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NEHU

Editorial

We are pleased to inform that *The NEHU Journal* has been receiving several submissions from different disciplines. As it is a bi-annual journal, it is difficult to accommodate most papers. We are compelled to scale-up our standards and choosy about selection of papers for publication.

As we started receiving a variety of papers from different disciplines, we needed the help of subject experts in different disciplines to evaluate the content of the papers. We are thankful to all those colleagues who readily accepted to be referees and submitted their reviews and recommendations. We appreciate the authors for taking the suggestions of the referees in the right spirit and sending the revised manuscripts on time.

The present volume is highly eclectic in the sense that the papers included in it are from a variety of disciplines, ranging from Law to Human Rights to History to Health Economics to Environment to Philosophy of Music. The book review section also includes review of books of different genres.

J.P. Rai's paper, "Exercise of Pardoning Power in India" offers a comprehensive understanding of the theory and practice of the pardoning power in India and other countries. The author makes an in-depth analysis of how the Articles72 and 161 of the Indian Constitution have been used by the Executive and interpreted by the Judiciary. Analyzing different court judgments, the paper seeks to explain the constitutional position on what the Governors and the President of India can or cannot do, and when the Judiciary can intervene and review the exercise of powers by the Executive.

In her paper, "Combating Child Labour: The Need for Holistic Approach", Veronica Pala seeks to find reasons for the continuing practice of child labour in India. To combat child labour, she calls for a holistic approach which includes providing financial support to the families depending on child labour; overhauling of the education system and effective child advocacy at grass root level. There is a need to debate how far the author's ideas advocating vocational education and linking

education to market needs, and engaging panchayats and durbars in child advocacy are useful in dealing with the problem of child labour.

Ali Reja Osmani's paper, "Conventional Energy to Renewable Energy: Perspectives for India" brings to light the compulsions forcing India to look toward Renewable Energy sources. It gives an overview of institutional and policy framework guiding the development of Renewable Energy. Apart from examining their contributions to the production of energy, the paper also examines research and technological developments made in the development of solar, wind, bio-mass and other environmental friendly sources of energy and their relevance for energy security in India.

In his paper, "Event, Memory and Lore: Anecdotal History of Partition in Colonial Assam - 1947", Binayak Datta moves away from the dominant mode of presenting history as chronological study of political events. Attempting to reexamine the Sylhet Referendum of 1947, which led to the partition of the province of Assam between India and Pakistan, the author focuses on one incident of police firing at Amtoil, which galvanized the Muslim emotions and consolidated their support for the Muslim League advocating the partition of Sylhet. Interviewing a select Hindu counterparts who were witness to the incident, Binayak Datta shows that memoirs and accounts of Hindu Sylheti migrants give their version of the incident which was very different from what the Muslim folklore or the songs projected as truth. While appreciating the unconventional way of relooking at historical events, it is necessary to ensure that the historians listen to the narratives of both the contending parties to arrive at conclusions.

Based on secondary data Dilip Saikia and Kalyani Kangkana Das in their paper, "Access to Public Health-Care in the Rural North-East India", makes an extensive comparative study of the health-care system in northeastern states and explains where the states in the region lag behind or fare better than All-India average. The analysis does help in identifying the areas which need attention of the policy-makers to enable the northeastern states to achieve the declared targets of the National Rural Health Mission (NRHM).

Balachandra Das in his paper, "Impact of In-Bed and On-Bank Soil Cutting by Brick Fields on Moribund Deltaic Rivers: Study of a Nadia

River in West Bengal" examines the adverse impact of development brick fields along River Jalangi. His empirical study shows that reckless practice of soil cutting from banks and consequent bank erosion multiplies silt charge of the river and changes its morphology, thereby affecting land mass. The study claims that more than natural causes, human factor contributes more to the deterioration of the rivers like Jalangi.

The paper with an interesting caption, "A Note on Transcribing 4'33"" by Aribam Uttam Sharma takes a relook at John Cage's idea of silence as a constitutive part of the music. 4'33" refers to the initial 'four minutes and thirty three seconds" of non-performance of music by a musician on the stage. Reflecting on the debate as to whether this 4'33" constitutes music and whether it can be transcribed into other forms, the author argues that 4'33" deepens existing hierarchies in music-making and having exhausted all possible transcriptions, it does not admit of significant transcriptions.

Apart from the papers discussed above, the volume also includes book reviews by R.K. Satapathy, Noklenyangla and A.K. Thakur. The books reviewed include Chandran Kukathas' *The Liberal Archipelago: A Theory of Diversity and Freedom*, Suzanne Le-May Sheffield's *Women and Science: Social Impact and Interaction* and Sanjoy Hazarika's edited, *Little Known Fighters against the Raj: Figures from Meghalaya.*

The editorial committee of *The NEHU Journal* seeks continued support of the authors, readers and referees. We look forward to your comments and constructive suggestions for improving the quality and reach of the journal.

H. Srikanth
Editor, *The NEHU Journal*

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Exercise of Pardoning Power in India: Emerging Challenges

J.P. Rai*

Abstract

The power to grant pardon, as envisaged in Articles 72 and 161 of Indian Constitution can achieve its aim and object only when they are exercised with a sense of responsibility. The power of judicial review provides a kind of check over misuse of this extraordinary power in the hands of executive organ of the state. The purpose of Articles 72 and 161 is to provide a human touch to the judicial process. If this human touch is not exercised properly, the very purpose of mercy provisions is defeated. This paper attempts to make a comparative analysis of nature and scope of pardoning power in India and abroad and critically examines theory and practice of the pardoning powers in India. The powers of the Executive, the scope of judicial review and other factors influencing the commutation of sentences are also discussed.

Keywords- pardoning power, president of india, governor, commutation, judicial review

Introduction

A pardon is an act of mercy, forgiveness, clemency. The concept of pardon is an artifact of older times, of an age where an omnipotent monarch possessed the power to punish or remit any punishment. It became a symbolic attribute of a god-like king having control over his subject's life and death. The linking of punishment and pardon are at least as old as the Code of Hammurabi, where the prescription of harsh penalties was balanced by rules to limit vengeance and specify mitigating circumstances. It was exercised at any time either before legal proceedings are taken or during their pendency or after conviction. In the words of Seervai "Judges must enforce the laws, whatever they be, and decide

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according to the best of their lights; but the laws are not always just and the lights are not always luminous. Nor, again are Judicial methods always adequate to secure Justice. The Power of pardon exists to prevent injustice whether from harsh, unjust laws or from judgments which result in injustice; hence the necessity of vesting that power in an authority other than the judiciary has always been recognized."[1]

Nature of Pardoning Power

The nature and extent of the power of 'pardon' has been dealt by the judiciary in different countries. Espousing the nature of a 'pardon', Justice Oliver Wendell Holmes in *Biddle* v. *Perovich* [2]said, "A pardon in our days is not a private act of grace from an individual happening to possess power. It is a part of our constitutional scheme. When granted it is the determination of the ultimate authority that public welfare will be better served by inflicting less than what the judgment fixed."[3] In *ex parte Garland*[4], Justice Fields explaining the nature and effect of a pardon said "A pardon reaches both the punishment prescribed for the offence and the guilt of the offender; and when the pardon is full, it releases the punishment and blots out of existence the guilt, so that in the eyes of law, the offender is as innocent as if he had never committed the offence."[5] The classic exposition of the law relating to pardon is to be found in *Ex parte Philip Grossman*[6] where Chief Justice Taft stated: "Executive clemency exists to afford relief from undue harshness or evident mistake in the operation or the enforcement of the criminal law. The administration of justice by the courts is not necessarily always wise or certainly considerate of circumstances which may properly mitigate guilt. To afford a remedy, it has always been thought essential in popular governments, as well as in monarchies, to vest in some other authority than the courts power to ameliorate or avoid particular criminal judgments."[7]

Coming to India, in *Kehar Singh* v. *Union of India*,[8] the Court justified[9] the existence of a 'Pardon', by acknowledging the fallibility of human judgment being undeniable even in a supremely legally trained mind and therefore, any such errors can be remedied by entrusting power to a higher authority, which shall "scrutinize the validity of the threatened denial of life or the continued denial of personal liberty". Again in *Kuljeet Singh v. Lt. Governor* (famous Ranga-Billa Case)[10], the Court held that undoubtedly, the President has the power in an appropriate case to

commute any sentence imposed by a court into a lesser sentence. But the question as to whether the case is appropriate for the exercise of the power conferred by Article 72 depends upon the facts and circumstances of each particular case. The courts usually held it salutary principle that 'to shut up a man in prison longer than really necessary is not only bad for the man himself, but also it is a useless piece of cruelty, economically wasteful and a source of loss to the community.' [11]

Legislative Background

During the British rule, the Power of Pardon was historically vested in the British monarch. At common law, a pardon was an act of mercy whereby the king forgave any crime, offence, punishment, execution, right, title, debt, or duty. This power was absolute, unfettered and not subject to any judicial scrutiny. From this source, it came to find a place in the Constitutions of India. From 1935 onwards, the law of pardon was contained in Section 295[12] of the Government of India Act, 1935 which did not limit the power of the Sovereign. There was no provision in the Government of India Act, 1935 corresponding to Article 161 of the Constitution.[13] In the Constitution of India, the power of Presidential Pardon is found in Article 72.[14] Article 72 says that the President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence.[15] A parallel power is given to the Governor of a state under Article 161 of the Indian Constitution.[16] In addition to these constitutional provisions, the Criminal Procedure Code, 1973[17] in Sections 432, 433, 433A, 434 and 435, provides for pardon. Sections 54 and 55 of the IPC confer power on the appropriate government to commute sentence of death or sentence of imprisonment for life as provided therein.

Pardoning Power at International Level

Pardoning Power is exercised in different countries the world over. The study of the legal and practical exercise of the power helps us to understand the Indian position better.

A. United States of America

Article II of the US Constitution grants the President the "Power to Grant Reprieves and Pardons for offenses against the United States, except

in cases of Impeachment." Courts, in the USA, have been cautious in interpretation of the pardoning power where conditions have been imposed in grant of pardons which conflicted with the constitutional rights of the persons who were pardoned. In *Hoffa* v. *Saxbe*[18], a condition imposed on a pardon was challenged as unconstitutional. The District Court held that the "framework of the constitutional system" establishes limits beyond which the President may not go in imposing and subsequently enforcing conditions on pardons. In *Burdick* v. *United States*[19], the Court upheld an offender's right to refuse a presidential pardon granted in order to compel him to testify in a case which conflicted with his right against self-incrimination. However, apart from judicial scrutiny in this area, the power of pardon has been allowed to be exercised freely.

B. United Kingdom

In United Kingdom, the exercise of mercy by the Crown became firmly established in the middle ages, with the infringement of King's peace emerging as a basis for criminal liability. However, the judiciary, in UK, has constantly monitored the unbridled, irrational grants of pardons and has provided a few checks and measures. As early as 1673, in *Thomas* v. *Sorrel* [20]the maxim *non potest rex gratiam facere cum injuria et damno aliorum*, that is to say 'the king cannot confer a favour on one man to the injury and damage of others', was applied. More so, where any right or benefit is vested in a subject by statute or otherwise, the Crown, by a pardon, cannot affect it or take it away.[21] At present, the monarch exercises the power on the advice of the Home Secretary.[22] The Home Secretary's decision can in some situations be challenged by judicial review. In *R* v. *Secretary of State for the Home Department ex parte Bentley* [23], the Court held that the formulation of policy for the grant of a free pardon was not justifiable but a failure to recognize that the prerogative of mercy was capable of being exercised in many different circumstances and therefore failure to consider the form of pardon which might be appropriate to meet the present case was reviewable. Thus, in UK, judicial review of the power of pardon is extremely restricted in scope.[24]

C. Pakistan

The question of granting of Pardon was in limelight in Sarabhjit's Case.[25] By the virtue of Article 45[26] of the Pakistan's Constitution, the

President has an absolute power to grant pardon, reprieve, respite & remit, suspend or commute any sentence passed by any court, tribunal or authority. The power cannot be questioned.[27]

D. Bangladesh

Article 49 of Bangladesh Constitution confers mercy power on the President.[28] Apart from constitutional provisions, the government may suspend, remit or commute the sentence of a person under the Code of Criminal Procedure of 1898.[29] According to the Constitution,[30] the President is to exercise the prerogative power of mercy in consultation with or in accordance with the advice of the Prime Minister through the Ministry of Law and Parliamentary Affairs.[31]The President cannot act independently in exercising the prerogative power of mercy.

Pardoning Power in India

Unrestrained nature of the pardoning power in other jurisdictions could hardly survive in the democratic system of India. Over a period of time, it became diluted when the Supreme Court of India conclusively established that the power of pardon is subject to judicial scrutiny.[32] In *Maru Ram* v. *Union of India*[33], the court observed, 'Pardon, using this expression in the amplest connotation, ordains fair exercise, as we have indicated above. Political vendetta or party favoritism cannot but be interlopers in this area. The order which is the product of extraneous or malafide factors will vitiate the exercise….For example, if the Chief Minister of a State releases everyone in the prisons in his State on his birthday or because a son has been born to him, it will be an outrage on the Constitution to let such madness survive.'[34] The Court summarized its findings by stating "Considerations for exercise of power under Articles 72/161 may be myriad and their occasions protean, and are left to the appropriate Government, but no consideration nor occasion can be wholly irrelevant, irrational, discriminatory or malafide. Only in these rare cases will the court examine the exercise."[35] In *Kehar Singh* v. *Union of India*[36], the Court considered the nature of the President's power under Article 72 while dealing with a petition challenging the President's rejection of a mercy petition by Indira Gandhi's assassin, Kehar Singh. The Court explicitly held that Article 72 falls squarely within the judicial domain and can be examined by the court by way of judicial review. However, the Court qualified this

finding by holding that the order of the President cannot be subjected to judicial review on its merits except within the strict limitations defined in *Maru Ram*. What are these limitations? The Court provided that the pardoning power can be subject to a review where an executive decision has been made on altogether irrational, arbitrary, unreasonable or malafide grounds such as discrimination on the basis of religion, caste, colour or political loyalty. Citing *Ex parte William Wells* [37], C.J. Pathak observed that the prerogative power can be subjected to judicial review when the "circumstances of any case disclose such uncertainties as made it doubtful if there should have been a conviction of the criminal, or when they are such to show that there might be a mitigation of the punishment without lessening the obligation of vindicatory justice."[38] However, unlike *Maru Ram,* the court refrained from laying guidelines stating that it "seems to us that there are sufficient indications in the terms of Article 72 and in the history of the power enshrined in that provision as well as existing case law and specific guidelines need not be spelled out."[39] The decisions in *Maru Ram* and *Kehar Singh* still hold the field and thus the present position is that Presidential Pardon under Article 72 is subject to judicial review on the grounds mentioned in *Maru Ram.* In subsequent cases, the Court enumerated specific grounds on which such scrutiny could be exercised. However, the Court has wisely avoided laying down any explicit guidelines for the exercise of this power.

If the Court cannot sit in judgment on how discretion is exercised, what exactly is it reviewing? The Supreme Court in the 1997 case of *Mansukhlal Vithaldas Chauhan* v. *State of Gujarat*[40] said that the Court does not sit as a court of appeal but merely reviews the manner in which the decision was made particularly as the Court does not have the expertise to correct the administrative decision. It clarified that the aim of such judicial review is not to substitute executive's discretion for the judge's discretion but to confine itself to questions of legality, which mean in effect the following five basic questions: 1. Did the decision-making authority exceed its powers? 2. Did the authority commit an error of law? 3. Did the authority commit a breach of the rules of natural justice? 4. Did the authority reach a decision that no reasonable tribunal would have reached? 5. Did the authority abuse its powers?[41]

In *Satpal* v. *State of Haryana* [42], the Supreme Court quashed an order of the Governor pardoning a person convicted of murder on the ground

that the Governor had not been advised properly with all the relevant materials. The Court spelt out specifically the considerations that need to be taken account of while exercising the power of pardon, namely, the period of sentence in fact undergone by the said convict as well as his conduct and behavior while he underwent the sentence. The Court held that not being aware of such material facts would tend to make an order of granting pardon arbitrary and irrational. In *Epuru Sudhakar* v. *Government of Andhra Pradesh*[43]**,** the Court set aside a remission granted by the Governor of Andhra Pradesh on the ground that irrelevant and extraneous materials had entered into the decision making.[44] The Court observed that, 'the only reason why a pariah becomes a messiah appears to be the change in the ruling pattern. With such pliable bureaucracy, there is need for deeper scrutiny when power of pardon/remission is exercised.'[45] Though the contours of power under Article 72/161 have not been defined, the Supreme Court, in *Narayan Dutt* v. *State* [46] of Punjab has held that the exercise of power is subject to challenge on the following grounds: a) If the Governor had been found to have exercised the power himself without being advised by the government; b) If the Governor transgressed his jurisdiction in exercising the said power; c) If the Governor had passed the order without applying his mind; d) The order of the Governor was mala fide; or e) The order of the Governor was passed on some extraneous considerations. Thus, in these judgments concerning the Governor's exercise of pardon, the Court seems to have widened the grounds for judicial review by enumerating specific grounds on which the grant of pardon can be considered arbitrary.[47]

Superior Power of the President: Comparison of Article 72 and 161

A combined reading of Articles 72 and 161[48] reveals that an area of overlap between the pardoning powers of the President and the Governor – that is, cases concerning matters to which the executive power of the Governor extends and which have resulted in the sentence of death – has been contemplated by the framers of the Constitution. However, the Constitution ensures that the President is superior to the Governor while granting pardons to individuals convicted for such cases. Article 72(3) has the effect of allowing the Governor of a State to seize the mercy petition in respect of a death sentence, but there is no bar to such a petition being presented to the President at a later stage. Although the power of the President to grant pardon extends only to those cases that concern

matters for which the Union Government has the power to make laws, the practical effect of Article 72(1)(c)[49]read with Article 72(3)[50] is that the pardoning power of the President has a much wider ambit and extends even to matters that the State Government has the power to make laws in relation to, provided that cases concerning such matters have resulted in the sentence of death.

It is not impossible to conceive of situations where a mercy petition against a sentence of death, once rejected by the Governor of a State, finds its way to the President, and indeed the Constitution does not express any intention to create a bar against such a situation. It follows that the Constitution seeks to treat situations involving a death sentence on a higher pedestal than all other kinds of sentences, such as life imprisonment or rigorous imprisonment. By providing a recourse to those condemned to death against the rejection of their mercy petition by the Governor of their respective State, the Constitution places the President at the very top of the constitutional scheme of pardons, indicating that the exercise of the discretion of the President would be deemed to be more superior than that of the Governors. While the Constitution's implicit recognition of the importance of the right to life is commendable, the creation of such a hierarchy has the obvious drawback of increasing the time taken for the death sentence of a petitioner to achieve the utmost finality.

Power of the Governor: Distinct from the President

Whether the State Government does not have the powers to commute or stop of the execution if the President of India had rejected earlier commutation petitions? In this context, reference can be made to a circular[51]dated 5.03.1991 of the Home Ministry, GOI to the effect that once the President of India exercised power under Art.72, "it will not be open for the government of the state to seek to exercise similar powers under Art. 161, in respect of the same case". This interpretation may not be legally tenable and constitutionally valid. The power of the President to commute the death sentence under Art.72 or of the Governor under Art.161 is in the nature of constitutional powers which the Supreme Court of India has described as '*residuary sovereign power*'.[52]Generally exercise of power can be broadly traced to 3 sources; namely Constitution, Statute, Executive. Constitutional powers cannot be curtailed by statutes or the executive directions or instructions. Statutory powers cannot be curtailed

by executive instructions. The power to commute under Art.161 is a constitutional power which cannot be curtailed even by a statute much less executive instruction. Similarly, the powers to commute the death sentence under Section 54 of IPC and Section 433 of CrPC are statutory powers conferred on the executive. Hence, the executive instruction under Art.257 will not apply to the exercise of powers under the statute also.[53]

The commutation power of the Governor under Art.161 is distinct and separate from the power of the President under Art.72. The Constitution doesn't envisage any hierarchy of powers between the President and the Governor. Executive instruction under Art.257 (1) can only be in respect of executive power of the Union and not to situations in which the executive power of the state also exists. Thus, executive directions can in no way fetter, curtail or limit the power of the Governor under Art.161, which is absolute, unfettered which cannot be limited even by a statute, much less by any executive instruction.[54]

Exercise of Power: When?

A plain reading of Articles 72 and 161 would give an impression that the power of pardon can be exercised by the President only for persons convicted of an offence and not to under trials. However, the courts in India, on several occasions, have held otherwise, without giving due attention to the language of the provision. In *Re Maddela Yera Channugadu & others*,[55] the validity of a Governmental Order granting a general amnesty and releasing all prisoners in the State of Andhra Pradesh and Andhra Prisoners in jails in Mysore came into question due to the inclusion of condemned prisoners awaiting confirmation of their sentences from the High Court in the said order. Two levels of argument were pressed on behalf of the Government. It was first argued that a confirmation of sentence was not a continuation of the proceedings in a court of session, but a safeguard against the perpetration of any injustice, and as such, a person awaiting such confirmation from the High Court would be a person 'convicted of an offence' within the meaning of Article 161 of the Constitution. In addition, it was also argued that the power under Article 161 could be exercised at any stage, whether before or after conviction. The Court after declining to express an opinion on the first point proceeded to decide the case on the basis of the second argument. It observed that the similarity of the language of Article 161 and Article 2

Section 2(2) of the American Constitution permitted the use of American authorities in answering the question. Since in the United States, the Courts had held that the power could be exercised at any time after commission of the offence,[56] the Court found no reason to take a different stand and held that the power of pardon under Article 161 could, indeed be exercised by the Governor before a person is convicted and sentenced, and therefore, the government order was held to be valid.

Again, in *State* v. *K.M. Nanavati* [57], the validity of the Governor's order suspending the sentence imposed by the Bombay High Court on Commander Nanavati was challenged on the ground that an appeal was pending before the Supreme Court, and as such, the trial had not concluded. A Full Bench of the Bombay High Court dismissed this contention on the ground that the word 'trial' did not include the proceedings in an appeal and in any case, the powers under Article 161 could be exercised at any stage. The court relied upon the judgment of the Madras High Court in *Re Channugadu*, and held that the framers of our Constitution intended to confer on the President and the Governors, within their respective spheres, the same power of pardon, reprieve and clemency, both in its nature and effect, as was possessed by the Sovereign in Great Britain and by the President in the United States. The sentence being suspended, Nanavati appealed to the Supreme Court against his conviction where a plea was taken by the appellant to exempt him from the requirement of Order 21 Rule 5 of the Supreme Court Rules which mandated that during pendency of a criminal appeal, the appellant must necessarily surrender to his sentence before the appeal could be heard. This plea was taken on the basis of the Governor's order of suspension of sentence. A Constitution Bench, by a majority of four to one, decided that the power to suspend the sentence lay with the court under Article 142, and though the Governor had the power to grant a full pardon at any stage of the proceeding, including during pendency of the appeal, he could not grant a suspension of the sentence when the matter was *sub judice* before the Court.[58]

Therefore, with respect to the stages at which the various forms of pardoning power can be exercised under the Constitution, the following conclusions have been reached by the Courts:

(a) Pardon can be granted at any stage after commission of the offence, that is, before or after conviction.

(b) Pardon can be granted during pendency of an appeal to a higher court.

(c) A sentence cannot be suspended during pendency of appeal to the Supreme Court.[59]

Exercise of Power and Role of Council of Ministers

In India, Article 72 of the Constitution of India empowers the President of India to grant pardon, however, the President cannot act as per his own whims and fancies and in this process he is to be guided by the Home Minister and the council of ministers.[60] The power to pardon rests on the advice tendered by the executive to the President, who subject to the provisions of Article 74(1) must act in accordance with such advice.[61] However, there are few areas where the President can exercise his discretion, independently of the aid and advice of the Cabinet. Is Article 72 one of those areas where the President can exercise unfettered discretion?

Former Chief Justice of India P.N. Bhagwati, in the *Bachan Singh case*[62], was of the view that the President enjoys absolute powers under Article 72. Advice by the Home Ministry is bound to be political and will not inspire confidence. As State is the prosecution agency in all cases of murder, it cannot be expected to decide on a mercy plea objectively and upset a judicial verdict. The Supreme Court in *Government of A.P.* v. *M.T. Khan* [63] stated that if the government considers it expedient that the power of clemency be exercised in respect of a particular category of prisoners, the government had full freedom to do so and also for excluding certain category of prisoners which it thought expedient to exclude. The Court further observed that 'to extend the benefit of clemency to a given case or class of cases is a matter of policy and to do it for one or some, they need not do it for all, as long as there is no insidious discrimination involved'.[64]

Mohammed Afzal Guru, who was found guilty in the Parliament Attack case and sentenced to death[65], was on the death row for three years, and the UPA Government repeatedly delayed its decision on the petition.[66] Although, the political parties in power play a primary role in granting or rejecting the mercy petition, the Constitution recognizes the President and Governor as the repositories of the power to pardon. It is

the responsibility of the President to act in a proactive manner, such that the prerogative of pardon is not allowed to be made hostage to political pressures. Hence, in a case, where there has been unreasonable delay on the part of the Council of Ministers in arriving at a decision, the President should make prudent use of power to pardon and dispose of the petition in an expeditious manner. The indefinite deferral of a decision in the mercy petition has the undesirable impact of casting the constitutional power to pardon in bad light.

Delay and Commutation

The mercy petitions were disposed of more expeditiously in former days than in the present times. Mostly, until 1980[67], the mercy petitions were decided in minimum of 15 days and in maximum of 10-11 months. Thereafter, from 1980 to 1988, the time taken in disposal of mercy petitions was gradually increased to an average of 4 years. It is exactly at this point of time, the cases like *T.V. Vatheeswaran* v. *State of Tamil Nadu*[68] and *Triveniben* v. *State of Gujarau*[69] were decided which gave way for developing the jurisprudence of commuting the death sentence based on undue delay. Obviously, the mercy petitions disposed of from 1989 to 1997 witnessed the impact of the observations in the disposal of mercy petitions. Since the average time taken for deciding the mercy petitions during this period was brought down to an average of 5 months from 4 years thereby paying due regard to the observations made in various decisions of the Supreme Court, but unfortunately, now history seems to be repeating itself as now the delay of maximum 12 years is seen in disposing of the mercy petitions under Article 72/161 of the Constitution.

In *Devender Pal Singh Bhullar* v. *State (NCT) of Delhi*[70], the Court held that if there is undue, unexplained and inordinate delay in execution due to pendency of mercy petitions or the executive as well as the constitutional authorities have failed to take note of/consider the relevant aspects, this Court is well within its powers under Article 32 to hear the grievance of the convict and commute the death sentence into life imprisonment on this ground alone however, only after satisfying that the delay was not caused at the instance of the accused himself.[71] However, the Court held that when the accused are convicted under TADA, there is no question of showing any sympathy or considering supervening circumstances for commutation of sentence.

In *Shatrughan Chauhan* v. *Union of India* [72], the Supreme Court, through various writs clubbed together, was called upon to decide, based on the ground that the impugned executive orders of rejection of mercy petitions against 15 accused persons were passed without considering the supervening events such as delay, insanity, solitary confinement, judgments declared *per incuriam*, procedural lapses, which are crucial for deciding the same. In one of the writs in this case[73], the accused were charged under TADA which ultimately ended in death sentence. Argument was forwarded against the ratio laid down in *Devender Pal Singh Bhullar Case* and petitioner emphasized the need for reconsideration of the verdict.[74] The Court held that there is no good reason to disqualify all TADA cases as a class from relief on account of delay in execution of death sentence. Further, unexplained delay is one of the grounds for commutation of sentence of death into life imprisonment and the said supervening circumstance is applicable to all types of cases including the offences under TADA. The only aspect the courts have to satisfy is that the delay must be unreasonable and unexplained or inordinate at the hands of the executive. The argument that a distinction can be drawn between IPC and non-IPC offences since the nature of the offence is a relevant factor is liable to be rejected. The Court in *Yakub Memon* v. *State of Maharashtra* [75] and in subsequent cases commuted the death sentence passed in TADA case to imprisonment for life.

It is well established that exercising of power under Article 72/161 by the President or the Governor is a constitutional obligation and not a mere prerogative. Considering the high status of office, the Constitutional framers did not stipulate any outer time limit for disposing the mercy petitions under the said Articles, which means it should be decided within reasonable time. However, when the delay caused in disposing the mercy petitions is seen to be unreasonable, unexplained and exorbitant, it is the duty of the Court to step in and consider this aspect. Right to seek for mercy under Article 72/161 of the Constitution is a constitutional right and not at the discretion or whims of the executive. Every Constitutional duty must be fulfilled with due care and diligence; otherwise judicial interference is called for upholding the Constitutional values. Retribution has no Constitutional value in any democratic country. In India, even an accused has a *de facto* protection under the Constitution and it is the Court's duty to shield and protect the same. Therefore, when the judiciary interferes in such matters, it does not really interfere with the power

exercised under Article 72/161 but only to uphold the *de facto* protection provided by the Constitution to every convict including death convicts.

Effect of a Pardon Granted

What is the effect of the exercise of the power of pardon by the President/ Governor on the judicial record of the sentence of the convicted person? Is this effect the same in cases where the sentence is merely remitted, or commuted? This question is of far reaching consequence, particularly in Election disputes, where questions of disqualification from contesting elections on the grounds of earlier convictions have arisen time and again before the Courts. In *Sarat Chandra Rabha* v. *Khagendra Nath*,[76] this question came up before the Supreme Court. The Court, in order to answer the question raised before it regarding the effect of remission of the sentence examined several authorities on the subject and came to the conclusion that a remission of a sentence did not in any way interfere with the order of the court; it affected only the execution of the sentence passed by the court and freed the convicted person from his liability to undergo the full term of imprisonment inflicted by the court, though the order of conviction and sentence passed by the court still stood as it was. A distinction was drawn between reduction of a sentence done by an appellate or revisional court and an order of remission by an executive authority. The latter was held to be an executive power which could not interfere with or alter the judicial sentence, and the appellant was therefore held to be rightly disqualified under Section 7(b) of the Representation of the People Act.

