपने उद्देश्यों की पूर्ति के लिए हिंसा का जो रास्ता अपना रही है, वह कहीं से भी उचित नहीं है। वस्तुतः नक्सली समस्या अत्यंत संवेदनशीलल है। यह हमारे समक्ष प्रमुख चुनौती के रूप में खड़ी है।

निष्कर्ष :

निष्कर्षतः हम कह सकते हैं कि नक्सली समस्याएँ आज राष्ट्र के समक्ष गंभीर चुनौती बन कर खड़ी है। बिहार भी इससे पीड़ित है। दशकों से पिछड़ा बिहार आज विकास के हर क्षेत्र में आगे बढ़ने की राह पर अग्रसर है, किन्तु ढेर सारी बाधाएँ इसके सामने खड़ी है। कहा जाता है कि भौतिक समस्याओं का समाधान तो संभव है, परन्तु मानसिक समस्याओं का निदान कैसे किया जाए, यह एक बड़ी समस्या है। मानसिक समस्याओं का भी समाधान हो सकता है, अगर मानसिकता में बदलाव लाया जाए। जरूरत है दोतरफा बदलाव की। माओ का यह दावा कि "सत्ता बंदूक के गलियारे से निकलती है" आज के दौर में प्रासंगिक प्रतीत नहीं होता।

अन्य विकसित राज्यों की तरह बिहार में भी विकास के लिए भरपूर संसाधन है किन्तु एक सोच ने बिहार के विकास की गति को अवरुद्ध करके रखा हुआ है। बिहार के विकास को गति तब तक नहीं दिया जा सकता है जब तक कि ये नक्सली अपने को इस राष्ट्र के नागरिक नहीं समझेंगे तथा राष्ट्रहित में अपना सहयोग नहीं देंगे तथा समाज की मुख्य धारा में नहीं लौटेंगे तब तक बिहार जैसे प्रदेश की तरक्की अवरूद्ध रहेगी।

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