



GARGI COLLEGE UNIVERSITY OF DELHI

Department of Political Science
Presents its Annual Magazine

DEMOS 2018



Contemporary Debates in Indian Democracy

**DEPARTMENT OF POLITICAL SCIENCE
GARGI COLLEGE**

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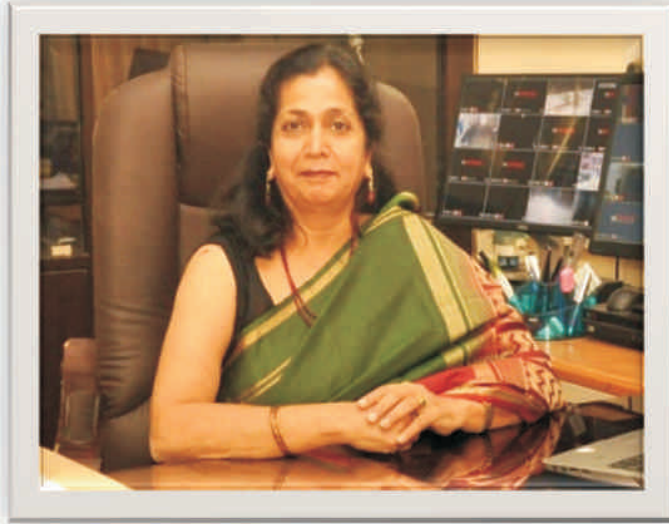


Student Panel Discussion 2018

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FROM THE PRINCIPAL'S DESK



It gives me immense delight to write the prologue for the annual magazine of the Department of Political Science – **DEMOS**. The primary objective of the Department magazine is to encourage its students to think and write creatively about the relevant issues. It also gives them an opportunity to find answers to several unexplored questions from different viewpoints.

The theme of the Department magazine for the year 2017-18 is *Contemporary Debates in Indian Democracy*. The theme not only meets the objective of the Department to impart knowledge to its students but it also reflects the everyday realities of the Indian democracy. The

articles in the **DEMOS** are an attempt to present these realities from various perspectives.

The Department of Political Science of Gargi College has performed remarkably well in both academics as well as extra-curricular activities. The Department has played its stated role of inculcating innovative and critical thinking amongst its students. The **DEMOS** signifies the continuous and determined efforts of the Department in the holistic development and progress of its students.

I congratulate the editorial team, faculty members, contributors and students of the Department of Political Science for bringing out yet another admirable annual edition of the **DEMOS**.

I extend my best wishes to all!

Dr. Promila Kumar

MESSAGE FROM THE EDITORIAL BOARD

Dear All

It is with great sense of satisfaction that we, the Department of Political Science, Gargi College, present to you the 2018 Edition of our Departmental Magazine *Demos*. Over the years, *Demos* has become an academic platform for the students to articulate and present their views on varied issues. The theoretico-empirical understanding of the students is further enhanced through *Demos* as the latter enables them to discover the world around them and through this their own selves.

This year, the theme of the magazine is **Contemporary Debates in Indian Democracy**. Through the various articles, poems and sketches, the students of the Department have done a tremendous job in terms of the intense and precise depiction of contemporary debates in Indian democracy. They have covered a wide range of topics such as justice, liberty, equality, rights, gender and the nature and form of Indian democracy. We congratulate the young minds for such a sensible portrayal of their talent and training.

The Editorial Board of the *Demos* would like to take this opportunity to thank Dr. Puja Rani, the Teacher-In-Charge of the Department and Dr. Joya Bhattacharya, the Staff Association-In-Charge for their relentless guidance and advice. The Board would also like to thank all the faculty members of the Department for their support and the students for their commitment in bringing out yet another incredible edition of the *Demos*.

Happy Reading!

Editorial Board, Demos
Department of Political Science
Gargi College

MESSAGE FROM THE STUDENTS' UNION PRESIDENT

It is the worst of times, it is the best of times

- Charles Dickens, A Tale of Two Cities

At a time, when political chaos is at its epitome and the fight for basic rights and equality looms large over our heads, we, the Political Science Department of Gargi College, seek to undertake an active role in this resistance and endorse and adopt strong progressive values, primarily equality for all.

In the course of this year, the department has taken up various themes of cultural and political relevance, pertaining to the burning issues of the time. These include the issue of religion and politics in contemporary India - which was our response to the widespread attack on secular values, India's dalit revolution, women empowerment as well as the study of subaltern groups in society - all three of which seek to look at marginalized groups in society. The students actively participated in all these events as well as in other debates and discussions, thereby making these events all the more conducive.

This year, the most pertinent event was the 'Student Panel Discussion'. A range of debates were held on different topics such as the reservation system, Section 377 of the Indian Penal Code, uniform civil code, Doklam crisis, the condition of farmers in India, and legalization of euthanasia, to name a few. The event saw the participation of students from various other colleges as well which added extensively to the diversity of opinions expressed.

Another rather momentous event for our department this year was the 'March for Equality Parade'. A large number of students joined the march. Some even painted their faces to emphasize the issue, and one could almost feel the red hues spread across the college as the students passed by. The Annual Sports Day was another brilliant event for us, where we managed to retain first rank at the march past for the second consecutive year and brought home medals and praises for the unity and coordination shown in the march.

The department is also host to a Student Social Activism Cell (SSAC). It is open to all students and it holds discussions on different social issues and conducts movie screenings, workshops, talks and much more. The SSAC provides a forum where people can express their opinions thus exposing the students to new and varied perspectives.

We value learning and believe that something good comes out of every human endeavour aimed at creating a better society. Our teachers and students have worked tirelessly throughout the year to attain these goals by organizing these different events. Our Department has been ranked as one of the best departments of the University of Delhi as it has given ample opportunities and space to its students to develop their creative skills. We continue to push our boundaries and work harder, and hope to keep getting better in every possible way.

On behalf of the Student Union, I extend my gratitude and thank the Teacher-in-Charge, the Association in-charge, the Demos faculty advisors and our faculty members for their excellent guidance and support.

Yashi Saxena

President

Students' Union, Department of Political Science (2017-18)

POLITICAL SCIENCE DEPARTMENT IN 2017-18

The year 2017-18 was an intense, exciting, activity filled year for the Department of Political Science, Gargi College. It was especially momentous because this was the 50th, the Golden Jubilee year of our College.

The Political Science Association began the Golden Jubilee year by hosting its annual inter college festival, Pol Pourri, which was held in September 2017 on the theme of “Secularism in Contemporary

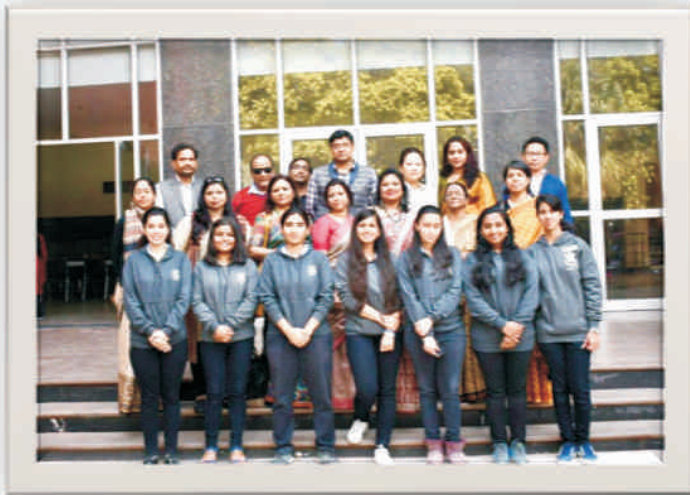


India: Visions and Challenges”. It was organised on a grand scale to mark the occasion, with multiple student activities like slam poetry, quiz, student panel discussions, intra college competitions on slogan writing and poster making, documentary screenings followed by discussions and Q and A sessions and culminating in a panel discussion featuring eminent academics from DU and JNU (Prof Amir Ali and Prof Sri Prakash Singh). The festival concluded with a riveting cultural programme by Janamsanskriti, a performance of folk songs from different parts of the country which had the audience spellbound.

