

THE NEHU JOURNAL

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EDITORIAL

This volume contains six articles, one report on an environmental movement in North Sikkim, and four book reviews. Of the four book reviews, the one by Dr. Prasenjit Biswas can actually be called a review article rather than a book review. The report on North Sikkim written in the form of a travelogue by a Lepcha postgraduate student of the university is worth appreciating because it not only brings out the different voices from within her community which is engaged in the movement but also distances itself from all of them to the extent it is humanly possible to do so for a young student.

Of the six articles included in this volume the first is by Prof. C. R. Agera, who teaches philosophy at NEHU. His discourse on culture and religion, on Clifford Geertz, and on what the narratives can do is something anthropologists would be much jealous about. But I am glad that two anthropologists, Prof. P. K. Misra and Angela Rangad, have very ably demonstrated in their article the power of narratives in the context of Khasi society. These two articles complement each other and I am glad that the two could be published together.

From the two complementary discourses the journal moves on to performance of public sector banks which are expected to play a new role in the era of globalization and liberalization. Jaynal Uddin Ahmed, the author, brings out certain dichotomies in this sector on the basis of his study in Barak Valley of Assam covering the three districts of Cachar, Karimganj and Hailakandi. In the next article, the journal moves to an issue that is important from the human rights point of view. Arun Kumar Singh, who teaches law at NEHU, deals in particular with the problems of protection of witnesses under criminal justice administration in India. He deals with various cases, constitutional provisions, special statutes like TADA and POTA in the country and compares the situation here with situations in Australia, United Kingdom and the United States of America.

The fifth and sixth articles are focussed on Meghalaya. The fifth article draws our attention to the unused potentials of tourism development in Meghalaya. The author Benjamin F. Lyngdoh also brings out the direct and indirect opportunities related to tourism sector and

the problems that this sector is facing now. In the sixth article two PhD students of Geography Department of NEHU, Shembhalang Kharmawlang and Saveyna Dkhar, bring out the legal position of various kinds of forests in West Khasi Hills District of Meghalaya and the impact of the ban on tree felling imposed by the Supreme Court of India on the people of the district.

I wish all our readers a very happy reading.

T B Subba
Editor

Protection of Witnesses Under Criminal Justice Administration in India: A Human Rights Perspective

ARUN KUMAR SINGH

'Truth does not pay homage to any society ancient or modern but society has to pay homage to truth or perish.'

Swami Vivekanand

Introduction

Human right is a right vested in a person because of being a human. Our criminal justice administration has a principle according to which due respect should be paid to the person involved in the criminal process, which implies that both at substantive and procedural levels regard must be paid to the dignity of the witnesses, the victim as well as the accused. It means there should be prohibition against inhuman and degrading treatment.¹ The purpose of criminal justice system is to protect the individuals by punishing the accused. Witness plays an important role by giving evidence relating to the offence and performs an important and sacred duty of assisting the court to discover the truth.² A witness by his act not only assists the court and the public but also his own cause. He takes all the risk not for his personal benefit but for advancing the cause of justice. They are very important factors of criminal justice system, but hardly paid due attention to. There are even no safeguards and protection of witnesses in criminal justice administration.^{3,1}

Definition of Witness²

Witness as such has not been defined in any Act but according to one dictionary "witness is a person to speak truth in the trial".⁴ According to the *New Shorter Oxford English Dictionary* "witness is a person who gives evidence concerning matter of facts under investigation." The *Law Lexicon*

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Dictionary provides that it is a person who gives evidence in a case.

Bentham says that witnesses are eyes and ears of justice.⁵ In the case of *Mrs. Neelam Katara vs Union of India*⁶, the court suggested another definition, "witness means a person whose statement has been recorded by the investigation officer under section 161 of Criminal Procedure Code, 1973 pertaining to a crime".

Role of Witnesses

It is a primary duty of the state to maintain law and order so that citizen can enjoy peace and security. Life and personal liberty as guaranteed in Article 21 of the Constitution of India are fundamental rights. There are two different systems applied in criminal justice. The first is called adversarial system and second inquisitorial system. India follows the former system. In this system the accused is presumed to be innocent and the burden is on the prosecution to prove beyond reasonable doubt that he (the accused) is guilty. In adversarial system truth is supposed to emerge from the evidence of the witnesses and judges play a neutral role. The judge acts like an umpire to see whether prosecution has been able to prove the case beyond reasonable² doubt. The system is heavily loaded in favour of the accused and is insensitive to the victim's plight and right.⁷ That is why in this system role of witnesses becomes very crucial.

The second criminal justice system is applicable in France, Germany, Italy and other continental countries. In this system also the accused is presumed to be innocent and it is the responsibility of the judge(s) to discover the truth. Another feature of this system is that in respect of serious and complex offences investigation is done under the supervision of an independent judicial officer who for the purpose of discovering truth collects evidence for and against the accused.⁸

Our system follows adversarial system where the role of witnesses becomes very important. If no witnesses come forward, or earlier he has given the evidence but subsequently he becomes hostile then the benefit of doubt will be given to the accused. That is why hardly criminals are being convicted, or justice is done without delay.

Is Witness Protection (Safeguards) Necessary?

Witnesses are a very important constituent of criminal trial. Therefore, to maintain law and justice he should be provided protection. There are two main aspects to protecting the witnesses. Firstly, anonymity of the witnesses

should be maintained, and secondly, physical protection must be provided to them. But there is no protection of witnesses and most of the time they turn hostile. Besides the above some other things are necessary in respect of witnesses. They should be paid due respect and considered as guest of honour. He submits himself to cross examination and³ cannot refuse to answer the question on the ground that the answer will incriminate him.⁹ When the witnesses go to the court for giving evidence, they are treated inhumanly. There is hardly any officer of the court who receives him, provides a seat and tells him that they have to give evidence or give them such other assistance as they may need¹⁰. If a witness goes to the court and the same is adjourned without taking evidence and is asked to come back on any other day no reimbursement is given to him by the government. No courtesy is shown to the witnesses when he arrives for giving evidence.

There may be offences where persons of high profile are involved. In this case no witness will come forward to give evidence because his own or the life of his family member might be in danger. By chance the witnesses come forward to give evidence subsequently in higher court they may be hostile. Jessica's case is the best example of it, where, in the FIR Shayan Munshi said that he saw the accused firing on the Jessica Lall. But again he became hostile. Now victim's council is demanding to file the case of purgery¹¹ against the witness. But the court should consider why the accused became hostile. His life or his family may be threatened or enticed of money. If he became hostile because of threat by the accused or his relative he should not be charged of purgery. But if he turned hostile because of money given by the accused or his relatives, he should be charged of purgery.

In another example⁴ of Priyadarshini Mattu rape and murder case no witness came forward to give evidence against the accused because he was of a high profile family, although with the help of circumstantial evidence and other evidences justice was done in another case, i.e., Madhumita Shukla murder case of Uttar Pradesh.

Statutory Provisions

A. Provisions in India

(i) Pre-constitutional provisions: There was hardly any act which provided safeguards to the witnesses before the commencement of the Constitution of India. The Bengal Suppression of Terrorist Outrages Act, 1932 was the

only legislation which provided safeguards up to some extent. Section 31 of the Act¹² empowered the special magistrate to exclude the persons or public from the ambit of the court. In this section safety of witnesses might have been considered as a ground for exclusion of the public from criminal trial. But the problem was that all things were under the discretion of a Special Magistrate, and was available in special cases. These were no general laws to provide protection to the witnesses.