A more interesting question would have come up if instead of a remission, a full pardon had been granted by the Governor. Would the person, in this case, still have been disqualified under Section 7(b)? The question regarding the effect of a full pardon, therefore, is yet to be answered by the Supreme Court of India. It becomes necessary to analyze and put the effect of a full, unconditional Presidential pardon in India in its proper perspective. The effect of a pardon depends upon the nature of the power enjoyed by the functionary entitled to the same. The constitutional scheme would reveal that the President and the Governor in India do not pardon the offence, but pardon the punishment and the sentence. The power, being one of an executive nature, cannot tamper or supersede the judicial record and the consequence of its exercise is merely

that the punishment or the sentence would not be executed either fully, or in part, even though the offender has been judicially convicted and held guilty. 79 A remission would pardon only a part of the punishment, whereas a full pardon would wipe out the entire punishment imposed. The disqualification under Section 7(b) of the Representation of the People Act would therefore, continue to apply to such a person, since he would be a person 'convicted of an offence' within the meaning of the provision. A presidential pardon, therefore, cannot blot out the guilt of the person; its effect is restricted to only non-execution of the punishment, and no more, since otherwise it would go against the principle of separation of powers by allowing the executive to virtually overrule the decision of the Court.

The legal effect of a pardon is wholly different from a judicial supersession of the original sentence. This ostensible incongruity is explained by Sutherland J. in *United States* v. *Benz* [77] in these words, "The judicial power and the executive power over sentences are readily distinguishable. To render judgment is a judicial function. To carry the judgment into effect is an executive function. To cut short a sentence by an act of clemency is an exercise of executive power which abridges the enforcement of the judgment, but does not alter it qua a judgment".[78]

Power to Declare a General Amnesty

Does the President or the Governor have the power to declare a General Amnesty in the exercise of their powers under Articles 72 and 161 respectively? In *Re Channugadu*[79] the Madras High Court held that the general pardon by the Governor granted to all prisoners to mark the formation of the State of Andhra Pradesh did not amount to an act of interference with the due and proper course of justice. Fifty three years later the Supreme Court has stayed a pardon granted by the Governor of the same state to 1500 prisoners to mark the 150th anniversary of the Revolt of 1857.[80]

Concluding Observations

The power of pardon has been made subject to judicial review. It is a good development in so far as it will prevent a misuse of this important constitutional power by unscrupulous politicians in favour of people with power and influence. However, it may serve to further increase the burden

of cases on the courts and altogether prolong the judicial process. It may also prevent the executive from utilizing this power for reasons that although may not strictly be in conformity with constitutional principles, may nevertheless be in the interest of the State. Given the bizarre twist that our polity has taken in recent times, it seems to be self-evident that the only protection we have from complete insanity is judicial review. Thus, while the trend towards greater judicial scrutiny of the power of pardon is undoubtedly a welcome one, the judiciary must leave the executive with a window of discretion in the exercise of the same. If we do not combine democratic governance with firm governance, we shall have no one except ourselves to blame for lawlessness resulting from the abuse of the provisions relating to pardon by criminals guilty of heinous crime.

Notes and References (Endnotes)

1 Available at http://elearning.vtu.ac.in/P3/CIP71/7.pdf, Seervai, H. M., *Constitutional Law of India*, Universal Law Publishing Co. Pvt. Ltd., p.2004, Available at http://elearning.vtu.ac.in/P3/CIP71/7.pdf (visited on July14, 2014)

2 274 U.S 480 (1927). Available at http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=274&invol=480 (visited on July 14, 2014)

3 *Ibid.* at 486.

4 71 U.S. (4 Wall.)333 (1867). Available at http://www.legalserviceindia.com/article/l370-Presidential-Pardon.html (visited on June 24, 2014)

5 *Ibid.* at 381.

6 Written Submissions of Senior Counsel Soli Sorabjee in the Supreme Court of India as Amicus Curiae in *Epuru Sudhakar* v. *Government of Andhra Pradesh* (WP (Crl.) No. 284-285/2006). Available at http://www.ebc-india.com/downloads/written_submissions_of_mr_soli_sorabjee_in_power_to_pardon_case.pdf (visited on 16.07.2014)

7 *Ibid*. The dicta in *Ex parte Philip Grossman* were approved and adopted by Indian Apex Court in *Kuljit Singh* v. *Lt. Governor of Delhi*.(1982 (1) SCC 417) In actual practice, a sentence has been remitted in the exercise of this power on the discovery of a mistake committed by the High Court in disposing of a criminal appeal. From the foregoing it emerges that power of pardon; remission can be exercised upon discovery of an evident mistake in the judgment or undue harshness in the punishment imposed.

8 1989 (1) SCC 204. In this case, the observations of Justice Holmes have been approved.

9 The Law Commission of India, *Report on Capital Punishment*, 317-18 (1967), also stressed on the need for the existence of an executive Pardoning Power citing the reasons (although not exhaustive) 1.Facts not placed before the court 2. Facts placed before the court but not in a proper manner 3. Facts disclosed after the passing of the sentence 4. Events which have developed after the passing of the sentence. The Law Commission stated that there is a plethora of other reasons which do not lend themselves to codification and therefore the Law Commission insisted on retaining the Scope of the pardon prerogative. (Available at http://lawcommissionofindia.nic.in/1-50/Report35Vol1and3.pdf and http://lawcommissionofindia.nic.in/1-50/Report35Vol2.pdf (visited on 14.05.2014)

10 (1982) 1 SCC 417

11 *Ibid.* As quoted in Burghess, J.C. in (1897), U.B.R. 330 (334).

12 Section 295, the Government of India Act 1935 reads as: (1) Where any person has been sentenced to death in a Province, the Governor-General in his discretion shall have all such powers of suspension, remission of commutation of sentence as were vested in the Governor-General in Council immediately before the commencement of Part III of this Act, but save as aforesaid no authority in India outside a Province shall have any power to suspend, remit or commute the sentence of any person convicted in the Province. Provided that nothing in this sub-section affects any powers of any officer of His Majesty's forces to suspend, remit or commute a sentence passed by a court-martial. (2) Nothing in this Act shall derogate from the right of His Majesty, or of the Governor-General, if any such right is delegated to him by His Majesty, to grant pardons, reprieves, respites or remissions of punishment.

13 The above constitutional provisions were debated in the Constituent Assembly on 29th December 1948 and 17th September 1949. (S*ee* Constituent Assembly Debates, Vol.7, pages 1118-1120 and Vol. 10, page 389.) The grounds and principles on which these powers should be exercised were neither discussed nor debated. (*See Framing of India's Constitution : A Study,* 2nd Edition, Dr. Subhash C Kashyap, page 367-371, page 397-399.)

14 Article 72. Power of President to grant pardons, etc. and to suspend, remit or commute sentences in certain cases – (1) The President shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any

offence – (a) In all cases where the punishment or sentence is by a Court Martial; (b) In all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends; (c) In all cases where the sentence is a sentence of death. (2) Nothing in sub-clause (a) of clause (1) shall affect the power conferred by law on any officer of the Armed Forces of the Union to suspend, remit or commute a sentence passed by a Court martial. (3) Nothing in sub-clause (c) of clause (1) shall affect the power to suspend, remit or commute a sentence of death exercisable by the Governor of a State under any law for the time being in force.

15 These terms mean: Pardon: Complete pardon; Reprieve: Temporary suspension of sentence; Respite: awarding less sentence; Remission: Reducing amount of sentence; Commutation: Changing one punishment to another.

16 Article 161. Power of Governor to grant pardons, etc., and to suspend, remit or commute sentences in certain cases – The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the State extends.

17 (i) Section 432, CrPC, 1973 provides power to suspend or remit sentences.

(ii) Section 433, CrPC, 1973 provides the power to commute sentence.

(iii) Section 433A, CrPC, 1973 lays down restrictions on provisions of remission or commutation in certain cases mentioned therein.

(iv) Section 434, CrPC, 1973 confers concurrent power on the central government in case of death sentence.

(v) Section 435, CrPC, 1973 provides that the power of the state government to remit or commute a sentence where the sentence is in respect of certain offences specified therein will be exercised by the state government only after consultation with the central government.

18 378 F. Supp. 1221 (D.D.C. 1974). Available in Judicially Reviewing the President's Prerogative of Mercy: A Comparative Study, at http://www.bdresearch.org/home/attachments/article/nArt/292.pdf (visited on 14-04-2014)

19 236 U.S. 79 (1915). Available at http://phbar.org/forum/viewtopic.php?f=65&t=1623&start=0&view=print (visited on 28-05-2014)

20 (1673) Vaugh 330 at 343. Available at http://en.wikipedia.org/wiki/Thomas_v_Sorrell (visited on 29-05-2014)

21 Biggins case (1599) 5 Co Rep 50 a,b. Available at http://www.legalserviceindia.com/article/l370-Presidential-Pardon.html (visited on 24-05-2014)

22 According to the Report of the U.K. Royal Commission pardon can be granted where the Home Secretary feels that despite the verdict of the jury there is a 'scintilla of doubt' about the prisoner's guilt. Judicial decisions, legal text books, reports of Law Commission, academic writings and statements of administrators and people in public life reveal that the following considerations have been regarded as relevant and legitimate for the exercise of the power of pardon. Some of the illustrative considerations are: (a) interest of society and the convict; (b) the period of imprisonment undergone and the remaining period; (c) seriousness and relative recentness of the offence; (d) the age of the prisoner and the reasonable expectation of his longevity; (e) the health of the prisoner especially any serious illness from which he may be suffering; (f) good prison record; (g) post conviction conduct, character and reputation; (h) remorse and atonement; (i) deference to public opinion. It has occasionally been felt right to commute the sentence in deference to a widely spread or strong local expression of public opinion, on the ground that it would do more harm than good to carry out the sentence if the result was to arouse sympathy for the offender and hostility to the law (*See* Law Commission Report, page 328, para 1071). Written Submissions of Senior Counsel Soli Sorabjee in the Supreme Court of India as Amicus Curiae in *Epuru Sudhakar vs. Government of Andhra Pradesh* (WP (Crl.) No. 284-285/2006). Available at http://www.ebc-india.com/downloads/written_submissions_of_mr_soli_sorabjee_in_power_to_pardon_case.pdf (visited on 16.07.2014)

23 1993 (4) All ER 442. Available at https://bookshop.blackwell.co.uk/extracts/9780199217762_leyland.pdf (visited on 09-05-2014)

24 *Lewis* in his book, Judicial Remedies in Public Law(1992) p 21, states: "In principle a failure to consider exercising the power to grant a pardon should be reviewable, at least if an individual can demonstrate that there is some reason why the Home Secretary should consider the case. It is also difficult to see why a decision to refuse a pardon should not also be reviewable in appropriate circumstances, for example, where the allegation is that there has been a failure to act in accordance with any relevant material or a failure to act in accordance with any relevant guidelines, or if there is an error of law as to the element of the offence for which the pardon was sought". Available at http://www.legalserviceindia.com/article/l370-Presidential-Pardon.html (visited on 30-04-2014)

25 Available at http://www.legalserviceindia.com/article/l149-Presidential-Pardon.html (visited on 16-06-2014)

26 Article 45. President's power to grant pardon, etc.- The President shall have power to grant pardon, reprieve and respite, and to remit, suspend or commute any sentence passed by any court, tribunal or other authority. Available at http://www.pakistani.org/pakistan/constitution/part3.ch1.html (visited on 26-05-2014)

27 Available at http://orissa.gov.in/e-magazine/Orissareview/2012/oct/engpdf/58-63.pdf (visited on 24-04-2014)

28 Available at http://orissa.gov.in/e-magazine/Orissareview/2012/oct/engpdf/ 58-63.pdf (visited on 24-04-2014)

29 Section 401 & 402 of the Code of Criminal Procedure, 1898. Available at http://bdlaws.minlaw.gov.bd/pdf_part.php?id=75 (14-07-2014)

30 Article 48 (3) In the exercise of all his functions, save only that of appointing the Prime Minister pursuant to clause (3) of article 56 and the Chief Justice pursuant to clause (1) of article 95, the President shall act in accordance with the advice of the Prime Minister: Provided that the question whether any, and if so what, advice has been tendered by the Prime Minister to the President shall not be enquired into in any court.

31 Rule 14 of the Rules of Business of 1996 provides that the Ministry of Law, Justice and Parliamentary Affairs shall be consulted before tendering advice on a mercy petition against an order of death sentence and pardon, reprieve, respite, remission, suspension or commutation of any sentence.

32 See *Maru Ram* v. *Union of India,* 1981(1) SCC 107 & *Kehar Singh* v. *Union of India, 1989 (1) SCC 204 etc.* The Governor's power of pardon under Article 161 runs parallel to that of the President under Article 72 and thus several cases based on the same have a bearing on the Presidential Power under Article 72. Moreover judgments dealing with Article 72 have simultaneously deal with Article 161 and vice-versa.

33 1981(1) SCC 107.

34 Available at http://indiankanoon.org/doc/1222748/ (visited on 05-07-2014)

35 *Ibid.*

36 1989 (1) SCC 204.

37 59 U.S. 18 How. 307 (1855). Available at http://supreme.justia.com/cases/federal/us/59/307/case.html (visited on 22-06-2014)

38 Available at http://www.legalserviceindia.com/article/l370-Presidential-Pardon.html (visited on 22-06-2014)

39 *Ibid.*

40 1997 (7) SCC 622

41 The Court quashed the order reasoning that the Governor was apparently deprived of the opportunity to exercise the powers in a fair and just manner, hence the order fringed on arbitrariness.

42 2000 (5) SCC 170. The Court also noted the fact that the accused was a member of a political party and had committed the murder during election year.

43 Writ Petition (Cri.) 284-285 of 2005. The Court held that judicial review of the order of the President or the Governor under Article 72 or Article 161, as the case may be, is available and their orders can be impugned on the :

(a) that the order has been passed without application of mind; (b) that the order is mala fide;(c) that the order has been passed on extraneous or wholly irrelevant considerations such as political affiliation; (d) that relevant materials have been kept out of consideration; (e) that the order suffers from arbitrariness. Thus, in these judgments concerning the Governor's exercise of pardon, the Court seems to have widened the grounds for judicial review by enumerating specific grounds on which the grant of pardon can be considered arbitrary.

44 The Report of the District Probation Officer which was one of the materials on which the decision was based, highlighted the fact that the prisoner was a 'Good Congress Worker' and that he had been defeated due to political conspiracy. Similarly, the report of the Superintendent of Police reached a conclusion diametrically opposite to the one it had reached before elections were conducted.

45 Available at http://judis.nic.in/supremecourt/qrydisp.asp?tfnm=28103(visited on 28-06-2014)

46 (2011) 4 SCC 353, para 24

47 The principles of judicial review on the pardon power have been restated in the case of *Bikas Chatterjee* v. *Union of India* (2004 (7) SCC 634 at 637).

48 Two points of comparison that may be gauged from the explicit wording of Articles 72 and 161 are first, the power of the President to grant pardon extends to the power of pardon to sentences granted by a Court Martial, whereas there is no comparable power vested in the Governor of any state; and second, the President is expressly granted the power to consider all cases where the sentence of death has been granted.

49 Art. 72(1)(c) of the Constitution of India- in all cases where the sentence is a sentence of death. Available at http://indiankanoon.org/doc/26959/ (visited on 16-07-2014)

50 Article 72(3) of the Constitution of India- Nothing in sub-clause (c) of clause (1) shall affect the power to suspend, remit or commute a sentence of death exercisable by the Governor of a State under any law for the time being in force.

51 Available at http://www.pucl.org/Topics/Death-penalty/2011/letter_to_cm.pdf (visited on 28-06-2014)

52 *Ibid.*

53 The Supreme Court has recognized the constitutional powers under articles 72 and 161 as the "sovereign power to grant pardon has been recognized in our Constitution in Articles 72 & 161" (*State (Govt. of NCT Delhi) v Premraj* (2003(7) SCC 121)) and that this power is absolute and unfettered and cannot be curtailed by statute. (*State of Punjab v Joginder Singh*, 1990 (2) SCC 661). Under the Indian Constitution, certain powers are vested in the Central Government leaving certain powers to the State Governments to exercise autonomy in the spheres assigned to them. Thus the States are not mere delegates or agents of the Central Government. Both the Central and the State Governments draw their authority from the same source, the Constitution of India. Art. 257 is in the chapter titled, "Administrative Relations" and must be read with Article 256. Art. 256 concerns giving executive directions or instructions by the union government with regard to laws made by Parliament. Art.257 covers giving of executive directions by the Union government in a situation of exercise of `executive power of the Union'.

54 It will be useful to consider that the Executive direction u/ Art. 257(1) of 1991 came for consideration by the Supreme Court in the case of *Daya Singh v Union of India,* (1991 (3) SCC 61) which involved a similar fact situation. The convict therein filed a mercy petition before the Government of Haryana after his mercy petition was dismissed by the President of India. The petition before the Governor was pending for more than two years. In the counter affidavit, the delay was explained by the Union of India stating that the Government of Haryana referred the matter to the President of India seeking clarification on the question as to whether the Governor could exercise the constitutional powers in a case where an earlier mercy application had been rejected by the President. The matter was referred to the Ministry of Law for advise which then ultimately gave the directive under Art. 257(1) of the Constitution to all the Chief

Secretaries of all State Governments. It is pertinent here to point out that the Supreme Court held that the explanation given by the government was not reasonable and thereafter the Court proceeded to commute the sentence of death. In this context, it is therefore reasonable to infer that the SC did not consider valid the directive u/ Art.257 (1) that the Governor has no power to entertain fresh mercy petition after it was rejected by the President, because if the Governor was without power, the pendency of the petition before the authority who had no powers cannot said to be a delay at all. Hence, it requires reconsideration that the State government's has no power to commute or to stay or to grant executive stay of execution. Constitutionally, the 'executive instructions' of the Home Ministry, GOI cannot curtail or limit the 'sovereign power' under Art.161 to consider fresh commutation petition and to grant interim executive stay during the time that the commutation petitions is pending final decision by your State government.

55 1954 CriLJ 1370. Available at http://indiankanoon.org/doc/536207/ (visited on 27-06-2014)

56 *Ibid.*

57 (1960) 62 Bom. LR 383.

58 *K.M. Nanavati* v. *State of Bombay*, AIR 1961 SC 112.

59 Available at http://www.nujslawreview.org/pdf/articles/2009_2/rohan-sahai.pdf (visited on 01-07-2014)

60 Constitution of India, Article 74(1) - There shall be a Council of Ministers with the Prime Minister at the head to aid and advise the President who shall, in the exercise of his functions, act in accordance with such advice Provided that the President may require the Council of Ministers to reconsider such advice, either generally or otherwise, and the President shall act in accordance with the advice tendered after such reconsideration.

(2) The question whether any, and if so what, advice was tendered by Ministers to the President shall not be inquired into in any court.

61 Under the Constitution, the President can return a recommendation to the Cabinet for reconsideration only once; if the Cabinet sends the recommendation back, the President is bound to act on that advice.

62 1980 (2) SCC684. Former Chief Justice of India P.N. Bhagwati was the lone Judge who dissented in the *Bachan Singh case*.

63 2004 (1) SCC 616.

64 The theory that the President or the Governor, while deciding on mercy petitions, acts with the aid and advice of the Council of Ministers has led to bizarre situations. The President, in practice, is asked to submit to the opinion of a Joint Secretary in the Department of Justice or the Home Minister, in their individual capacities. The Council of Ministers headed by the Prime Minister, with whose aid and advice the President exercises his powers in most other matters, does not collectively apply its mind to the merits of every mercy petition. If the President disagrees with the Home Ministry's advice, he has the option in practice to avoid taking a decision on these petitions.

65 No Urgency to Dispose of Afzal's Clemency Petition, Economic Times, June 11, 2008, available at http://economictimes.indiatimes.com/News/PoliticsNation/No_urgency_to_dispose_of_Afzals_clemency_petition/articleshow/3121228.cms (Last visited on June 29, 2008).

66 Government Doesn't Want Another Martyr, Hindustan Times, June 10, 2008, available at http://www.hindustantimes.com/StoryPage/StoryPage.aspx?id=4cfa1ba0-536e-417e-acfb-8ccc2b80c1be (Last visited on June 29, 2008). The Government hinted that the reason it has chosen not to take a decision yet is because the execution of Mohammad Afzal Guru may lead to his attaining the status of a martyr, which may have an adverse impact on the situation in Jammu and Kashmir. The reluctance to take action may also be reflective of an intention to not antagonize the Muslim electorate before the elections in 2009.

67 The records of the disposal of mercy petitions compiled by Bikram Jeet Batra and others, attached as annexure in almost all the petitions in *Shatrughan Chauhan v. Union of India* (Writ Petition (Criminal) NO. 55 OF 2013.

68 (1983) 2 SCC 68. This was not the first time when the question of such a nature is raised before this Court. In *Ediga Anamma* v. *State of A.P.*, 1974(4) SCC 443 Krishna Iyer, J. spoke of the "*brooding horror of haunting the prisoner in the condemned cell for years*". Chinnappa Reddy, J. in *Vatheeswaran* said that prolonged delay in execution of a sentence of death had a dehumanizing effect and this had the constitutional implication of depriving a person of his life in an unjust, unfair and unreasonable way so as to offend the fundamental right under Article 21 of the Constitution. Thereby, a Bench of two Judges of this Court held that the delay of two years in execution of the sentence after the judgment of the trial court will entitle the condemned prisoner to plead for commutation of sentence of death to imprisonment for life. Subsequently, in *Sher Singh and Ors.* v. *State of Punjab (1983) 2 SCC 344*, which was a decision of a Bench

of three Judges, it was held that a condemned prisoner has a right of fair procedure at all stages, trial, sentence and incarceration but delay alone is not good enough for commutation and two years' rule could not be laid down in cases of delay. Owing to the conflict in the two decisions, the matter was referred to a Constitution Bench for deciding the two questions of law viz., (i) whether the delay in execution itself will be a ground for commutation of sentence and (ii) whether two years' delay in execution will automatically entitle the condemned prisoner for commutation of sentence.

69 (1988) 4 SCC 574. The Court held that 'undue long delay in execution of the sentence of death will entitle the condemned person to approach this Court under Article 32 but this Court will only examine the nature of delay caused and circumstances that ensued after sentence was finally confirmed by the judicial process and will have no jurisdiction to re-open the conclusions reached by the court while finally maintaining the sentence of death. The Court, however, may consider the question of inordinate delay in the light of all circumstances of the case to decide whether the execution of sentence should be carried out or should be altered into imprisonment for life. No fixed period of delay could be held to make the sentence of death inexecutable and to this extent the decision in *Vatheeswaran* case cannot be said to lay down the correct law and therefore to that extent stands overruled.'

70 (2013) 6 SCC 195

71 The Court held that the nature of delay i.e. whether it is undue or unreasonable must be appreciated based on the facts of individual cases and no exhaustive guidelines can be framed in this regard.

72 Writ Petition (Criminal) NO. 55 of 2013 (Decided on January 21, 2014)

73 This Writ Petition No. 34 of 2013 was clubbed with *Shatrughan Chauhan* v. *Union of India*, Writ Petition (Criminal) NO. 55 of 2013.

74 According to Petitioner, *Devender Pal Singh Bhullar* is *per incuriam* and is not a binding decision for other cases. He also prayed that inasmuch as the ratio laid down in *Devender Pal Singh Bhullar* is erroneous, this Court, being a larger Bench, must overrule the same. He pointed out that delay in execution of sentence of death after it has become final at the end of the judicial process is wholly unconstitutional inasmuch it constitutes torture, deprivation of liberty and detention in custody not authorized by law within the meaning of Article 21 of the Constitution. He further pointed out that this involuntary detention of the convict is an action not authorized by any penal provision including Section 302 IPC or any other law including

TADA. On the opposite, heavily relying on the reasonings in *Devender Pal Singh Bhullar,* it was submitted that inasmuch as the crime involved is serious and heinous and the accused were charged under TADA, there cannot be any sympathy or leniency even on the ground of delay in disposal of mercy petition. Accordingly, it was contended that *Devender Pal Singh Bhullar* has correctly arrived at a conclusion and rejected the claim for commutation on the ground of delay.

75 Criminal Appeal No. 1728 of 2007 delivered on 21.03.2013

76 *AIR* 1961 SC 334. The appellant in this case, had filed nomination papers for election to the Assam Legislative Assembly, which was rejected on the ground that he was disqualified under Section 7(b) of the Representation of the People Act, 1951 having been sentenced to 3 years rigorous imprisonment under the Explosive Substances Act, 1908. The rejection was made notwithstanding the fact that his sentence was remitted by the Government of Assam under Section 401 of the Code of Criminal Procedure, and the appellant was released after serving an imprisonment of about one and a half years. The election to the assembly was therefore, challenged by the appellant inter alia on the ground that his nomination was wrongly rejected by the Returning Officer, who did not take into account the fact that his sentence, having been remitted to less than two years, did not disqualify him under the provisions of the Representation of the People Act.

77 75 L. Ed. 354. Available at http://justicekatju.blogspot.in/2013/04/appeal-for-pardoncommutation-of-death.html (visited on 16-07-2014). Appeal(Dated April 13, 2013) of Justice Katju to the President of India for Pardon/Commutation of Death Sentence to Devender Pal Singh Bhullar.

78 *Ibid.* In Kehar Singh's (1989 (1) SCC 204) case, the Court observed that in exercising the power under Article 72 "the President does not amend or modify or supersede the judicial record. And this is so, notwithstanding that the practical effect of the Presidential act is to remove the stigma of guilt from the accused or to remit the sentence imposed on him. The President "acts in a wholly different plane from that in which the Court acted. He acts under a constitutional power, the nature of which is entirely different from the judicial power and cannot be regarded as an extension of it".

79 *AIR* 1954 Mad 911.

80 Available at http://www.indianexpress.com/story/210852.html. *The Indian Express*, "SC puts brakes on Andhra Govt's I-Day pardon for 1500 Prisoners", August 17, 2007 (visited on 01-07-2014)

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Combating Child Labour: The Need for a Holistic Approach

Veronica Pala*

Abstract

Several laws have been passed in India to protect and promote the rights of children. But child labour statistics and other statistics point to the fact that these laws have not been very effective. Demand and supply forces exist to perpetuate child labour and to keep the economy at a low equilibrium trap. Unless the underlying causes of child labour are addressed, the rights of the child will never be secured. The paper calls for a holistic approach to address the problem of child labour and attempts to provide a model of child advocacy network that is visible and accessible to a child in distress. The three critical components of such an approach is (i) to provide support to the distressed families to remove their dependency on child labour, (ii) an overhauling of the education system to make it respond to the needs of the economy and (iii) an effective child advocacy system that is integrated with the local governance structure. These three components are not to supplant but to supplement the existing measures.

Keywords: child labour, child advocacy, rights of child, causes and remedies

Introduction

Child labour has been in existence in different parts of the world, including the developed countries at different stages of development. There exists a large body of literature that document the incidence of child labour in India. The main argument, which emanates from these studies, is that the primary reason for incidence of child labour is poverty of the household. Since poverty is the primary cause of child labour, we have a gigantic task to make the dream of child labour free India a reality.

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This is because India has a long way to go to eradicate poverty, although official statistics show that poverty has declined over the years. According to the Planning Commission, 269.3 million (21.9 percent) out of the total population live below the poverty line in 2011-12 (Planning Commission, 2013). Nevertheless, the improvement of the condition of our children need not wait till poverty is eradicated. However, simply banning child labour cannot solve the problem because it does not address the root cause of the same.

Therefore, the objective of this paper is to try to explore and find a practical and effective way of eliminating child labour in the country. As complete elimination of child labour takes time, it is necessary to provide support to working children in the meanwhile. This requires an urgent need for a workable child advocacy system to take care of working children and other children who suffer from neglect, exploitation or abuse. The rest of the paper is organised in the following fashion. First, it discusses briefly the causes and consequences of child labour. Then, it attempts to explore how we can combat child labour and finally it discusses how a network of child advocacy can be effective in providing succour to the children in distress.

Causes and Consequences of Child Labour

The current literature on the explanations for the prevalence of child labour is broadly grouped into demand-side and supply-side factors. The supply side of child labour is mainly influenced by parental decisions. A child is in some fundamental way not developed, therefore, parental decision is important in determining what a child should do. Parental decision whether a child should work or go to school depends on the cost and benefit of education and the income of the household. Households whose adult income is very low cannot afford to keep children out of some productive activity. Only when adult incomes begin to rise do households take children out of the labour force. In some cases, children are pulled out of the educational system not because of an immediate need for work but because poor households cannot finance the direct cost of education. Baland and Robinson (2000) showed why child labour exists even if it is socially inefficient. Firstly, parents use child labour as negative bequests, i.e., to transfer income from children to parents. Secondly, when there are capital market imperfections, child labour is

used as a substitute for borrowing i.e., to transfer income from future to the present. Some researchers like Basu and Chau (2004) illustrate how agrarian households respond to the need to service outstanding debts and to finance subsistence consumption by putting children to work.

On the demand side, the segmented labour market and demand for low-wage labour or specialized labour is used to explain the presence of child workers. It is the structure of demand that determines the use of child labour. When there is demand for child labour, poverty ensures that the supply is forthcoming. Leiten (2004) states that apart from the common view that poverty is pushing poor children into the labour market there is large demand of inexpensive labour, which pulls the child into the labour market. One causal factor on the pull side is the profit motive. Leiten expresses concern that if children are not protected by family adults or by public institutions, they may end up in an abject dependency relationship with employers. Thus, it is both the supply and demand for child labour which ensure that children remain in the labour market.

The adverse consequences of child labour to themselves and to the society have been pointed out by most of the researchers and policy makers. For example, Nielsen (1999) argues that incidence of child labour affects the children directly because they join labour force at an early age and forego acquisition of education and skill. This affects their earning capabilities as adults. Besides direct consequence on the earning capabilities, there is loss to the national income. Moreover, the use of child labour in the production process is now being used as a tariff barrier in some of the countries especially after WTO agreements. Besides economic reasons, there are physical and psychological reasons why children should not be allowed to work. Children are equally susceptible to dangers faced by the adult labourers under similar conditions. However, they are more seriously affected by these dangers because of their different physical conditions, physiological, anatomical and psychological states. Rise of child labour pulls down the health and educational standards. Thus, child labour brings an economy into the vicious circle of poverty as it acts as a cause as well as the effect of poverty. A person who receives more education as a child grows up to have higher human capital. In capital and labour markets, higher human capital will mean a higher labour income. Hence, a person who supplies more labour and gets less education as a child will grow up to be poorer as an adult. Working at a younger age

results in reduction of earnings as an adult. A person who sends his child to work, following poverty, perpetuates child labour across generations. This is the ‘dynastic trap’ that poor households find themselves in (Basu and Tzannatos, 2003).