The Association organised an educational trip to Dharamshala and Mcleodganj during the October break. The students visited the seat of the Tibetan Government in exile, various monasteries, temples and churches as well as the Norbulinka Institute.

In January, we organised a documentary screening on India's Dalit Revolution followed by an interaction with Dr. H. Wankhede from JNU and Dr M Bharti from AUD. The Q and A session saw an enthusiastic response and robust participation from students.





Our next event was a talk by Prof Sudha Pai on “A new phase in Dalit Politics in India” held in February, which was also very well received.

The students of the department also took part in the march past, as part of the Annual Sports Day, in February and were adjudged the best team and awarded the First Prize.



The month of March saw the much awaited Student Panel Discussion, a one day event in which students from different colleges participated in panel discussions on various contemporary issues. The Department also came out with the 14th edition of its student magazine, Demos, on the theme of Contemporary Debates in Indian Democracy.

Dr. Puja Rani (Teacher-In-Charge, 2017-18)

Dr. Joya Bhattacharya (Political Science Staff Association-In-Charge)

TIMELINE OF THE DEPARTMENT ACTIVITIES: 2017-18

- The Department of Political Science held its elections for the Students' Union on 18 August 2017.
- The Badge Ceremony for the newly elected Students' Union was held by the Department on 1 September 2017.
- The SSAC, in association with the Department of Political Science, organized *March for Equality* for the students on 6 September 2017.*
- The Annual Fest of the Department *Pol Pourri* was held on 20 September 2017. The theme for the fest was *Religion and Politics in Contemporary India*.
 - As part of its annual fest, the Department screened a documentary titled *The World before Her* on 13 September 2017. The documentary screening was followed by a talk on *Secularism in Hindi Cinema* by Dr. Harish S. Wankhede.
 - A poster making competition was also hosted by the Department on 15 September 2017.
- The Department organized a four-day trip to Mcleodganj-Dharamshala for its students in the first week of October 2017.
- On 1 November 2017, the Department organized a documentary screening of *Turup* in collaboration with Pinjra Tod which was followed by an interactive session.
- The Department hosted the screening of documentary *Dalit Revolution in India* on 23 January 2018 after which a talk was organized on *India's Dalit Revolution* by Dr. Moggallan Bharti.
- On the occasion of *National Voters' Day* on 25 January 2018, the students of the Department pledged to exercise their right to vote fairly during elections.
- Professor Sudha Pai was the Guest Speaker for a talk on *New Phase in Dalit Politics* which was hosted by the Department on 21 February 2018.
- The students of the Department were awarded the first prize in the march past held at the Annual Sports Meet on 22 February 2018.
- The Department hosted its first edition of the *Students Panel Discussion* on 17 March 2018.
- The Department organized a lecture by *Unique Shiqsha* for the aspirants of the Civil Services Examination on 11 April 2018.

*The Students Social Activism Cell (SSAC) is an inter-disciplinary platform for the Gargi students to engage with relevant social issues. It has organized several activities like LGBTQ march campaign in collaboration with Dhanka – a queer collective from Jawaharlal Nehru University and has conducted talks on various issues such as elections, gender sensitization, etc.

PARTICIPATION OF NON-GOVERNMENTAL ORGANIZATIONS IN INDIAN DEMOCRACY: A CRITICAL ANALYSIS

- Dr. Jayshree Tandekar

A vibrant and sound civil society is essential for the existence and growth of a democracy. The civil society is “an ecosystem of organized and organic social and cultural relations existing in the space between the state, business and family, which builds on indigenous and external knowledge, values, traditions, and principles to foster collaboration and the achievement of specific goals by and among citizens and other stakeholders”¹. The United Nations and the World Bank have recognized civil society as the 'third sector' in society along with government and business. The primary reason for the emergence of civil society was modernization and industrialization witnessed in the late 18th and 19th centuries. The concept of civil society was first used to identify a space where “social relations were based on the free association of individuals, rather than a fixed hierarchy of legal institutions”². According to several scholars such as Georg Hegel and Karl Marx, civil society was one arena which included society and even economics but not the state. Today, civil society includes all the voluntary organizations and informal networks which provide a platform for the individual engagement in public activities. These activities are different from government workings because the former are voluntary in nature. Also, unlike private market mechanism, such activities aim at social welfare and public good. The term civil society encompasses several organizations such as labour unions, professional associations, chambers of commerce, religion based organizations, students groups, cultural societies, sports clubs, informal community groups, groups of animal rights activists, and non-governmental organizations (NGOs), to name a few. The present article provides a general understanding of NGOs and analyzes their role in the Indian democracy.

Non-Governmental Organizations: A General Understanding

The term non-governmental organization (NGO) became a part of common parlance only with the establishment of the United Nations in 1945. However, this is not to say that the NGOs had not existed in the history of mankind. The history is replete with examples of NGOs that had played an active role in providing services and fulfilling the needs of people such as humanitarian associations that had flourished along the Chinese rivers in the 13th century, the Society for the Recovery of the Drowned in Amsterdam in the 17th century or the anti-slavery groups established in the Atlantic world in the late 18th and early 19th centuries. Even the predecessor of the United Nations, the League of Nations had referred to such bodies as 'private organizations'. Today, the horizons of the term NGO have been broadened to include different labels such as 'non-profit organization' in American politics and 'voluntary or charity organization' in the European culture. There is no one accepted definition of an NGO. But there are three major features that characterize an NGO. The first characteristic is that an NGO is formed *voluntarily*; the second feature is the *independence* of NGO from the political control; and the third attribute is its *not-for-profit* and *not self-serving* nature. Today, NGOs have been identified as critical to the effective functioning of democracy because of their advocacy and monitoring functions in the areas of development, environment, human rights and humanitarian action.

Non-Governmental Organizations in India

Historically, the existence of NGOs in India has been based on concepts of *daana* (giving) and *seva* (service). Since the middle ages, the NGOs have played an important role in cultural promotion,

¹ Center for Strategic and International Studies (Website), <http://www.csis.org/analysis/concept-and-definition-civil-society-sustainability>, 9 April 2018.

² Conceptual Framework and History of NGOs (Online), <http://www.bhojvirtualuniversity.com/slm/bswc14.pdf>, 7 April 2018

education, health and natural disaster relief. During the British period, the number of NGOs grew significantly and most of them worked to promote social welfare and education. During the second half of the 19th century, the rising tide of nationalism emphasized 'self help' as a major objective of all socio-political movements. Thus, several organizations were formed during this period such as the Friend-in-Need Society (1858), Prathana Samaj (1864), Satya Shodhak Samaj (1873), Arya Samaj (1875), the National Council for Women in India (1875), and the Indian National Conference (1887). In 1860, the British government passed the Societies Registration Act to grant legal status to the growing number of NGOs in India. The secular voluntary sector in India was further strengthened with the establishment of 'Servants of India' in 1905. In the early 20th century, Mahatma Gandhi popularized the idea of 'voluntary action' and 'social responsibility' for the development of India and its people³.