(ii) Post-constitutional provisions⁵: After 1950 there were some legislations which say something about the safeguards of witnesses but unfortunately they are not proper and sufficient.

Article 20(3)¹³ of the Constitution of India provides for protection to the accused if he is called as witness. He will not be compelled to give any evidence which is against him. This protection given to the accused commences as soon as formal accusation is made, whether before or during prosecution.¹⁴ Section 273 of the Criminal Procedure Code, 1973 says that evidence must be taken in presence of the accused. It also creates a problem because if the accused is a hardcore criminal no one will come forward to give evidence. Though section 327(2) of the Criminal Procedure Code, 1973¹⁵ lays down that a trial of rape case under section 376 of IPC, 1860, or of other cases covered under section 376 A to D of IPC, 1860 shall be conducted in camera. This would enable the witness (victim of the rape) to be more comfortable and answer the questions frankly which could ultimately improve the quality of evidence. The Act reveals that the accused has right of open trial and cross examine the witness in open court. Section 146(3) 13 of the Indian Evidence Act, 1872,¹⁶ which is amended in 2002, provides protection to the victim of rape when she⁶ is called as witness. This section says that questions regarding her general immoral character would not be asked from her.

Apart from the above statutes there were same special statutes like the TADA 1985, TADA 1987, and POTA 2002. These acts contained specific provisions regarding protection of the witnesses. Section 13 of TADA, 1985 provided that the court on the application of witnesses or on its own motion may keep identity and addresses of the witnesses secret if he deems it to be fit. The same provisions were also available in section 16(2) of TADA, 1987. But the problem was that these protections of witness were available in those cases which were related with terrorist activities only. Similarly, section 30 of POTA, 2002 provided that if a proceeding was started against

the accused in special court and witness gave application or the public prosecutor gave application to keep its (witness) identity secret because his life is in danger and the court is satisfied that his life is endangered, it may for reasons to be recorded in writing takes such measures as it deems fit for keeping the identity and addresses of such witnesses secret. But now those statutes have been repealed.

Besides the above Section 21 of the Juvenile (Care and Protection) Act, 2000 prohibits the publication of name, addresses and other particulars identifying the juvenile. It also prohibits publication of the picture of such a juvenile. Apart from these statutes some recommendations were given by the Law Commission of India. The 14th Report of Law Commission of India recommended that adequate arrangement be made for the witnesses while attending courts, ensuring that they are paid traveling allowance and daily allowance.¹⁷ In its 154th report, the Law Commission of India recommended that allowance should be paid to the witnesses attending the courts.⁷ Adequate facilities should be provided to the witnesses during their stay in court premises. This should be provided right from the stage of investigation up to the stage of conclusion.¹⁸ But unfortunately these recommendations simply remained on paper.

B. Provision in other countries:

Australia: In each of its state dealing with witness protection the country has Acts to provide protection like the Witness Protection Act, 1996. Section 4 of the Act provides protection to the witnesses. The section says that the Chief Police Officer may take such type of actions which are necessary to protect the safety and welfare of a witness. This action includes allowing the witness to establish new identity, relocating the witnesses, providing accommodation for the witnesses, providing transport facility, and reasonable financial assistance to the witnesses.

UK: The general rule is that administration of justice should be taken in an open court. But section 11 of the UK Contempt of Courts Act, 1981 says that if court reasonably believes that it is necessary to save justice it may order to administer it in camera. Section 24 of the Youth Justice and Criminal Evidence Act, 1999 provides that if a witness is a child or he is outside of the United Kingdom he may, with the leave of the court, give evidence through live telecast.

USA: Section 1514(a) of Title 18, Crime and Criminal Procedure at part 1 of Chapter 73 provides that if District Court upon application of gov-

ernment attorney finds that there are reasonable grounds to believe that a case is criminal, it shall issue temporary order prohibiting harassment of such victim. Section 3521 of Title 18 Crime and Criminal Procedure in part II says that an Attorney General may provide for relocation and other protection to the witnesses⁸ who are witnesses for federal government or for state government. This facility is also available to the family members of the witnesses.

Judicial Provisions

(a) Provisions in India: In criminal trial it is most important that a witness should be able to give evidence without any inducement, allurements or threat either from prosecution or from defense. Few judgments of the Supreme Court and high courts have laid down various rules and guidelines for the protection of witnesses. These judgments are as follows:

*Gurbachan Singh vs State of Bombay.*¹⁹ In this case an order of externment was passed by the Commissioner of Bombay against appellant (petitioner) under section 27 of the Greater Bombay Police Act, 1902 (which is now replaced by the Bombay Police Act, 1951) so that witness may depose freely against him in Bombay. The appellant contended that order of externment which was passed under section 27 of the Greater Bombay Act, 1902 was invalid because it violated Article 19 of the Constitution of India. The Supreme Court rejected the contention and held that section 27 (1) of the Bombay Act was made in the interest of general public and to protect them from dangerous persons. It also stated that the provision in the Act which denied the accused to be present during the time of cross-examination is valid.

*Bablu alias Babulal vs State of Madhya Pradesh.*²⁰ In this case minor prosecutrix was carrying food for her father. On her way she was raped by the accused. Thereafter, FIR was lodged against the accused and was convicted by trial court. But in cross-examination the father of prosecutrix and the real brother turned hostile because they were threatened. Subsequently, prosecutrix⁹ also became hostile. It was an unfortunate case where the criminal remained unpunished. The court's view in this case was that it was the duty of the police and the administration to provide some protection to the witnesses who were ready and willing to depose against the accused.

In *Kartar Singh vs State of Punjab*²¹ the court observed that the identity of the witnesses could be disclosed before the trial commenced but it should be subject to certain exceptions, i.e., if the court felt it reasonable it

might decide not to disclose the identity of witnesses. This is mostly in cases where the life of witnesses may be endangered.

In case of the State of Uttar Pradesh vs Shambhunath Singh²² where the witness was called to produce evidence but even after several adjournments he was not examined though he was present there. The court observed that if examination of witnesses was not complied with because of non-cooperation of the accused the court could remand the accused to custody or impose costs on the party who wanted such adjournment or any of the measures. The court could even cancel the bail of the accused.

NHRC vs State of Gujarat (Best Bakery Case)²³: In Gujarat riot the National Human Rights Commission filed a public interest case seeking retrial on the ground that the witnesses were pressurized by the accused to go back on their earlier statement and the trial was totally vitiated. The court observed: "No law has yet been enacted, not even a scheme has been framed by the Union of India or by the State Government for giving protection to the witnesses. For successful prosecution of the criminal cases protection to the witnesses is necessary as the criminals have access to the police¹⁰ and influential people. We may also place on record that the conviction rate in the country has gone to 39.6% and the trials in most of the sensational cases do not start till the witnesses are won over". The court also wanted to know whether any action had been taken by Gujarat Government against those who had threatened to the witnesses due to which they had changed their statements before the Court.²⁴

Sakshi vs Union of India²⁵: In this case the court held that in case of child witness evidence should be taken through video tape and in the presence of his supportive person.

The Delhi High Court has issued certain guidelines for the protection of witnesses. In the case of Neelam Katara vs Union of India²⁶ the court maintained that before providing police protection to the witnesses the competent authority should consider the following factors:

1. The nature of the risk to the security of the witnesses which may emanate from the accused or his associates.
2. The importance of the witnesses in the matter and the value of the information or evidence given or agreed to be given by the witnesses.
3. The cost of providing police protection to the witnesses.