On the other hand, it is perceived by some parents that work makes the child to have good social life in future as it enables the child to understand the importance of earning. They argue that combining work with schooling may double the welfare of the child. It is the reason why part-time work among children is common in the developed countries (Lavallete *et. al*., 1995; Cunningham and Viazzo, 1996). Moreover, in the developing countries some children work to support their studies besides supplementing their family income (Cigno and Rosati, 2002). Further, there has been some research pointing towards the beneficial effect of child labour. For instance, Satz (2003) pointed out that not all work performed by children are equally morally objectionable. Some work, especially work that does not interfere with or undermine their health or education, may allow children to develop skills they need and help them to become well functioning adults and broaden their future opportunities. In the same way, Zelizer (1985) asserted that in the 19th century, child labour was often commended as necessary for building character and discipline and valuable for industrial competition.

However, in reality, children are often used by the employers in specific jobs, where the wage rate is low, and can make the children work for long continuous hours in hazardous conditions. Children are also seen to be involved in such work as child prostitution, working for long hours in factories, etc, which are unambiguously detrimental to children. A number of researchers pointed out that work – either full or part time – affects the education of a child negatively. It retards the child’s physical, mental and spiritual development.

Combating Child Labour

On account of adverse consequences of child labour, several policy prescriptions both at the national and international levels aimed at compulsory education and imposing ban on child labour. Basu and Tzannatos (2003) discuss two kinds of measures to tackle child labour: collaborative measures and coercive measures. Collaborative measures

are interventions that alter the economic environment of decision makers (parents or guardians of children), rendering them more willing to let children stay out of work. A policy that raises adult labour incomes through improvement in the labour market falls under this category. The policy of improving credit markets is another collaborative measure since it has been shown that child labour exists partly due to lack of credit to fall on bad times. Thus, economic development is perceived as complementary to the reduction in child labour. But so far, research has shown that the most direct collaborative measures are those that give incentive and reward children who go to school.

Coercive measures have been hotly debated in the international forums. However, there is no second opinion about banning of hazardous labour. Nevertheless, coercive measures have to be used carefully. If poverty is the main determinant of child labour, simply banning child labour would aggravate the problem. Deprivation of employment opportunities to very poor children means driving them towards more inexplicable conditions. Consider a hypothetical (but not uncommon) situation of a woman whose husband is a drunkard or has abandoned her. She has six children aged 10 years, 8 years, 6 years, 4 years, 2 years and 1 month. The source of income of this household is casual labour. In such circumstances the mother has no option but to send the elder children to work. Basu and Tzannatos (2003) also have cautioned that coercive action has to be preceded by careful empirical evaluation. Laws banning child labour can exacerbate children's suffering depriving them of the work that is essential for their survival. Further, if the law is effective only in some sectors, then it can drive child labour to other sectors which are not regulated, that is the sectors in which the law is not effective, which may be more harmful for the children.

In India, both the collaborative and coercive measures are resorted to in order to reduce and ultimately eliminate child labour. Following are some of the relevant Union laws that have bearing on the child labour:

1. The Factories Act, 1948
2. The Apprentices Act, 1961
3. The Child Labour (Prohibition and Regulation) Act, 1986
4. The Commissions for Protection of Child Rights Act, 2005

5. The Right of Children to Free and Compulsory Education Act or Right to Education Act, 2009.

The Child Labour (Prohibition & Regulation) Act 1986 aims to prohibit the entry of children under the age of fourteen into hazardous occupations and processes and to regulate the services of children in non-hazardous occupations. The Amendment in 2006 added the employment of children as domestic workers or servants and in *dhabas*, restaurants, hotels, motels, tea shops, resorts, spas or other recreational centres to Schedule A, which lists the prohibited occupations for children. Several processes in workshops considered as hazardous have been added to the list of processes prohibited from the employment of children from time to time.

At present, the Child Labour (Prohibition and Regulation) Act is implemented typically by imposing a fine on the employers who violate the Act. This has the effect of pushing child labour to certain other occupations which are difficult to regulate and which may be more harmful. Besides, a substantial proportion of working children are classified as unpaid family workers, they are effectively outside the scope of practical implementation of the Act. Therefore, child labour surveys should not focus only on firms or establishments but on households also. As opined by Mario, Mehrotra and Sudarshan (2009), no law covers the employment of children in the informal economy both in agricultural and in non-agricultural sectors. Legislation banning child labour in home based work is not realistic or sufficient since the Act applies principally to children working outside the home in particular activities or industries, and does not include work on the family farm or home based industrial work. Besides banning child labour, the government has implemented various policies and programmes or schemes to address the issues of child survival, child development and child protection.[1] Among these, the National Policy on Child Labour, 1987 contains the action plan for tackling the problem of child labour. It envisaged a legislative action plan focusing and convergence of general development programmes for benefiting children wherever possible, and Project-based plan of action for launching of projects for the welfare of working children in areas of high concentration of child labour. As a result, the National Child Labour Project (NCLP) was launched in 1988 to rehabilitate the working children in select districts that are identified as child labour endemic. Beginning

with 9 districts, the scheme now is operative in 266 districts. Child labour survey, awareness generation and convergence are the three crucial components having implications on the long term outcome and impact of the NCLP. Satpathy, Sekar and Karan (2010) have carried out an evaluation study of the NCLP and found that the actual implementation of these components have been abysmally poor, barring a few exceptions (p.220). The impact assessment has highlighted that although the NCLP as a whole and the special schools in particular have shown some good impact in terms of awareness generation, enrolment and mainstreaming of the children, the real impact at the grassroots level has been much lower (p.223).

Despite passing legislative measures and introducing a myriad of schemes to promote the rights of the child, statistics say that there is still a long way to go. The main sources of child labour data are the decadal census and the labour force surveys of the National Sample Survey Organisation (NSSO). It may be noted that although these sources capture a wide range of data such as nature of work, status and sector of employment, etc. at a highly disaggregated level, many of the work areas performed by children usually do not get captured under the definition of 'work' adopted by these sources [Nath, Dimri and Sekar (2013b), p.7]. Nevertheless, the Census of India shows that the magnitude of child labour has not declined significantly over the years but instead has increased in some years. The number of child labourers in the age group of 5-14 years increased from 10.75 million in 1971 to 13.64 million in 1981. It declined to 11.28 million in 1991 but increased to 12.66 million in 2001. Relevant data from the 2011 census are not yet available at the time of writing. Data from the National Sample Survey Organisation (NSSO) show that the magnitude of child workforce was approximately 9 million in 2004-05 and there were about 3.5 million child labourers in the age-group of 5-14 years in 2011-12.[2] Although this shows considerable decline in the recent years, the absolute number is still huge considering that laws are there to stop child labour totally. About 1.3 percent children attend to domestic duties. If we add the number of children attending to domestic duties in their own homes and who do not go to school, the total number of workers would be around 5.7 million. The data show that about 90.5 percent of children were attending educational institutions in 2011-12. Almost 6.75 percent, which is about 15.8 million, were in the 'neither' category, that is, they were neither working nor studying. The survey

classifies this category or activity status as 'others (including begging, prostitution, etc.)'. This is the residual category in the classification of the activity statuses of persons apart from (a) workers, (b) students, (c) persons attending to domestic duties and also engaging in free collection of goods (vegetables, roots, firewood, cattle feed, etc.), sewing, tailoring, weaving, etc. for household use, (d) rentiers, pensioners, remittance recipients, etc. and (e) those not able to work due to disability. Mario, Mehrotra and Sudarshan (2009) found that the vast majority of children in this category reported that they were not doing anything. However, this is misleading since their survey also provides information about the time allocation of children in this category. Their time allocation, outside of sleeping and eating hours, are as follows: food preparation, housekeeping work, animal husbandry, fetching drinking water, shopping, and childcare. These activities affect the capability of the children and they typically reflect a low economic status of the household.

There is no easy solution to the problem of child labour. The government is correctly adopting a multipronged strategy and a targeted approach as is apparent from the various policies and schemes. But it has not been very effective as statistical evidence points out. Let us try to find out what more needs to be done apart from the various programmes that are already in existence. Needless to say, a holistic approach is called for and the major critical components of this approach are, in my opinion, as follows:

Firstly, there should be some kind of support for the families that send their children to work. As long as poverty exists, the supply of child labour will continue in the absence of social security measures.[3] There is a need to provide support to families in distress so that children do not have to work and they are given a chance to go to school. An amount equivalent to a child's wage may be paid to the household for a temporary period. For this to work, we have to assume that parents/ guardians are altruistic and they really want to withdraw their children from work given a chance to do so. This is not always the case. Therefore, *unconditional* income subsidy is not the answer. Here comes the role of the child's advocate to monitor that the subsidy or support is actually utilised for the purpose it is given, to prevent misuse of such a social security measure and to see that families do not develop a dependency on the subsidy beyond a reasonable period. If such a support is in place

and since elementary education is free and compulsory, then parents/ guardians should be liable for prosecution if their children or wards are still found to be working. Some forms of social security measures do exist,[4] but they are far too inadequate. The proposed temporary support has to be a strong and direct intervention targeting specifically households with child workers. Adequate monitoring is also required to see that it has the intended effect of withdrawing the children from work. Once the support is provided, there is no more reason why children should go to work. Implementation of the law can then follow and parents / guardians should also be held accountable besides employers of children.

Secondly, the decision to send children to school and not to work is also influenced by the perceived returns to education besides other considerations. We know that everybody cannot get a job in the formal sector and thus formal education cannot give employment to all. Not all students will be able to complete their formal education successfully and become skilled professionals. Some parents, therefore, think that education is not necessary. To some extent, this is true given the present state of affairs in the education system of the country. Our education system in general trains people to take up white collar jobs. But, the economy is sustained by various trades at different levels. Further, it is difficult for students to acquire skills of various kinds of work that require manual labour after completion of, say Class IX or Class X. After becoming habituated to an easy and cocooned lifestyle for 15-16 years as students, they are ill prepared to take up hard labour to earn their livelihood. This kind of system creates a vacuum in the labour market and breeds miscreants and delinquents.

It is necessary to inculcate in the young minds the value of hard work and train them to acquire the skills of various trades. This should be part of formal curriculum at an early age of perhaps 11 – 12 years. They should be encouraged to spend their summer and winter vacations in gainful occupations. At present, most of the workers in the economy like carpenters, masons, farmers, etc. are those who have been working since childhood and they pick up the skills through working. Formal training in such trades is yet to reach the masses. Therefore, child labour is necessary for the economy in some way in the absence of major training programmes and reforms in the education system. This is not to undermine what has been said in section 2 regarding the adverse consequences of child labour.

What child labour does is to provide the skills required for adulthood and to keep the economy in a low equilibrium trap. Thus, we need to take a balanced view and not to implement blindly the child centric policies in isolation. We have to look at the need of the society in totality and not just from the point of view of the children because the same children's future will be affected. Thus, a second critical component of the holistic approach towards eliminating child labour should be major overhauling of the education system to include vocational skills as part of formal curriculum at an early age. It also requires widespread establishment of sufficient number of institutions or training centres for various trades as the present Industrial Training Institutes and vocational institutes are very few and much too inadequate to cater to the needs of the economy. At the same time, the education system should nurture and produce skilled professionals. It should be emphasised that the economy requires skilled professionals of different levels in different fields. Therefore, the education system should be tuned to suit the capability and aptitude of each child keeping in view the requirement of the economy because ultimately this will lead to gainful employment for the future adults.

Thirdly, as pointed out earlier, parents or guardians are not always altruistic and hence children suffer from neglect, exploitation and abuse often in the hands of their own family members. Children are sent to work or not sent to school even in case when child work is not absolutely essential for the family or when schooling is accessible. For example, some researchers have pointed out that households with large land or with family business tend to send their children to work at an early age. Therefore, a third critical component is an effective child advocacy network. This issue is discussed separately in the next section.

Proposed Model of Child Advocacy Network

The importance of child advocacy can never be underestimated. There is a need to work out an effective mechanism that works at the grassroots and is located where the children are. A centralised body stationed at the district headquarters will not work at all. There are organisations that work to rescue children from trafficking or to rehabilitate street children and render other commendable service for the cause of children. However, they cannot reach all the needy children. Therefore, child advocacy should be integrated with the local governance system, i.e. with the local panchayats

or *dorbars*. A child advocate should be appointed in each village and urban locality.

The presence of a local child advocate is absolutely essential for the effective implementation of various laws and schemes relating to child rights. This is because children cannot usually approach adults except close family members. Abused and distressed children usually do not have close family members to whom they can tell their problems. Therefore, the child advocate should approach working children and other children who appear to suffer from neglect or exploitation, win their confidence and offer solution. This is possible only if the child advocate is a local person. The network of child advocates should be like a pyramid then with coordinators at the block level, the district level, state level and finally the national level. This network should be a part of the National and State Commissions for the Protection of Child Rights in order to have legal sanction and authority. The local child advocate should be a link between the needy children and other organisations that work for children like Childline, CRY, Save the Children, etc. There should be cooperation and networking among various organisations - non-government as well as government organisations - that work for the same purpose. Regular and mandatory get-together programmes or seminars should be organised, at the initiative of forums like the NCPCR (National Commission for the Protection of Child Rights), in order to bring together various organisations working in the field. Such programmes will make the organisations more effective through brainstorming, experience sharing and mutual learning. Regular children's programmes should also be conducted at the local level with active participation of the respective *panchayat* or *dorbar* to spread awareness and to make this child advocacy network visible which is absolutely necessary if it is to be able to do justice to its cause.

Further, modern life has made us indifferent social beings. The societal bonds are being weakened especially in the urban areas where we hardly know our neighbours. Therefore, even if we see children in distress, we prefer to turn a blind eye and not to 'interfere' with our neighbours' way of life. Therefore, it is imperative to appoint child advocates in every locality and to spread massive awareness about the existence and the purpose of such advocates. This would encourage people to report incidences of violation of child rights because there is an agency to which they can go without openly 'interfering' with the lives of other members of the society.

We need not look far for such a model of local persons appointed for special purposes. In the National Rural Health Mission, ASHAs (accredited social health activists) are appointed in every village and they get monetary incentives to take a pregnant woman for regular checkups and institutional delivery. In the Mahatma Gandhi National Rural Employment Guarantee Scheme too, village employment councils (VECs) are set up to see to the implementation of the Scheme. In the same way, child advocacy should be integrated with the local governance system. Incentives should be given to advocates to identify children in need of support and to provide the support as mandated by the laws and policies of the country. Further, just like awards are given to villages which achieved total sanitation, similarly awards should be given to villages or urban localities which are child labour free.

Conclusion

In this paper we have briefly reviewed some of the causes and consequences of child labour as presented in the current literature. Various measures have been in place to combat child labour but statistics speak otherwise. There is no single effective policy measure for eliminating child labour. A holistic approach is required. The three critical components of such an approach is (i) to provide support to the distressed families to remove their dependency on child labour, (ii) an overhauling of the education system to make it respond to the needs of the economy and (iii) an effective local child advocacy system. It should be emphasised that these three measures are not to supplant but to supplement the existing measures.

Notes

1 See Government of India (2012) for a full list of various Acts, policies and schemes for the protection and promotion of child rights.

2 The estimates are calculated by the author using unit record data of the National Sample Survey on Employment and Unemployment during the 61st round (2004-05) and 68th round (2011-2012).

3 In project (NCLP) areas, the families are linked to income generating programmes or other anti-poverty programmes so that dependency on child labour will be removed.

4 See Nath, Dimri and Sekar (2013a) for a list of all the social security schemes in various states as well as Central Government schemes.

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Conventional Energy to Renewable Energy: Perspectives for India

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Abstract

There is a wide gap between India's energy production and energy consumption. Significantly the energy needs of the nation are met through conventional sources of energy. After the two oil shocks in 1970s, which caused energy crisis, the drive for renewable energy started in 1980s with setting up of institutions ranging from research and technology development to human resource development. Over the years India achieved significant progress in wind power in the world and in line to establish its strong hold in solar and biomass. This paper seeking to understand India's growth in renewable sector examines the institutional setup and the policy initiatives. It calls for the need to take steps to motivate the people towards renewable energy.

Keywords: climate change, energy efficiency, energy security, electricity, renewable energy sector in india.

Introduction

India's economy is one of the fastest growing economies in the world and has experienced an average 7 % growth rate in the last decade. India accounts for 2.4 % of world energy production and stands at eleventh position in the world in energy production. But the country accounts for 3.5 % of total energy consumption and holds the sixth position in energy consumption.[1] The wide gap between energy production and energy consumption calls for the need to increase the energy production. With 7% of the world's coal, India possesses fourth largest coal reserve in the world. India heavily relies on coal, which is one of the dirtiest hydrocarbon fuels, for its energy needs. The remaining energy needs is fulfilled mostly by oil, which is imported and the increasing oil price is

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also a burden for the growing economy. India is party to all the major environmental conventions and treaties, so due to its commitment towards environment India is opting policies for optimum use of renewable sources of energy.

The Prime Minister in his forward to the Eleventh Five Year Plan (2007-2012) document underscores the India's thrust for renewable energy, when he writes,

> *"Availability of affordable energy is critical for our growth. With international oil prices rising sharply over the last couple of years, and coal prices more recently, our efforts towards energy security have acquired urgency. The Eleventh Plan will work towards policies for various energy sectors that are consistent with the optimal use of the different sources of energy. The Plan emphasizes the need for energy conservation, increasing energy efficiency, and development of renewable sources of energy."*[2]

History of Renewable Energy in India

For last few decades renewable energy has been an important part of India's energy planning process. To ensure energy security and to reduce the dependence on oil imports, India started to develop and deploy alternative fuels such as hydrogen, bio-fuels and synthetic fuels and to increase clean power (renewable electricity) the technologies that were opted by India are bio, wind, hydro, solar, geothermal and tidal energy technologies.[3]

The increasing need to use renewable energy as a sustainable energy base was realized by the world in early 1970s with the imposition of an oil embargo by the Arab states within Organization of Petroleum Exporting Countries (OPEC).[4] The Arab state's embargo crippled the United States economy, creating lessons for many other countries of the world and it was felt that a country must adopt measures for its energy security. During the 1980s, when with the growing scientific evidence and experiments it is understood that the earth's temperature is steadily raising, political attention mounted for sustainable development; renewable energy was given more importance.

Since early 1980s India started to establish institutional framework to develop renewable energy in the country. In 1981 the Government constituted Commission for Additional Sources of Energy.[5] The Commission for Additional Sources of Energy was aimed to promote the development of renewable energy technologies for use in the different sectors of the country. The political commitment to renewable energy manifested in establishing a Department of Non-Conventional Energy Sources in the year 1982 under the Ministry of Energy and entrusted it with the charge to promote the development of non-conventional energy sources in the country.[6] In 1992, after a decade has elapsed, the Department of Non-Conventional Energy Sources was upgraded to a full-fledged Ministry of Non-Conventional Energy Sources (MNES). The creation of a full-fledged ministry for renewable energy was a landmark for the country and therefore India became the first country in the world to have a dedicated Ministry for renewable energy. In 2006 MNES has been renamed as Ministry of New and Renewable Energy (MNRE).[7]

Growth of Renewable Sources of Energy

Over the years, there has been a steady progress in the capacity addition of the renewable sources of energy. The major part of the capacity addition achieved till 31st January 2012 was dominated by Wind, which was 64% of the total capacity addition. Solar placed in the second position, i.e. 14%, followed by Small Hydro 8% and finally Bagasse Cogeneration (simultaneous generation of electricity and thermal energy) and Biomass accounts for 9% and 5% respectively.[8]

Since 1980s India has been paying attention to growth of renewable energy to ensure the objectives of ensuring energy security, energy self-sufficiency, sustainable development and extending energy access to remote village/hamlets etc. Different institutions for capacity building and R&D were set up to promote renewable sources of energy which include wind power, solar power, small hydro power and biogas. The data till 31st January 2012 indicate that of these renewable sources, wind power contributed to 64 % addition, followed by solar (14%), small hydropower (8%), Bagass (9%) and biogas (5%).

The Table 1 and Table 2 clearly explain the importance Government of India has given on renewable energy sector.

Table 1: Physical Target & Actual for Tenth FYP (2002-2007)

Programme Components	Targeted Generation of Power[(a)] (MW)	Actual Generation of Power[(b)] (MW)
Wind Power	1500	5415
Small Hydro Power	600	520
Biomass Power/Co-generation/ Gasification	750	750
Waste to energy	80	25
Solar PV Power	5	1
Solar Thermal Power	140	0
Total Power Generation	3075	6711

Source: (a) Planning Commission, *Tenth Five Year Plan (2002-2007): Sectoral Policies and Programmes*, Government of India, Vol. II 927, http://planningcommission.nic.in/plans/planrel/fiveyr/10th/volume2/10th_vol2.pdf

(b) Planning Commission, *Eleventh Five Year Plan (2007-2012): Agriculture, Rural Development, Industry, Services and Physical Infrastructure*, Government of India, Vol.III 387 (New Delhi: Oxford University Press, 2008), http://planningcommission.nic.in/plans/planrel/fiveyr/11th/11_v3/11th_vol3.pdf

Implementation and shortfall of Tenth FYP

During this Tenth plan period the overall renewable power generation has been satisfactory. Wind power capacity of 5415 MW has been created marking 3.6 times of the set target. Production capacities of Biomass power/Co-generation/Gasification generations are in line with set target. There are noticeable shortfalls in Small Hydro power generation and Waste to energy generation. However, achievement in Solar Thermal power was significantly lower.[9]

Apart from power generation schemes, programmes for rural energy, urban application and R&D have also been implemented during this period. Nearly 5000 remote villages/hamlets have been facilitated with electricity from renewable energy sources. primarily through solar energy. Nearly 5 lakh biogas plants have also been installed. Under the solar water heaters programme 12.5 lakh sq m collector areas of water heating systems have been installed in urban areas. R&D activities, including

in hydrogen energy, have also been carried out especially in the area of alternative fuel for transport.[10]

Table 2: Physical Target & Actual for Eleventh FYP (2007-2012)

Programme Components	**Targeted Generation of Power (MW)**	**Actual Generation of Power (MW)**
Grid-interactive Renewable Power(MW)		
Wind Power	10,500	10,260.00
Small Hydro Power	1,400	1,419.17
Biomass Power	1,200	1,369.70
Co-generation	500	626.00
Waste to energy	80	46.20
Solar power (grid/ off-grid)	50	939.74
Off-grid/Distributed Renewable Power (MWe)		
Waste to Power (Urban + Industrial)	58.00	85.15
Non-bag Cogen	255.00	336.59
Gasifiers	67.00	63.23
Acro-Gens/Hybrid Systems	1.75	1.14
SPV Systems	20	46.64
Total Power Generation	14131.75	15,192.86

Source: Planning Commission, *Twelfth Five Year Plan (2012-2017): Economic Sectors*, Government of India, Vol. II, (New Delhi: SAGE Publications, 2013), http://planningcommission.nic.in/plans/planrel/fiveyr/12th/pdf/12fyp_vol2.pdf

Implementation and shortfall in Eleventh FYP

In the Eleventh FYP the grid-interactive renewable power generation has been consistent with the planned target. However, actual generation was considerably lower than that of the targeted plan. The wind based power generation suffered due to the lack of evacuation infrastructure in resource rich states and also due to the lack of enforcement mechanisms and incentives for operational performance of the wind turbines. Therefore enforcement of 'Generation based incentives' is recommended in place of

earlier incentives, such as Accelerated Depreciation, which have not yielded expected outcome. Achievements in capacity addition have been satisfactory in respect of all sectors (programmes) except in waste to power sector.[11]

Solar and wind sectors have been facing following key challenges:

(i) Globally, development of storage technologies has not been in line with the technology developments in wind and solar, due to which capacity utilisation of grid connected solar and wind has been relatively poor.

(ii) Though most of the States have come up with the RPO obligation, proper enforcement and monitoring is an issue and 22 of the 29 states in the country have failed to meet their targets.[12]

Table 3: Financial Outlays Proposed for Tenth FYP (2002-2007)

Sectors	**Amount (in Crore)**
Grid Interactive and Distributed Renewable Power	609.00
Village Electrification Programme	962.00
Research Design Development and Demonstration	835.00
Infrastructure Development and Capacity Building Programme	489.00
Awareness and Extension Programme	210.00
MNES Institutions	3,497.00
Spillover liabilities for schemes transferred to States	15.00
Externally Aided Projects (EAP)	466.00
Total	7167.00

Source: Planning Commission, *Table: 38- Scheme Wise Break-up of Tenth Outlay on Ministry of Non-Conventional Energy Resources*, in Tenth Five Year Plan (2002-2007): Sectoral Policies and Programmes, Government of India, Vol. II A-52, http://planningcommission.nic.in/plans/planrel/fiveyr/10th/volume2/10th_vol2.pdf

Off-grid renewable sector is potentially much more competitive in comparison to conventional power as it avoids investment in transmission to remote places. During this plan period off-grid renewable power made a significant progress, but lack of scalable business models and non-availability of institutional finances were barriers to its growth. The

progress of schemes for remote villages/hamlets was not convincing. Another thrust area for this plan period is 'optimizing energy plantations by raising plants on degraded forest and community land', but policy models along with implementation guidelines for promoting energy plantations are yet to be worked out.[13]

Table 4: Financial Outlays Proposed for Eleventh FYP (2007-2012)

Sectors	Amount (in Crore)
Grid Interactive and Distributed Renewable Power	3925.00
Grid interactive renewable power	1800.00
Off-grid/distributed renewable power	2100.00
Performance testing	25.00
Renewable energy for rural applications	2250.00
Renewable energy for urban, industrial and commercial applications	685.00
Research, design, and development	1500.00
Programmes to support information, publicity and extension, international relations, HRD and training, equity for IREDA, and spill-over liabilities	2100.00
Total	10460.00

Source: Planning Commission, *Eleventh Five Year Plan (2007-2012): Agriculture, Rural Development, Industry, Services and Physical Infrastructure*, Government of India, Vol.III 388 (New Delhi: Oxford University Press, 2008), http://planningcommission.nic.in/plans/planrel/fiveyr/11th/11_v3/11th_vol3.pdf (accessed on 3rd September 2014); *see also* MNRE, *Report of the Working Group on New & Renewable Energy for XIth Five Year Plan (2007-2012),* Government of India, December 2006, http://planningcommission.nic.in/aboutus/committee/wrkgrp11/wg11_renewable.pdf

Factors Driving India's Renewable Energy Thrust

The following are some of the factors responsible for India's drive for renewable energy.

Energy Security

With the growing concern over country's energy security, renewable energy given more significance. After the two oil shocks of 1970s, energy self-sufficiency can be regarded as one of the major factors for growth

of renewable energy in the country.[14] India's energy needs are high and being a developing country the requirements are growing further. During the year 2008 the overall total electricity consumption in India was 839 TWh, out of which around 830 TWh electricity was generated within the country and the rest 9 TWh of electricity was imported, clearly shows the gap between the energy consumption and energy supply.[15] The Government started investing highly on oil and gas exploration to reduce the dependency on imported sources. But since these sources are not replenished, the energy security of the nation compels the country to look for renewable sources of energy.

Sustainable Development

India is home to nearly one-third of the world's poor, mostly dependent on natural resources for their livelihood. In pursuance of *Bali Action Plan,* India launched the *National Action Plan on Climate Change*[16] (NAPCC) to address climate mitigation and adaption. The NAPCC has eight national priorities, National Missions that represent the countries' long-term strategy for achieving its climate related goals. Out of all eight priorities, the missions that are related with renewable sector include National Solar Mission, National Mission for enhanced Energy Efficiency, National Mission on Sustainable Habitat, and National Mission for Sustainable Agriculture.

The plan incorporates a commitment to ensure that India's per capita greenhouse gas emissions level never exceeds those of the developed countries at any point of time in future. The plan sought to create balance between the need to maintain steady and higher economic growth on one hand and to mitigate the ill-effects of climate change on the other hand. Apart from these objectives, the plan also seeks to identify measures that promote development priorities simultaneously addressing the threats posed by climate change effectively.[17]

After the Clean Development Mechanism Executive Board had decided that a project activity under a Programme of Activity can be registered as a single Clean Development Mechanism project activity. Without much delay the MNRE conducted a study to understand and develop a framework for programmatic Clean Development Mechanism projects in renewable sectors. The study mainly covered the areas of solar water heating, solar cooking, biogas plants for individual families,

medium & large size biogas plants, cooking stove, application of biomass in industry and village electrification.[18]

Access to Electricity and Other Source of Energy for Rural India

Rural electrification is one of the factors which accelerated the speed of renewable energy growth in India. Approximately three quarters of the population live in rural areas of the country, where thousands of villages are yet to be electrified. Being an agriculture based nation, rural electrification is very important for irrigation as well as other purposes. The non-electrification is not only affecting the quality of life in rural India, but also a hurdle in economic upliftment. Due to non-availability of electricity, kerosene is widely used for lighting and for cooking, wood and animal dung is used as fuel. Consuming energy in this way leads to health and environmental hazards.

To accelerate the process of rural electrification the Government launched two renewable energy schemes for rural India namely (i) Remote Village Renewable energy Programme, further divided in two sections such as, (a) Village Energy Security Programme, and (b) Remote Village Solar Lighting Programme; and (ii) Grid-Connected Village Renewable Energy Programme, which is also divided into two sections such as, (a) Solar Thermal System and (b) Biogas Plant.