After independence, the first five year plan recognized the importance of NGOs in the social and economic development. In 1953, the Central Social Welfare Board was set up to encourage social welfare activities and promote people's participation programs through NGOs. The financial support provided by the Central Social Welfare Board resulted in the growth of professional NGOs in India. The decentralization in the late 1950s was accompanied by the birth of several farmers unions and agricultural cooperatives, and thus networking among various NGOs became common. In response to this networking, the Association for Voluntary Agencies for Rural Development (AVARD) was established in 1958. This was one of the first attempts in India to bring together various NGOs under one roof. The two consecutive draughts of 1965-66 and 1966-67 marked the entry of international NGOs in India. Subsequently, many of these international NGOs set up their permanent local operations in India. At the same time, many local NGOs in India began to receive the foreign funding. During the 1970s, many foreign trained Indians joined NGOs which resulted in the professionalization of the NGO sector in India. This was also the time when many welfare and empowerment oriented organizations emerged that focused on development, civil liberties, education, environment, health and livelihood. In the 1980s, the NGOs were recognized as development partners of the state and they were required to work at the grassroots level, advocate and mobilize the marginalized for the protection of their rights. However, the structural adjustment programmes of the 1990s and the bilateral and multilateral funding channelled through the government to NGOs made it difficult for the latter to respond effectively to social and economic exploitation at the grassroots level.

Since the beginning of the 21st century, the government has taken several initiatives to improve the working of NGOs. For instance, it has established various institutions to promote the funding of NGOs such as Khadi and Village Industries Cooperatives, Central Social Welfare Board, National Wasteland Development Board and Council for Advancement of People's Action and Rural Technology (CAPART). In May 2007, the government also passed the 'National Policy on the Voluntary Sector' as a preliminary step in developing new working relationship between the government and NGOs. This policy has recognized the important role played by NGOs in finding novel solutions to problems of poverty, deprivation, discrimination and exclusion through awareness raising, social mobilization, service delivery, training, research, and advocacy. Other initiatives undertaken by government include simplification of the Foreign Contribution (Regulation) Act, introduction of training modules for government employees on constructive relations with NGOs, identification of national collaborative programs to be implemented in partnership with NGOs, and recognition of excellence in governance among NGOs by publicizing best practices.

³Overview of Civil Society Organizations - India (Website). <http://www.adb.org/publications/overview-civil-society-organizations-india>.

Challenges to Participation of Non-Governmental Organizations in Indian Democracy

Today, there are more than three million NGOs in India⁴. However, unlike the NGOs of western countries most of the Indian NGOs are small and heavily dependent upon volunteers. Most of the NGOs lack financial resources due to their voluntary and not-for-profit nature. As a result, they do not have adequate staff to carry out their functions. According to a survey conducted by Society for Participatory Research in Asia (PRIA), about seventy-four percent of NGOs in India have one or no paid staff⁵. Due to the financial constraints, the NGOs are mainly dependent upon the government for funding. Such a reliance on government funding has raised questions on their autonomy and many view them as mere implementers of public sector projects⁶. Also, the NGO sector in India lacks transparency and credibility. Over the years, government has blacklisted numerous NGOs for fund misappropriation and their relationships with extremists groups⁷. For instance, in 2003, the Indian Home Ministry blacklisted more than 800 NGOs in the north-eastern region of the country for links with extremist groups. Moreover, there have been cases where NGOs have been used as conduits for money laundering. Thus, the lack of transparency in the working of NGOs discourages people from donating funds for charitable purposes or participating actively in their activities.

Apart from these challenges, the NGOs also face the problem of leadership crisis. Often, the individuals join NGOs to further their political interests of joining higher decision making bodies in the country. Sometimes, the NGOs find it hard to recruit trained professionals as the former do not have finances to pay appropriate salaries to them. Further, the absence of coordination between NGOs existing at local, state and national levels has resulted in various problems such as overlapping, duplication and non-coordination. Lack of coordination makes it impossible for NGOs to offer a united resistance against the oppressive policies of government.

Conclusion

The presence of NGOs is essential for the effective functioning of any democracy. Indian democracy has a rich and vibrant NGO sector as is evident from the number of NGOs that exist in India. These NGOs work in number of areas such as development, environment, human rights, humanitarian action, poverty, education and health. However, the NGOs in Indian democracy have been unable to play their advocacy and monitoring roles successfully due to several challenges that they face in their everyday functioning. There is no doubt that the governments have taken various initiatives to support NGOs in meeting their objectives. But further steps need to be taken by the government to make NGOs more transparent, accountable and effective. One of the principal ways in which the government can achieve these objectives is by liberalizing the rules and regulations of grants-in-aid and granting more funds to NGOs.

⁴The Indian Express (Online). <http://indianexpress.com/article/india/india-others/india-has-31-lakh-ngos-twice-the-number-of-schools-almost-twice-number-of-policemen/>

⁵Overview of Civil Society Organizations - India (Website). <http://www.adb.org/publications/overview-civil-society-organizations-india>.

⁶Concepts and Functions of NGOs (Online). http://164.100.133.129:81/econtent/Uploads/CONCEPTS_AND_FUNCTIONS_OF_NGO.pdf

⁷Concepts and Functions of NGOs (Online). http://164.100.133.129:81/econtent/Uploads/CONCEPTS_AND_FUNCTIONS_OF_NGO.pdf

INDIAN DEMOCRACY AND THE CURRENT SITUATION OF GOVERNANCE

- Atreyee Bardhan Roy (Third Year)

Democratic ideals represent various aspects of the broad idea of 'government of the people, by the people and for the people'. They include political characteristics that can be seen as being intrinsically important to the objectives of democratic social living such as freedom of expression, participation of people in deciding the factors governing their lives, public accountability of leaders, and an equitable distribution of power. Therefore, when we say Indian democracy, it means not only the presence of political institutions and processes that are democratic in nature but it also means that the Indian society and every Indian citizen is democratic, reflecting basic democratic values of equality, liberty, fraternity, secularism and justice in social sphere and individual behaviour.

Democratic governance, the term recently added to the vocabulary of politics, signifies more than what the two words signify separately. A compound is usually not what its constituents are. From the term itself it is clear that democratic governance is not being merely democratic as it is usually understood in its minimalist sense - the government of people's representatives elected in a free and competitive situation; nor is it merely about governance - a limited government charged with the task of enforcing of law and order, and overseeing the contracts among the individuals living in a state or facilitating, promoting and regulating markets.

Democratic governance is a condition in which the promise of justice, liberty and equality is realized in a democratic political framework where the government is sensitive to the people's identities, aspirations and needs, and where people feel secure and content.

Today, people believe that their government has not kept pace with their expectations. In the last two years, India has seen two groundswells of popular protest in which the crowd, largely composed of middle-class urbanites, has taken to the streets to demand a more accountable and responsive government. The moral outrage is entirely justified, and the factors linked to India's governance woes are well known - a rise in corruption, cronyism, criminalisation among the ranks of elected officials, and a crushing government bureaucracy. India's governance challenges come against this background of dramatic economic and political transformation.