An obligation has been imposed on police officer that he should tell the witness that he is under the police protection.

The above guidelines have been issued in those cases where the accused is punishable with death or life imprisonment. The problem is that these guidelines are only for protection of witnesses. It does not deal with the manner in which identity of witnesses can be kept confidential.

Zahira Habibulla,¹¹ H. Sheikh and others vs State of Gujarat²⁷: In this case 14 persons were killed in a communal riot in Gujarat. 37 of the prosecution witnesses became hostile at the time of trial. The accused were acquitted. The appeal before the High Court was dismissed. But the Supreme Court reversed the acquittal and ordered retrial outside of Gujarat. The court observed that there should be law for the protection of witnesses, so that they might not be hostile during trial.

Judicial Provisions in other countries

UK: Lord Savile of Newdegate and others vs export A and others:²⁸

In this case 26 people during demonstration were shot dead on 30th January 1972 (called Bloody Sunday). The trial court rejected the application of the state for granting anonymity to the military witnesses (who were in position of accused) because it violated the principle of open trial. So it was appealed in the Divisional Court, which allowed the appeal and held that their anonymity should be maintained. The Court of Appeal affirmed the judgment of Divisional Court. It was again appealed. Lord Wolf said if the lives of witnesses is in danger their identity should not be disclosed.

In Lord Savile of Newgate and others vs Widgey Soldiers and others²⁹:

In this case the matter was to be tried in London but venue was shifted from London to Londonderry by the Tribunal. This was challenged by the soldiers. The court held that it could be shifted only due to compelling reasons. In Londonderry the soldiers' life¹² might be endangered whereas if it was tried in London it could clearly be seen by the relatives of the victim through video linkage. But in Londonderry the witnesses were not in position to give evidence because their life and security might be in danger. The court held that the venue of the trial would be in London.

Australia: Witnesses vs Marsden and others³⁰:

The witness had given a statement to the police supporting the defendant. The defendant's counsel moved an application to examine by using pseud-

onym because there was likelihood of danger to the life of the witness. The witness said that he had sought pseudonym because he feared for his life and his family. The trial judge dismissed his application but the court of appeal accepted the application. The court maintained that if he should give evidence of his homosexual relationship with plaintiff he might be killed. So the court allowed him to use pseudonym. We find that the Australian Court too have ruled in favour of granting anonymity of witnesses.

USA: Right to cross-examination of the witnesses is absolute but due to safety of witnesses it can be abducted. In case of the United States vs Crovedi³¹ the witness had to give the evidence against his co-conspirator. Because of danger to his safety the government placed them in their families. The court ruled that the government had done no misuse because if the safety of witnesses was in danger their identity should not be disclosed.

European Court of Human Right:¹³ In case of Kostovski vs the Netherlands³² the accused escaped from jail. He had long criminal history. A man disclosed the name of the accused and wanted that his name should not be disclosed. The accused with other accomplices were arrested. The magistrate examined the person in absence of public prosecutor and Kostovski. The magistrate stated that the identity of the witness should not be disclosed because of the safety of his life. The court of appeal had also affirmed the judgment of the lower court. He said that the identity of the witnesses should have been maintained.

Conclusion

In our criminal justice system witness plays an important role in deciding the case. Our system is based on proved evidence. In criminal law, it must be proved beyond reasonable doubt, but there is no law which provides protection to the witness. Therefore the witness turns hostile during the trial because they receive threat or allurements from the accused or relatives of the accused. The recent example is Zahira's case³³ where the witness turned hostile and changed the statement before the court. In some foreign countries, there are laws that give protection to the witness. But it is unfortunate that in India there is not a single legislation which may provide protection to the witness, except the few special statutes like TADA and POTA. But both of these Acts have been repealed now. If there is no protection to the witnesses no witness will come forward to give the evidence. So there must be some new Act in place of above special statutes which could provide protec-

tion to the witness. For this purpose some guidelines have been issued by the Delhi High court in Neelam Katara Case.³⁴ Legislatures should consider these guidelines while enacting the law for protection to the witnesses, i.e., to maintain anonymity of witness and to provide physical protection to him. If an offence has been committed by the accused before repletion of TADA and POTA, those who are witnesses in that very case get protection under that very law. But if the same act is committed by the accused after abolition of above Acts, and the witness comes forward to give evidence against the accused the witness will have no protection because of the absence of laws.

Notes & References

¹ Human Right and Criminal Justice Administration in India by B.B.Pande. *D.L.R.*, Vol XVII, 1995.

² Committee on Reform of Criminal Justice System, 2003, p. 151.

³ *Ibid.*

⁴ Legal Glossary 2001, Vidhi Sahitya Prakashan, New Delhi.

⁵ Law Commission of India, 'Consultation Paper on witness Protection', p. 59.

⁶ CrI. W. No. 247 of 2002.

⁷ *Supra* notes 2, p. 24.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ Section 191 of Indian Penal Code 1860 provides about perjury (Giving false evidence). Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

¹² Section 31 – A special magistrate may, if he thinks fit to order at any stage of the trial that the public generally, or any particular person, shall not have access to or remain in the room or building used by the special magistrate as a court, provided that an advocate general certifies in writing to the special magistrate that it is expedient in the interest of public, peace or safety or of peace or safety of any of the witnesses in the trial that the public generally should

not have access to, or be, or remain in the room or building used by the special magistrate as a court, the special magistrate shall order accordingly.

¹³ Article 20 (3) lays down: "No person accused of any offence shall be compelled to witness against himself".

¹⁴ *The Constitution of India: Selective Comments* by P.M.Bakshi, Sixth Edn., Universal Law Publishing Co. Pvt. Ltd.

¹⁵ 327(2) Cr.P.C. 1973 Notwithstanding anything contained in sub-section (1), the inquiry into and trial of rape or an offence under Section 376, 376A, 376B, 376C or Section 376D of the Indian Penal Code shall be conducted in camera provided that the presiding judge may, if he thinks fit or on an application made by either of the parties allow any particular person to have access to or be or remain in the room or building used by the court.

¹⁶ 146(3) of the Act provides that in a prosecution for rape or attempt to commit rape it shall not be permissible to put question in the cross examination of the prosecutrix (witness) as to her general immoral character.

¹⁷ Supra note 5

¹⁸ Ibid.

¹⁹ AIR 1952 SC 221.

²⁰ 2000 Cri LJ 1123.

²¹ 1994 (3) SCC 569.

²² 2001 (4) SCC 667.

²³ 2003 (a) SCALE 329.

²⁴ Law Commission of India consultation paper on witnesses protection.

²⁵ 2004 (6) SCALE 15.

²⁶ Supra note 6.

²⁷ 2004 (4) Scale 373.

²⁸ 1999 (4) All ER 860 (CA).

²⁹ 2002 (1) WLR 1249.

³⁰ 2000 NSWCA 52

³¹ (1972) 467 F2d 1032.

³² (1990) 12 EHRR.

³³ Supra note 27.

³⁴ Supra note 6.

Book Reviews

Durba Ghosh and Dane Kennedy(eds), *Decentring Empire: Britain, India and the Transcolonial World*, Orient Longman, New Delhi, 2006.