Institutional Development for Renewable Energy

As per the Renewable Energy Country Attractiveness Index (RECAI) of February 2014, India has been ranked seventh in the world, preceded by U.S., China, Germany, Japan, Canada and U.K. respectively.[19] According to the Technology Specific Indices (reflect a weighted average across macro, energy market and technology-specific parameters) of February 2014, India stands fourth in respect of Solar CSP preceded by U.S., Chile and Australia and stands fifth in respect of Solar PV preceded by China, U.S., Japan and Germany. In respect of both On-shore wind and Hydro and Marine, India has been ranked eighth. For On-shore wind, India is preceded by U.S., China, Germany, U.K., Canada, Ireland and Sweden and for Hydro and Marine, India is preceded by China, U.S., Japan, Canada, Brazil, Peru and Norway. For Biomass, Geothermal and Off-shore wind India ranked as seventeenth, eighteenth and twenty-first respectively.[20]

The credit for India's success and growth in the field renewable energy also goes to its early institutional setups. For the overall development of the renewable sector the Government of India established numerous institutions ranging from technology development, R&D, manpower development to financial institution. Some of the key institutions in the sector are as follows:

Alternate Hydro Energy Centre

The Alternate Hydro Energy Centre (AHEC), an academic centre at the Indian Institute of Technology, Roorkee, was established by MNRE in 1982. The AHEC was established with an aim to provide short-term and long-term training courses for professional development in the area of small hydropower.[21]

Solar Energy Centre

In 1982 the MNRE established the Solar Energy Centre, a dedicated institution for the development of solar energy technologies, science and engineering related with it. Since then the Solar Energy Centre is jointly working with other research organization and implementing bodies to attain its objective.[22] In early 2010 the Union Minister for MNRE has laid down the foundation stone of facilities for Solar Thermal Testing, Research and Simulation at Solar Energy Centre.[23]

Indian Renewable Energy Development Agency

To speed up the promotion of renewable energy technology and systems, the MNRE under its administrative control established a Public Limited Government Company named Indian Renewable Energy Development Agency Limited (IREDA) on 11th March, 1987. IREDA intends to promote, develop and extend financial assistance for renewable energy and energy efficiency/conservation projects in the country.[24]

Centre for Wind Energy Technology

The Centre for Wind Energy Technology (C-WET) is an autonomous organization under the administrative control of MNRE established in 1998 to carry out research and development specifically in the field

of wind energy. With the technical and partial financial support from Danish International Development Agency (DANIDA), C-WET has also established a Wind Turbine Testing Station, wherein testing and certifying of Wind Turbine Generator Systems are conducted as per international standards as well as Indian Certification Scheme for wind turbine.[25]

National Institute Of Renewable Energy

The Sardar Swaran Singh National Institute of Renewable Energy (SSSNIRE) is an autonomous institution under MNRE established with a vision for premier R&D institution to undertake research and development especially in the field of bio-energy, human resource development at all levels, conducting post-doctoral research, promoting commercialization of renewable energy technologies and attending to energy needs in rural areas.[26]

Renewable Energy Regulatory Framework in India

The favourable policy initiatives also contributed to the growth of renewable sector in the country. The Electricity Act of 2003 was the first comprehensive framework, which speeded development of renewable energy in the country by providing a developing regulatory structure containing preferential tariffs, renewable purchase obligation, renewable energy certificate, etc. The Government also introduced various alternative combinations of fiscal and financial incentives to promote renewable energy, such as capital and interest subsidy, nil or concessional excise and custom duties in a case to case basis, and generation based incentives or feed-in-tariffs.[27]

The Government came out with the Renewable Purchase Obligation (RPO) scheme, under which each state has to set a state –level target for renewable energy purchase by ‘Obligated Entities’. The national target for RPO was set at 5% for 2010, which will increase by 1% annually till it reaches to 15% over a decade’s time i.e. by 2020. Till April 2010, 18 states have taken initiatives for RPOs, some of them already established RPOs and in some states the draft regulation for RPO under consideration.[28] As states has varying renewable energy sources, keeping this into mind the Central Electricity Regulatory Commission (CERC) has introduced a market based instrument in the form of Renewable

Energy Certificate (REC), to facilitate the states to meet their obligation. Therefore the obligation can be met through following ways- (a) by directly purchasing renewable energy, (b) by generating renewable energy, and (c) by purchasing RECs.[29]

The Jawaharlal Nehru National Solar Mission (JNNSM) was launched on 29th November 2009, marked as the foundation stone in India's endeavour to solar energy, popularly known as 'Solar India'. India's solar energy potential is almost 5000 trillion KWh.[30] The ambitious National Solar Mission will be implemented in 3 phases- the Phase-I started during the last few months of the Eleventh Five Year Plan and last till the end of the first year of the Twelfth Five Year Plan i.e. 2012-2013, the Phase-II will be developed over the remaining four years of the Twelfth Five Year Plan i.e. over 2013-2017 and the Phase-III will be developed during the Thirteenth Five Year Plan i.e. 2017-2022 period. The Government of India entrusted the NTPC Vidyut Vyapar Nigam Ltd (NVVN), a trading subsidiary of National Thermal Power Corporation Ltd (NTPC) as the nodal agency to enter into Power Purchase Agreement with the solar power plant developers.[31]

The IREDA will facilitate the mission by extending financial support i.e. credits for 10 years with an interest rate of 5 % per annum. For monitoring of all these activities there will be a Solar Research Council, which shall look after implementation of strategy, by taking into consideration existing projects, capacity building and possibilities of foreign collaboration.[32] A remarkable success has also been achieved in this regard, whereby two research projects, specifically concentrated on photovoltaic, launched jointly by the Research Councils UK and Department of Science and Technology, Government of India.[33] The renewable energy sector has always been given a 'Priority Sector' status by the Reserve Bank of India for the purpose of providing loans through banks. Due to these initiatives the Indian renewable energy sector has created a significant manufacturing base with the cooperation of International Industrial Partnerships.[34]

To invest in entrepreneurial ventures and research in the field of clean energy technologies the Finance Bill 2010-11 provided for creation of a corpus called National Clean Energy Fund. Subsequently the Cabinet Committee on Economic Affairs (CCEF) has approved the constitution of NCEF in the Public Accounts of the country. The CCEF also laid down

the guideline and principles for approval of projects that are to be funded by National Clean Energy Fund and Inter-Ministerial Group has also been formed, consisting (i) Secretary (Finance): Chairperson, (ii) Secretary (Expenditure): Member, (iii) Secretary (Revenue): Member, and (iv) Representatives from Ministries of Power, Coal, Chemicals & Fertilizers, Petroleum & Natural Gas, New & Renewable Energy and Environment & Forests.[35]In the Budget 2012 the Government of India has considered to create a separate fund out of the existing National Clean Energy Fund to finance RE projects with subsidised loans.[36]

Renewable Energy Initiatives for Rural Applications

The MNRE has introduced the Remote Village Electrification Programme (RVEP) during the Eleventh Five Year Plan period to provide financial support for electrification of those remote non-electrified villages and hamlets where grid-extension is either not feasible or not cost effective and also to those villages and hamlets which are not covered under the scheme of Rajiv Gandhi Grameen Vidyutikaran Yojana (RGGVY) for grid electrification.[37] Although the RVEP is complementary to the RGGVY the National Rural Electrification Policy, 2006 expressly says that the provision for renewable energy based electrification cannot jeopardize the right of the villager's and hamlets that are grid connected under the scheme RGGVY.[38] It can be inferred from the provision that the policy makers' intention is to expand the renewable energy electrification even to those villages and hamlets which have access to grid connectivity.

The National Biogas and Manure Management Programme mainly promotes installation of family type biogas plant, has been in implementation since early 1980s. The programme provide subsidy, training of entrepreneurs, masons and to the usurers and also provide financial support for repair of old non-functional plants etc. Out of estimated 12 million plants, nearly 4.31 million plants has already been setup.

Renewable Energy Initiatives for Urban, Industrial and Commercial Applications

The MNER has proposed the Solar City Programme during the Eleventh Five Year Plan. The programme is designed to encourage and support

the Urban Local Bodies to prepare a framework for guiding the city towards a Solar City or Renewable Energy City, to meet both increasing electricity demand of the cities and to promote the growing use of renewable energies in urban areas. Although the programme seems to be a solar specific initiative, the local authority can consider any source of renewable energy depending the need and availability of source. For the Eleventh Five Year Plan period a total of 60 cities have been considered by the MNER.[39] To implement the programme INR 300 million expected to be spent during Eleventh Five Year Plan period only, which shall be taken out of the budget allocated for solar thermal energy programmes.[40]

For the easy access and the after sale services of solar energy products, the MNRE has started promoting and establishing Akshay Urja Shops (earlier known as Aditya Sholar Shops) in major cities. During the Ninth Five Year Plan the State Nodal Agencies, Associations of Manufacturers of solar energy products and Non-Government Organisations (NGO) also started establishing these shops. Subsequently in the Tenth Five Year Plan the private entrepreneurs were also allowed to establish these shops. The main objective of the programme is to establish and run one shop of such kind in each district of the country for easy availability of renewal energy technology. The participation of private entrepreneurs will expand the network and NGOs will be set up to operate the shops.[41]

The MNRE is also undertaking programmes on "Biomass Energy and Cogeneration (non-bagasse) in industries" with the objective of promoting the development of biomass energy system and generating and supplying power to meet the captive need of industries and institutions. Till 31st January 2011, total 20 projects have been completed with a generation capacity of over 60 MW and another 8 projects with aggregate generation capacity of 30 MW under process.[42]

Renewable Power Generation Target for Twelfth Plan Period

In the years to come renewable energy is very obviously going to play an aggressive role in attaining energy security, energy self-sufficiency and energy access for all. The share of renewable electricity in the electricity mix which was 7% during 2011-12 is expected to reach to 12% by 2016-17. At present installed capacity of renewable power is around 25,000 MW and the renewable energy capacity addition required for the Twelfth Plan period would be more than 30,000 MW. The financial outlay for the

Twelfth FYP under the MNRE is Rs.33,003 crores. [43]The Table 5 below provides component-wise break up of physical targets for the Twelfth Plan period.

Table 5: Physical Targets for Twelfth FYP (2012-2017)

Programme Component	Proposed Target
Grid-interactive Renewable Power(MW)	*30,000*
Grid Interactive Solar	10,000
Grid Connected Wind	15,000
Other Renewable Sources	5,000
Off-grid/Distributed Renewable Power (MWe)	*3,400*
Cogeneration from bagasse	2,000
Solar Off-Grid Applications	1,000
Waste to Energy	200
Bio Gas Based Decentralised Power	50
Others (Biomass Gasifiers, Micro-hydel)	150
Renewables for Rural applications (Cooking)	
Biogas Plants (million)	0.7
National Biomass Cook stoves Programme (million)	3.5
Solar Cookers (Box type + Dish type)	3.5
Solar Cooking in schools for mid-day scheme (Schools in lakhs)	5.0
Renewable Energy for Urban, Industrial and Commercial Applications	
Solar Water Heating Systems (million sq.m of collector area)	6
Solar Air Heating System (sq m.)	50,000
CST based systems for community cooking (sq.m.)	40,000
CST based system for air-conditioning (125 systems, 30TR)	37,000
CST based systems for process heat (225 systems, 250 sq.m. area each)	53,750
Solar Cities	
New Solar Cities in addition to existing target of 60 cities and pending liabilities	15
Model and Pilot Solar Cities.	25
Green Townships.	150
Tourist/Religious/ Important Places	100
Alternate Fuel Vehicles (in numbers)	2,75,000
Power Generation from Hydrogen	
Stationery Power Generation (KW)	4,000
Hydrogen/H-CNG Stations (nos)	10
Demonstration projects for Hydrogen/H-CNG vehicles	500
Power Generation from Fuel Cell	
Stationery Power Generation (KW)	10.0
Back- up units for telecom towers (MW/nos)	10/2,000
Fuel cell Vehicles	100

Source: Planning Commission, *Twelfth Five Year Plan (2012-2017): Economic Sectors*, Government of India, Vol. II, 194, (New Delhi: SAGE Publications, 2013), http://planningcommission.gov.in/plans/planrel/12thplan/pdf/vol_2.pdf (accessed on 3rd September 2014)

Conclusion

India's renewable energy sector is now more than three decades old. Initially the development of renewable energy started with the idea of energy security and self-sufficiency after the energy crisis of 1970s. Subsequently it combined with environmental concerns and concerns for poverty alleviation, rural electrification and access to electricity for all. The early institutional development included setting up of institutions ranging from Alternate Hydro Energy Centre, Solar Energy Centre, Renewable Energy Development Agency, Centre for Wind Energy Technology and the academic institution for R&D, human resource development etc. The institutional set up was accompanied by progressive policy framework for the promotion of renewable energy such as, the Electricity Act, Renewable Purchase Obligation, Renewable Energy Certificate, Solar India, Clean Energy Fund initiative for renewable energy technologies etc. All these efforts helped the country to become a world leader in renewable energy technology, especially in wind power. The JNNSM i.e. 'Solar India' will certainly help the country to become a leader in solar energy too. Despite the progress achieved, there has been lack of adequate public awareness, public involvement and public acceptance for renewable energy. With more dedicated awareness programmes, India can achieve better results in renewable sector in the years to come. The country has to take serious concern to motivate its people to take to renewable energy for achieving its vision of development with concerns for equity and environment.

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Event, Memory and Lore: Anecdotal History of Partition in Assam

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Abstract

Political history of Partition of India in 1947 is well-documented by historians. However, the grass root politics and and the 'victim-hood' of a number of communities affected by the Partition are still not fully explored. The scholarly moves to write alternative History based on individual memory and family experience, aided by the technological revolution have opened up multiple narratives of the partition of Assam and its aftermath. Here in northeast India the Partition is not just a History, but a lived story, which registers its presence in contemporary politics through songs, poems, rhymes and anecdotes related to transfer of power in Assam. These have remained hidden from mainstream partition scholarship. This paper seeks to attempt an anecdotal history of the partition in Assam and the Sylhet Referendum, which was a part of this Partition process.

Keywords: sylhet, partition, referendum, muslim league, congress.

Introduction

Despite the passage of more than sixty five years since the partition of India, the politics that Partition generated continues to be alive in Assam even today. Although the partition continues to be relevant to Assam to this day, it remains a marginally researched area within India's Partition historiography. In recent years there have been some attempts to engage with it[1], but the study of the Sylhet Referendum, the event around which partition in Assam was constructed, has primarily been treated from the perspective of political history and refugee studies.[2] It is time History writing moved beyond the confines of political history. Over the years, the historians have consciously engaged in finding common areas of interest with their cognate disciplines to

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construct a comprehensive picture of historical events. Use of anecdotes and stories 'as a narration of a singular event', as Joel Fineman defines in his 'History of the Anecdote'[3], has evolved as a tool and a source of history as anecdotes are 'one and the same time literary and real'. It is for its 'real' character that anecdotes are of immense significance to the historians. Anecdotes, as Homi Bhaba points out, is real as it is a part of a community memory till the present, that recovers the moment of 'angst' and it is anxiety that 'links us to the memory of the past while we struggle to choose a path through the ambiguous history of the present.'[4] Partition in Assam can be an interesting case study to locate this interface between memory and history with anecdotes, songs, poems and slogans coming together to contribute to a hitherto missing alternative history of the event.

The Event

Sylhet, a district of colonial Assam, was predominantly a Bengali speaking area. It was earlier a part of Bengal which had been partitioned and merged with Assam in 1874. Since then, it continued to be a part of the province of Assam till the partition of 1947. When negotiations began to partition the Indian subcontinent between the colonial state on the one hand and the Indian National Congress and the Muslim League on the other, to create India and Pakistan, the colonial government in its wisdom decided to partition Punjab and Bengal and hold a referendum in the *Mussalman* majority district of Sylhet in Assam[5] to decide whether it would join the predominantly Muslim state of Pakistan or continue to be a part of Assam and India. Thus, despite being part of a larger 'non-Mussalman' majority province Assam, the district of Sylhet was drawn into the vortex of Partition politics and campaigns. When Lord Mountbatten announced the decision of the colonial government to organize a referendum in the district of Sylhet on the 3rd of June, 1947 the contending parties- the Congress, the Communists and Jamiat-ul-ulama- i- Hind on the one side and the Muslim League and the Jamiat-i-Islami on the other jumped into the campaign. It was the battle between these contending groups which decided Sylhet's fate after 14th of August 1947. While the first group was in favour of Sylhet remaining in India, the second was in favour of Sylhet joining Pakistan. Aggressive campaigns accompanied by rhetorical slogans rent the air as the days of the referendum drew close. Contrary to most official narratives[6], the referendum campaign had a vibrant cultural

dimension which is reflected in songs, poems and slogans steeped in the unique sense of history, culture and geography of the people of Sylhet. Thus, while the first group came up with the slogan such as

Sri Choitanyo o Shah Jalaler Bhumi
Pakistan na banaiyo tumi [7]

the other group also retorted in verse as,

....Haati diya Majjid Bhanglo
Gambujer Chin Rakhlo Naa
Aamra to Bhai Asham e Thakbo Naa... [8]

By 1947, the Pakistan Movement had become steeped in communal rhetoric with religious idioms becoming an important part of the campaign. When Muslim League leaders arrived in Sylhet from Bengal, they were determined to espouse and establish the case for Pakistan invoking religion. One of them even spoke to the press stating that

> ...our cause so noble so Allah will be with us and so the first and the last battle for Pakistan will be fought at Sylhet.[9]

The tussle between the two opposing groups was not an even battle. The contest was keen and the battle lines were clearly drawn. But there was little doubt in minds of people on the field that the Muslim League had an upper hand in this battle in terms of men, money and material support.[10] Even the colonial officials shared this perception.[11] It was therefore little surprise that while the Congress-Communist-Jamiyati volunteers spared no effort at getting their message across to the voters of the Referendum, their message was lost in the hustle-bustle of the campaign on most occasions. Though the colonial official perception admitted that the demography of the District was overwhelmingly against the Congress led combine, the Congress led group still held on to the hope that the referendum could be won by them by ensuring the total turnout of the Hindu voters and swinging the votes of a substantial section of the Mussalmans who had voted in favour of the Congress in the elections of 1946. But despite the efforts of the Congress and the Anti Partition campaigners, the referendum resulted in the victory of the Pro-Partition group led by the Muslim League. The Referendum was mired in an enormous amount of violence and intimidation. As against 15,000 Muslim League volunteers who had moved into the interiors of the district,[12]well

in time for the Referendum. As the Referendum Commissioner's Report pointed out, "the national guards penetrated into the remotest villages and created panic in the minds of non-Muslim villagers".[13] The administration was extremely apprehensive about the situation and there could be little doubt that the administration was hopelessly unprepared to meet the situation. A report sent to the Viceroy by the Governor in the end of May, pointed out that "present armed strength at disposal of the province will not be sufficient to deal with the situation effectively. This amounts to 2850 armed police including Rail Force and 5 Battalions i.e. 62 platoons of Assam Rifles."[14]The report was honest in admitting that the security was inadequate and there was apprehension of "widespread loss of life and destruction of property."[15]

With all these serious shortcomings Sylhet moved into the Referendum on the 6th and 7th of July, 1947. There was rampant cases of violence and intimidation and the Referendum Commissioner in his report honestly reported that, "there were numerous allegations of intimidation of voters, nearly all of intimidation of Hindu voters by Muslim voters and volunteers, and a few cases of intimidation of Muslim voters…"[16] Though the official report tried to downplay the level of intimidation there was no denial of the same. The Report noted that "No doubt some non-violent intimidation by League Muslims had begun but not to the extent claimed by the Hindus."[17] While disputes arose on the extent of the violence and intimidation during the Sylhet Referendum between the colonial officials on the one hand and the political leaders and activists of the Congress and the Muslim League on the other, the results of the referendum came to be notified by the Colonial Government.[18] The Viceroy telegraphed the report of the Referendum Commissioner to the Government in London.[19] But there was no doubt that there were feedback of violence and intimidation indulged in by the League volunteers which probably necessitated the intervention of the security forces.[20] Firing was resorted to and it caused the death of one League volunteer and the injury of three others among the Leaguers and invited violent retaliation on the Congress workers of the area. An IB Report of the incident sent to the Secretary of State reported, "Referendum in Sylhet completed fairly peacefully but fire opened on riotous Moslem crowd in South Sylhet July 7th: one killed three wounded. Leaguers attacked Congress workers near Sylhet twelve injured of whom eight taken to hospital (sic)"[21] The firing on the 7th July let loose a reign of

terror at Sylhet on the Hindu population as the Muslim League supporters came out on the streets in retribution. The firing on the Muslim League supporters at Amtiol became the metamorphic moment of Sylhet partition which transformed the lives of the upper-caste and affluent Hindus who were forced to migrate to India.

The Memory and the Gupta Family

Ever since the publication of *The Other Side of Silence*[22], historical narratives of partition of India have never been the same. Memory has acquired acceptance[23] and legitimacy as a corroborated source of historical information. It is this advantage that was on my mind as I decided to explore the possibility of recovering the story of the Sylhet Referendum and its violent interludes from the memory of those who had experienced and witnessed the turn of events during the Referendum in Sylhet. My interest in the project of re-narrativization began with my interaction with my uncle Bhupendra Kumar Bhattacharyaa, at Guwahati, who first informed me of the rhyme about Jitu Gupta that I deal with in this narrative in the third section called 'The Lore'. "I don't remember much about the referendum now except the four lines", is what he told me when he shared the rhyme with me. "It became very popular as the story of the Amtoil firing spread like wild fire across south Sylhet and Maulvi Bazar", is what he added to his earlier statement as a rider. What started as a family discussion got critical as I got familiar with Jitu Gupta and Sudhir Choudhury the two protagonists of my uncle's narratives. Jitu Gupta was the brother of Dakhina Ranjan, a prominent Congress man and the *mirasdar*[24]of Alowa, who went to Amtoil on the 6th of July and Sudhir Choudhury was the police officer who fired on the crowd at Amtoil on the 7th respectively. I chanced an interaction with the family members of these two protagonists of my narrative and it changed the way I looked at the referendum and its narratives. It is a coincidence of sorts that I had an occasion to meet Tapas Kumar Gupta, the son of Dakshina Ranjan Gupta, and nephew of Jitu Gupta at Delhi and then Shrimati Bani Choudhuri, wife of Late Sudhir Choudhury, the Assistant Commandant of the Syl Force[25] at Shillong.

As the Sylhet Referendum was formally announced, Dakshina Ranjan Gupta, a prominent Congress legislator from Sylhet, and also the *mirasdar* of Alowa in Sylhet began to take an important role in the campaign. In the

Congress campaign he was not alone. There were many other Congress leaders of the district, prominent being Basanta Das, Ananga Mohon Das and Brojendra Choudhury with whom he had collaborated since the days of the anti-colonial struggle launched by Mahatma Gandhi.[26] But the Referendum Campaign was unique. Each side was aware of the special nature of the campaign. The Congress led mobilization took to rallies, street corner meetings, door to door campaign, sloganeering, poster campaigns and even offering bribes in some cases[27] (see Pranesh Das Memoirs). Desperate times probably called for desperate measures and for the *Sylhetis*, as the people of Sylhet were colloquially referred to in Bengali society, it was a battle of their lives.[28] The situation was even more critical for the upper-caste Hindus as they were apprehensive of becoming citizens of Pakistan, which was conceived as an Islamic state.[29] When each and every Sylheti were involved in this life-and-death battle, it was not a surprise that Dakshina Ranjan Gupta, was almost "immersed in the struggle".[30] He had been an MLA from Maulvi Bazar during the 1936 elections and it rankled him that when all other Hindus were part of the campaign, some of his own family members who did not share his enthusiasm. One of them was his own brother Jitendra or 'Jitu' as he was called in close circles.

"My father was extremely critical of my uncle and often chided him for his dis-interest in the Referendum campaign" is what Tapas Kumar Gupta told me at his apartment at Delhi, as I sat to talk with him about his childhood. Tapas Gupta continued to narrate,"My father was totally involved in it and my uncle's lack of initiative and enthusiasm irritated him to the point of anger."[31] This conflict at Dakshina Ranjan's home continued unabated, where the elder brother chided the younger and the younger brother showed open disregard of such fraternal admonition. But that day of July was a different day. 'Probably the taunts hit home and the chastisement worked.'[32] Something stirred inside Jitendra Gupta and like a man moved by resolve and purpose he moved into the village of Amtoil, trying to make his own silent contribution in this struggle for Sylhet in the Referendum. Little did he know that he was about to become a small, yet immortal part of this Referendum campaign history and the lore that emerged from it.

It was the most trying of times for the people of the district on the days of the Sylhet Referendum and the inclement weather made the

situation no easier. It was surely not a day, when one, would, in normal circumstances, step out of the house; and yet Jitendra Gupta did. Moving out of his ancestral country home at Alowa, he gradually moved towards Amtoil, a village where his family held substantial holdings in land. The visit was to the home of a trusted Mussalman Mondol[33], who had been much loyal to the Gupta family, a family of influential mirasdars, in Sylhet. He felt that the Mondol, as he had always been in the days of the past,[34] be receptive to the message that he carried in view of their long familial ties.

Sylhet was humming with activity. Contending parties were engaged in intensive surge that thousands of Sylhetis, who were working in various organizations outside Sylhet streamed into the district to exercise their franchise in the Referendum. Large meetings were being addressed and the contending parties made desperate attempts to convince the voters to toe their line of thought.[35] It was clear that the Congress could not win the referendum by Hindu votes alone and knew that if they had to tilt the scales in their favour they would have to secure Muslim support.[36] It is to secure this Muslim support that Jitendra Gupta, moved out of his house, on that fateful morning, drenched in incessant rain, yet oblivious of his discomfort.[37] He went to the house of the Mussalman Mondol, which was about two miles from his house, to convince him to allow the Hindus to cast their vote in the referendum. This visit had become imperative in view of the fact that the Muslim League volunteers and National guards from outside the province of Assam had penetrated into the remotest villages of the district.[38] It was known that every vote was crucial in the Referendum and the Muslim League volunteers who were campaigning in the interiors of the district of Sylhet to ensure victory for Pakistan in the referendum perceived every non-Muslim as their natural opponent. Amtoil was one such village which had come under League control. Abhijit Choudhury, a retired college teacher in Shillong summed up the tenor of the age when he told me that, “My teacher Dr. Makhan Kar, who was a Congress volunteer at Amtoil had to run for his life when he was chased by League National Guards with *daos*[39] there and could save his life only by jumping over a ditch.”[40]

Despite the tense situation that prevailed in the village, Jitendra Gupta went and tried the best to convince the Mussalman Mondol to allow the Hindu villagers to vote, without realizing that by then Mondol

was already won over into the League creed. Jitendra Gupta's pleas were of no avail and Mondol, in polite firmness told Jitendra alias Jitu Gupta to leave Amtoil, if he wanted to preserve his honour intact. Recollecting the incident, Tapas Gupta told, "My uncle refused to agree to this proposal and an animated argument ensued."[41] As the dawn progressed into morning, the League volunteers began to attack the Hindu villagers and encircled them, in order to stop them from voting. When the news reached Kumud Choudhury, the IPS officer in charge of Maulvi Bazar, he contacted the then Asst. Commandant of the Syl force, Sudhir Choudhury to rush to Amtoil village and control the situation. Writing about the incident at p. 70-72 in his unpublished memoir *Smriti Charane – Judhouttor Shimanta*,[42] Shri Sudhir Choudhury noted that,

> Reaching Maulvi Bazar town I received a handwritten instruction from a senior officer directing me to go to Amtoil village, which was located on the village path leading to the Alowa village voting centre. It was reported that about four hundred Hindu men and women were held captive by armed Muslim League volunteer guards and their lives were in danger. I was given the responsibility to free these villagers and escort them to the voting station.
>
> At that moment, I was very tired and I had no armed personnel, whom I could take along with me. Yet, accompanied by an orderly and three other personnel, on my vehicle, I immediately left for Amtoil. We took with us a rifle each. I was wearing the olive green uniform of the Rail force. The rice stalks in the paddy fields in Amtoil were at least as tall as our waist and it was submerged in water which was as high as our knees. I could see armed League volunteers guarding the field, from far but no other people could be seen. The village guard himself came forward and informed us that about four hundred Hindu men and women were held captive within the watery paddy field and some of the women were accompanied by their infant children. For us there was no scope for retreat. As we advanced, the village guard alerted villagers about our presence. We were identified as the military personnel. Feeling reassured, four hundred men and women who had been held captive by the Muslim League volunteers stood up. In response the armed League volunteers became aggressive and belligerent. As our presence became obvious, the Hindu crowd began to feel emboldened to move towards the voting station. It was this act that stirred the League guards into almost madness and they began to advance towards us. It is then that I realized that these guards were about thousand in strength. There was shouting all around. The armed

> Muslim League Volunteers advanced menacingly and began to hurl their sharp spears at us. The terrorized Hindu villagers began to run in various directions and I was stuck in a very critical situation. In this dangerous situation, I was constrained to open fire on the violent League volunteers in self defence. As a result one League armed guard was killed and another was critically injured. In this confusion about half of the Hindu voters ran back home and we were able to escort only about two hundred and fifty voters to the polling station.[43]

The Lore

The story that developed around the police firing at Amtoil however was very different from what had really taken place. It was a combination of apparently two unrelated developments. While one incident was the visit of Jitendra Gupta to Amtiol on the first day of voting during the Sylhet Referendum and the other was the firing "opened on riotous Moslem crowd in South Sylhet July 7th" which was the second day of the Referendum.[44] Though the two incidents had no apparent connection, yet they were combined by the Muslim League volunteers as propaganda in their violent[45] referendum campaign. Discussing the same Tapash Gupta, Jitu Gupta's nephew emphatically pointed out that, "when the firing took place my uncle Jitendra Gupta was back home, nowhere in the scene."[46] But despite his absence, the League goons asserted that it was Jitendra Gupta who had sent the army to counter them. When the firing resulted in the death of League guard, the League volunteers came out with a rhyme, which was as follows:

> *Alowar Zamidar*
> *Jitu Chura Naam Taar*
> *Aamtoile gulli koira*
> *Koirlo Atyachar*. [47]

Jitendra Gupta had only a fleeting presence in Amtoil on that fateful day. Yet, when one League volunteer was felled by Syl Force bullet, the League lost no time in blaming him for the incident. While the League lost little time to forget it own vandalism, it instantly vilified the Zamidar family of Alowa. Suffixing a derogatory word, '*chura*'[48] to Jitendra Gupta's name was the first step in that direction. Jitendra Gupta or Jitu passed into the hall of infamy in the League annals, though in the admission of the officer who opened fire, Jitu Gupta was never the cause of it. The entry

of Jitu Gupta into League lore was unusually fast, and the League spared no effort to forget or forgive the Gupta family. Jitu Gupta's presence early in the day at Amtoil was suffice for the League to build an emotive and oppressive anti-Hindu and anti Zamindar campaign at Maulvi Bazar. Jitu Gupta's background as a scion of the Zamindar family of Alowa provided fodder for the League's anti-Hindu propaganda.