The greatest threat that democracy faces in India today is the scourge of corruption. Despite having a vigilant press, an outspoken civil society and an impartial judiciary, the most disheartening fact of Indian democracy is corruption. Corruption in public life has been a major concern in India. Corruption continues to exist in covert and overt ways in different spheres - political, bureaucratic and corporate sectors. One can see the nexus between politicians, bureaucrats and industrialists which has resulted in corruption and corrupt practices. The high level of corruption in India has been widely perceived as a major obstacle in improving the quality of governance. In fact, corruption is a sign of political instability and institutional decay, challenging seriously the validity and propriety of governance.

Criminalization is a fact of Indian politics today. Criminalization of politics means the use politics or political power for immoral gains. Criminalization of politics negates the democratic values and it has no place in a democratic set up. The voters, political parties, and the law and order machinery of the state are all equally responsible for this. There is very little faith in India in the efficacy of the democratic process in actually delivering good governance. The unholy nexus between politicians, civil servants, and business houses have had a baneful influence on the public policy formulation and governance.

If there is one word that occupies headlines today in India, it is intolerance and the country is engaged in debating about rising radicalism and the shrinking liberal space. The recent resurgence of religion based politics has been associated with the growth of intolerance and, in some cases, has resulted in the outbreak of conflict in the country. The Indian government contemplated a move to bring about an anti-cow slaughter law and the whole thing has snowballed into a big controversy. The beef ban gave the power to many radical groups, who took it upon themselves to implement it. A Muslim man was dragged out of his house, lynched and killed on the suspicion that he and his family in Dadri, Uttar Pradesh had stored beef in their refrigerator. The road to making Indian government more accountable goes uphill and the problem seem to be getting worse. Never before in independent India's history have so many writers and public intellectuals mounted a collective protest against the government's failure to protect freedom of expression and contain religious intolerance. Over thirty writers have returned their state awards citing the reason that they are "raising their voice against the changing secular fabric of the country". They have been joined by many other scientists and artists of eminence.

The crisis of governance in today's India is a consequence of the breakdown of democratic institutions and the emergence of an unholy nexus between inefficient, corrupt civil servants and vote-hungry politicians. The result is that more than seven decades after independence, India languishes at a lower rank in the human development index. The basic fabric of good governance does not occur by chance. Good governance is associated with responsible political leadership, enlightened policy-making and a civil service imbued with professional ethos. The presence of a strong civil society including a free press and independent judiciary are the pre-conditions for such good governance. It must be demanded by citizens and nourished explicitly and consciously by the nation-state.

IS INDIA REALLY A DEMOCRATIC COUNTRY?

- Arti Samania (Second Year)

Peoples' rule known as democracy encompasses the twin principles: popular control over collective decision making and equality of rights in the exercise of that control. These principles have been described by David Beetham and Kevin Boyle in their book Democracy (1996). These two principles are the founding stones of a democracy. In a democracy, the government is formed through competitive elections but the issue that the electronic voting machines (EVM) can be tempered with has raised suspicions over their reliability and have raised questions about the authenticity in holding elections. A democracy accepts pluralism and provides space for diversity by giving equal rights to individuals for expressing diverse ideas, opinions and viewpoints. Though diversity brings differences, in a democratic system differences are resolved through democratic means of debate, discussion and persuasion and not by imposition.

Democracy becomes meaningless if 'freedom of speech and expression' is curtailed. The 'freedom of speech and expression' is important because no idea is completely false and it always has an element of truth in it as pointed out by John Stuart Mill in his book On Liberty. And it is only through the conflict of such opposing views that the truth emerges. The killing of people like Gauri Lankesh for presenting a different viewpoint is not acceptable in a democratic country which seeks to ensure the freedom of speech and expression of its citizens.

The Indian Constitution guides the functioning of the government and it limits the power of political authorities. But if people lose faith in the democratic fabric of the country and take law in their own hands, then such a development poses threat to the very survival of democracy. For instance, the Karni Sena revolted against the Supreme Court's decision to release the movie "Padmavat" in theatres. The consequent violence and the damaging of the public property including the attack on a school bus in Gurugram are the incidents that cannot be easily digested in a country which claims to be the world's largest democracy.

Media is said to be the fourth pillar of democracy. It informs people, acts as a watchdog of the government activities and it sets agendas for debate and discussion. But in today's times, the media has failed to perform most of the above mentioned functions. Instead of mobilizing the public opinion on important issues such as poverty, unemployment, education, safety and environment, the media has become the means of generating quick revenues by sensationalizing trivial issues such as celebrity related gossips and the unending Hindu-Muslim debate along with the controversial statements of the political leaders. The un-necessary coverage of certain news hinders the independent and critical thinking of the public. In such a context, the role of the media needs to be reviewed as the task of the media is to provide critical analysis rather than conduct the paid news analysis.

Now is the right time to raise the question 'Is India really a democracy?' Where a party with lesser number of seats is able to set up a government and thus make a mockery of peoples' mandate as it happened in the legislative assembly election of Goa in 2017. Is it really a democracy if intolerance is acceptable and secular principles are ignored? Is it really a democracy if mob rule exists in place of rule of law?

BEING A GIRL IN INDIA

- Anushka Gaur (First Year)

India is regarded as the world's largest democracy. Its preamble which is an introduction to the Constitution talks about upholding the principles of justice, equality, liberty and rights. Equality is one of the key features of fundamental rights of our country's Constitution and forbids discrimination on the basis of caste, colour, race, gender and place of birth. Even though these principles seem very righteous and just they are unfortunately confined to paper only as they have been implemented poorly, especially in the area of gender equality. Thus the debate arises due to the clear discrepancies between their theoretical aspects and their actual implementation.

To start with, the Indian society is primarily a patriarchal society where there exists constant reiteration of binary opposition between men and women. Associating men with superiority and women with inferiority leads to development of stereotypes and prejudices in society and this mainly happens due to assumptions such as boys are strong and girls are weak. Consequently, there is division of work on the basis of such assumptions wherein girls are told to cook and to do other household chores while boys are told to carry heavy things to help girls because of the latter's so called 'physical weakness'. Such is only one assumption out of many such assumptions which are not based on proper verification and explanation. Such assumptions lead to further discrimination. For example, there is one assumption which states that boys have a logical and a rational mind while girls are emotional.

There is no scientific explanation to prove these assumptions as being right and are made only to reflect male dominance. Nevertheless these assumptions are thought to be true by people and are used to discriminate between men and women in the society. Such discrimination in society is not new but has been embedded deeply in the society thus making it difficult to end it. In India due to such assumptions, traditions and norms were established wherein the practice of dowry and child marriage were introduced. These traditions however obsolete and against the laws in India are still prevalent. Due to continuation of such traditions the incidence of female foeticide has arisen. Female foeticide is defined as the abortion of a female foetus illegally which is another way of saying that it is a murder of the female foetus. The main reason for such heinous acts is that people consider women as financial burden on their families.