The British Empire administratively withdrew from Southasia in 1947 and that marked the beginning of shrinking of the colonial rule from all over the world. The empire left a lot of its old baggage behind in its former colonies, invariably in ways of services, institutions, and associations, which continue to be relevant to the ex-colonies like India. With a view to dissecting and uncovering the mute dimensions of the empire, a conference was held in April, 2003 at the University of California, Berkeley in honour of Thomas Metcalf, a historian of the British Empire and South Asia. The above anthology of over a dozen presentations made in the conference informs the readers on the current debates among the historians of the empire. First of all, the book under review demonstrates that there were abiding connections between the histories of the empire such as the British and the process of globalization in the 18th century. Secondly, modernity and its various dimensions were equally attractive to the colonizers and the colonized. Thirdly, the volume demonstrates that “the British Empire as a superstructure was sustained and contested by the cultures of the empire”. Finally, the presentations in the collection argue that the forces and practices unleashed by the colonial rule were never entirely in the control of the colonial authorities. It goes without saying that the British rule was an important factor in generating forces of modernity, which have also used the colonized subjects in their favour.

No doubt, India looms large in the volume, but the presentations in the volume demonstrate how uneven were its effects and how the Empire was plagued by inefficiency, confusion, contradiction and challenges. It was noted that the Suez trauma in 1956 marked the effective end of Britain as a super power. From these emerged in Britain a historiography of empire, shaped by mixed feelings of loss, nostalgia and regret verging on anger at its displacement by the United States of America. John Richards demonstrates how colonial rules were bent upon creating a usable revenue surplus each year with a view to investment and paying dividend to the Company’s shareholders. In the process, there was a negligible revenue left for education, health,

David R. Syiemlieh, Anuradha Dutta and Srinath Baruah (eds), *Challenges of Development in North-East India*, Regency Publications, New Delhi, 2006, xii + 508, Rs. 1150 (US\$75)

Challenges of Development in North-East India is the updated version of 23 well-researched papers by eminent writers. The origin of the papers goes back to a seminar organized by the Indian Council of Social Science Research – North-East Regional Centre (ICSSR-NERC) in October 2003. The new publication contains precious material on a wide range of subjects connected with development in North-East India. The papers are grouped under Polity (2 papers), Society (4), Economy (9), Tourism (3), Education (3) and Health (2 papers).

The inaugural address by the then Governor of Meghalaya, His Excellency Dr. M.M. Jacob provides an excellent overview of the challenges of development in the Northeast. Being in the periphery of India, observes Jacob, the development too is peripheral. He proposes practical solutions for the region's greater progress, and suggests better trade relations with countries that surround the region.

In the section on polity, Udayon Misra arguing forcefully for the economic development of the region, highlights the decades-long indifference of the Centre to the region's economic potential which resulted in a vicious circle of insurgency and underdevelopment. Added to this is also insufficient devolution of power. The "economics of 'colonial' exploitation" and the politics of alienation made the vicious circle still more vicious. By and large this was the situation till 1976. A change in the Centre's policy is noticed after this year. More devolution of power to the Northeastern states started from 1970s due to greater awareness of the fact that the challenges to development in the Northeast are inseparably linked to issues related to ethnicity, autonomy and territoriality. True development calls for the abandonment of "exclusionist stances" and acceptance of mutual interdependence and cooperation among the states. This will ensure speedy development.

"Government, Local Self-Government and the Role of the Civil Society" is the paper by Anuradha Dutta. In this well informed write-up the author by means of a long "introduction" (18 pages) explains the different aspects and workings of a democratic set-up. "Democracy and good governance are loyal allies", affirms Dutta. But good governance, warns the author, would depend on both formal and informal participation by people at the grassroots level, and effective roles by NGOs. Thinking globally and acting

locally would be effective only when good thinking takes place at the local level, and both men and women are given equal opportunities.

Under the section 'Society' dedicated mostly to "migrants and migration," Samir Kumar analyses the concept of "rights," and affirms that development cannot any longer be viewed independently of the question of rights. Runumi D. Baruah in his turn does a detailed study of migration patterns in Assam and offers a practical conclusion. "...Rural development," he writes, "coupled with measures to promote the growth of small and intermediate urban centres should be the core of any well meaning policy aimed at population distribution." A.C. Sinha in his "Marwari Collaborators and Nepali Subalterns: Two integrative social forces in North-East India" analyses the integrative elements in the Marwari and Nepali communities of the region. Sajal Nag considers the phenomenon of "migrants" an enduring, live issue of the region, and a major source of tension in all Northeastern states. The paper offers a detailed study of it especially from the aspects of displacement, right to land, influx of Muslim population, political power and anti-national feelings and accompanying spurt of violence. The paper is more a statement of facts than a strategy proposal.

The section under economy has the maximum number of papers. A.K. Agarwal focusses on the flow of Central funds to the Northeast. In spite of the availability of huge sums from the Centre for the region's development, the Northeastern states still remain underdeveloped. The reasons are many. The paper factually and competently x-rays the situation, and affirms that, "the time has come to evaluate the lapses and to look at the remedial measures for best use of Central funds" in the region. The future could be bright, if the region opens up for trade with neighbouring countries.

Ranjan Singh's paper highlighting the problems and prospects of Manipur suggests measures for a sustainable development programme for that state. B.G. Verghese in a minutely and competently documented account, shows the immense water and bio-diversity resources of the Northeast, and writes, "the potential is huge, utilization small!" He shows how Bhutan doubled its per capita income in a few years and reached the top of the SAARC league! The author concludes his convincing analysis of hydro power and bio-resources available in the Northeast by saying, "An exciting opportunity beckons!"

The other papers in this section are by Prasenjit Biswas on development as complementarity. Kalyan Das writes on issues about livelihood. In

particular he addresses the problems of poverty and unemployment. He looks into the existing resource base and livelihood opportunities in Northeast India. Employment generation possibilities to reduce poverty in the context of globalization “onslaught” too are discussed. The paper, “Levels of Human Poverty across Districts and Population Groups in Assam,” moves away from the traditional concept of economic poverty in terms of calories. The authors understand human poverty as a three-fold “deprivation.” They are first, the deprivation of the choice of leading a long and healthy life; second, lack of facilities to acquire knowledge; and third, the absence of a decent standard of living. Policy implications for the removal of poverty are also dealt with in the paper.

Susmita Das and Sutapa Sengupta in their paper assess the level of “basic amenities” in the state of Meghalaya. Basic amenities include food, water, clothing, proper sanitation, and medical care at low cost. To speak of amenities such as presence of educational institutions, means of transport and communication and banking would call for a still “higher” level of living. And availability of television, car, telephone, etc. is beyond the reach of the great majority of people in the region. The present situation is such that only the more affluent sections of society can afford to have something more than the very basic amenities of life. The ever widening disparity will only hamper the development process. A way out of this impasse is urgently needed. The last two papers in the section are on border trade. Gurudas Das writes on the theory and practice of border trade, whereas K.C. Kabra and R.K.P.G. Singha reflect on border trade and its future prospects with reference to Mizoram.

The three papers under tourism contain M.P. Bezharuah’s paper on “Sustainable Tourism and Economic Development of the North-East”. The paper is a detailed study of the theme. “Tourism in Assam: Need for a Paradigm Shift” is the title of Abu Nazar Saied Ahmed’s paper. The possibilities are so many, that only a political will can transform tourism in Assam into a major developmental agency in the state. This calls for a paradigm shift in tourism governance. Amitava Mitra’s paper “A Sustainable Environment-Friendly Approach to Tourism Development in Arunachal Pradesh” shows the vast tourism potential of Arunachal’s forest resources and biodiversity. The author also spells out policies and action plans for ensuring sustainable tourism in the state.