This rhyme was used as intelligently crafted as an effective weapon to instigate the Muslim League supporters into a state of violence. The hysteria that followed the incident of police firing at Amtoil prevented the Muslim people at large from knowing the truth. They were on a war path. The League volunteers began to parade the town with the body of their dead comrade and their target was the Gupta family. Soon the crowd came down near the house of the Guptas at Alowa and began to raise slogans calling for the death of Jitu Gupta's brother, the head of the Gupta family, Dakhina Ranjan Gupta. 'Dakhina Guptar matha chai,[49] or we want the head of Dakhina Gupta, was one of the slogans raised by the agitated crowd. Although the situation was brought under control, the incident was never forgotten. When East Pakistan came into being, Jitu Gupta was charged with murder, supposedly for his role in the Amtoil firing. All these harassments forced Jitu Gupta to migrate to Karimganj, which after partition of 1947 became a part of India where he was soon forgotten, save his family and friends.

As Assam, along with Punjab and Bengal came to be partitioned in 1947, the district of Sylhet, save for only three and a half *Thanas* became a part of East Pakistan. What followed partition of Sylhet was a sustained communal campaign by the Muslim League volunteers at Sylhet to reinforce the Islamic character of the new state in the district as well. Hindus, who were identified as the 'other' were violently uprooted from Sylhet and most of these displaced found their way to India.[50] Over the years, as the post colonial state in India began to resist the rehabilitation of the displaced from East Pakistan, these displaced began to come out with details of their experiences in East Pakistan which forced them to leave their ancestral home and hearth. Anecdotes as the one surrounding the Gupta family became the texts around which narratives of Hindu post-colonuial experiences in East Pakistan and their eventual uprooting came to be constructed. For the upper caste Hindu displaced from Sylhet, this incident at Amtoil transformed Jitendra Gupta from a reticent campaigner

of the Referendum into an icon within the referendum lores preserved among of the Hindu displaced. Though official reports were almost dismissive about this incident at Amtoil as single inconsequential event with one report observing that, "...as luck would have it there was only one case of opening fire to disperse mobs. This was actually done by Railforce..,"[51] the incident continued to resonate among the articulate and upper caste displaced Hindus of Sylhet. The name of Jitendra Gupta, though never mentioned even once in the History of the Referendum, has stuck a deep chord in the minds of the people who were displaced from Maulvi Bazar in particular and Sylhet in general.[52]

Many of the displaced Hindus of Maulvi Bazar often began their reminiscences about the referendum with this rhyme,[53] in which Jitu Gupta emerged unwillingly as a key player in Referendum politics and rhetoric. This song came to be used as a call given by the League to their supporters to unleash a wave of anti-Hindu vendetta in Sylhet. In Sylhet, where the Hindus constituted a major section of the Landlords, post-partition communal politics combined class conflict with religion to increase adversity for the Hindu landed elite.[54] 'Jitu Gupta' was easily identified with his class the 'landlords' or 'zamindars' who were accused of indulging in torture or 'atyachar' of their Mussalman opponents. The victim of Amtoil firing became a metaphor around whose death the Mussalman mass consciousness could be galvanized during the closing days of the Pakistan campaign. The result of such mobilization was violence, threat and harassment of the Hindus, leading to the displacement of about half a million from Sylhet alone.

This incident thus became transfixed in the minds of the displaced upper caste Hindus who recited this rhyme to highlight their plight in Eastern Pakistan especially Sylhet. Though never a part of historical truth, Jitu Gupta's name became etched in the popular culture that developed around the Sylhet Referendum and within Sylhetis displaced psyche. For a community who lost their land and remained endangered as 'outsiders' in the North East Indian states which played reluctant hosts to them, such tales linked them to their passage from their 'desh' Sylhet to 'Bharat'[55] While the Sylheti found himself marginalized in post-colonial Assam, such songs and tales became identified with his beleaguered identity. Anecdotes and rhymes became instruments by which the Sylheti could transmit the glory of his past and wretched condition of the present to his subsequent

generations. Faced with the prospect of continuous interrogation about his refugee-ness, the Sylheti is probably forced to dig deep into his community memory to justify his migration from his native land, in which tales as the one of Jitu Gupta become indispensable. Songs travel through word of mouth from country to country. While records of the Referendum were not enough to highlight its significance in the history of transfer of power in India, songs such as the one on Jitu Gupta helped to revive the memory of the referendum among the Sylheti displaced even today. Despite its absence in official records, Jitu Gupta and his journey to Amtoil on the fateful day of the Referendum had become an indispensable part of an Referendum story that survive among the Sylheti refugee survivors of the Referendum of 1947.

Conclusion

It is through anecdotes, rhymes and such other markers of popular culture that historical events become the source for community folklore. The exact details of the historical events however become submerged under the weight of new folk narratives that would emerge around the historical incident. The causality that historians search would fade into irrelevance and the future generations would often be guided by 'constructed causalities' that would be built up around the event to give it a folk texture. Passage of time would ensure that the history written by practicing historians would display a marked disjoint with the tales of events as preserved in the 'archives' of popular memory. The forms that 'historical facts' take often crystallize in folk narrative to challenge the 'official vision of historical events' itself. Often folklore as a source of information becomes a critical component of explanatory notes that emerged about a community history and identity formation and transformation at a moment of crises. Thus, for the Muslim League and Mussalmans of Sylhet, Jitu Gupta was a villain around whom the community response in the Referendum and post Referendum days could be constructed. For the Hindu Refugees, Jitu Gupta was the 'metaphorical' explanation for the community's fate in Sylhet during the Referendum and flight from Sylhet after 1947.

Historical events get transformed into lore in a particular way, for a particular community as a response to a community's experience at different points of time. Events critical to a community identity or that which shapes the communities' consciousness and stirs its sentiment gets

transmitted into the future through the instrument of folklores. While the minute details of history fades into oblivion, the narratives about it transform themselves into folklore to acquire immortality for community instruction and education, long after the incident had occurred. In this transformation of history to lore, the event itself is passed on as on instructive capsule for the community and those who come in contact with it. This story of Jitu Gupta is a typical lore that tries to explore the problems of Sylheti upper caste Hindu identity and challenges faced by the Sylheti Hindu upper castes in the trying days of partition of India. It is also interesting to see how such anecdotes gets transformed to lore to construct communal consciousness and gets transmitted in varied forms from generation to generation.

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6 Private Secretary to the Viceroy Papers acc. No. 3471, National Archives of India, New Delhi, Mount Batten Papers, National Archives of India, New Delhi (hereafter referred to as N.A.I)

7 Loosely translated as 'Do not make the land of Chaitaniya and Shah Jalal into the state of Pakistan' (free translation mine)

8 Loosely translated as 'they have broken down our mosques with elephants, removed all traces of minarets, we will not live in Assam anymore.' (free translation mine).

9 *Star of India*, 4th July, 1947, N.M.M.L.

10 While the central leadership of the Congress had already conceded to the idea of creation of Pakistan and were reconciled to it, the provincial leadership of the Congress party in the Brahmaputra Valley were not too keen to retain the predominantly Bengali speaking Sylhet District in Assam once partition had been agreed to. The Assamese leaders were clear, even in 1946 that they were willing to part with Sylhet and Cachar, the two Bengali speaking districts to East Bengal. This can be seen in the report of the Viceroy Wavell and his meeting with Gopinath Bordoloi, the Premier of Assam in his Journal edited by Penderal Moon. See Penderel Moon, Wavell, *The Viceroy's Journal*, Oxford University Press, London, 1973.

11 Annexure C to Referendum Commissioner's report on the Sylhet Referendum in Private Secretary to the Viceroy Papers acc. No. 3471, National Archives of India, New Delhi.

12 Star of India, July 8th, 1947, NMML

13 Referendum Commissioner's Report, Mountbatten Papers, Acc No. 5123

14 Mountbatten Papers, Acc No. 5123, NAI

15 *Ibid.*

16 Referendum Commissioner's Report, *op.cit.*

17 Annexure C, Referendum Commissioner's Report, *op.cit.*

18 IOR R/3/1/158 'Referendum in Sylhet' Jun-Aug 1947

19 Mountbatten Papers, Acc No. 5123 also see IOR R/3/1/158 'Referendum in Sylhet' Jun-Aug 1947

20 The details of this incident is there in Political History of Assam, File No. 169, ASA and in the unpublished memoirs (written in Bengali) of Late Sudhir Choudhury who led the police team that fired in Amtiol entited *Smriti Charane – Judhho Uttor Shimanta*.

21 Political History of Assam, File No. 169, ASA.

22 Urvashi Butalia, *The Other Side of Silence: Voices from the Partition of India*, Penguin, 1998.

23 For details see Gyanendra Pandey, *Remembering Partition: Violence, Nationalism and History in India*, Cambridge University Press, Cambridge, 2004. Also see Dipesh Chakrabarty, *Habitations of Modernity: Essays In The Wake Of Subaltern Studies*, University of Chicago Press, Chicago, 2002.

24 A *mirasdar* is a hereditary rent collector of a designated area in Permanent Settlement Areas. He is an intermediary between the Colonial state and the peasant cultivators in his area.

25 Syl Force was a temporary police force which was constituted by the Central Government to oversee the Sylhet Referendum in 1947.

26 My interface with Tapash Gupta. 4th June, 2009 at New Delhi

27 Pranesh Das Memoirs 'Smarane Manene' p. 75.

28 *Ibid.*

29 The situation for the Hindu backward caste leaders was different. Led by the backward caste leader Jogendra Nath Mondal, they came out to support Pakistan. They looked at Pakistan as a deliverance from upper caste hegemony. For details see IOR/3/1/158.

30 Tapash Gupta, *op.cit.*

31 *Ibid.*

32 *Ibid.*

33 A Mondol is a village level revenue official engaged with the measurement and assessment of the land and revenue.

34 My interface with Shri Tapash Kumar Gupta, Nephew of Jitendra Gupta and son of Shri Dakhina Ranjan Gupta on the 4th of June 2009 at New Delhi.

35 Dawn dated 2nd July, 1947, N.M.M.L.

36 Pranesh Das, *op.cit.*

37 Tapash Gupta, *op.cit.*

38 IOR R/3/1/158 also see Private Secretary to the Viceroy Papers, Acc. No. 3471, N.A.I.

39 Dao is a country made sharp long chopper.

40 Recollected Shri Abhijit Choudhury during the writers interface with him, at Shillong on 13th Aug., 2009.

41 Tapash Gupta, *op.cit.*

42 Sudhir Choudhury's memoirs which are as yet unpublished which, the writer was give access by Sudhir Choudhury's family.

43 *Ibid.*

44 Telegram from Chief Secretary, Assam to the Secretary of State for India, London, IOR R/3/1/158.

45 The violent character of the League Campaign and its contrast with the timid and disorganized anti-partition campaign led by the Congress was discussed among colonial officials themselves. For details see IOR R/3/1/158.

46 Tapash Gupta, op.cit

47 This song loosely translated would mean The Zamindar of Alowa by the name of Jitu Chura commited atrocities by firing a gun at Amtiol.(free translation mine).

48 The word is used in Sylhet as an appellation for a thief or someone who had entered a house or territory surreptitiously or without authorization.

49 My interface with Tapash Gupta, *op.cit*.

50 For details of this violent post partition campaign in Sylhet see B. Dutta, (2013),'Violent Parting: Recovering the history of violence in Sylhet on Partition and after,(1947-1950)', *Heritage*, Vol.IV:I:20-36.

51 Referendum Commissioner's Report on the Sylhet Referendum opcit, Nation Archives of India.

52 My interface with Shri Bhupendra Kumar Bhattacharjee, retired Joint Secretary, Government of Assam, at Guwahati on 6th Nov.,2008.

53 Interface with B.K. Bhattacharjee, *opcit*.

54 See a detailed discussion of the same in an interview between the author and Smti Hashi Rani Choudhury hailing from the Mirasdar family of Purkayastha Para in Jinarpur, Sylhet in B. Dutta, 'Forgotten Land, Forsaken People' in *Special issue of IUP Journal of History and Culture*, Vol IV, No. 3.

55 This was the word that the Hindu nationalists referred to India.

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Access to Public Health-Care in the Rural Northeast India

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Abstract

Despite phenomenal economic growth over the last two decades, India has done lesser than expected to improve the health-care sector. Even though the National Rural Health Mission (NRHM), launched by the Government of India in 2005, has made significant progress in the health-care infrastructure of the country, the improvement has been quite uneven across regions, especially in the north-east, with large-scale rural-urban variations and limited accessibility to health-care services in rural areas. In this context, this paper critically examines and evaluates the current status of public health infrastructure in the rural areas of the northeastern region of India.

Keywords: accessibility, health infrastructure, rural health, shortage of health manpower.

Introduction

The health condition of the people of a nation largely depends on an effective and well developed health-care system. However, even after six decades of planned development process initiated in India, its health-care sector is quite unsatisfactory. Although India has achieved unprecedented economic growth in the post-reforms decades (Saikia,2012), it has performed poorly in terms of health sector development (Baru et al., 2010). India has been lagging behind other developing countries like China, Sri Lanka and Bangladesh in terms of the state of health-care infrastructure and many health indicators such as life expectancy at birth, infant mortality and under-five mortality levels etc. (Government of India, 2005, 2012b).

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Recognising the role of health in development and the importance of health infrastructure in improving health, the Government of India launched the National Health Policy in 2002 and the National Rural Health Mission (NRHM) in 2005 to strengthen the rural health-care infrastructure in the country. The NRHM aims to provide effective health-care to the rural population in the country with special focus on the states which have poor health indicators and inadequate public health infrastructure facilities. The NRHM mainly focuses on improving access to equitable and affordable primary health-care services such as women's health, child health, water, sanitation & hygiene, immunisation and nutrition, etc. to the rural people, especially women and children.

Although India has made considerable progress in health infrastructure under NRHM, the improvement has been quite uneven across regions with large-scale inter-state variations (Kumar, 2013; Hazarika, 2013; Baru *et al*., 2010). Further, accessibility to health-care services is extremely limited in many rural areas and backward regions of the country. As per the National Health Policy 2002 only 24 percent villages in India have health-care facilities as against 88 percent towns and only 34 percent medical professionals are in rural areas as against 66 percent in urban areas. Bhandari and Dutta (2007) observe that while about 70 percent of India's population live in rural areas, only 20 percent of hospital beds are located in rural areas.

In this context, the present paper seeks to examine the status of health-care infrastructure in the rural areas of the northeastern region (NER) of India, which is one of the most backward regions of the country, wherein about 81.6 percent of population (Census 2011) in the region lives in the rural areas. The paper attempts to analyse the current status of rural health infrastructure, health-care facilities, health workers, accessibility of health-care services and safety and acceptability of health-care services in the rural areas of the north-eastern states after the implementation of the NRHM in 2005. The rest of the paper is organised in the following sections. The next section briefly outlines the methods and analysis used in this paper. Section 3 discusses the status of public health-care infrastructure across the north-eastern states. The last section summarises the findings with policy implications.

Data and Method

This paper is solely based on secondary data. Data used in this paper were collected from four sources – (a) Bulletin on Rural Health Statistics 2011, (b) National Health Profile 2011 (both are published by the Ministry of Health and Family Welfare, Government of India), (c) Population Census 2011 published by Registrar General, Government of India, and (d) District Level Household and Facility Survey (DLHS-3) 2007-08, conducted by International Institute for Population Sciences (IIPS), Mumbai.

The analysis carried out in this paper is qualitative and descriptive. The narratives have been explained by analysing five dimensions of health-care infrastructure, viz. physical infrastructure required to provide health-care facilities to a patient; facilities available in the health institutions for patient's treatment; availability of health workers of different categories; accessibility of the health-care facility; and safety and acceptability of health-care services. Even if only one of these components is missing, a patient is unlikely to receive appropriate and quality health-care services.

Health Status in the NER

There is a wide range of indicators to measure the health status of people. We mainly look at four key health indicators namely crude birth rate (CBR), crude death rate (CDR), infant mortality rate (IMR) and child immunisation. Table 1 presents the health situation in the NER vis-à-vis India separately for rural and urban areas in terms of these indicators. It is evident that all the northeastern states except Assam and Meghalaya are in better position than the national average in terms of CBR, CDR and IMR in both the rural and urban areas. In particular, Manipur, Nagaland and Sikkim are well ahead of the national average and the other north-eastern states in all the three indictors. For Assam and Meghalaya the condition is better than the national average in case of CBR and CDR in the urban areas, but their condition is below the national average and other northeastern states' average in the rural areas, whereas in case of IMR the condition of both the states is below the national average as well as other northeastern states in both the rural and urban areas. These are the health outcome-indicators. It is also important to look at the health input-indicators. Here we look at child immunisation, which is very crucial to promote child survival and prevent infant mortality. We have used two measures of child immunisation – *Immunisation-1*, defined as percentage

Table 1: Health Indicators in the NER vis-à-vis all India

States	Area	CBR 2010	CDR 2010	IMR 2010	Immuni-sation-1 2007-08	Immuni-sation-2 2007-08
Arunachal Pradesh	Rural	22.1	6.9	34	13.9	11.5
	Urban	14.6	2.3	12	12.5	13.7
	Combined	20.5	5.9	31	13.5	12.1
Assam	Rural	24.4	8.6	60	50.0	11.6
	Urban	15.8	5.8	36	55.3	7.1
	Combined	23.2	8.2	58	50.9	11.2
Manipur	Rural	14.8	4.3	15	44.1	11.6
	Urban	15.3	4.0	9	65.2	6.6
	Combined	14.9	4.2	14	48.5	10.6
Meghalaya	Rural	26.6	8.4	58	31.2	14.1
	Urban	14.8	5.6	37	55.1	12.9
	Combined	24.5	7.9	55	33.7	14.0
Mizoram	Rural	21.1	5.4	47	46.8	6.0
	Urban	13.0	3.7	21	68.4	1.2
	Combined	17.1	4.5	37	54.5	4.3
Nagaland	Rural	17.0	3.7	24	NA	NA
	Urban	16.0	3.3	20	NA	NA
	Combined	16.8	3.6	23	NA	NA
Sikkim	Rural	18.1	5.9	31	77.1	0.5
	Urban	16.1	3.8	19	91.6	0.0
	Combined	17.8	5.6	30	77.8	0.5
Tripura	Rural	15.6	4.8	29	36.4	21.6
	Urban	11.5	5.7	19	63.4	5.7
	Combined	14.9	5.0	27	38.5	20.3
All India	Rural	23.7	7.7	51	50.6	5.2
	Urban	18.0	5.8	31	63.1	2.9
	Combined	22.1	7.2	47	54.1	4.5

Notes: CBR=Crude Birth Rate, CDR= Crude Death Rate, IMR= Infant Mortality Rate, Immunisation-1= Percentage of children aged 12-23 months fully immunised, Immunisation-2= Percentage of children aged 12-23 months not received any vaccination. NA= Data not available.

Source: Bulletin on Rural Health Statistics in India, 2011 and District Level Household and Facility Survey (DLHS-3), 2007-08.

of children aged 12-23 months received full immunisation comprising of BCG, three doses of DPT, three doses of Polio (excluding Polio 0) and measles; and *Immunisation-2*, defined as percentage of children aged 12-23 months not received any vaccination. Table 1 reports these two indicators from the District Level Household and Facility Survey (DLHS-3), 2007-08. It appears from the Table that all the northeastern states except Sikkim and Mizoram are below the national average in achieving full child immunisation and all the northeastern states except Sikkim are far below the national average in terms of failure to provide any vaccination to children in both the rural and urban areas. The health condition in the rural areas in all the states is more pitiable compared to the urban areas in terms of all the health indicators. The rural-urban gap in the health situations across the northeastern states is clearly visible from Table 1. In view of this, the rural health-care should be an area of utmost priority of any government social sector policy, especially health policy.

Status of Rural Health Infrastructure

The rural health-care infrastructure in India has been developed as a three tier system with Sub-Centre (SC), Primary Health Centre (PHC) and Community Health Centre (CHC) being the three pillars. The establishment of these health centres is based on the population norms of 5000 per Sub-Centre, 30000 per PHC and 120000 per CHC in Plain areas and, 3000 per Sub-Centres, 20000 per PHC and 80000 per CHC in Hilly/Tribal/Desert areas. Further, there will be six Sub-Centres per PHC and four PHCs per CHC (GOI, 2011). The growth of these health-care institutions, especially growth of the Sub-Centres is a prerequisite for the overall progress of the entire system.

The Sub-Centre is the most peripheral and first contact point between the primary health-care system and the community. Sub-Centres, manned by one Auxiliary Nurse Midwife (ANM)/Female Health Worker and one Male Health Worker (and one additional second ANM under NRHM), are expected to provide services in relation to maternal and child health, family welfare, nutrition, immunisation, diarrhoea control and control of communicable diseases programmes. There are 148124 Sub-Centres functioning in the country as on March 2011, of which 7259 (4.9 percent) are located in the NER (Table 2).

The PHC is the first contact point between village community and the medical officer. A PHC, manned by a Medical Officer and 14 paramedical and other staff, acts as a referral unit for 6 Sub-Centres and has 4 to 6 beds for patients. PHCs are envisaged to provide an integrated curative and preventive health-care to the rural population. As on March 2011, there are 23887 PHCs in India, of which 1510 (6.3 percent) are located in the NER (Table 2).

The third layer of India's rural health-care system is CHC. A CHC, manned by four medical specialists (i.e. Surgeon, Physician, Gynaecologist and Pediatrician) and 21 paramedical and other staff, acts as the referral centre for four PHCs and also provides facilities for obstetric care and specialist consultations. It has 30 in-door beds with one Operation Theatre, X-ray, labour room and laboratory facilities. As on March 2011, there are 4809 CHCs in India, of which 244 (5.1 percent) are located in the NER (Table 2).

Table 2
Progress in Health Centres

States	March 2005			March 2011		
	Sub-Centres	PHCs	CHCs	Sub-Centres	PHCs	CHCs
Arunachal Pradesh	379	85	31	286	97	48
Assam	5109	610	100	4604	938	108
Manipur	420	72	16	420	80	16
Meghalaya	401	101	24	405	109	29
Mizoram	366	57	9	370	57	9
Nagaland	394	87	21	396	126	21
Sikkim	147	24	4	146	24	2
Tripura	539	73	10	632	79	11
NER	7755	1109	215	7259	1510	244
All India	146026	23236	3346	148124	23887	4809

Source: Bulletin on Rural Health Statistics in India, 2011.

Considering the progress in physical infrastructure under NRHM, Table 2 reveals that for the country as a whole the number of Sub-Centres

has increased from 146026 to 148124, PHCs from 23236 to 23887 and CHCs from 3346 to 4809 during 2005 to 2011; whereas in the NER the number of Sub-Centres has declined from 7755 to 7259 and number PHCs and CHCs has increased from 1109 to 1510 and 215 to 244 respectively. The decline in Sub-Centres in the region is mainly because many of the Sub-Centres have been upgraded to PHCs, which is evident from the fact that the number of PHCs in the region has increased during this period. Individually Assam and Arunachal Pradesh have experienced significant decline in the number of Sub-Centres, whereas number of Sub-Centres has increased in Tripura and for the rest of the states it remains more or less same. All the states but Mizoram and Sikkim have witnessed progress in PHCs. The number of CHCs showed a decline in Sikkim, whereas the number of CHCs in other northeastern states either remained unchanged or showed a small increase.

Table 3 shows the current status of rural health centres in the north-eastern states *vis-à-vis* the country as a whole in terms of the average rural population covered by a Sub-Centre, a PHC and a CHC in 2005 and 2011. For the country as a whole a Sub-Centre in the rural areas had to serve 5085 people, a PHC had to serve 31954 people and a CHC had to serve 221904 people as on March 2005. But the population coverage by Sub-Centre, PHC and CHC stood at 5624 people, 34876 people and 173235 people respectively. Compared to the national average of population coverage by a health centre in 2005, all the north-eastern states are in better position in case of Sub-Centre, whereas all the states except Assam and Tripura are in better position in case of PHC and CHC. By 2011, there has been an increase in the population coverage by a Sub-Centre in all the states except Nagaland, Sikkim and Tripura. Similarly, the coverage by a PHC increased in Arunachal Pradesh, Manipur, Meghalaya and Mizoram; and that by a CHC also increased in all the states except Arunachal Pradesh, Nagaland and Tripura. Compared to the national average of population coverage by a health centre in 2011, all the north-eastern states except Assam and Meghalaya are in better position in case of Sub-Centres, whereas in case of PHCs all the states and in case of CHCs all the states but Assam, Sikkim and Tripura are in better position.

Table 3
Population Coverage by Health Centres

States	Average Rural Population (Projected 2005) covered by a Health Centre in 2005			Average Rural Population (Census 2011) covered by a Health Centre in 2011		
	Sub-Centres	**PHCs**	**CHCs**	**Sub-Centres**	**PHCs**	**CHCs**
Arunachal Pradesh	2296	10236	28067	3738	11022	22274
Assam	4544	38059	232163	5817	28551	247968
Manipur	3788	22095	99426	4523	23745	118727
Meghalaya	4650	18462	77696	5849	21734	81689
Mizoram	1223	7852	49730	1430	9281	58782
Nagaland	4181	18934	78440	3553	11166	66993
Sikkim	3272	20041	120245	3123	18998	227981
Tripura	4923	36349	265345	4288	34304	246368
All India	5085	31954	221904	5624	34876	173235

Source: Bulletin on Rural Health Statistics in India, 2011.

As far as the fulfillment of the population coverage norm is concerned, for the country as a whole the existing population norms are yet to fulfill in all the three categories of health centres. All the north-eastern states but Mizoram are yet to satisfy the population norms in case of Sub-Centres, whereas Assam, Manipur, Meghalaya and Tripura are yet to satisfy the population norm in case of PHCs and all the States but Arunachal Pradesh, Mizoram and Nagaland are yet to satisfy the population norm in case of CHCs.

The figures indicate that although there has been considerable progress in health centres after the implementation of NRHM in 2005, still the progress is not sufficient to provide health-care services to the growing population. In fact, there is acute shortage of health centres across the northeastern States (Table 4). For the country as a whole there is shortage of 20 percent of Sub-Centres, 24 percent of PHCs and 38 percent of CHCs. All the States except Mizoram have suffered acute shortage of one or the other health centres. The major concern is Assam, Sikkim and Tripura, which have suffered more than 50 percent shortages of CHCs. Therefore, in order to achieve the main goals of the NRHM,

there is need for establishment of more health centres, especially Sub-Centres and the existing health centres need to be upgraded to the next level.

Table 4
Shortfall in Health Centres (as on March 2011)

States	Sub-Centres	PHCs	CHCs
Arunachal Pradesh	27 (8.63)	+	+
Assam	1237 (21.18)	15 (1.57)	130 (54.62)
Manipur	72 (14.63)	+	3 (15.79)
Meghalaya	353 (46.57)	5 (4.39)	+
Mizoram	+	+	+
Nagaland	61 (13.35)	+	+
Sikkim	+	+	2 (50.00)
Tripura	41 (6.09)	27 (25.47)	15 (57.69)
All India	35762 (20.06)	7048 (24.13)	2766 (37.92)

Note: + indicates surplus. Figures within parentheses represent percentage.

The Shortfall of health centres is calculated as the difference between the required health centres (which is calculated using the prescribed population norms on the basis of Census 2011rural population) and health centre in-position.

Source: Bulletin on Rural Health Statistics in India, 2011.

Facilities available in Health Centres

Along with the progress in health centres, facilities available in the health centres are another important dimension of the health-care system. However, the condition of the northeastern states (except Mizoram) in this respect is poor. Table 5 reports the various facilities available in the health centres in the northeastern states vis-à-vis India as on 2011. While for the country as a whole only 55 percent Sub-Centres have ANM quarters, the figures are as low as 7.8 percent in Tripura, 17.2 percent in Nagaland, 40 percent in Arunachal Pradesh and no Sub-Centres in Manipur have ANM quarters. Even the quarters that are available are not used by the ANMs in

all the states but Arunachal Pradesh, Mizoram and Nagaland. All the states except Manipur have a better condition compared to the national average in terms of PHCs with labour room, whereas all the states but Mizoram and Tripura have an abysmal condition than the national average in terms of PHCs with Operation Theatre. The availability of regular water supply and electricity in the Sub-Centres and PHCs are not adequate across the northeastern states and most of the states have deplorable condition than the national level in terms of regular water supply and electricity. The unreliable electricity and water supplies take their toll to a greater extent on the performance of these centres.

Ironically, while the NRHM mission emphasises on integrating AYUSH (Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy) in the health-care system, none of the PHCs in Mizoram, Nagaland and Sikkim have AYUSH facility and only Manipur, Tripura and Meghalaya have more than national average (45.96 percent) of PHCs having AYUSH facility.

Turning to the facilities available in the CHCs, it is obvious that no CHC in any of the northeastern states except in Assam have all four specialists (surgeons, obstetricians & gynecologists, physicians and pediatricians). While none of the CHCs in Sikkim has quarters for specialist doctors; the percentage of CHCs with quarters for specialist doctors is very low for all other states except Manipur and Nagaland. Contrarily, though all the CHCs in Manipur have quarters for specialist doctors, but in none of the CHCs the specialist doctors live in quarters. In case of CHCs with functional operation theatre, Arunachal Pradesh, Manipur, Meghalaya and Tripura are below the all India average; whereas in case of CHCs with X-ray machine, Nagaland, Arunachal Pradesh and Assam are below the national level. In case of percentage of CHCs designated as FRU (First Referral Unit)[1], Assam, Manipur, Meghalaya and Tripura are below the national level. Further, none of the FRU in Arunachal Pradesh, Manipur and Tripura has blood storage facility.