People believe that women do not have an important role to play in family. This is because when they grow up they would be married off and they would have to be given dowry as well. Thus women are considered as a 'liability' than an 'asset' so 'investing' in them would amount to 'huge losses'. Due to such acts the child sex ratio (0-6 years) has fallen dramatically wherein for every 1,000 boys there were 918 girls as per the 2011 report as compared to 933 girls per 1,000 boys in 2001. Such numbers only prove the hard facts in India. Child marriage in India is illegal by law but is still prevalent especially in many rural pockets of our country. It has been reported that forty-seven percent of girls in India are married away even before they reach the age of eighteen years. Child marriage poses many more hardships for women and the principles such as liberty, justice, equality, and opportunities which are an intrinsic part of the Indian Constitution and which are a part of our fundamental rights are denied to women. The Indian democracy has weakened to such an extent that women's access to these basic rights has remained an elusive fantasy. Men talk about 'to dream big' but many girls in India still ask the question "Are we even allowed to dream?" The many girls who survive foeticide would still prefer death than to lead a life of sorrow and misery with their wings of freedom clipped and justice thrown into a seemingly inconspicuous dump.

The following poem addresses such issues faced by girls for 'being a girl' in India.

WHY WAS I BORN A GIRL

When she was born, she was told she was a girl
And now that she was five, she had to work
She had to do household chores, with her hair so curl
Like washing clothes, cleaning, sweeping which she could not shirk

They gave her a doll and her brother a ball
She played the game of house while her brother played out

They told her that they 'let her' go to school
Since she was a girl they told her to consider herself lucky
But they said not for long as it was a rule
So for a brief period she went to study

After a few years they told her she was old enough
Thus she left school and she was married
However she was still a teenager, that's why it was tough
Thus obviously her childhood was buried

Then the realization drawn upon her
If she had become a woman, cause now she held a baby
But still feeling emptiness in her heart where everything was a blur
Wishing for a feeling she wished she had but taken away from her as now she was a Lady

Her married life was almost the same
But much worse as she got no love
Only hate and work and fight, who is to blame?
And now she saw her own girls grow up to become a bait

Now she became old but still not bold
As still she saw this cycle repeat itself in this shrinking world
And on her deathbed, had one question which did unfold
"Why was I born a girl?"

CASTEISM

- Shreya Prakash (Third Year)

Long back, the former President of the United States of America, Abraham Lincoln had said, “Democracy is a government of the people, for the people, and by the people”. The term 'democracy' comes from the Greek word 'demokratia' which means “rule of the people”. It was coined from two words: demos that means “people” and 'Kratos' which refers to “power”.

India is a huge country full of diversities – linguistic, cultural and religious. At the time of independence, it was economically underdeveloped. There were enormous regional disparities, widespread poverty, illiteracy, unemployment, and paucity of public services. The citizens had enormous expectations from the post-independent India. Since independence, India has been functioning as a responsible democracy. It has been appreciated by the international community. It has successfully adapted itself to the demanding situations. However, casteism is an issue that has been a constant challenge. Though it is not new to the Indian context, in the contemporary times it has grown at an unimaginable pace.

In India, 'caste' is a four-folded structure that has been prevalent for a very long time and where *brahmans* are at the top and *shudras* at the bottom. The shudras have been exploited for belonging to a caste that is primarily responsible for serving the other upper castes. But, in the recent times, dalits constituting shudras and other such castes have tried to mobilize against all the atrocities and wrongs that have been committed against them. For example, the Ambedkarite students protested against the death of Rohith Vemula. Another example of such mobilization was seen on January 1, 2018, when the dalits, the most deprived community present at the bottom of the Hindu caste ladder, had gathered in large numbers at Bhima Koregaon, a village in Pune, to mark the two hundred years of an historical event where Mahars, a dalit sub-group, had helped the British defeat the forces of the Brahmanical Peshwa dynasty. At the event, the dalits were attacked by right wing groups who claimed to be furious at the celebration of the British victory. What followed the next day was a strong retaliation by dalit groups (who were protesting against the attacks) that brought Mumbai, India's financial capital, to a halt. Such instances testify to the fact that the dalits can respond strongly to upper caste atrocities.

The main source of dalit movements in India has been the sufferings of the dalit people. Therefore the primary objective of dalit movements has been to fight against several injustices such as forceful eviction from their own lands, discrimination in institutions of education and employment (though there have been instances where dalits have been denied haircuts for instance in Tumakuru district of Karnataka), and classification of certain activities for dalits only like sweeping, grave digging etc. However, in recent times, the dalit movements have questioned the use of violence against the marginalized castes. Some of the examples include the beating of four dalit youth in full public view in Gujarat, thrashing of dalit groom and six others for 'daring' to take a decorated car to the wedding venue in Chhatarpur District in Madhya Pradesh and the arrest of thirty-one dalit activists who had called a press conference in Lucknow to talk about the past atrocities (they had planned to march later towards Uttar Pradesh Chief Minister Yogi Adityanath's house).

The Bahujan Samajwadi Party has emerged as the party for the dalits and it has a national outreach but in the recent times the politicization of the issue of discrimination against dalits has reduced the significance of the political party. However, the educated elites who have managed to come together against the issue of discrimination are the major force behind the mobilization for the demand for

identity and dignity of dalits. Today, these movements are not only associated with the ideology of Dr. Ambedkar (who spread the slogan 'we must become a ruling community') or groups such as dalit panthers but also of the various dalit leaders such as Jignesh Mewani. All these movements have fought against various odds and have tried to make the world a better place to live in for dalits and various other marginalized castes in society.

Hence, casteism is one such issue that needs to be addressed by the government on an urgent basis and various policies need to be formulated and implemented for their betterment. Such steps will allow the marginalized people to enter into mainstream as liberalization and globalization have been unable to get the Indian society rid of caste consciousness.