Moving on to the section on education the book presents three papers: N.B. Biswas’ “Development of School Education among the Tribes of North-East India: A

Complementary Approach”; Anjan Saikia and K.C. Kapoor’s “Wastage in Elementary Education: A Comparative Study of Assam and Arunachal Pradesh”; and Meghali Baruah’s “Challenges of Higher Education in the North-East.”

N.B. Biswas, citing from the report of “The Friends of Tribal Society” that had appeared in *The Asian Age* (June, 1997), writes that tribes in India are still in the periphery of progress, and that “Eighty four per cent of the male and ninety five per cent of the female tribal are illiterate. Ninety five per cent of the tribal population has no access to medical facilities, and ninety per cent have never known what electric light is ...” (p. 443). The paper, therefore, offers very practical suggestions by way of concluding remarks to improve the educational lot of tribal population in Northeast India. It emphasizes in particular the importance of knowing one’s cultural richness, since “cultural variables affect education, teaching, learning and the growth and development of all learners” (p. 455).

Angan Saikia and K.C. Kapoor, in their paper, present a comparative study of Assam and Arunachal Pradesh from the point of view of “wastage” by which they mean school drop-outs. Meghali Baruah’s paper on the “Challenges of Higher Education in the North-East” presents an overview of the situation in the country.

Finally, the section on health offers two papers: Substance Abuse and HIV / AIDS in North-East India by Hallelohim Ghonglah and “Women’s Vulnerability to HIV / AIDS in Manipur by Jubita Hajarimayum. The former presents an overview of the problem in Northeast India and suggests possible ways to overcome it. The problem is not only a medical one, but also a social and a spiritual one. The paper on “Women’s Vulnerability to HIV/AIDS in Manipur” is a study carried out among the Meithei women in the reproductive age group of 14-45 years in the Imphal West district of Manipur. Gender inequality, lack of autonomy, absence of decision-making power, and ignorance about health and their own rights make women more vulnerable to infection.

The references at the end of every paper and cross references provided in the index further make *Challenges of Development in North-East India* a very valuable and handy companion for everyone interested in the development of North-East India.

Reviewed by

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Rafiq Dossani and Henry S. Rowen, *Prospects for Peace in South Asia*, Orient Longman Private Ltd., Hyderabad, 2006, 424p, Spl. Indian price Rs.500/- (org. US \$24.95).

The idea of peace in the context of Southasia assumes a complex political, military and economic make-up. Especially the increase in nuclearization of military arsenals as a competitive assertion of strategic superiority between India and Pakistan compounded with internal instability of fragile political systems produce a grave threat to security. The metaphor 'South Asia on a short fuse' still remains the central conceptual problematique amidst the angst of being 'vulnerable' to a possible arms race that extends to what the US under George Bush called the 'axis of evil'. The book seemingly highlights a US-centric perspective to glean through the political processes like Islamization and the rise of Hindu Right in Pakistan and India respectively to scour through the strategic doctrine of 'status quo' in Southasia that promotes the economic interests of the US in the best possible way. Such a gnarly reading of Southasia hardly gets at the many-layered cultural and historical convergences between articulations of national interests that often overlap by signaling possibilities of engagement across the daggers drawn. In portraying 'Kashmir' as a flashpoint of nuclear warfare sustained by equally militant regimes of religious right in both India and Pakistan, the book grossly undermines the possibilities of minimized conflicts that merely require a stable political will and not stability *per se*. The way the book defines the US interest in Southasian region (Introduction, p.16 and Chs.10 &13) gives it the place of cynosure for both India and Pakistan seeking strategic partnership with the US, who can tilt the balance of power to any of the side. The US, on its own terms, sees both India and Pakistan as allies for very different purposes, the former as a permanent ally in its geo-political games and the latter as a counterweight to China. If all these fragments of strategic alliances come with an inherently weak and shortsighted plan of peace and stability, it serves the US interest of arm twisting in the region by way of consolidating economic and security gains derived from the dependence of Southasian nations on the US. The dependence is deep throated, starting from purchase of military hardware down to analysis of strategic relations. It is the US that predicts the ebbs and flows of the tides in the Indian Ocean both literally and metaphorically. The book only understates the rising dependence on the US for the whole of the Southeast Asia and downplays the role of non-aligned diplomacy in the context of increasing weaponization. In a strong sense, much of the voluminous spaces within the book are devoted to descriptive

truisms of US foreign policy that got its ideological and operational support from an entirely negative characterization of regime types in India and Pakistan. The book also prescribes a robust economic determinism for Southasia as a *fait accompli* as it is for any contemporary neoliberal state system in assessing the problems and prospects of its foreign, military and economic policies. The weight of a perceived world order dominated by the US caters to the idiom of Morgenthau's realism that reduces the structures of rivalry to an already intervened and mediated entity by a hegemon or by a superpower, a syndrome that very recently also wears the hat of 'strategic analysis' in the canons of international relations. The book stands out for its thrust on hegemonic stability without any possibility of transition that turns out to be a symptomatic description of Pakistan's anarchic role in sharp contrast to India's neoliberal shift towards multi-partner strategic relations in Southasia.

The first four essays in the section entitled "Pakistan: Politics and Kashmir are: "Islamic Extremism and Regional Conflict in South Asia" by Vali Nasr, "Constitutional and Political Change in Pakistan: The Military-Governance Paradigm" by Charles H. Kennedy, "The Practice of Islam in Pakistan and the Influence of Islam in Pakistani Politics" by C. Christine Fair and Karthik Vaidyanathan, and "Pakistan's Relations with Azad Kashmir and the Impact on Indo-Pakistani Relations" by Rifaat Hussain. All the four essays portray Pakistan as a case of 'failed democracy' that always balanced its internal instabilities with war games at the frontier and by reconstructing its relationships with the US and the West. To be specific, Vali Nasr's analysis of Pakistan's military regime harps on a socially constructed Islamist politics that falls in line with the neoliberal doctrine of economic dependence on international institutions without much ado about Islamism. Nasr significantly highlights the role of Mutahhidah Majlis Amal (MMA) in creating an environment of peace in Indo-Pak relationship and consequently, argued that the MMA acted as a countervailing force to greater Islamist parties within Pakistan's domestic politics. This limited understanding of the internal political contest between a conglomerate MMA and larger parties like Pakistan Peoples' Party (PPP) and Pakistan Muslim League (PML) during the regime of Army unwittingly endorses the role of MMA in sustaining the Army rule of General Musharraf. The next essay by Charles H. Kennedy reads repetitive of issues pertaining to Islamism, looked albeit through a different point of view, like the evolving patterns of political legitimacy at the provincial level and constitutional stalemates. But the essay goes strong on chronicling the political mess in Pakistan without clearly figuring out which of the forces played roles upholding the sanctity of a constitutional state. In

fact the singular importance of a Constitutional State is not properly emphasized by Kennedy in his narration of political exigencies. Next essay by Christine Fair and Karthik Vaidyanathan makes an attempt to understand the state-society relationship from the perspective of examining the roots of Islamic practices in Pakistan's politics. Instead of developing a normative model of analysis, the central part of this essay adopts a perceived Islamist response to the West and apparently gets it supplemented from the responses to the questionnaire that dishes out statements such as West "care about poorer nations", "fair stance on Palestine situation" etc. (p.87) that obviously make the respondents express negative responses to the West at the practical, psychological and emotional levels. This is an attempted projection of Islamist reaction to the West, which is later supplanted by respondent's support towards banning the secessionist and sectarian political outfits, apparently a secular-rational response to Islamism. Further, the Pakistani response towards the US as portrayed show poorly the moral indictment that Pakistani opinion makers have towards US stance. The authors finally accept the invalidity of their method, data and analysis, when they pass the buck of failure to the respondents for giving what they call 'contradictory': "Pakistani respondents claim that they would like to see a decreased involvement of religious parties within politics, while still upholding that Pakistani law should be based upon Q'uran and Sunnah" (p.108). What the authors suppress is their pre-mediated style of eliciting responses that do not cohere in a neat framework of what they call 'policy community'. Post 9/11, Pakistani response to the presence of Taliban in Pakistan vis-à-vis American 'war on terror' forms the context of this essay that try to present Pakistani opinion as 'contradictory' from the vantage of US policy framework.