While retaining the Indian Public Health Standards (IPHS) norms is important to maintain an acceptable standard of quality of health-care

1 An existing facility (district hospital, sub-divisional hospital, and/or CHC) is declared as First Referral Unit (FRU) if it is equipped to provide round-the-clock services for emergency Obstetric and new born care, in addition to all emergencies that any hospital is required to provide (GOI, 2011).

and to make the services more responsive and sensitive to the needs of people, only 18.38 percent of CHCs have been functioning as per the IPHS norms for the country as a whole and not a single CHC in any of the northeastern states except Meghalaya and Tripura have been functioning as per the IPHS norms. Even the CHCs functioning as per the IPHS norms in Meghalaya and Tripura are very small; only 3.4 and 9.1 percent respectively. Although the NRHM has focused heavily on child birth and pre-natal care, the child care and delivery facilities available in the CHCs are surprisingly poor. None of the CHCs in Arunachal Pradesh, Nagaland, Sikkim and Tripura have stabilisation units for the new born and, except Assam, the situation in the other states as well as the country as a whole are pitiable. Similarly, Arunachal Pradesh, Meghalaya and Tripura are below the national average (59.97 percent) in case of CHCs with new born care corner. The DLHS-3, 2007-08 reveals that none of the CHCs in Mizoram and Tripura have Obstetrician/Gynaecologist, while PHCs having Obstetrician/Gynaecologist in Manipur and Meghalaya are below the national average (25.2 percent). However, in case of 24 hours normal delivery services in CHCs the situation across the northeastern states is more or less at par with the national average.

Availability of sufficient number of beds in the health centres is a crucial requirement for the in-door patients. Although the IPHS norm recommends at least 4 to 6 beds in PHCs, percentage of PHCs with at least four beds in Arunachal Pradesh, Assam, Manipur and Tripura are below the national level (62.4 percent). Similarly, although the IPHS norm recommends at least 30 beds in CHCs, none of the CHCs in Arunachal Pradesh and Sikkim fulfils this norm (Table 5). The National Health Profile 2011 reveals that there are about 11993 government hospitals having 784940 beds in the country, of which 7347 hospitals (61.26 percent) are in rural area with 160862 beds (20.49 percent). The NER accounts for 587 rural government hospitals (8.0 percent) with 9285 beds (5.77 percent) (Table 6). All the northeastern states except Assam and Tripura are well ahead of the national average in terms of population served per rural government hospital and, all the states except Assam are in better condition than the national average in terms of population served per government hospital bed in the rural areas.

Table 5

Facilities available in Health Centres (as on March 2011)

	Arunachal Pradesh	Assam	Manipur	Meghalaya	Mizoram	Nagaland	Sikkim	Tripura	India
Sub-Centres with ANM quarter (%)	39.9	55.2	0.0	99.0	94.6	17.2	95.2	7.8	55.0
Sub-Centres with ANM living in SC quarter (%)	100.0	19.9	0.0	42.6	100.0	97.1	20.9	32.7	60.8
Sub-Centres without water supply (%)	4.2	9.5	88.3	72.6	80.0	53.0	6.2	52.8	24.8
Sub-Centres without electric supply (%)	22.0	67.6	63.8	65.4	0.0	49.2	2.7	48.1	24.5
PHCs with Labour Room (%)	69.1	73.1	47.5	100.0	100.0	69.8	100.0	75.9	65.7
PHCs with Operation Theatre (%)	11.3	3.5	0.0	0.0	100.0	31.0	91.7	5.1	38.4
PHCs with at least 4 Beds (%)	60.8	54.5	23.8	100.0	100.0	97.6	100.0	58.2	62.4
PHCs without water supply (%)	29.9	41.8	68.8	11.9	100.0	15.9	0.0	15.2	12.5
PHCs without electric supply (%)	32.0	8.8	18.8	3.7	0.0	19.8	0.0	6.3	8.1
PHCs with AYUSH facility	15.5	40.3	90.0	49.5	0.0	0.0	0.0	67.1	46.0
CHCs with all four Specialities (%)	0.0	25.9	0.0	0.0	0.0	0.0	0.0	0.0	13.3
CHCs with quarters for Specialist Doctors (%)	6.3	NA	100.0	13.8	11.1	90.5	0.0	27.3	56.3

CHCs with Specialist Doctors living in quarters (%)	6.3	NA	0.0	13.8	11.1	90.5	0.0	0.0	41.8
CHCs with functional Operation Theatre (%)	77.1	93.5	43.8	20.7	100.0	100.0	100.0	27.3	87.1
CHCs with functional X-ray Machine (%)	27.1	55.6	75.0	62.1	100.0	14.3	100.0	72.7	58.5
CHCs with at least 30 Beds (%)	0.0	93.5	43.8	100.0	100.0	100.0	0.0	100.0	69.7
CHCs functioning as per IPHS norms (%)	0.0	NA	0.0	3.4	0.0	0.0	0.0	9.1	18.4
CHCs with Stabilisation Units for new born (%)	0.0	77.8	0.0	10.3	22.2	0.0	0.0	0.0	19.5
CHCs with New Born Care Corner (%)	16.7	100.0	75.0	41.4	100.0	100.0	100.0	45.5	60.0
CHCs having Obstetrician/ Gynaecologist (%) #	34.2	31.3	15.8	11.5	0.0	NA	NA	0.0	25.2
CHCs having 24 hours normal delivery services (%) #	89.5	91.6	84.2	96.2	90.0	NA	NA	100.0	90.0
CHCs designated as FRUs (%) #	65.8	32.5	31.6	46.2	70.0	NA	NA	25.0	52.0
FRUs having blood storage facility (%) #	0.0	25.9	0.0	16.7	85.7	NA	NA	0.0	9.1

Notes: NA - Data not available. # Data from DLHS-3 (2007-08).

Source: Bulletin on Rural Health Statistics in India, 2011 and District Level Household and Facility Survey (DLHS-3), 2007-08.

Table 6
Number of Beds in Government Hospitals (including CHCs) in Rural Areas

States	No. of Rural Govt. Hospitals	No. of Beds in Rural Govt. Hospitals	Average Rural Population (2011) served per Govt. Hospital	Average Rural Population (2011) served per Govt. Hospital Bed	Reference Period
Arunachal Pradesh	146	1356	7323	788	01-01-2009
Assam	108	3240	247968	8266	01-01-2010
Manipur	217	664	8754	2861	01-01-2012
Meghalaya	29	870	81689	2723	01-01-2011
Mizoram	20	770	26452	687	01-01-2012
Nagaland	23	705	61168	1996	01-01-2010
Sikkim	30	730	15199	625	01-01-2012
Tripura	14	950	193575	2853	01-01-2011
India	7347	160862	113392	5179	01-01-2012

Source: National Health Profile 2011.

Availability of Health Workers

The health workers are the heart of the health systems. Their availability is one of the important prerequisites for the efficient functioning of the care system. However, the condition of the region in case of manpower in health centres is mixed. Table 7 shows the status of health manpower in the northeastern states vis-à-vis India as on March 2011. It is evident that just a little less than two-thirds of the PHCs in India has been functioning with only one doctor. The percentages are even high for Meghalaya, Mizoram and Nagaland. Similarly, only one-fourth of PHCs have more than two doctors for the country as a whole and only Arunachal Pradesh, Assam, Sikkim and Tripura are in better position than the national level in this regards. Although the percentage of PHCs having lady doctors is higher than the national average (20.86 percent) in all the states except Arunachal Pradesh and Nagaland, but except for Sikkim and Manipur the

figures are not satisfactory for the other states. The lack of lady doctors in the health centres has led to low turnout of female patients in these centres as they may not feel comfortable to discuss certain health issues with male doctors. Therefore, urgent steps need to be undertaken by the government in order to increase the number of lady doctors in the health centers.

Looking at the average rural population (Census 2011) covered by various health workers (Table 7) it is obvious that all the northeastern states except few are above the all India average in terms of average population covered by a doctor, a pharmacist, a nurse, a female health worker and a male health worker; whereas the position of the states are mixed in terms of average population covered by a female health assistant, a male health assistant and a radiographer. All the states but Nagaland are far below the national level in terms of population covered by a specialist.

One of the major problems confronting the rural health-care sector of the region is shortage of health workers. Table 8 reports that India suffers shortages of 12 percent doctors, 64 percent specialists, 23 percent nurse, 22.5 percent pharmacists, 53.9 percent radiographers, 64.7 percent male health workers, 37.8 percent female health assistants and 41.6 percent male health assistants in 2011. All the northeastern states have suffered shortages of one or the other forms of health workers. More seriously, all the northeastern states are suffering from severe shortage of specialist doctors and radiographers in CHCs. Arunachal Pradesh, Meghalaya, Mizoram and Nagaland have been experiencing shortage of doctors in PHCs. There is shortfall of nursing staff in the PHCs and CHCs of Arunachal Pradesh and Sikkim, whereas Arunachal Pradesh, Mizoram, Nagaland and Sikkim have shortages of pharmacists in PHCs and CHCs. All the states have shortage of male health workers, male health assistants and female health assistants. The large shortfall in male health workers and health assistants is a serious concern, as it might result in poor male participation in family welfare and other health programmes and overburdening of the female health workers/ANMs, which further result in underperformance of these workers.

In addition to the shortage of health workers, the health-care system in India is overwhelmed by large scale absenteeism and low level of participation in providing health-care services among the existing health workers, especially in the rural areas (Hammer et al., 2007 and Bhandari and Dutta, 2007). There is general reluctance among the health workers to

be located in the interior rural areas and, when appointed in these areas, they choose to remain absent. Chaudhury et al. (2003) conducted a survey on absenteeism among teachers and health workers in several countries and found that absenteeism among the primary health providers is the highest in India (40 percent) among the surveyed countries and, amongst the selected 19 states of India, absenteeism is highest in Assam (58 percent).

The acute shortage of health workers and large scale absenteeism among the existing health workers results in under-utilisation or non-utilisation of the available healthcare infrastructure and facilities and, therefore, affects access to adequate healthcare services. Therefore, emphasis should be given not only to build as many health centres and provide health-care facilities therein, but also to ensure availability of well trained health workers in the health centres.

Accessibility of the Health-care Facility

Along with the availability of physical infrastructure, facilities and health workers, accessibility of health-care services is important for improving health of the people. The health-care facilities have to be accessible within safe physical reach to everyone at affordable cost without discrimination. However, the accessibility of health-care services within safe physical reach across the northeastern states is not quite satisfactory. The District Level Household and Facility Survey (DLHS-3), 2007-08 reveals that just above 71 percent villages in India have Sub-Centres within 3 kilometers and have PHCs within 10 kilometers, about 60 percent of villages have Accredited Social Health Activist (ASHA) and 73.7 percent villages have beneficiary under Janani Surasksha Yojana (JSY). In case of the NER, the survey reveals the following: (a) percentage of villages with Sub-Centres within 3 kilometers in Arunachal Pradesh, Manipur, Meghalaya and Mizoram is below the national level; (b) percentage of villages with PHC within 10 kilometers is below the national level in all the states except Tripura; (c) percentage of villages having ASHA is above the national level in all the northeastern states; and (d) percentage of villages having beneficiary under JSY in Arunachal Pradesh, Manipur, Meghalaya and Mizoram is below the national level (Table 9).

When compared with the national level average, the connectivity of the Sub-Centres and PHCs in the northeastern states with motorable roads is pitiable. The connectivity of PHCs in Assam and Sikkim is little better (Table

10). However, the percentage of CHCs with referral transport facility is above the national level in all the northeastern states, barring in Arunachal Pradesh.

Given these facts and whatever we have discussed in the previous sections, it can be said that the access to health-care facility in the rural areas across the northeastern states is limited by dysfunctional physical infrastructure, lack of equipment, lack of adequate health workers, lack of electricity, and lack of proper road connectivity, etc.

Safety and Acceptability

The safety of health-care services provided to the patients is another important dimension that determines the quality of the health-care system, which in turn determines the acceptability of the health-care services by the people. Unless a minimum level of safety and quality is ensured by the health-care system, people will be reluctant to use these services. However, defining quality of health-care services is difficult, as it is a complex construct capturing several paradigms such as safety, effectiveness, timeliness, patient-centeredness etc.

Constrained by data, we have considered three indicators relating to institutional delivery to capture safety and acceptability of public health-care services. As delivery is very critical and more sensitive than any other illness, using the health-care services for this purpose implies both the safety and acceptability of the health-care services to a greater extent. However, the indicators are not quite satisfactory for the country as a whole as well as in all the northeastern states. The DLHS-3, 2007-08 reveals that for the country as a whole the rate of institutional delivery is only 40 percent, while rate of safe delivery is about 43.6 percent and only 50 percent PHCs have conducted at least 10 deliveries during the last month (Table 11). The rate of institutional delivery and safe delivery in Assam and Meghalaya are below the national level, while the other states are just a little above the national level in at least one of these indicators. This suggests that the acceptability rate of the public health-care services in the northeastern states as well as for the country as a whole is very low. Extensive efforts need to be made to ensure the safety of health-care services provided by the public health-care system to improve its acceptability. In view of such findings, we can conclude at the abstract that the quality of health-care services delivered in rural areas across the north-eastern States may not be as high as one would expect.

Table 7
Status of Manpower in PHCs and CHCs (as on March 2011)

States	Percentage of PHCs			Average Rural Population (Census 2011) covered by a								
	with 2 doctors	with 1 doctor	with lady doctor	Doctor * at PHCs	Total Specialist $ at CHCs	Radiographer at CHCs	Pharmacists at PHCs & CHCs	Nurse at PHCs & CHCs	Health Worker (F)/ ANM at SCs & PHCs	Health Worker (M) at SCs	Health Assistant (F)/LHV at PHCs	Health Assistant (M) at PHCs
Arunachal Pradesh	34.02	49.48	20.62	11621	1069165	118796	19092	3649	2707	7224	NA	13707
Assam	46.16	32.09	36.99	17200	123984	439025	21221	9416	3070	11224	59249	NA
Manipur	7.50	0.00	60.00	9894	474906	146125	14071	3309	2874	5936	26384	26022
Meghalaya	13.76	84.40	29.36	22779	263219	107681	16683	5722	3010	17812	29987	34333
Mizoram	5.26	77.19	28.07	14298	264519	88173	16031	2019	855	1701	44086	58782
Nagaland	16.67	69.05	12.70	13929	41378	1406861	12561	4658	1551	3553	87929	93791
Sikkim	58.33	41.67	75.00	11691	#	455962	45596	14249	1562	3328	25331	35074
Tripura	39.24	30.38	36.71	22774	#	387150	23363	6896	6159	9509	387150	150558
All India	25.89	62.18	20.86	31641	120128	375096	33768	12749	4008	15955	52369	53328

Note: * Allopathic Doctors.

$ Specialists includes Surgeons, Obstetricians & Gynaecologists, Physicians and Pediatricians.

No specialist doctor.

NA – Not available.

Source: Bulletin on Rural Health Statistics in India, 2011.

Table 8
Shortfall in Health Workers (as on March 2011)

States	Health Worker (F)/ ANM at SCs & PHCs	Health Worker (M) at SCs	Health Assistant (F)/LHV at PHCs	Health Assistant (M) at PHCs	Doctor at PHCs	Total Specialist at CHCs	Radiographer at CHCs	Pharmacists at PHCs & CHCs	Nursing Staff at PHCs & CHCs
Arunachal Pradesh	+	138 (48.25)	NA	19 (19.59)	5 (5.15)	191 (99.48)	39 (81.25)	89 (61.38)	140 (32.33)
Assam	+	2218 (48.18)	486 (51.81)	NA	+	216 (50.00)	47 (43.52)	+	+
Manipur	+	100 (23.81)	8 (10.00)	7 (8.75)	+	60 (93.75)	3 (18.75)	+	+
Meghalaya	+	272 (67.16)	30 (27.52)	40 (36.70)	5 (4.59)	107 (92.24)	7 (24.14)	+	+
Mizoram	+	59 (15.95)	45 (78.95)	48 (84.21)	20 (35.09)	34 (94.44)	3 (33.33)	33 (50.00)	+
Nagaland	+	0 (0.00)	110 (87.30)	111 (88.10)	25 (19.84)	50 (59.52)	20 (95.24)	35 (23.81)	+
Sikkim	+	9 (6.16)	6 (25.00)	11 (45.83)	+	8 (100.0)	1 (50.00)	16 (61.54)	6 (15.79)
Tripura	271 (38.12)	347 (54.91)	72 (91.14)	61 (77.22)	+	44 (100.0)	4 (36.36)	+	+
All India	6555 (3.81)	95909 (64.75)	9036 (37.83)	9935 (41.59)	2866 (12.00)	12301 (63.95)	2593 (53.92)	6444 (22.46)	13262 (23.04)

Notes: + indicates surplus. NA- Data not available. Figures within parentheses represent percentage.

The Shortfall of manpower is calculated as the difference between the required manpower (which is calculated using the prescribed population norms on the basis of Census 2011rural population) and manpower in-position.

Source: Bulletin on Rural Health Statistics in India, 2011.

Table 9
Accessibility of the Health-care Facility

States	Villages with Sub-Centre within 3 kms (%)	Villages with PHC within 10 kms (%)	Villages having ASHA (%)	Villages having beneficiary under JSY (%)
Arunachal Pradesh	47.1	41.6	69.8	55.0
Assam	83.2	68.3	86.0	85.8
Manipur	51.0	65.6	72.5	31.0
Meghalaya	52.5	56.9	77.9	31.4
Mizoram	69.4	28.6	69.4	72.2
Nagaland	NA	NA	NA	NA
Sikkim	77.1	55.3	79.2	87.7
Tripura	80.6	78.9	88.6	76.0
All India	71.4	71.2	60.1	73.7

Note: NA-Data not available.
Source: District Level Household and Facility Survey (DLHS-3), 2007-08.

Table 10
Connectivity with the Rural Health Centres

States	Sub-Centres without all-weather motorable approach road (%)	PHCs without all-weather motorable approach road (%)	CHCs with referral transport available (%)
Arunachal Pradesh	33.2	11.3	83.33
Assam	15.0	3.1	100.00
Manipur	27.4	15.0	100.00
Meghalaya	18.0	54.1	100.00
Mizoram	18.6	100.0	100.00
Nagaland	33.3	12.7	100.00
Sikkim	17.1	4.2	100.00
Tripura	31.3	63.3	100.00
All India	6.9	6.6	88.79

Source: Bulletin on Rural Health Statistics in India, 2011.

Table 11
Rate of Institutional Delivery in Rural Areas

States	Institutional Delivery (%)	Safe Delivery (%) #	PHCs conducted at least 10 deliveries during last month (%)
Arunachal Pradesh	42.5	43.8	7.7
Assam	32.0	37.6	81.3
Manipur	33.8	48.1	14.3
Meghalaya	20.6	25.2	62.7
Mizoram	40.4	50.7	29.7
Nagaland	NA	NA	NA
Sikkim	48.0	55.1	18.2
Tripura	41.6	42.7	43.6
All India	37.9	43.6	49.9

Note: NA- Data not available. # Either institutional delivery or home delivery attended by skilled health personnel (Doctor/ANM/Nurse/midwife/LHV/Other health personnel).
Source: District Level Household and Facility Survey (DLHS-3), 2007-08.

Sanitation Facility and Access to Safe Drinking Water

Sanitation and safe drinking water plays vital role in maintaining good health of the people. Recognising its importance the NRHM has emphasised on universal access to safe drinking water, sanitation & hygiene, and in this direction it has proposed to constitute Village Health and Sanitation Committee (VHSC) in each village. As per the DLHS-3, 2007-08 all the northeastern states are better than the national level in case of households with toilet facility (Table 12). However, in case of households having access to improved sources of drinking water all the northeastern states except Arunachal Pradesh and Sikkim are below the national level. Similarly, the percentage of villages in Arunachal Pradesh, Assam, Manipur and Meghalaya where VHSCs exist is less than the national figure. Therefore, efforts need to be made to constitute VHSC in more and more villages and financial support should be given to them in order to promote household toilets and provide safe drinking water facility.

Table 12
Sanitation Facility and Access to Safe Drinking Water in Rural Areas

States	Households with Toilet facility (%)	Households with Improved source of drinking water (%)	Village where Health and Sanitation Committee formed (%)
Arunachal Pradesh	87.0	91.9	2.2
Assam	66.2	72.9	11.0
Manipur	95.6	25.8	25.8
Meghalaya	61.6	45.3	26.4
Mizoram	97.2	68.2	88.2
Nagaland	NA	NA	NA
Sikkim	91.5	93.8	35.2
Tripura	92.6	55.3	46.3
All India	34.1	79.6	28.7

Note: NA- Data not available.
Source: District Level Household and Facility Survey (DLHS-3), 2007-08.

Conclusion

The health-care system in India has remained unsatisfactory even after six decades of planned development in the country. The NRHM (2005-2012) launched by the Government of India in 2005 has made considerable progress in health-care infrastructure in the country, but the improvement has been quite uneven across regions with large-scale inter-state variations. Accessibility to health-care services is extremely limited in many rural areas and backward regions of the country. In this context, this paper has examined the current status of public health infrastructure in the rural areas of the northeastern region of India.

We found that there has been significant improvement in the rural health-care infrastructure in the region, especially in case of health centres after the implementation of NRHM in 2005. Although the northeastern states are in better position compared to the national level in terms of progress in physical infrastructure, many of the states are yet to satisfy the existing population coverage norms in one or the other types of health

centres. Besides the health centres in many states are not well equipped with essential facilities and equipment such as labour rooms, operation theatres, stabilisation units and care corners for new born babies, electricity supply, water supply, X-ray machine, telephone connectivity, etc.

More importantly, the rural health-care sector in the NER suffers from shortages of well trained health workers; be it specialist doctors, nurses or other health workers. Even though the posts of various cadres of health workers are sanctioned, many of them are lying vacant in almost all the states, resulting in under-utilisation of facilities available in the existing health centres and, subsequently, closure of those facilities. The accessibility of public health-care facilities within safe physical reach is a challenge in rural areas across all the north-eastern states. In terms of sanitation facility, the northeastern states are better than the national level, but in case of access to improved sources of drinking water, all the north-eastern states but Arunachal Pradesh and Sikkim are below the national level.

All these issues take their toll on the performance of rural health-care services delivery mechanism. Given these bottlenecks, it can be said that the health-care services in the rural areas across the northeastern states is not of high quality, which further has its toll on the performance of the region in achieving the basic health indicators. Therefore, there is urgent need for rigorous efforts to strengthen the rural health-care sector in the region. Keeping the difficulties of improving the healthcare system in mind, a roadmap needs to be prepared in order to prioritise the key areas. The state governments should undertake more direct policies towards establishment of new health centres, especially Sub-Centres and upgrading the existing centres to the next level. Besides, the existing health centres must be adequately staffed with well trained health workers and must be well equipped with essential facilities and equipment.

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Impact of In-Bed and On-Bank Soil Cutting by Brick Fields on Moribund Deltaic Rivers: A Study of Nadia River in West Bengal

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Abstract

Soil and sand cutting from river banks and bed has become a major issue of environmental concern. Jalangi is one of the Nadia Rivers of the district of Nadia in West Bengal and classified as moribund river. Soil cutting by brick-fields from banks and bed of the river has transformed it into literally a dead river. Present paper, based on both primary as well as secondary data will focus on this greedy bustle of man on the river and its impact on deltaic moribund river channels.

Keywords: khadan, bank erosion, bank material, soil-cutting, river jalangi

Introduction

During British colonial rule, three rivers of moribund deltaic Bengal namely River Bhagirathi, River Mathabhanga and River Jalanti came to be known as Nadia Rivers (Majumder, 1978: Biswas 2001; Bagchi, 1978). River Jalangi, which has been the focus of the paper, is one of the distributaries of the River Padma which takes-off from at Jalangi, a settlement of the district of Murshidabad from which the river got its name during 18th century (Rennel, 1788; Bhattacharya, 1959; Biswas 2001; Chakraborty 1972). However, after leaving Padma at 24°04´30´´N and 88°43´00´´E, (Bhattacharya, 1963; James Fergusson, 1912; Majaumder, 1941, 1978, 1985) River Jalangi pursues a meandering course along the north-west border of Nadia district for 90.5 km, up to Gopinathpur and Sahebnagar villages of P.S.Tehatta-I and P.S.Tehatta-II respectively. Then onwards it follows a tortuous course in a southerly direction until it reaches Krishnagar, chief town of the district of Nadia,

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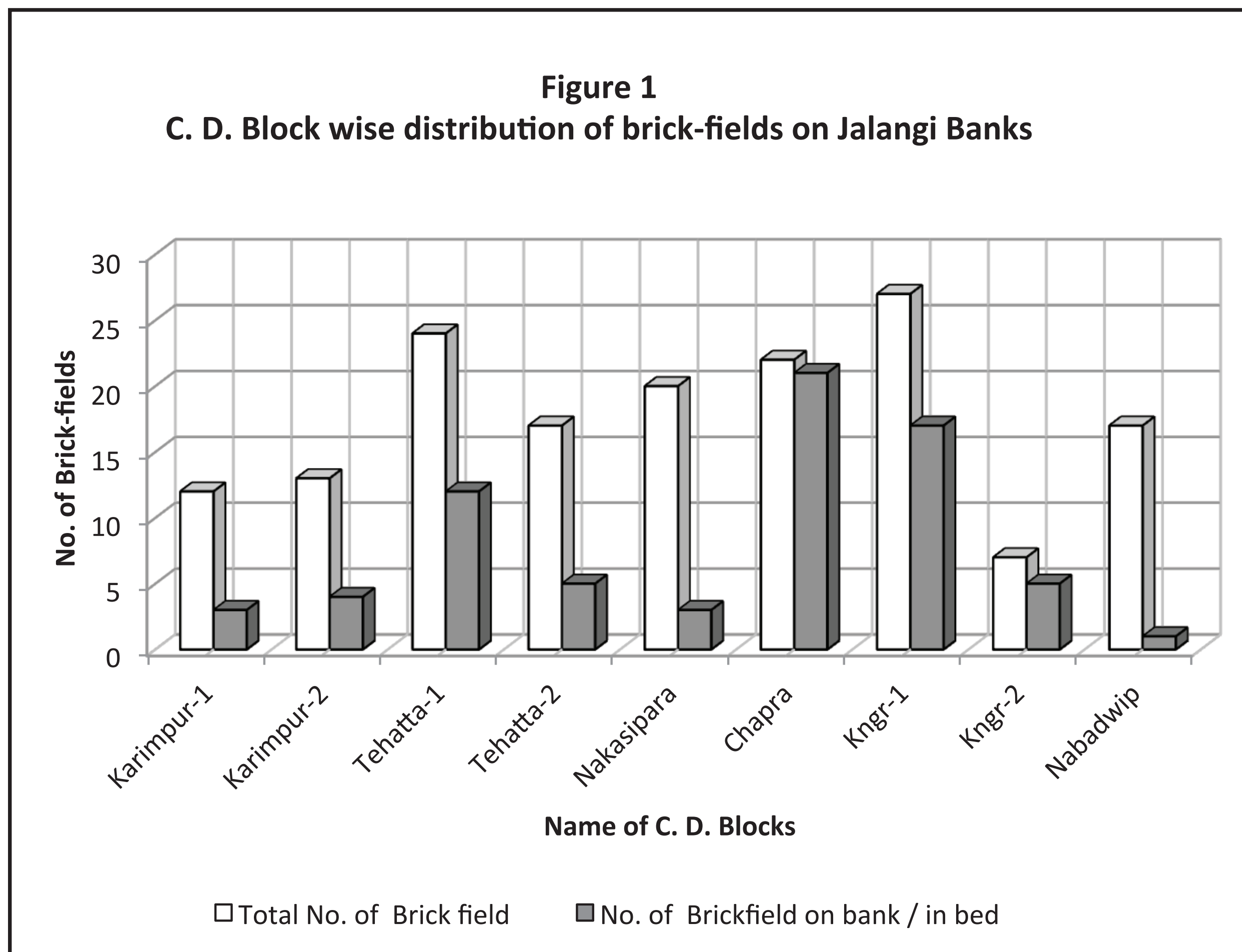
from which the river proceeds due west and after a total course of 220.5 km, debouches into the river Bhagirathi at Swarupganj, opposite the town of Nabadwip (*Choudhury, 2004, 2004a)*, in 23°29´23´´N and 88°28´57´´ E. The united flow of Jalangi and Bhagirathi is named as River Hooghly. Out of total course of 220.5 km, 90.5 km is along the border of Nadia and Murshidabad district, and rest 130 km through the Nadia district on left and right banks. That is why, unlike two other Nadia rivers, Jalangi is 'Nadia River' in true sense. Rest reach is deteriorating at a very faster rate owing to the severe human interference with the natural regime of the river. Under natural conditions, a river seeks to establish a channel morphology, which is well adjusted to its channel morphology that will allow it to carry its discharges and load with least effort and minimum resistance (Ben Chie Yen and F.ASCE, 2002; John D. Fenton, 2010). By changing the surface of the watershed, man may affect the hydrological cycle and thus sediment yield (Newson and Leeks, 1987). He may also directly change hydrologic and morphologic characteristics of a river by channeling, dredging or damming it (Sear, 1995, Kondolf, 1997).

Soil cutting from bank and bed by brick-fields is one of the most triggering human activities affecting the river. This illegal practice causes bank erosion leading to loss of property and life. It also multiplies silt charge (Moscrip and Montogomery, 1997) and consequently the river becomes shallow and deteriorates rapidly (Collier et al, 1996). Given the context, the paper seeks to focus on reckless soil and sand cutting from banks and beds of River Jalangi and assess the impact of those soil and sand cutting from banks and beds on the channel morphology and inhabitants on the banks of the river.

Materials and Methods

Materials for the present study is River Jalangi itself over which a prolonged survey has been carried out during the period 2007 to 2012 to get detailed information of its morphological and hydrological regimes and soil cut by brick-fields along the river.



Source: - Field Survey from 2007 to 2011 and data from D.L. & L.R.O., Government of West Bengal, Krishnagar.