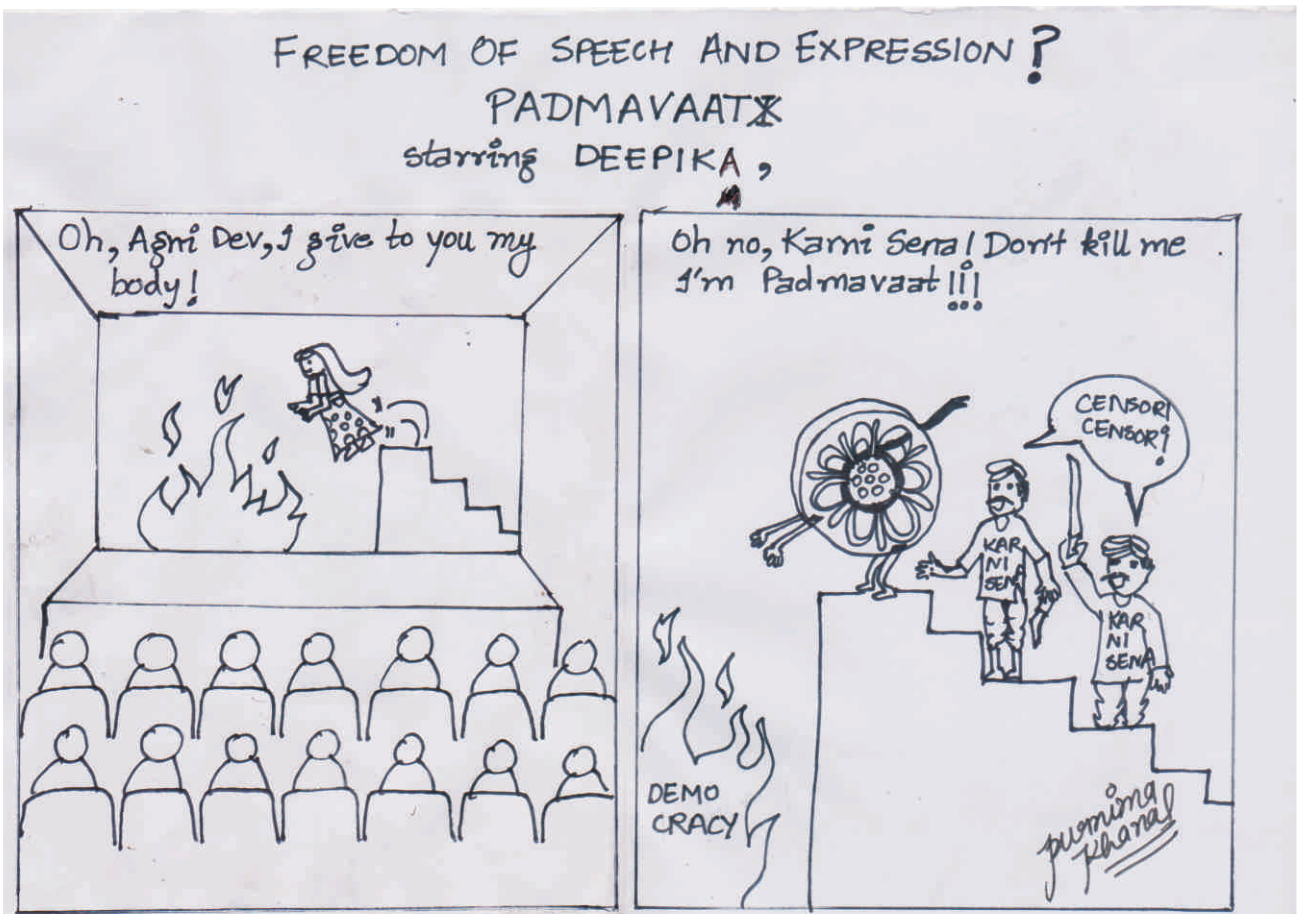


Illustration Courtesy
Purnima Khanal (First Year)

DO NOT PRIVATISE! EDUCATION IS NOT FOR SALE

- Nihareeka Dhobal (Third Year)

Education is the most powerful weapon which you can use to change the world

- Nelson Mandela

These words by Nelson Mandela hold true till date and will hold gravity till times immemorial. The quote by the former President of South Africa projects the power and importance of education in an individual's life. Children are the nation builders and a good education will further ensure that they will become good citizens too. This will result in the growth and the development of the nation. Yet there are many in this world who can't AFFORD to educate their children.

The privatisation of education is a massive problem and a very complex issue but before starting with what this issue is all about, we need to understand the core meaning of the term privatisation. In very simple words, it means the transfer of responsibilities and management previously owned by the state to private actors. Here, private actors may include companies, non-government organizations and even religious institutions. But in field of education, it mainly means unmonitored and unregulated expansion of private sector such as profit making private schools and colleges.

Yes! It is true that privatisation of education has increased the quality of education for few but it is also a bitter truth that not all can afford that kind of education and thus the poor are bound to go to government schools. The commercialisation of education has only increased the gap between the rich and poor as at the very primitive level children from the private schools start to consider themselves as superiors and the children from government schools as inferior. Such an attitude can harm the well-being of the entire nation. It is important to point out here that there are many disadvantages of studying in government schools besides the quality of education such as negligible fees and it is human nature not to value things for which they're not working hard. The teachers of such schools also have the mentality that no matter what happens they will get their salaries by the end of the month and no actions will ever be taken against them. The biggest problem is that the students who study in government schools mainly come from such family backgrounds where they do not know the importance of education and by the time they realise it is usually too late. The infrastructures of government schools are also in dismal state despite the Indian government spending money to improve the situation. All this reflects the real state of affairs in which we live. It is a known fact that in the past few decades the quality of education provided in the government schools has only degraded and in response the people try their best to opt for private schools. However, fortunately, the situation is not the same in higher education as government colleges remain the first option of the masses.

One of the biggest disadvantages of the privatisation of education is that it harms and has various negative effects on the Right to Education. The Right of Children to Free and Compulsory Education Act of India was enacted on August 4, 2009. This act has made education a fundamental right and hence all the children between the age group of 6 and 14 years should be given free and fair education. It also has provisions which require private schools to reserve 25% of seats for children belonging to poor family background. However, proper implementation of this act is still a far cry. The fancy name of right to education resulted in hope among the masses and mainly the poor. Unfortunately it is still a failure and several reasons can be identified for the same such as corruption, lack of awareness amongst people about their rights, improper implementation of the scheme, etc.

Therefore, the state must expand education opportunities to all and should ensure that no one faces any

kind of discrimination. Strict rules and supervision is needed. Education in the Indian constitution is a concurrent issue and therefore it is the responsibility of both the centre and the state governments to act upon it. EQUALITY TO ALL, QUALITY TO ALL should be the main focus of the Indian government in providing free education. In other words, we can say that it is only through this path of free and fair education to all that India can progress to become a developed nation from a developing one.

सत्तर साल का सफर

- नेहा अरोड़ा (द्वितीय वर्ष)

भारतीय लोकतंत्र के ये 70 साल,
जनतंत्र हुआ और प्रगाढ़,
सर्वोच्च सत्ता का प्रतीक है,
स्वतंत्रता, समता, उन्नती का भंडार।

भारत विभिन्नताओं का देश है,
देता अनेकता में एकता का संदेश है,
हाँ होते हैं दंगे यहाँ कभी कभी,
पर प्रेम और भाईचारा है सर्पोपरी।

यहाँ लोकतंत्र है मजबूत बड़ा,
भारत विश्व गुरु बनने को तैयार खड़ा,
चुनौतियों को मिलकर हराया सभी,
ना थके, न थमे, न ही मुड़े कभी!

अभी अभी इस लोकतंत्र को तथा नया आयाम मिला है,
एक नई सी सोच मिली है, और नया आगाज़ मिला है,
बदल गया है लोकतंत्र भी, उसे नया अभीराम मिला है।
भ्रष्टाचार के कुरुक्षेत्र को, देखे रामबान मिला है,
देखो रामबान मिला है!!!

FIGHTING BANKRUPTCY

- Naina Tiwari (First Year)

Since time immemorial money-lending has been an essential component of a state's economy. In ancient India, sahurars and zamindars were considered powerful and influential people owing to the money-lending business. That power has now been transferred to the modern institutions of money-lending, that is, the banks. Any new development in the banking sector affects the economy of the nation exponentially, especially if the development is negative in nature. Sadly, these days, banks have become a fertile ground for scams, frauds and bribery.

According to an IIM Bangalore study, Public Sector Banks (PSBs) in India lost at least Rs. 227.43 billion owing to fraudulent banking activities, merely within a span of four years (2012-2016). The Central Bank of India fraud allegedly executed by Bipin Vohra, bribe-for-loan scam (Syndicate bank), Vijay Mallya's defaulting on loans taken from multiple banks., the list is unending. As a repercussion of the above, India has secured the 5th rank in the CARE ratings of the countries with the highest Non-Performing Assets (NPAs.) at 9.9%.

To cite a recent example, which is also considered by far the biggest-ever detected fraud in an Indian bank, Nirav Modi and Mehul Choksi, two highly influential and tremendously wealthy jewelers, with their business spread across half the world, defrauded Punjab National Bank's (PNB) Mumbai branch with the help of the bank's employees who issued the Letters of Understanding (LoUs) without following the set protocol. This fraud has proved to be an additional blow to the bank which is already knee-deep in cash troubles. The situation for PNB will worsen by the following year with the implementation of the Base-III rules by the apex bank which demand higher capital reserves.