Rifaat Hussain cultivates an internalist realism of sort in suggesting ways and means of giving Azad Kashmir a due place within Indo-Pak relations. His narrative reconstruction of events that led to internecine border conflicts between India and Pakistan along with the US interest of keeping Pakistan to its side in its sojourn to Afghanistan often displaces Azad Kashmir in the meta-narrative of nuclear rivalry. This merely portrays the incompleteness of any Pakistani initiative to politically handle the Kashmir issue, as the state of Pakistan is yet to discover the stable basis of bringing peace and development to Azad Kashmir. The author leaves out the implications of Pakistan's weak-willed response to the problems of Azad Kashmir, which in itself constitutes a major drawback for Pakistan's domestic policy.

This entire section assumes a few things, notably the rise of an uncontrollable Islamism and its concomitant support to terrorist radicals that supplement Indo-Pak arms race in building up nuclear arsenals. This is a rather

straightjacket realism that merely supports a US-centric strategic perspective on the region.

The four essays in the next section entitled "India: Politics and Kashmir" are: "Who Speaks for India? The Role of Civil Society in Defining Indian Nationalism" by Ainslie T. Embrie, "Hindu Nationalism and the BJP: Transforming Religion and Politics in India" by Robert L. Hardgrave Jr., "Hindu Fundamentalism, Muslim Jihad and Secularism: Muslims in the Political Life of the Republic of India" by Barbara D. Metcalf and "Jammu and Kashmir in the Indian Union: Politics of Autonomy" by Chandrashekhar Dasgupta. These essays overcome the limited view of strained Indo-Pak relations by analyzing the socially constituted structures of State that enter into conflicting national interests. Embrie's essay revisits some of the well-established arguments about Hindutva-led hawkish positions against Pakistan with a smattering of discussions on an 'aggressive civil society' of contemporary times as well as centrist responses to secessionism in Kashmir and Nagaland. The essay is long on centrist perception of the health of Indian polity during the decade of seventies, while it is short on how Indian society practises politics of recognition. In his grand notion of civil society, Embrie minces words in thinking of a consensual politics, while he misrecognizes many facets of 'unity in diversity' that binds India to a state of chaos and difference without breaking its fragile sovereign existence. Hargrave's essay blows up the possibility of a permanent transformation of Indian State and society in the hands of Hindu chauvinists and its various outfits that presents a superficial account of how these forces attempt to drive India to a place of communal hatred and sacrilege, while the essay does not address the interstitial emergence of different forms of power-relations in the sphere of political economy. The punchline of the essay, "It may be a 'grave miscalculation' to suggest that Hindu extremism does not have international ramifications" (p.238) sounds extremely telescopic as the connection between India's foreign policy and activities of Hindu group abroad is tenuous except the fact that Hindutva leaders, during the time of being in the government never missed a chance to visit VHP headquarters abroad. Barbara Metcalf's essay on Hindu Ethnonationalism is an original work of analysis that does not reproduce the polarities of conflict. It rather emphasizes on the ideological orientation of RSS-VHP-BJP on the one hand and Jammāt on the other. She succeeds in showing that Islam as a religion does not influence the fundamentalist forces. She clarifies that the rise of fundamentalist Islamist forces stem from sources very different from doctrines embedded in faith. They arise from an ideological othering of the Muslims or the Hindus, which is a kind of 'psycho-drama' (p.231). Dasgupta's essay on

'Politics of Autonomy' is probably the best essay in reviewing historical and political developments in Jammu and Kashmir. The essay stays as close as possible to developments in the field, while it concludes splendidly by stating, "A measure of vagueness about the final outcome is probably an essential element of a constructive approach to resolve differences between Indian and Pakistan on the issue of Kashmir." (p.258)

The third section entitled "India's and Pakistan's Nuclear Doctrines and US Concerns" brings out the real concerns of the volume, namely the US concern about balance of power in South Asia as part of its long-standing strategic necessity of keeping China at large. The anti-Communist cold war slant of US foreign policy gets its backroom support from the kind of arms race that India and Pakistan indulge in. The US interest lies in having the last word in case there is a flashpoint between the two. Diplomatically speaking, both India and Pakistan attempt to win over the US support to pursue their own agenda by avoiding any confrontation with US interests. This gives the US the enviable position of a superpower that decides and dictates terms and deliberates about the internal and external compulsions of its subordinate allies in Southasia. The whole volume is geared to contribute to this US standpoint. The very first essay by Michael Krepon on the theme of de-escalation presents the Indian and Pakistani calculations of military strategy during ten month long mobilization in 2002 as a paradoxical measure of stability-instability, a mutually assured game of destruction. The point is to understand how such war-games of escalation/de-escalation strengthen the US presence in the Southasian geopolitics. What Krepon ventures in his elaborate discussion on strategies of deterrence are largely borrowed from cold war continental ballistic missiles competition and the imagery of star wars, which he applies in the context of Indian subcontinent. This takes into account the crucial input of mutually damaging strategies that the other side can adopt such as 'economic strangling'. By turning a fig that is yet to come in the subcontinent, the analysis presents the US (read NATO) line of strategic thinking in a manner manifest before it really comes. The lever for his analysis springs from the vulnerability of both India and Pakistan from each other having similar striking capability. Ironically it is this vulnerability of parties engaged in arms race that does the groundwork for a pro-US stance in foreign policies of both India and Pakistan. Krepon's analysis builds up this possibility of 'third party' intervention in the relations between India and Pakistan. Although Krepon suggested substantive political engagement between India and Pakistan centring the Kashmir issue, he seems to predict the possibility of third party intervention in any guise (p.280). Peter Levoy's essay on "Pakistan's Nuclear Doctrine" mostly authenticated the popularly held fears about irresponsible uses of nuclear weapons that are articulated