For this study, information on 159 brick-fields of 9 C. D. Blocks along River Jalangi is collected from District Land and Land Reform Officer (D.L. & L.R.O.), Nadia (Figure 1). Information about impact of soil and sand cutting from banks and beds on the channel morphology and inhabitants on the banks has been collected in terms of bank erosion and other property loss. To obtain numerical result of impact of soil cutting on river bank erosion, simple bi-variant correlation co-efficient has been derived with the help of New Microsoft Office Excel Worksheet, 2007.

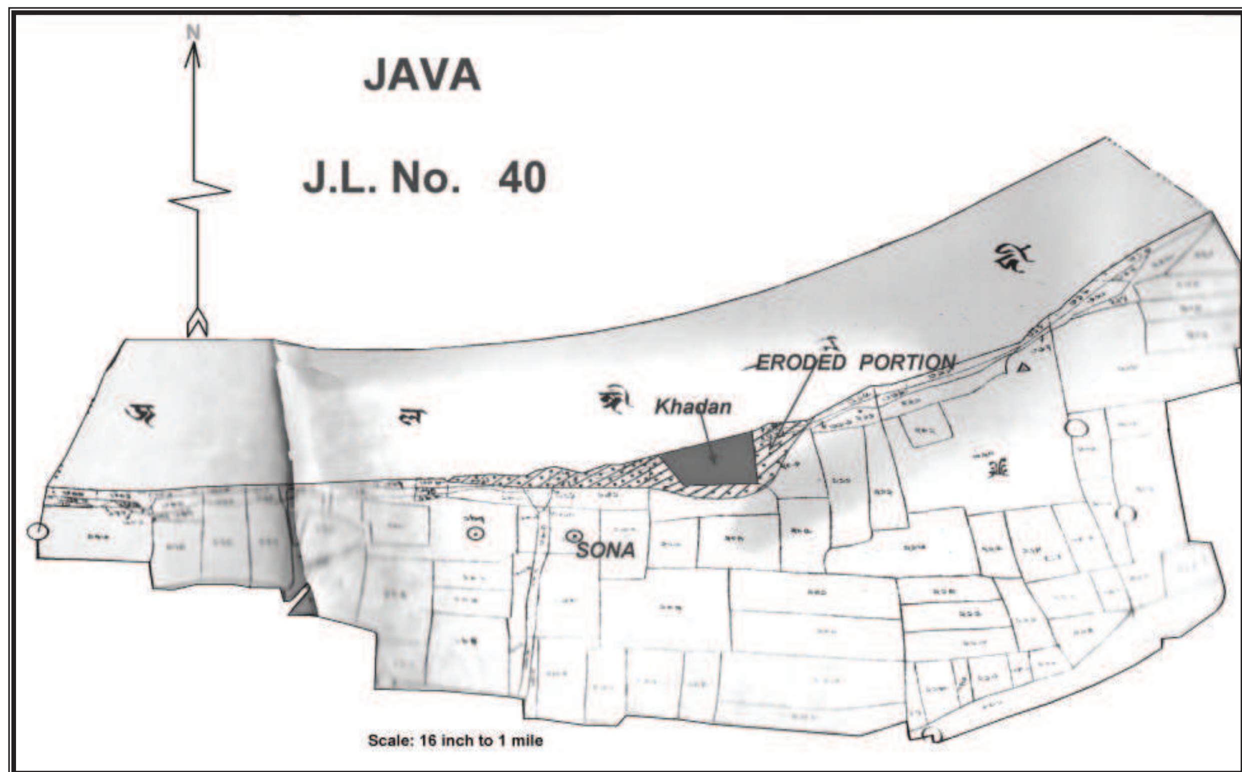
Findings of the Study

Soil Cutting from Banks

It was found that out of 17 C. D. Blocks of the district of Nadia, 9 C. D. Blocks are along the course of River Jalangi within which there are a total

of 159 brick-fields. Out of this total number, 71 (44.65 %) are on Jalangi banks or in bed. As per government record, 159 brick-fields cut 19835669 cft soils per year. 71 brick-fields cut 9559995 cft of soils per year out of which 2867999 cft (30%) soils are cut from banks and bed of River Jalangi. Soil cutting from river banks is a problem exclusively related to the brick-field. Most of the brick-fields are on the higher concave bank of meander and the owners make Khadan (pond like water body attached to the river by cutting soil on bank) to trap silt in those Khadan during floods. But these Khadans becomes further extended by attack of current on concave bank (Simon and Downs, 1995; Sear et al 1995) causing gradual shifting of the river (Fig. 2).

Figure 2
Map showing effect of soil cutting on bank erosion



Source:- **Field Survey from 2007-2011, Cadastral Map, and data from D.L. & L.R.O., Government of West Bengal, Krishnagar.**

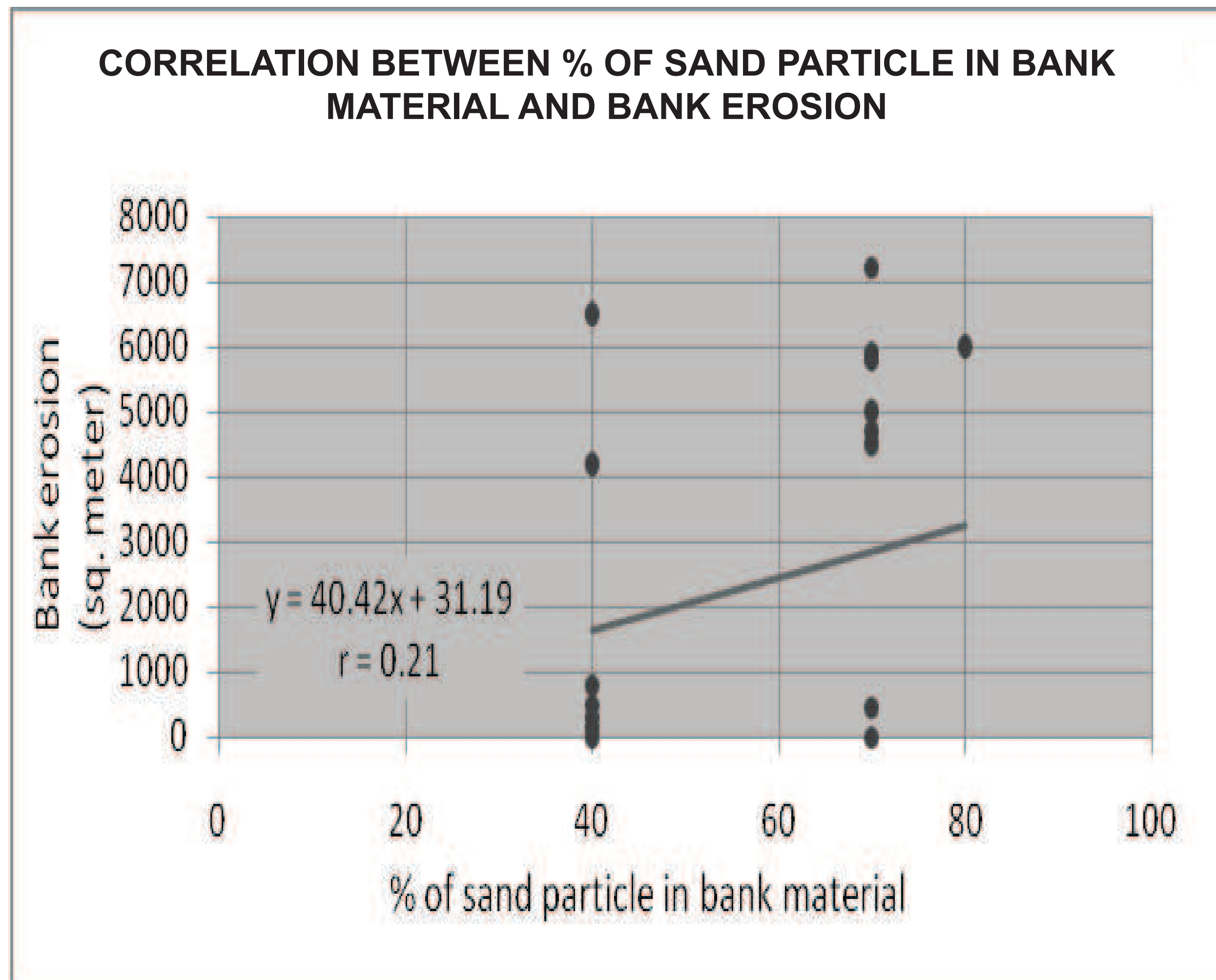
Soil Cutting from Bed

In bed soil, cutting is not so much influential to bank erosion and aerial changes in the course of River Jalangi. It might be disturbing the hydro

Table 1 Impact of Bank Erosion on Villages on Banks of River Jalangi			
Block	Name of villages	Impact	Remarks
Karimpur-II	Fazilnagar	Mouza is under bank erosion but not the settlement.	
	Taranipur	Do. Part of the village is eroded. Old Krishnagar- Tehatta road has gone into the river 60 years back. Present one was also under threat. Neighboring Islampur village shifted form of Muslim Para from Taranipur which again threatened by erosion during 2003	Protective measure against road erosion was taken by I.W.W.D. Nadia. River transport is totally stopped.
	Gopinathpur	Mouza is under bank erosion but not the settlement.	
	Raninagar	No significant impact	Raninagar – Palasipara River transport is confined to rainy season only.
Tehatta -II	Chanderghat	About 12-15 m from the southern side of the village is eroded during last 50 years	
Nakasipara	Sibpur	Mouza is under bank erosion but not the settlement.	
	Radhanagar	About 30 m from the southern side of the village is eroded during last 50 years. 8 houses are partly swallowed, 3 totally gone.	Protective measure of stone guard wall was taken by I.W.W.D. Nadia.
Chapra	Bara Andulia	About 10 m from the western side of the village is eroded during last 50 years	
	Mahatpur	No significant impact except indirect effect of deterioration. During dry season , villagers need no boat to cross the river.	
Krishnagar-II	Srikrishnapur	Mouza is under bank erosion but not the settlement. Srikrishnapur-Panditpur road has totally gone into the river.	
	Panditpur	8 houses are totally swallowed and 13 are partly swallowed during last 50 years. Purba Para has been almost encircled by the river to be isolated from rest of the village	
Krishnagar-I	Ruipukur	About 10 m from the north side of the village Shambhunagar is eroded during last 50 years	Protective measure of stone guard wall of 1100 m was taken in 2007-8 by I.W.W.D. Nadia.

dynamic stability of the river locally (Gailot and Piegy, 1999) and must have some long term effect on changes in river course, but it has no immediate or short term impact on bank erosion. This practice of soil cutting from river bed may be a substitute of dredging for keeping the river lively (Knighton, 1989). Yet the brick-industry owner should cut soil from river bed provided it is permitted by government authority and prescribed by river scientists and engineers.

Figure 3



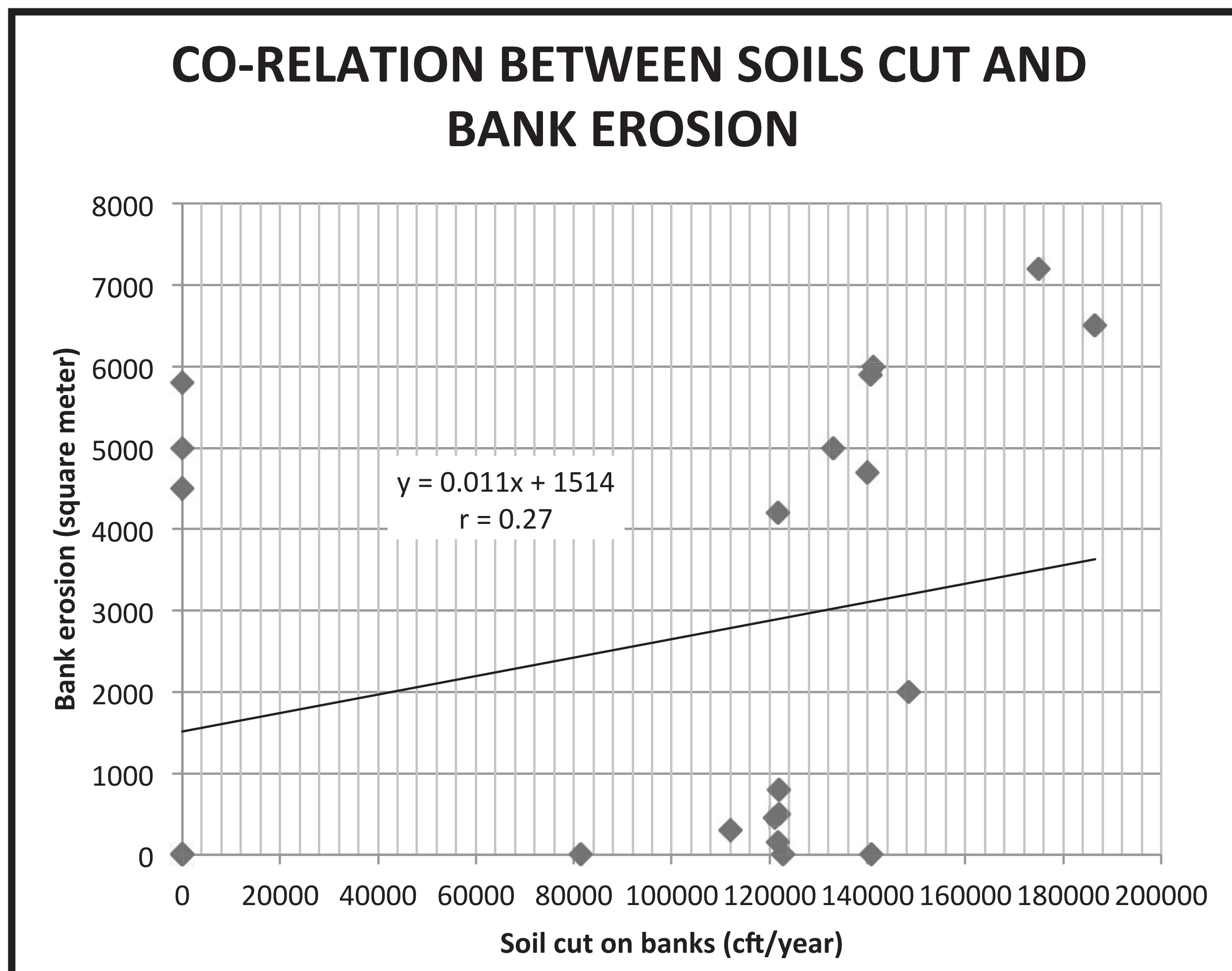
Source:- 1. Field survey and 2. Action Plan 2000-2001, Principal Agricultural Office, Nadia District, Krishnagar, West Bengal, p- 13, 26.

Impact of Soil Cutting

On Channel Morphology

On-bank soil cutting is a crucial problem of the day. To meet the ever expanding need for bricks, more and more brick-fields are being mushroomed rapidly and cutting soils from banks. As a result, river width is being enlarged (James, 1991) engulfing valuable fertile lands. Eroded materials from banks get deposited on opposite bank with gradual shift of the channel. Downstream of the reach may experience formation of bar due to deposition of soil carried from eroded bank of upstream. Soil cutting also enhances the processes of meandering of the channel.

Figure 4



Source:- **1. Field survey and 2. Action Plan 2000-2001, Principal Agricultural Office, Nadia District, Krishnagar, West Bengal, pp. 13, 26.**

On Inhabitants on Banks (settlement, land loss)

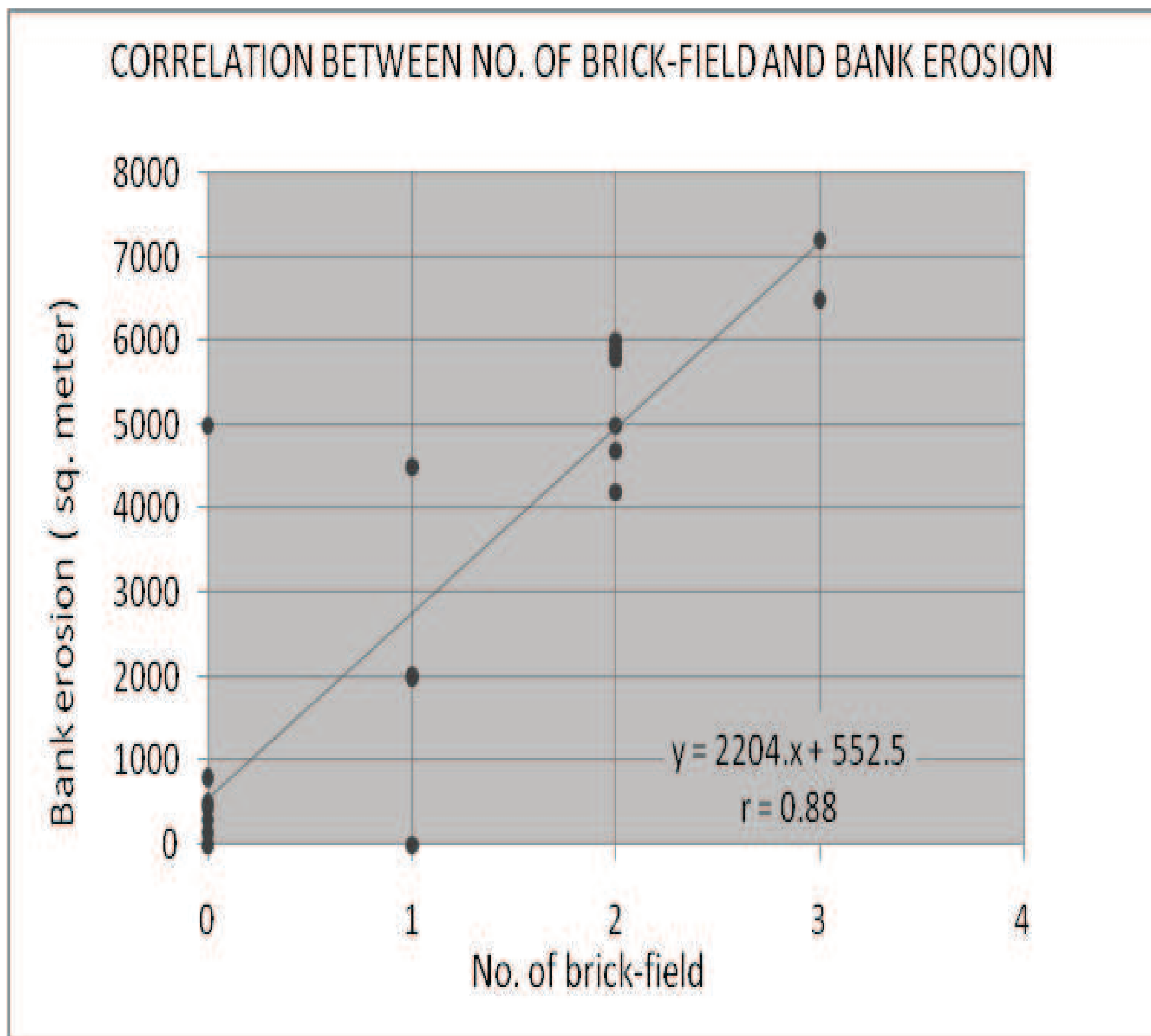
Soil-cutting leads to bank erosion which in turn affects human life through land-loss and property loss. The effect of bank erosion on different villages on Jalangi banks is given below (Table 1).

Discussion

The natural phenomenon of bank erosion is aggravated by anthropogenic activity (Knighton, 1989) in terms of soil cutting from banks and bed. For bank erosion, the soil cutting from river banks and river bed is more powerful factor than that of distribution of particle size of bank material.

Correlation between % of silt particle distribution in bank material and area of eroded-bank is negative and the correlation– coefficient is - 0.14. The correlation between % of clay particle distribution in bank material and area of bank erosion is more negative and the correlation–coefficient is - 0.21. Only the % of sand particle distribution in bank material controls the magnitude of erosion of bank of River Jalangi. There is a direct but very negligible correlation (r = 0.21) between percentage of sand particle of bank materials and bank erosion (Figure 3).

Figure 5



Source:- **1. Field survey and 2. Action Plan 2000-2001, Principal Agricultural Office, Nadia District, Krishnagar, West Bengal, pp. 13, 26.**

On the other hand correlation between soil-cut from banks and bed and area of eroded-banks are slightly positive having the value 0.27

(Figure 4) slightly higher than the correlation (r) between percentage of sand particle of bank materials and bank erosion (0.21).

But as the data regarding amount of soil cut was collected from D.L. and L.R.O. office, there is an ample scope of false information. An official said that as revenue to be paid to the government is proportional to the amount of soil cut, owners of brick-field often report much less amount of soil cut by them. The fact is revealed in the correlation (r) between number of brick-fields on river banks and bank erosion. It is strongly positive (r = 0.88) which implies that data about amount of soil-cut by brick-fields supplied by owners of brick-fields are false (Figure 5). Moreover there is a strong control of soil cutting by brick–fields from banks over bank erosion.

The correlation between number of brick-fields on river banks and bank erosion is 4.20 times stronger than the correlation between percentage of sand particle of bank materials and bank erosion. Therefore, the anthropogenic factor for the bank erosion or change and deterioration of the course of River Jalangi is far greater than the natural cause of sand particle distribution in bank material.

Conclusion and Recommendations

From the study it can be concluded that, in–bed and on–bank soil cutting by brick fields triggers the processes of bank erosion and in turn the channel form. This reckless practice of soil cutting from banks and consequent bank erosion multiplies silt charge of the river and get deposited in bed. This makes the river shallow but wide with larger channel form-ratio (Richard,1982; Knighton, 1984, 1998). However for the sake of long active life of rivers which are crucial for the very existence of man, reckless practice of soil cutting from banks and bed should be checked.

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A Note on Transcribing *4’33”*

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Abstract

There are conceptual difficulties in accepting 4’33” as music because it is supposed to be music where no music is performed, where the performer is to perform the act of not performing. 4’33” is an invitation to accept the paradox inherent in it. It is still contentious whether 4’33” is music but it cannot be denied that it has changed how we approach music. Though 4’33” has changed our thinking about music, it fails in achieving Cage’s intention of replacing hierarchy with anarchy in music. The paper argues that instead of establishing anarchy in music, Cage deepens existing hierarchies in music-making. The argument proceeds through the observation that 4’33” does not admit of significant transcriptions, which is an important musical activity in the Western music idiom, because Cage, in writing 4’33,” have also exhausted all possible transcriptions of it.

Key Words: john cage, 4’33”, paradox, zen, transcription, silence.

I

Amongst his works, John Cage had a favourite.[1] It was *4’33”*, which he referred fondly as his “silent piece”[2]. This work, premiered by the virtuoso pianist David Tudor in 1952 near Woodstock, outside of New York, generated an extensive discussion.[3] The title of the piece takes from the intended length of the piece i.e., four minutes and thirty three seconds. It essentially is a piece of music wherein the performer comes on stage and keeps quiet on the instrument for that duration of time. This duration is marked by gestures of keeping silence. On the piano, the gesture is to close the keyboard lid in the beginning and to open it at the end marking the temporal boundary of the piece. Such gestures within the piece are also made to mark the internal boundaries of its three movements.[4]

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There are at least three versions of the piece.[5] The first is David Tudor's reconstruction of the score that he used in the premiere. It is essentially a blank piano score with three vertical lines demarcating the three movements within the piece, and the distance between these lines graphically representing the length of the movements.[6] The second, "Kremen" score, does away with the staves of Tudor's reconstruction. It consists of three folded, almost blank, pages.[7] The third called "TACET", i.e., instruction not to play but remain silent, consists of a single page with the three movements all marked "Tacet". This third version has an instruction at the bottom.

> The title of this work is the total length in minutes and seconds of its performance… However, the work may be performed by any instrumentalist or combination of instrumentalists and last any length of time.[8]

This direction is one of the many puzzles of the piece. In a broad usage of the term, it presents paradoxes at different levels. It is a silent piece which is not silent. It is a musical piece in which no "music" is played. It is music that does not have a specified instrumentation and without any possibility of significant transcription - for the distinction between the original and the transcribed are erased. On another level it is an ironical situation for Cage to privilege *4'33*", for he questioned privileges - in music, creativity and society at large.[9]

II

It is puzzling to call a musical piece silent. This puzzle would vanish if it turns out that *4'33"* is not music. Alternatively, the puzzle could be dissolved if it is not silent though it has been called silent. The puzzle could be unraveled if it is shown that it presents to us as a puzzle only because of the peculiarity, and particularity of the use of "silent". The puzzle might not be there if the supposition[10] of the word "silent" is not silence.

Stephen Davies in his assessment of *4'33"* asserts that it is a work of art, theatre, a "happening", a comment on the nature of music.[11] But he also says that it is not music - broadly accepted as organized, structured sound. Davies uses this broad definition of music, which Cage had adopted, to launch his argument.[12] That *4'33"* is structured sound finds support in the

idea that the silence of the performer gives structure to the ambient noise which could be appropriated as the content of *4'33"*. To this, Davies says that the relation of the performer to such content is not the same as that of a performer intentionally structuring the sound. The ambient sounds, which are to be the content of *4'33",* do not stand in an adequate relation to the performer – a relation which Davies thinks should be grounded in his contract with the composer.[13] The performer's silence cannot articulate the content which is to be the content of the piece. He observes that "it does not follow from the fact that silence serves as a structuring function in all sounded music that a piece in which no sounds are made by the performer thereby achieves an organized structure."[14] Davies then brings in suggestions by Levinson[15] that the performer could have a minimal, implicit relation to the ambient sound. A minimal relation could be there in the sense of the performer choosing the time and place of performance and hence somehow have "control" over the content of the performance.[16] The other way in which the performer/ composer could have a relation with the sound of *4'33"* is through the act of framing *4'33",* through the requisite gestures of marking the boundaries of the piece.[17] These possible reasons, according to Davies are trumped by a positive argument against *4'33"* being music. A part of his argument that the work in question is not music is that it does not differentiate what is to count as its content and what is "ambient" because Cage intends all sounds in the performance environment to be content of *4'33"*. This in turn shows, since structure needs distinction between its content and that which does not belong to it, that it cannot have a structure and an organization of sound which Cage himself takes to be a necessary condition of music.

There is at least one argument[18] against the assumption of Davies that Cage intends any and all sounds as content of *4'33"*. But without going into it, I would like to suggest that the dichotomy of ambient noise and content within the performance of *4'33"* could depend on the audience's appropriation. Davies in a way argues for this idea that perception is structure imputing.[19] That some sounds would be ignored though present, that some sound would demand more attention than some others are plausible. If that is so then the very act of appropriation comes with organizing what is being appropriated. This in turn suggests that ambient noise within the content, the frame of 4'33" is still possible. Though organization of sound might not be enough condition for something to be music, *4'33"* fulfills that condition. Therefore, within the discourse in

which that condition is considered as sufficient for sound to be music, it is music.

But there is a problem to this. For, one could raise the difficulty concerning the identity of *4'33"* if its content is left to subjective appropriation. This would engender a complex debate about the objectivity of the art work that is being appropriated. This would not dent Cage's intention which is to give the gift of a frame and not the content. The identity of the work would not then entirely depend on the subjective appropriation but also on partly and significantly rest on the identity of the frame, the camera as well.

III

The idea of solving the puzzle, through the notion that *4'33"* is not music meets resistance. The other option is to see that *4'33"* is not silent. If it is generally accepted that the content of *4'33"* is not silence in the constitutive sense[20], and in the light of Cage's own realization that silence, absolute aural silence is not possible[21], there does not seem to be much option but to consider that the "silent" in "silent music" has to be understood in some other way, which would do away with the puzzle.

When Cage denies absolute silence he is not denying the logic of silence but he denies the possibility of the experience of absolute physical silence.[22] But silence which is not possible in one form is, in another form, the heart of everything that we hear. For we know that if not for silence, at least subjective silence[23], sound that is registered would not be possible. Perhaps, this is because of the duality that is ingrained in the possibility of experience. Silence is etched in the core of every sound. For, silence of one kind of sound is the very possibility of sound of another kind.[24] This silence has to be in part subjective for there is no objective, physical silence. When Cage, therefore, refers to *4'33"* as silent, he refers to the possibilities that that piece embodies, for it empties some kind of sound – classical musical sound.[25] *4'33"* is emptying, so that the periphery could come and appear where the emptying is. These reasons would seem to have solved the puzzle by revealing that "silent" in "silent music" is not silence: absolute emptiness of sound, which is counter to our intuition that music has to have sounds. Yet, this makes palpable another paradoxical aspect of *4'33"*.

Cage sets out to make the point or make us realize that sound and silence are 'co-equals'.[26] He sets out to liberate sound from discrimination.[27] Yet, this can be only through suppression. The equalization is not through privileging silence because silence cannot be privileged without suppressing sound. The puzzle that remains is the realization that silence, as an absolute concept[28], or the lack of sound is through the suppression objectively or psychologically of a certain kind of sound, which serves as a condition for another kind of sound to come into place. The paradox is that Cage who tries to make silence and sound co-equals can do that only at expense of sound. Silence as empty span of time does not come on its own, an agent makes it happen through an intention just as Cage does in *4'33"*, or the auditor (audience) does so through choosing which sounds to hear and which sound to neglect. Liberation is possible only through suppression.

IV

To the puzzle of *4'33"* there can be a dissolution by accepting the puzzle. Embracing puzzles would come natural to Cage for he embraced paradoxes.[29] The attitude is most likely Zen inspired. D.T. Suzuki, Cage's teacher, writes,

> Zen claims to be "a specific transmission outside the scripture and to be altogether independent of verbalism,"… The masters seem to be particularly delighted to lead readers to bewilderment with their apparently irrational and often irrelevant utterances. But the fact is these utterances issue from the masters' most kind and loving heartedness as they wish to open for their students the higher way of observing things enabling the latter to rid themselves of the entangling network of relativity.[30]

This is in line with Retallack's observation that Cage embraced paradoxes because of its power to breach through limitations and thus, open up new realms of possibilities. On this point she makes a distinction between contradiction and paradox.