The Nirav Modi fraud case has sparked a debate on the very institutional legitimacy of the Indian banking system. The fact that a bunch of bank officials were able to issue LoUs without arousing any suspicion (simply by not uploading the details on PNB's system software, FINACLE), has resulted in the bank losing the hard earned faith of people and a number of share-holders in the stock market. Also, the scam was successfully evaded from the eyes of Reserve Bank of India (RBI), which points at another lacuna in the Indian banking system. Yet, solely blaming the corrupt bankers and sighing over their 'lack of ethics' (like Mr. Jaitely) might not be enough. It is time that we paid more attention to the 'lack of activity' on the government's part. Just because the fraud took place before NDA government's tenure, it can't shed the responsibility altogether. If the RBI failed to detect the fraudulence, the Banks Board Bureau, a body established by the NDA government also failed in doing its job.

Some are suggesting privatization of the banks for improving their conditions, but this might not be as successful a step as one might conceive. A scam is equally likely to happen in all banks, private ones being no exception. Furthermore, public sector banks play a significant role in uplifting the poor sections by sanctioning educational loans, loans to women SHGs, etc. It is due to their endeavour that a myriad of branches have been opened in rural areas, supporting Prime Minister's 'Jan Dhan Yojana'. Obviously, no private sector bank would undertake such philanthropic projects.

Rather than disinvesting in the public sector banks, the government can introduce certain fundamental reforms in their working. For instance, modifying their policy of promoting corporate loans (which was based on the belief that they would yield huge profits and boost the economy) or at least introduce proper

mechanisms to monitor such loans.

Other than that, instead of privatisation, consolidation could be a better alternative. The idea has so far been supported by the Finance Minister Arun Jaitely, the Governor of RBI Urjit Patel and the Deputy Governor Viral Acharya. Under this, a weak bank would be merged with a stronger one, eliminating the need of recapitalization by the government. Also, closure of their multiple branches in the same locality would help reduce costs.

The government has taken steps to troubleshoot the problems associated with the banking sector but its enthusiasm in catching the fugitives is questionable. The Indian political parties, with all their intelligentsia, are definitely capable of bringing in reforms to transform the weakened banking system of the country. Yet, all that the opposition leaders are coming up with is discoveries of links between the fugitives and their rivals (based on some trivial meetings of the past or even worse, due to matching surnames!).

Contrary to the popular belief, India has been able to sustain as a democracy in the past (even when it lacked certain pre-requisites such as a minimum per capita income). But that might not be the same in the future. If the rich continue to get richer (mostly by 'foul means') and poor continue to get poorer (since they would have nothing to be even categorized as 'means'), there is a very good chance that democracy might never be fully established in our country. To put it in the words of Louis Brandeis-

We must make our choice. We may have democracy, or we may have wealth concentrated in the hands of a few, but we can't have both.

HUMAN RIGHTS VIOLATION IN JAMMU AND KASHMIR

- Kajal Mishra (First Year)

Jammu and Kashmir is one of the most conflictual zones of India. Over the years, there have been cases of stone pelting against the Indian army personnel and of terrorist attacks in the armed personnel monitored areas. The major reason for the conflict in the state of Jammu and Kashmir has been historical. Jammu and Kashmir was a princely state and its ruler Maharaja Hari Singh did not want to join either India or Pakistan at the time of India's independence. But when the Pakistan army backed tribal infiltrators attacked Jammu and Kashmir in October 1947, the Maharaja sought help of the Indian government. The Government of India asked the Maharaja to sign the instrument of accession and it was decided that the public opinion about the merger would be sought after the situation had been normalized. At that time, the then Prime Minister of India, Pandit Jawaharlal Nehru had raised this issue in the United Nations but it has remained unresolved even today.

In the 1947 tribal invasion, a part of Kashmir was occupied by Pakistan which is known as the Azad Kashmir. Over the years, the people of Kashmir have emphasized that their demands have not been met such as the promise for holding plebiscite after the normalization of situation and the autonomy provided for in Article 370 of the Indian Constitution has not been granted completely. As a result, the principles of democracy have not been followed in the state of Jammu and Kashmir as in the other states. Due to these grievances, several different demands have been raised by the people of Jammu and Kashmir: some want to join Pakistan while some others wish to remain in India with greater autonomy. There are still others who want Jammu and Kashmir to be declared as an independent nation-state.

A part of the problem in Jammu and Kashmir is also due to the involvement of Pakistan in the internal affairs of Jammu and Kashmir. The presence of Indian army is the major threat to terrorism in the state of Jammu and Kashmir. Since 2017, there have been 184 incidents of violence in the state and most of these attacks have been on the stations of the Indian army. Often, the armed personnel in Jammu and Kashmir have been attacked by stone pelters who have been indoctrinated to indulge in such violence. In such situations what really needs to be understood is that there is a general ignorance on the part of people about the violation of human rights of armed personnel. Usually in such incidents the FIR is lodged against the armed personnel and not against the stone pelters. In Saudi Arabia, stones are thrown at people who have committed a crime but in Jammu and Kashmir, stones are thrown at armed personnel. The human rights situation of armed personnel has to be taken into consideration. The Geneva Convention signed by India says that everyone is entitled to human rights and nobody can be deprived of them. However, the armed personnel in Jammu and Kashmir have faced severe problems while discharging their duties.

Apart from the armed personnel, the local people have also suffered a lot. This is primarily because the state of Jammu and Kashmir has not registered a high rate of economic growth, the educational institutions are lesser in number and the frequent terrorist attacks have reduced its significance as a tourist destination. The conflicts with China and Pakistan over certain areas in the state have also contributed to uncertainties. Apart from this, the fight between the centre and state governments over power has made the state of Jammu and Kashmir less competitive as compared to other states of the country.

There is a need for strict laws and defined separation of power between the centre and state in order to facilitate development in the state. The state of Jammu and Kashmir should be given priority in terms of policy making and policy implementation. It is high time that the central government take punitive action against outsiders who are responsible for violence and destruction in Jammu and Kashmir.

MARRIAGE = LEGAL RAPE?

- J. Gayathri (First Year)

“I was raped on my wedding night”, said one of the newly-wed brides as she spoke about marital rape and recounted her experience of the post-marriage horrors. “The torture grew, night after night”, recalled a fifty year old woman who came forward with her gruesome story of her husband, who raped her like a beast in their thirty years of marriage. These shocking stories are only among the few incidents reported in India. According to the National Family Health Survey (NFHS), more than sixty percent of the incidents of marital rape go unreported and the primary reason for women not reporting this crime is the fear of society and a commonly held belief that a husband would not rape his own wife. For a socially aware person, such a matter would require the raising of voice against the injustice but for the society it would be an occasion to say “Beta woh tumhara pati hai”. Any person with a bit of humanity is expected to respond by saying “Toh kya?”. Most of the Indian men think that marriage in India is a ‘contract for legal sex’. Once married, a man thinks that any kind of sex he indulges in with his wife is normal; he believes that even if he forces his wife to have sex, it cannot be called rape. This is ironical because such a marriage justifies the denial of freedom to one individual and the exercise of authoritarian rule by another individual. Just because two individuals have consented to marriage does not mean that the male counter-part has the authority of violating his wife’s body without her permission.