by Pakistan's civilian and military officials. Thereby, the essay completely ignores Pakistani concerns about de-nuclearization and its attendant demystification of India's evil intentions. The essay goes to the extent of airing an unsubstantiated fear of western powers about the possibility of transfer of nuclear technologies from Pakistani sources to some 'terrorist' groups, which is a re-affirmation of USA's CTBT stance. The essay is superbly written in a backroom boys' 'democratic war game' style that exports nuclear war as the *summum bonnum* of nation-building politics by various actors. While doing so, the essay selectively privileges some of these actors of the domestic scene to determine the course of Indo-Pak relations. Rajesh Basrur's essay on 'coercive diplomacy' practised by both Pakistan and India strikes a significantly different chord in the whole volume. For the first time, when the reader is tired of grasping the monotonic war game tome, Basrur talks of a situation of compellence between India, Pakistan and the US, all engaged in a mutual game of containment. But Basrur brings out the salience of each of the sides very accurately. For India, the US, with its presence in Afghanistan, is a softer target of compellence. Given the disadvantage of Pakistan in terms of strategic strength, the US appears to its radar only as an interceder. These two different assignments of the same referee (the US) confined in the hotspot of Indo-Pak theatre, for Basrur, also gives it the advantage of refusing to the referee the Indo-Pak conflict (p.315). Probably, this superpower option of the United States also acts as a deterrent for both India and Pakistan not to strike first and begin the fare. Basrur characterizes such deterrence as 'non-traditional' with a 'hair-trigger status'. He substantiates his argument by citing the very real warning from the US about detection of release of energy equivalent to Hiroshima bomb in the outer space by an asteroid at the same time when India and Pakistan were nearing the brink in 2002. The warning made everybody aware of the cosmic event so that no one mistakes it to be nuclear detonations. What he projects in the essay is about the lessons learnt by both the Indian and Pakistani states soon after December 13 attack on Indian parliament that set in motion a chain reaction of military strategies and weighing of each other's nuclear options by both the parties. But he hypostatizes the situation when he says, "Compellence through a third party is inherently problematic because the interests of the third party tend to be its own, and these may be a drag on the compelling power. Concessions extracted from the target state are reversible, and the investment in ejecting a coercive threat can be brought to nought whenever the state chooses." (p.324) This weakens Basrur's progressive analysis of the trilateral compellence. That compellence and deterrence are parts of the strategy of overcoming a security threat and a diplomatic difficulty gets blurred in this turning of 'factors' into 'actors'. One

instance of such a transformation is available in Indian media's construction of 9/11 kind of attack on December 13 by some terrorists from across the border. Basrur's nuanced analysis could have derived strengths from the inherent social formations and mobilizations that shape the opinions in India and Pakistan's post-colonial societies, which cannot be entirely subjected to 'deterrence' and 'compellence' kind of orientation. As he pontificates both India and Pakistan's search for strategic spaces, the internal divergences and heteronomies of both the societies present a different picture of shared historical memory and identity. Especially how India, being a democratic state, frames a few individuals for the episode of parliament attack. Similar things are also available with Pakistan, where the judiciary is often penalized for being against the national interest. The last essay of the volume expresses the overarching thematic of the volume in its title, "U.S. Interests in South Asia". The author of this essay Howars B. Schaffer takes a regressive view of India's foreign policy by blaming it as anti-American, when he seems to suggest that New Delhi should not have antagonized America. He goes on to say, "For many Americans, India seemed to make a practice of biting the hand that might have fed it." (p.329) Such a statement reminds one of PL-480 aid and very recently, the impassioned defense of Indo-US nuclear deal that subjects India long term defense and multilateral subordination through legal measures such as Hyde Act and Patent regimes. That India had bitten such an American clasp is inadvertently admitted and so the desire to make India see itself as an indebted and grateful nation that should pay heed to America's embrace as a 'quasi-ally' against Chinese Communism is so blatantly proposed. Apart from such hard-nosed power interests of America, the essay euphemizes the US interest in India's growing economy. In all, the essay fails to understand India's track record of an independent foreign and economic policy that seems to dominate India's national interest. Although India has given in to some extent to US military kowtowing, it still refuses to agree to a permanent stature of a sub-ordinate ally who must remain faithful to US skullduggery in policy matters. The essay lacks a balanced understanding of perspectival and positional differences between the US and India and it fails to properly explore unimpeachable grounds of mutual cooperation, if there exists any, that would benefit both the sides. The US-centric slant in India's foreign policy operates only at a discursive level to make the nation-state of India realize its own strength that never allows it to abandon the singularity and tenacity of national interest.

The tenor of most of the essays see the US as the most sought after ally for both India and Pakistan on which both the Southasian states evince close competition. This renders the US simultaneously present and absent in

Indo-Pak affairs. This also makes the US vulnerable to quandaries of bilateral relations, of which the US apparently has only a disciplining interest. The volume re-iterates US interest in most of its essays, while a few essays written by Southasian scholars present an objective and authentic analysis of the role of US. One can clearly read two distinct approaches in this volume: One, a US-centric transvaluation of domestic politics in India and Pakistan without assessing the possible ways of redemption and another, the overwhelming diktats of the US foreign policies to tailor independent policies of India and Pakistan so that their relations are sufficiently mediated by the US. Both these approaches lack the support and substance that are otherwise so amply available in analyses of internal politics of the respective states. Rather the volume reproduces a part of the available material for no new inferences in most of its pages. Descriptive truisms that follow from chronicling of events without anchorage to the domain of everyday politics dominate the tenor of holding onto a constituency for Uncle Sam. Hence the volume fails to inspire any hope in sustained peace in Southasia. Most of its essays are second rate observations on swings in foreign policy circles that can hardly describe the increasingly complex and subtle ways in which India and Pakistan work in the domain of international politics. Essays that add to new knowledge are in a sense by the 'native informants' who would otherwise represent their countries in any intellectual exercise. The editorial discretions too are in-expansive as they hardly fulfill the role of being the links in the fragmented and ruptured narratives of US led peace and stability in the region. This is the Orwellian predicament of Southasia.

Reviewed by

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Gail Omvedt, *Dalit Visions: The Anti-Caste Movement and the Construction of an Indian Identity* (revised edition), Orient Longman, Hyderabad, 2006 (1995), pp.ix+108, price Rs.130/-

The book under review is one of the founding texts of understanding the emerging contours of Dalit identity and ideology. The book that originally had seen the light of the day in 1995 is now republished. The text has not changed much, only the context has become more embedded and rooted.

The author revised her book of late, possibly with a reaffirmation of her faith in the relevance of Dalit struggles that demanded a greater clarity. Omvedt presents the Dalit emergence with a remarkable political and cultural correctness of a critique of Hindu ideological superiority. The book in its ten chapters presents the case of Dalit emergence in the form of counter-hegemonic struggles, while it underscores the process of Dalit identity formation as a constitutive element of democracy and modernity.

The first chapter entitled, "Introduction" discusses the social base of Dalit movement that combines the ex-untouchables with non-Brahmin castes. Dalit identity and Dalit consciousness take the form of a discursive resistance to reformist Hinduism by moving a step beyond. This step beyond is conceptualized by Omvedt in the following terms,

In contemporary times they (Dalits) draw on such leaders as Phule, Ambedkar, Periyar; they appeal to heroes of revolt such as Birsa Munda and Veer Narayan Singh; they claim the traditions of Buddha and Carvak, Mahavir, Kabir and Guru Nanak and Basavappa; they claim heroes like Shivaji but contests the Hinduist interpretation of him; they claim the glories of Mohenjo-daro and the heritage of pre-state tribals as opposed to that of plundering Aryan tribes. In contrast to the secularist opposition to Hindutva they proclaim a politics of identity, an in contrast to reformist Hindu identities *they define 'Hinduism' itself as an oppressive class/caste/patriarchal force.* (p.5)