> Paradox operates outside the internal consistency of any given set of rules. It is evidence of complexity - evidence that the conditions of life will always exceed the capacity of a unitary systematic effort to contain or entirely explain them. A state

> of affairs described in the mathematical world by Gödel’s incompleteness theory. Contradiction takes place within closed systems, unified and coherent sets of interlocking definitions and laws. While contradiction leads to logical gridlock, shutting the system down and sending us back to ferret out our mistake, paradox reveals insufficiencies of limiting systems in a complex world, catapulting us out of system into a new realm of possibilities.[31]

Paradox is used to make a leap, to breach the confines of our conditionings and entanglements we inherit to gain a deeper understanding. According to Retallack, it provides the swerves that open up new perceptual as well as conceptual possibilities.[32] It is tempting, therefore, to say that Cage intends *4’33”* to embrace paradoxes. This is relevant because the embrace lays asunder our entanglements with the received notions of what music is. *4’33”*, in its paradoxical nature, breaches the confines, what is and is not music, of the received notion of music.

4’33” changes the boundary of our understanding of music. It pushes the boundary of the concept of music. But this comes with a qualification. It pushes in some directions only. It expands some parts of the boundary and contracts in some places, leaving out some things that were inside the boundaries of the traditional understanding of music. Cage in the moments when he says that there is place for traditional music in music, and that his vision does not negate them[33], he would be accommodative of Wittgensteinian understanding of concepts.[34] He could be seen as introducing a face in the set of consanguine faces of music. Or rather he retraces and embosses a boundary within the already existent faces of music.

Redefinitions could be such that it contains the definition redefined. Or it could be a complete break from the thing redefined. Or it could be such that it redraws some of the boundaries. Artists engage in such redefinitions and subsequent controversies. Such redefinitions and controversies find a description in the following lines:

> Arguments about what is or is not “really” music or painting (or art in general) have been endemic, particularly in the twentieth century. For many people in the early 1900s Cubism was “just” not art; for some people today, the noises assembled

> by John Cage are "Just not music"; and within living memory, the status of film as a legitimate medium of artistic creation was still open to challenge. Anybody who has taken the trouble to become informed about the historical development of artistic genres and styles and their public-reception will know that these twentieth-century challenges can perfectly well be paralleled with those of earlier centuries. (Blake's paintings at first looked like childish bungling, Beethoven's music sounded "unmusical", and as for the infantile versifying of Emily Dickinson,…) Indeed it seems to be in the very nature of shared artistic enterprise that creative artists in every medium are forever engaged in redrawing boundaries.[35]

Cage redefines music with *4'33"* - if it is to be accepted as music. It redefines considering the following points. The traditional understanding of music accepted more or less what is to be counted as musical sound. *4'33"* redefines by removing that stricture. The received view is that sound is more important than silence in music. One could have music with no silence but no music just on silence. *4'33"* redefines music by making silence as important as sounds not only in the organization of music but at the constitutive level.

This redefinition and breaching of the boundaries of music, which engenders new possibilities in music also poses some problems: some of which conflicts with the assumption that is there in the making of *4'33"*. I shall consider the problem of transcripting *4'33"* and how it reveals a de-privileging of what is already under-privileged in music-making. The breaches, while enriching, deprives music of its practice. It accents hierarchy by erasing and effacing the practice of transcription which was already low in the ladder of creative importance. If it is a matter of leveling creator and auditor, it succeeds but the hierarchy within creation is deepened.

V

A composer when writing music takes creative decisions; even when a composer considers herself to be just a medium for a higher dictation. For, it would be quite a miracle if the dictation spells out even the minutest detail of the finished work. A decision is made, even if the decision is not

to make any decision and to leave decisions to chance. At some point, but not necessarily at the beginning, in the compositional process, the writer makes the decision of instrumentation.[36] Some music chooses its own instruments: music with lyrics inadvertently chooses voice as its instrument but the range and register of the melody shall, here again, decide for which type of voice it shall be. A composer could choose the contrary to what the music suggests, for special effects. An intimate understanding of the character, potential and limits of the media through which music is performed is a tool of the trade. Not only composers, but arrangers and transcriptionists also need this understanding.

Transcription in music refers to the art of re-presenting an existent piece of music intended for an instrument or instruments for some other instrument(s) or combination(s) of instruments. It involves technical skills as well as creative decisions. It involves the *trans*-scribing of musical scores intended by the composer for a particular instrument, instrument combinations including voice for some other medium of instruments. It is like *writing* a content *across* the barriers that differentiate instruments/ musical media.[37] If music is a social formation, then transcriptions and transcribers are a part and parcel of that phenomenon. Transcribing is part of the activity of music which is constitutive of western music.

John Cage relates a "transcription" of *4'33*". He writes,

> I have spent many pleasant hours in the woods conducting performances of my silent piece, transcriptions, that is, for an audience of myself, since they were much longer than the popular length which I have had published. At one performance, I passed the first movement by attempting the identification of a mushroom which remained successfully unidentified. The second movement was extremely dramatic, beginning with the sounds of a buck and doe leaping up within ten feet of my rocky podium... The third movement was a return to the theme of the first, but with all those profound, so-well-known alterations of world feeling associated by German tradition with the A-B-A.[38]

Transcription is a creative act that *4'33"* seems to foreclose. The problem that I see with *4'33"* and transcription is that Cage has made transcription of *4'33*" impossible for other would be transcribers because

he has already made all possible transcriptions of it. Or is it the case that it is a piece which does not, in principle admits transcriptions? In his instruction that it can be performed on any instrument/s and for any length of time, he has made all possible transcriptions of *4'33"*. It is such a singular piece that the composers' performance directions empty the possibility of any transcription.

Though Cage might want to take out the authorial content from *4'33",* it is pragmatically impossible. It is linked with him. When we talk about a performance of *4'33"* we talk of the person who premiered it and so on. It is in transcription that Cage is very successful in effacing the creative subjectivity. It is the underprivileged position of the transcriber that is being brought lower which is the irony that one finds in *4'33"*. Music as defining the relationships between those involved in its institution is definitely redrawn by *4'33"*.

VI

I shall conclude with two short observations from the discussions above.

The first is that Cage's intention to liberate sound is not possible in the sense that it is already liberated; it never was under any oppression or suppression. It is not ours to liberate sound. Only our ways of thinking about sound could be liberated. If that is the case then perhaps Davies is right in saying that *4'33"* is not music but theatre, a performance no doubt. Another thing is that the idea of doing away with hierarchies in music, that is, the hierarchy between sounds and silence on one hand and the hierarchies between sounds is traced in *4'33"*. Yet, the intention to curb hierarchy between the social formation of the institute of music that is the privileged composer, and the lesser privileged performer and the under-labourer transcriptionist is not subverted by *4'33"* but rather accentuated and deepened by it.

Are we ready to redraw the boundary of music, as Cage has attempted, and accept the consequences? Cage asked us to be bold and pay the price.[39] Are we ready and willing to pay the price? Though Cage redraws and enriches in ways what music is, his project blows inside out. Instead of instituting anarchy, his project instead reveals a hierarchy, which was existent, and now reinforced. Whether *4'33"* is music or not is a controversy which might not come to an end. And it should be that

way, and Cage would have intended it that way.[40] But it somehow reveals a paradox which is not a puzzle that goads us to make the leap but something that deprives, instead of being something that liberates.

Notes and References

1 In Retallack's words, "The musical composition that always remained Cage's favorite (despite the fact that he was against having favorites) was *4'33"* ", in Joan Retallack's introduction to the book which she co-authored with John Cage (1996, p. xxxiii.)

2 "To Whom It May Concern: The White Paintings came first, my silent piece came later" (Cage, Silence: Lectures and Writings, 1961). Cage acknowledges that Rauschenberg's white canvasses, which treat silence visually, came before his silent piece. He made the above remark in the introductory note to the essay On Robert Rauschenberg, Artist, and his works. See, (Cage, Silence: Lectures and Writings, 1961). Another reference in the same book in endearing terms is found on page 276: "I have spent many pleasant hours in the wood conducting performances of my silent piece…"

3 " "*4'33"*, the silent piece, is easily John Cage's famous creation…the springboard for a thousand analyses and arguments;…" (Pritchett, 2013).

4 The names of the three movements are simply the roman numerals I, II and III, as per the Kremen Score "Tacet". Regarding the internal division of the duration of *4'33"*, Cage suggested that it be determined by a chance procedure. But it is worthwhile to keep in mind, in this consideration, that duration of *4'33"* can be of any length – it need not be *4'33"*. For discussions on this aspect of *4'33"*, (Fetterman, 1996) could be referred.

5 See, Kania, 2010.

6 See, the reprints in Chapter 4 of Fetterman (1996).

7 See, Fetterman, 1996.

8 See, Fetterman, 1996, p. 79.

9 One evidence that could be cited as evidence for this observation is a remark from the Forward to his book A Year From Monday (1967, p. ix). "The reason I am less and less interested in music is not only that, I find environmental sounds and noises more useful aesthetically than the sounds produced by the world's musical cultures, when you get down to it, a composer is simply someone who tells other people what to do. I find this an unattractive way of getting things done. I'd like our activities to be more

social and anarchically so." This is a clear indication that he wanted to do away with the privileged and authority that we give to the composer in music making. Note also Retallack's comment "He envisioned, and wrote music for, an ensemble or orchestra without a conductor, without a soloist, without a hierarchy of musicians: an orchestra in which each musician is, in the Buddhist manner, a unique center in interpenetrating and non-obstructive harmony with every other musician" (1996, p. xxx). Dovetail this with Cage's own remark, "…you can think of the piece of music as a representation of a society in which you would like to live" (1990, p. 178).

10 The Medieval Philosophers had the concept of Supposition. The supposition of glass in the statement "Drink another glass" is not a glass but the content of that glass. This peculiar usage gives rise to a puzzle, which is dissolved as soon as the supposition of glass is made clear.

11 Davies's classification of *4'33"* is clear from his remark in (2003, p. 26), "I characterized *4' 33"* above as a 'happening'. This provides the clue to its proper classification: as an artwork it is a piece of theater. It is not a work of musical theater, such as opera, but a performance piece about music." This remark of Davies is buttressed by Cage's intention: "My intention has been, often, to say what I had to say in a way that would exemplify it; that would, conceivably, permit the listener to experience what I had to say rather than just hear about it. This means that, being as I am engaged in a variety of activities, I attempt to introduce into each one of them aspects conventionally limited to one or more of the others" (1961, p. ix).

12 Cage (1961, p. 3) writes, "If this word "music" is sacred and reserved for eighteenth-and nineteenth-century instruments, we can substitute a more meaningful term: Organization of sound." He acknowledges that the composer Edgard Varése has defined music as "organized sound", in his essay on the composer (1961, p. 83).

13 Refer "…the intentions of these noisy audience members do not stand in the appropriate relation to the instructions used in Cage's score, which, afterall, prescribes that the performers be silent" (Davies, 2003, p. 21). Though this is in the context of the issue whether the audiences are the performers, the assumption that Davies makes for someone to be called a performer and the relation that the person should have with the content of the piece is clear.

14 E.H. Margulis (2007) explores five functions of silence: silence as boundary, silence as interruption, silence as a revealer of the inner ear, silence as a promoter of meta-listening and silence as communicator. On the basis of these distinctions of silence, one could ask whether Davies has been too swift in dismissing that silence cannot have content.

15 One could draw from Levinson’s (2011) analysis of the concept of music, which is human-centered and human-intended to be such, that choosing the ambience itself might satisfy a necessary attribute of being of music.

16 This minimal relation is satisfied by Cage’s conception of music. The composer and the performer “resemble the maker of a camera who allows someone else to take the picture.” (1961, p. 11) Here, a minimal relation could be argued for in the sense that the composer and the performer have a relation to the picture through the camera she makes.

17 This seems to be the “intention” of Cage in *4’33”* at least in the remark he made. “It is like a glass of milk. We need the glass and we need the milk. Or again it is like an empty glass into which at any moment anything may be poured” (1961, p. 110). (The line is originally written in mesostics has been rendered here without it.)

18 See Kania, 2010.

19 “ …I agree that perception is inherently structure imputing, so that Cage’s recommendation that we should perceive impersonally, aconceptually, rejecting appearance of organization, form and structure, loses its grip on the notion of perception” (Davies, 2003, pp. 15-16). That Cage recommended subjective structuring is found in such remarks as “We are not in these dances and music, saying something. We are simple-minded enough to think if we were saying something we would use words. We are rather doing something. The meaning of what we do is determined by each one who sees and hears it” (1961, p. 94).

20 There is general agreement, among philosophers at least, that *4'33"* is not a silent piece of music, though there is disagreement with respect to both what it is and the arguments that establish its correct categorization.

21 The following remark of Cage stands in support of this point. “There is no such thing as an empty space or an empty time. There is always something to see, something to hear” (1961, p. 9).

22 Cage denies the possibility of the experience of absolute physical silence. This he came to profess after an experience in an anechoic chamber. This technological contraption supposedly removes all sounds. It is a sort of a vacuum for sound. But this vacuum is only a vacuum for sound external to us. Those sounds which are part of our physiology become pronounced in such chambers. So, there is the impossibility of silence, of a physical kind. Though there is plausibly no physical object in rest, the concept of rest is needed for the concept of motion. An analogy could be drawn with the remark that silence is physically, naturally impossible but logically needed and *a fortiori* logically possible.

23 By subjective silence, I mean the kind of filtering that takes place when we focus on a particular sound(s) or when we register a particular sound(s). There may be a multitude of sounds objectively in the environment of the auditor and heard to other auditors in the same environment, but the filtering that is referred here silences many of those sounds, which makes the possibility of some sounds in the environment to be heard.

24 Cage seems to have a general theory about the other of something as its ground when he says that "This is a talk about something and naturally also a talk about nothing. About how something and nothing are not opposed to each other but need each other to keep on going" (1961, p. 129). The quoted line is originally in columns, which is not retained here.

25 While writing on the music of Varése, Cage endorses the bringing in of noise as an element of music (1961, p. 84).

26 See Pritchett (2013) "That summer, he delivered a lecture at Black Mountain College in which, for the first time, he started that sound and silence were co-equals in music, and that musical structure should be based on duration because this was the sole characteristic that these two had in common."

27 Cage had the vision of liberating sound, re-making sound as sound. To this end silence helps for it liberates sound. The aim is in the lineage of freeing music from the shackles of tonality, which his teacher Schoenberg was engaged in. *4'33"* is a logical development of this question of "freeing" music. How does silence liberate sound? Silence, musical silence liberates the sound which has been underprivileged (sound which are not produced from "musical" instruments), which has been suppressed as unworthy of our attention. The silence of the privileged frees and gives possibility of the suppressed (for example, the sound that is made by the opening of a chocolate bar that someone in the audience is in the process of eating discreetly) to express.

28 Absolute concepts are concepts which are negative concepts expressed as the lack of something.

29 Remarks such as "Having made the empty canvases (A canvas is never empty.) Rauschenberg became the fiver of gifts" (Cage, 1961, p. 103), or "Any attempt to exclude the "irrational" is irrational. Any composing strategy which is wholly "rational" is irrational in the extreme" (Cage, 1961, p. 62), would suggest such an observation.

30 From T.D. Suzuki's Introduction to A Flower Does Not Talk: Zen Essays by Zenkei Shibayama (1970).

31 Cage & Retallack, 1996, p. xxvi.

32 Cage & Retallack, 1996, p. xxxiii.

33 He says, "In this way, the past and the present are to be observed and each person makes what he alone must make, bringing for the whole of human society into existence a historical fact, and then , on and on, in continuum and discontinuum" (1961, p. 75).

34 By Wittgensteinian understanding of concepts, I am making reference to Wittgenstein's analysis of the concept 'game' in his Philosophical Investigations (1953), which shows the limitations of the classical understanding of concepts in terms of a definitional analysis. § 66-71 could be referred.

35 Toulmin, Rieke, & Janik, 1979, p. 271.

36 This process of decision making in some of Cage's later works is made on the basis of chance operations. It is obviously done to do away with making decisions. How successful this idea could be to efface the composer's decision making, is a question worth asking.

37 For a detailed account of the ontology of musical transcriptions one could refer to Stephen (Davies, 2003, pp. 47-59). I shall highlight some of the relevant observations of Davies about transcriptions here. I) transcriptions are transcriptions of musical works 2) transcriptions are creative acts. I add to these the idea that transcriptions are an important part of the sociology of music and musical traditions.

38 Cage, 1961, p. 276.

39 If we are to be open to the future of music we have to be fearless about where it will take us. "But this fearlessness only follows if, at the parting of the ways, where it is realized that sounds occur whether intended or not, one turns in the direction of those he does not intend. This turning is psychological and seems at first to be giving up everything that belongs to humanity-for a musician, the giving up of music. This psychological turning leads to the world of nature, where, gradually or suddenly, one sees that humanity and nature, no separate, are in this world together, that nothing was lost when everything was given away. In fact everything is gained. In musical terms, any sounds may occur in any combination and in any continuity" (Cage, 1961, p. 8). The price we have to pay is to give up our conditionings and the conditioned desires.

40 This is said with some reservations considering the remark "I don't give these lectures to surprise people, but out of a need for poetry" Self-citation in (Cage, 1961, p. x).

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BOOK REVIEWS

Chandran Kakuthas, The Liberal Archipelago: A Theory of Diversity and Freedom, Oxford University Press. 2003. Pp. 304. ISBN 978-0-19-925754-6. Price: £ 60.

Modern liberal societies are grappling with the problem of managing the diversities. The biggest challenge that the contemporary liberal and free societies faces today is the challenge of coping up with wide diversities among people, groups and associations. Differences are prominently visible in the modern societies, more than similarities. Chandran Kakuthas in his latest book, *The Liberal Archipelago: A Theory of Diversity and Freedom* brings out this point. He writes, "The problem addressed by contemporary political philosophy is, fundamentally, the problem of coping with diversity in a world in which particularity or difference or separateness is being reasserted. The question, put slightly differently, is: how can diverse beings live together, freely, and peacefully?" The book under review attempts to find a solution to this problem.

Kakuthas' proposition is that individuals have different ends; there is no single or common goal that all must share; and that these ends necessarily comes into conflict with one another. The traditional liberal answer for addressing the problem is 'to regulate rather than to eradicate the conflicts'. However, this universalistic prescription to address the issue is untenable in contemporary societies.

While accepting the premise that liberalism acknowledges and encourages the difference among individuals, groups and organisations, Kakuthas differs with prevailing liberal voices how to confront the problem. He states that liberal philosophers are still struggling with the problems posed for political theory by the facts of moral diversity, group loyalty, and nationalist sentiment. He disagrees with Rawlsian solution to such problems by arguing that justice is no panacea to address the crisis. He also does not approve of the idea of group rights advocated by Will Kymlicka to resolve the problem.

In the first chapter of his book, Kakuthas puts the question 'what is the principled basis of a free society marked by cultural diversity and

group loyalties.' He tries to answer it by building arguments throughout the book. In fact, the issue that he has raised is from his direct experience while living in alien societies. He is a Sri Lankan Tamil, born and brought up in Malaysia, studying and serving in the Australian Universities in the beginning of his career, then shifting to England, the United States and Singapore. At present he is holding the chair on political theory in the London School of Economics and Political Science. His experience in Malaysia in early life, especially denial of certain basic rights and preferential treatment, was the major driving force to ponder about the issue. Precisely, that is also the reason for which he worked seriously on multiculturalism and liberalism.

In this book he has tried to offer a general theory of the free society. According to him, a free society is an open society and, therefore, the principles which describe its nature must be principles which admit the variability of human arrangement. He delineates the fundamental principle of a free society is the freedom of association. The first corollary of it is the freedom of dissociation and second one is the mutual toleration of associations. Unless people and their associations tolerate others which differ or dissent, a free political society cannot exist. He observes that the political society is no more than one among other associations. While it is an 'association of associations', it should not subsume other associations by its superior authority. Freedom of association and mutual toleration are hall marks of free societies.

Kakuthas takes a radical position that is at odd with affirmative action, aboriginal rights and, preferential policies. He does not agree with any special recognition to any particular group, class or community. He proposes the model of a free society in which there may be many associations but none is 'privileged'. Similarly, there may be many authorities, 'all authority resting on the acquiescence of subjects under that authority' rather than on justice. Therefore, the theory of the free society is an account of the terms by which different ways *coexist* rather than *cohere*.

He has countered Rawls's thesis that justice is the guiding principle of a free society (justice is the first virtue of social institutions) by arguing that in a world of moral and cultural diversity, one of the subjects over which there is dispute and even conflict is the subject of justice. Justice

does not have universal consensus about its interpretations among thinkers. Another point of difference with Rawls is that the most fundamental question in political philosophy is the question of authority – where it should lie and how to confine it. According to him, the primary question of politics is not about justice or rights but about power. Naturally, Kakuthas was concerned with the issue of authority. In a free society, there will be multiplicity of authorities, each independent of the others, and sustained by the acquiescence of its subjects. The legitimacy of the authorities must come from their subjects.

At the end, he justifies the title of his book by contending that a good society is a free society. It should be an archipelago of different communities operating in a sea of mutual toleration. He puts it, "Unlike its more famous twentieth- century namesake, the gulag archipelago, the liberal archipelago is a society of societies which is neither the creation nor the object of control of any single authority, though it is a form of order in which authorities function under laws which are themselves beyond the reach of any singular power."

His lucid explanation and convincing arguments exhorting diversities in the contemporary societies is a new way of looking at liberalism. Although Kymlicka's plea for multiculturalism seems similar, Kakuthas's book *The Liberal Archipelago: A Theory of Diversity and Freedom* has altogether different approach and different objectives. Even though some of his arguments are contestable, the book as a whole is an important work in the field of liberal theory.

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Suzanne Le-May Sheffield, *Women and Science: Social Impact and Interaction,* Rutgers University Press, 2005. Pp, 409. Price $29.95.

What is the book all about? The book is about women and their struggles in a male dominated institution of science. It makes a critique of the masculine tradition of understanding and practicing science, and discusses

the gateways and barriers that the women who seek to study and make career in the male dominated institutions of science. The book throws light on biological, anthropological, psychological and the sociological constraints women participation in Science. Talking about the exclusion of women from institutional sciences, the author explains, "The origins of the sexing of science as a male activity began in the seventeenth century. At this time, male philosophers attempted to bring prestige to their occupation and its institutions and to assert control and order over the natural world. In order to accomplish their aims, they believed they needed to ostracize women from the practice of science.*" (p. 26)*

The book starts with a biographical introduction that unwrap the heroic story of Madam Marie Curie, her triumphs, her struggles in male dominated fields like Physics and Chemistry. Her life itself was a message for the generations of woman. The book also throws light on the various contributions made by other women pioneers in different fields of science like, Maria Goeppert Mayer, Rachel Carson, Valentina Tereshkova, etc. Apart from the successful ones, the book also narrates the stories of women who never got the recognition that they deserved. The story of Lise Meitner is one of these kinds; the woman who did not get the rightful credit and died disheartened.

Apart from many such noteworthy narrations, the author also looks at the possibility of creating a science that fits into epistemological standpoint of women, as advocated by feminists like Sandra Harding who believed that "if women had the opportunity to choose and/or direct research goals, science would consider women's needs and concerns, which would produce a science useful to humanity instead of one enables the elite to remain dominant over others. Science that is connected to women's lived experiences of care and concern for their bodies and their love for their families can certainly be productive for both human beings and the environment.*" (p. 198)*.

'Women and Science: Social Impact and Interaction', contains seven chapters including introduction and conclusion, it has pictures in the chapters, the last pages contain bibliographic essays, chronology, glossary, documents, and index, all laid out in detail making the book incredibly resourceful. The strength of the book lays in the fact that it attempts to unravel the subjects which had been bounded in our mind for quite a long time. Since, the book is multidisciplinary in genre; it could be useful for

students who are engaged in researching women's role in science from a historical perspective, and also for those interested in women studies and gender politics within the scientific community.

Books such as this help us understand why the women in our country and our region lag behind men in the field of science. Women pursuing science education is pretty low when compared to the total strength of women in language studies and humanities. Such poor representation could be because of numerous reasons including the stereotypical belief that women cannot be equal to men in terms of degree, rank, and salary in this field. This book brings out the situations and problems faced by the women in pursuing higher scientific education, so, people everywhere can see similarities, as patriarchy is universal.

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Sanjoy Hazarika (ed.) *Little Known Fighters against the Raj: Figures from Meghalaya,* Centre for North East Studies and Policy Research, Jamia Millia Islamia: New Dekhi. 2013. Pp. 92. Price Rs.150/-.

The book under review is Sanjoy Hazarika's edited volume, *Little Known Fighters against the Raj: Figures from Meghalaya*. The book is a collection of papers presented at two workshops/seminars. The first was a one day (6 December 2010) workshop/seminar at North-Eastern Hill University, Shillong and the other was a similar but two day affair (7-8 March 2011) organised by Saifuddin Kitchlew Chair and the Centre for North East Studies and Policy Research, Jamia Millia University in association with the Department of History of the University. The book contains six chapters including the introduction and an appendix, detailing the agenda of the seminar at Jamia Millia Islamia along with the list of participants.

During the last few decades, historiography of modern India has moved from being a discussion of the importance of a particular event/

personality to movements, groups, individuals, and events. The second dimension to this visible change in the historiography of modern India is that events which have been paid attention to historically are being looked at from fresh perspectives. This enables the historian to unearth marginalized voices and histories which are not canonized. A couple among the many examples reflecting this change in the paradigms of the study of the history of modern India includes Sabyasachi Bhattacharya edited *Rethinking 1857* (2007) and Sagar Boruah's edited volume, *Historical Studies in the Context of Globalization: Rationale for Restructuring Curriculum* (2011). This review situates Hazarika's said book within this changing paradigm of modern Indian history in general and the freedom movement in particular.

Imdad Hussain's paper, "The Hill Tribal People of the North East and India's Struggle for Freedom: Some Historiographical Issues", which was in fact his Keynote Address delivered at the seminar, presents the subject of the struggle against the British in northeast India in a broader perspective. Based extensively on primary and secondary sources, the paper gives a comprehensive account of the struggles of the freedom fighters in northeast India. He addresses the struggles aimed at constitutional redressal of the demands of the tribal people as well as the more radical armed rebellions in a large timeframe i.e. till the late 1930s. Though the case of Meghalaya is the main focus of his paper, he also cites examples from the other hill societies of northeast India and even from anti-colonial movements in Africa to substantiate his arguments. Highlighting the historiographical issues concerning the northeastern region, Imdad Hussain asserts that it is the responsibility of the historians to provide "… a more powerful perspective on colonial rule in Assam and the hill and frontier areas" and "…ensure that this finds its place in our national histories" (p.1). He makes historiographical critique of the factors that have led to the neglect of the 'widespread resistance of the hill people to the extension of British control over the territories' (p. 29). Barring the role of the church in the freedom struggle in northeast India, every other aspect related to the latter has been discussed comprehensively by Hussain. However, the subsequent papers in the volume are more particularly event-centric and lack the larger historical canvas in which Hussain's Address is sketched.

David R. Syiemlieh in his paper "Call of Freedom from the Hills: Tirot Sing and his Significance in the Freedom Struggle" discusses U.

Tirot Sing, the chief of Hima Nongkhlaw, who resisted the British imperial movement in the Khasi hills. Syiemlieh informs us that as the outcome of his resistance and subsequent surrender in January 1833, Sing was arrested and put in jail in Dacca where he died due to stomach disorder on 29th March 1834. Given the popular myths surrounding the death of U Tirot Singh, Syiemlieh's comprehensive and objective researches, helps to establish the historical reality about the last days of U Tirot Sing (p. 41).

S.N. Lamare's paper entitled "The Little War – The Jaintias and the British" discusses the struggle of the Jaintias against the British. He describes the subject matter comprehensively, tracing the history of the struggle from the origins to various subsequent developments (p.43). He is also able to clearly show the moves of the British to declare the pre-colonial socio-cultural and political formations among the Jaintias as illegitimate, thus inviting the Jaintia resistance. The contribution and sacrifices of U Kiang Nangbah and others working with him to the cause of the Jaintias are elaborately and objectively presented by him.

Patricia Mukhim in her paper "Freedom Fighters of Meghalaya: The Politics of Appropriation" discusses the contemporary politics of the Khasi-Jaintia and Garo societies by highlighting the monopolizing of the events/anniversaries of the life of the local freedom fighters by certain organizations. She rightly points it out that "Unfortunately these warriors have become a sort of political instrument and a cause for exclusive ethnic pride. Instead of becoming national icons like Mahatma Gandhi and Subhash Chandra Bose, the communities to which these warriors belong and the pressure groups of each community have appropriated them" (p.69). At places, the paper appears to be journalistic in nature and lacks the style and formulation that go into the writing of a rigorous academic paper. Barring this minor lacuna, the treatment of the subject of appropriation of anti-colonial leaders through an analysis of the contemporary developments is the most important strength of the paper.

Last but not the least is the concluding paper of the volume by Abhijit Choudhury entitled "What Do We Owe Them?: Three Non-Tribal Fighters against the Raj from Meghalaya". Chaudhary is able to reconstruct the works and feelings of the three freedom fighters namely Dharanidhar Mahanta, Manoranjan Nandi and Nar Bahadur Gurung in the anti-colonial resistance movement and in the politics of post-Independence

nation state (p. 88). The first hand information collected by Chaudhary is able to provide a new perspective to the reconstruction of history in northeast India.

However, the book suffers from lack of uniformity in referencing style of the chapters and the full information of the references. Although there are not many typographical mistakes, more care should have been taken in case of references as page 15. Had this volume also included a few other articles by scholars working in northeast India on say, the constitutional methods adopted by the leaders of the freedom struggle, the role of the church during the resistance movement and after, the role and contribution of native and indigenous educated elites to the freedom struggle, role of the press (regional and national), the important contributions of the freedom fighters from the Garo Hills, the participation of women in the entire process, etc., its value would have increased manifold. Barring these glitches, the publication of this book is an excellent beginning to the reconstruction of the tribal resistance movements against the British expansion in the hills of northeast India. Though it is a welcome departure from the valley centric historiography of freedom struggle, the study of some common problems such as economic blockade of the hills as the deliberate British policy to punish the hill tribes, the fortification technology of the tribes against the British aggression, the planned destruction of youth dormitories of the tribes, alliance of the tribal chiefs against the British, role of the press etc. needs to be done to be able to fully reconstruct the freedom struggle of the hill societies of northeast India. However, the editor and his colleagues deserve our congratulations and one hope to see in the near future similar contributions about the other areas of northeast India.

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