One can note here several references to a historical past of location and cultural distinctness that are 'claimed' by the Dalits. Such claims are also based on a politics of difference that relativizes the validity of such claims. The crucial question is, *does the politics of Dalit identity need an articulation of specific claims in positioning the identity of the Dalits over and against a Hindu mainstream?* Omvedt can be said to have veered between a pull toward redistribution and recognition and a push toward an articulated authenticity. She presented her dilemma in terms of caste-class dichotomy, when she says, referring to Phule's notion of 'ideology', "This one did not recognize community/caste as a node of exploitation ... *The formation of a class ideology of this type created a caste ideology of a specific type in reaction, one which set up caste in opposition to class as a cultural/social factor, a non-economic factor.*" (p.41) Indeed Omvedt attempts to see 'caste' as a category that arises out of a process of social, economic and cultural exclusion, so much so that social movements by untouchables

and lower castes were looked down upon and even delegitimized by the nationalists and Marxists. Omvedt portrays the common ideological grounds of nationalist-Leftist-Marxist-Gandhian strands of social and political movements having an antagonism toward any movement that voiced caste oppression as an issue and all of them shared an ideological subscription to mainstream Hindu nationalism. But this kind of a hegemonic construction of Hinduism and an idea of centralized India creates many folds of historical and political exclusion. At one level, it paved the way of partition as a measure to avoid giving too many concessions to Muslims and also stave off the possibility of making India into a decentralized and federal province. All these were done just in order to have a 'centralized state structure' (p.64) that reproduced Manchester under state ownership. At another level, the ideological hegemony of Hindu political and cultural formations resulted into an 'anti-caste' movement that had an anti-northern and anti-brahmin identification. Such movements had a regional framework and it grew to an 'emotive slogan' against Hindi-Hindu-Hindustan. Positively speaking, anti-caste movements took a reflexive anti-Aryan, non-Hindi and anti-'brahman-baniya' turn, which she described thus: "Anti-Hinduism was taking on a rather complex, anti-northern, anti-centralist character." (p.54) Periyar inspired "self-respect" movement of 1930s and Ambedkar's attempts at liberating untouchables throughout 1920 to 1940 and beyond come into focus in the book at lengths. Notable punchlines include Ambedkar's pronouncement that he was "born a hindu but would not die a Hindu". A song published in Ambedkar's weekly *Janata* is cited by Omvedt that establishes a Shudra-proletariat equation (p.45) in the political outfit called Independent Labour Party (ILP) floated by Ambedkar that became the largest opposition in Bombay Legislative Council in 1936 elections. Such fireworks by social movements of the lower castes substantially exposed the upper caste-bourgeois orientation of emerging post-colonial polity in 1930s.

Omvedt followed an argumentative strategy of exposing the caste-class alliance in the domain of political economy to the extent that it constitutes an ideological hegemony. As opposed to this, she highlights the role played by alliances of lower castes and various movements that aimed at redeeming the oppressed castes from the subjection by dominant Hindu political elites. This strategy of unfolding the emergence of lower-caste struggles against Hindu dominance produces a convergence in terms of Dalit-bahujan and other movements from the margins of mainstream Hindu nation-space. Omvedt's emphasis on regional identities such as Dravidian movement,

Kashmiriyat and tribo-national movements of Northeast India mobilizes ideas of de-brahminization, de-saffronization and de-territorialization of anti-caste formations in its multitude. All these put together constitute, for Omvedt, a single moment of 'visions' that de-institute the Brahminical forms of power from the domain of law, public discourse and resistance. Omvedt characterized this moment by citing veteran Marxist leader A.K. Roy's pamphlet called, "The New Dalit Revolution" (p.79). Omvedt is in full agreement with Roy, when Roy wrote,

The culture of the people, struggle of the oppressed like that of Birsa Munda of Chotanagpur and Veer Narayan Singh of Chattisgarh would be highlighted which is now obscured and would be restored to its rightful place above the wars and conspiracies of feudal kings and colonial rulers which now crowd the pages of history. From Buddha to Lenin it would be a unique journey, a new search for a spirit of emancipating millions, a new religion not only a new party, out to make a new history for mankind without exploitation, subjugation and with justice. (p.80)

This position taken by Omvedt through the politically correct synthesis between Marxism and Dalit ideology as proposed by A.K. Roy is a radical deconstruction of Hegelian residue of a critique of an emancipatory project that synthesizes the agency of emancipation into an abstract universalizable identity. So also Omvedt's position undercuts Kantian notion of civic-liberal individualism that merely reconstructs the domain of politics from what is 'sensible' and 'meaningful' by taking them as things-in-themselves. Beyond political and social theory, Omvedt also characterizes the unspeakable Dalit experience in terms of its creative rendering of self-consciousness, when she affirms in relation to Sita, the banished heroine of Valmiki's *Ramayana*, "In a folk poem of Uttar Pradesh for instance, Sita refuses to go back even when Laxman has been sent to bring her, and instead raises her sons on her own and gives them her father's name, in a half-way return to matriliney".(p.99) This portrayal of Sita as the mother who refuses to follow the norms of patriarchal-brahminical society also becomes a figure of emancipation in a counter depiction to *Ramayana*. This is also a Dalit enterprise of self-definition that renders brahminical claims to history as repressive. Omvedt elaborates this creative discourse of liberation in following words,

(...) *Ramayana*: not as a story of Rama's triumph and the ideal family. But a story of his conquest over Dravidian and tribal native inhabitants, of the triumph of patriarchy over matriarchy, of the suppression of women

connected with the establishment of a stable agricultural society. (Sita is after all *bhumikanya*, she was found below a furrow.) It is ultimately a story that has many renditions in a long era of class/caste/gender struggle, of a conquest over long time span, but also of the resistance and uniting of the conquered, a reversal, a forecasting of the liberation of peasants, dalits, women and tribals. (p.100)

At the same time she cautions against 'desperate beatings of an imagined upper-caste past'(p.101) in order to give her analysis an Ambedkarian 'moral import'. Just as historicity of liberation struggles is neither a mere remembrance nor forgetting of the past, Omvedt's Ambedkarian strategy of speaking against 'caste' as the "monster that would always cross their path" (p.52) form an essential condition for forging Dalit identity, while it discounts the idea of a unified national identity. Omvedt does not merely give an agent-centred moral argument, she expands the space of morality from protean notion of identity and alterity to a space beyond the existing social hierarchy. In her reading of Dalit Panthers (chap.9), she categorically states, "If the proletarianism of dalit identity was a new universalism, a new claim to being a kind of vanguard it was also an effort to define the entire Indian revolution in terms of the upsurge of the low castes ..."(p.78). This is a reconstruction of moral spaces lost within caste system by way of responding to emergent forms of class hierarchies that situate moral agency not merely on a Dalit-centric discourse, but in a new discourse of justice and liberty. Omvedt produces a knowledge of the 'sensible' by mediating between the polarities of Dalit struggle: Brahminism and Dalitisation. She goes along with the strategy of posing the latter against the former as advocated in Dalit movements, but departs from this usual strategy by suggesting the possibility of a creative synthesis between proletarian class identity and concrete forms of oppression.

Re-publication of this founding text of understanding Dalit movement re-configures significant questions of our time, such as, affirmative action, protective discrimination and questions of representation. Without falling into some of Omvedt's anthropological search for authenticity, these questions can be addressed more rigorously by taking into account situations and events. The recent claims of inclusion of the Dalits by replacing the ascriptional paradigm of evaluation of merit in the national context and the claim of Adivasis of Assam to be recognized as 'scheduled tribe' finds its right echoes in the inner recesses of Dalit consciousness that is depicted in the book. That the question of recognition is not merely a question of recognition of an

identity and their empowerment is brought out in the pages of the book by a *re-iteration of justice and its denial*. The book immensely succeeds in raising our sensibility against any distortion in the lived experience of un-emancipated Dalits. It is, therefore, a radical affirmation of a vision that goes beyond the apparent.

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