Over the years, there have been demands for recognizing marital rape as a crime but in the words of Supreme Court, “sexual disharmony in matrimonial relations is out of the Indian Constitution’s jurisdiction”. There are provisions in the Constitution which identify marital rape like Article 375 which states that a man is said to have committed rape if he indulges in a sexual intercourse with a woman without her consent but the article has an exception (Exception 2) for those men who can have sexual intercourse with their wives, provided that they are not under the age of eighteen years. Such an act will not be considered as rape. This means that the Constitution of India which is worldwide understood as the most liberal and unbiased constitution discriminates between the married and the unmarried women. To this, the Supreme Court of India has given its justification by saying, “Exception 2 deals exclusively with private affairs of husband and wife based on traditional social structure and hence cannot be said to be unconstitutional and in violation of Articles 14 to 21 of the Constitution”. Thus, even the apex body where people seek refuge has denied the basic human right to justice. The constant denial by the lawmakers to make laws on ‘bedroom affairs’ is a proof of the chauvinistic character of the male ideology of not to accept a ‘no’ especially from their wives. This is because the Indian men have not learned to have a conversation about consent. Even the politicians seem to accept this argument. According to the former Minister of State for Home Haribai Parthibai Chaudhary, “it is considered that the concept of marital rape, as understood internationally cannot be suitably applied to the Indian context due to various factors, including level of education, illiteracy, poverty, myriad social customs and values, religious beliefs, mindset of the society to treat marriage as sacrament”. Ironically, his government cited poverty, social customs and values for allowing husbands to rape their wives.

Mindset is not enough to justify this gory crime! Our society was able to banish Sati when scholars like Raja Ram Mohan Roy raised their voice against this practice. If our society was able to do it at that time then why not now? It is high time that the society contemplates its actions because a crime is a crime no matter what. Child marital rape is now a crime; it is time to make adult marital rape a crime.

NOT IN MY NAME

- Sidra Subhan (First Year)

I attended the protest 'Not in My Name' that took place at Jantar Mantar, New Delhi on June 28, 2017. The protest was aimed against the rising mob violence and cow vigilantism. This protest took place in sixteen cities across India and was triggered by an incident that took place at Ballabgarh station, when a fifteen year old boy was killed by a group of people on the train while he was travelling back to his native village in Faridabad to celebrate Eid. The boy was killed on the suspicion that he was carrying and eating beef while travelling in train.

By being present along with other protesters from different fields, religions, classes and castes, I learnt many things and formulated my own opinion about the issue at hand. Though my opinion matched with the opinion of some people while it differed from the others, one thing that united all of us together was spirit to fight. Everyone present in that protest had several questions in mind: What about the freedom of boy to eat what he wants? What about his freedom to practice his religious belief? What about his right to life? And can some people assume the responsibility of moral policing and judge the actions, choices and lives of others?

The people present there were also protesting against the rising Islamophobia and the consequent domestic terrorism in the name of religion. The main reason for my joining the protest was not that I had recently got admission in the Political Science Department of the Gargi College so it was deemed fit for me to join it but I participated as I understood the gravity of the situation and realized that today it was Juned who had been victimized and tomorrow it could be me or someone else for whom I cared. It was the violation of fundamental rights, the rights that are inviolable and the concerned authorities were taking no punitive action. Thus it became important for me to protest against such grotesque acts because otherwise they would not be addressed effectively in the long run.

In the above context, it is important to discuss the concept of mob lynching. Mob lynching implies the punishment of an individual without a trial by an authority for an act that is perceived as offensive. Mob lynching has emerged as a grave threat to the Indian democracy because it not only violates an individual's human rights but also his/her fundamental rights that have been guaranteed by the Indian constitution. The pertinent question that needs to be asked here is whether some people can take away the life of a person if the latter's act is 'perceived' as offensive. Also, does it mean that the public faith in the Indian democratic system is so weak that people can take the matter in their own hands?

It is very important for us, as individuals, to realize that such acts of violence are not acceptable. The reason for this is that if such acts of domestic terrorism are not addressed in the timely manner then it would encourage 'mobocracy' and contribute to anarchical situation in the society. The law and order situation would take a back seat as the people would have the power to decide whether the act is offensive or not. The judiciary would lose its value since the country would be under mob-rule.

The Indian freedom struggle was based on the principle of liberty. The independence was followed by the establishment of democracy with emphasis on various fundamental principles. 'Liberty' and 'Right to Life' were such fundamental principles. The preamble of the Indian constitution talks about India as a liberal, equal, sovereign and secular country. But have India really been able to achieve these desired objectives in the present times? I think the answer is 'NO'. In recent times, incidents have been reported where the fundamental principles of the Indian constitution have been violated such as lynching of Juned for being a Muslim and a beef eater or the beating of Dalits on the Gujarat streets for skinning cow or fifty plus killings that have taken place in our country in the name of protecting the sacred cow.

The primary objective of naming the protest as 'Not in My Name' was to promote the idea that the holy cow is asking to stop the slaughter of people in 'her' name. Through the holy cow, the protest wanted to convey the message that killing in the name of cow would not only de-stabilize the Indian democracy but would also hurt the 'Gau Mata' as she is the mother who provides milk to her children and her same children are being killed in her name. It is very important for us to keep our eyes and minds open and look at the gravity of this issue as it not only threatens the democracy and peace of our country but it would also malign India's image at the international level.

It is the need of the hour to protest against such domestic terrorism which is harming India in more than one ways. There can be severe consequences of such acts as were witnessed during India's independence in 1947 when the British had partitioned India on the basis of religion. There is a possibility that the people may start demanding for a separate state due to this rising intolerance in the country. It is also very important for us to realize that such brutal acts would question the validity of the India constitution. This is because the Indian constitutions would be unable to maintain the principles mentioned in the preamble such as secularism, rights and liberty. Such barbaric acts based on religion would also hinder the growth and development of India. Having a united country would be a fantasy and another propaganda that could be used by the politicians to increase their vote bank. The condemnation of such acts by the politicians is not enough to restore peace in the country. They need to take action against such intolerable incidents. If they fail to do so, then we as the citizens of a 'democratic and secular India' need to stand in unity against such barbaric acts that are being carried out in the name of religion. If we still negate this grave issue that is threatening the democracy and unity of our country, then our country might have to face some serious consequences. So, it is time to get up and stop such acts by telling those who are at wrong to '*not to kill anybody in her name*'.

STATUS OF THIRD GENDER IN INDIA

- Shweta Bisht (Third Year)

Before God we all are equal, then why do we treat people unequally?

Each and every person in a society has the liberty to express herself/himself in diverse forms, and which is also essential for his/her overall development. But in today's democratic world people are not free to enjoy their existence. Due to state coercion, people often have to suppress their emotions and feelings. One such group of people is the transgenders.

The term 'transgender' generally refers to the people who transgress socially acceptable gender norms. They are relegated to a status similar to the 'low status ethnic group' in the Weberian paradigm, where dominant cultural patterns of interpretation and valuation mark as different and less worthy which is detrimental to group members' social standing and their chances of winning social esteem. Their sexuality is interpreted as deviant and devalued in the dominant culture. Be it the celebrated guise of Hindu mythological 'sacred' characters such as Brihanalla or Shikhandani, or the innumerable 'others' with desires on the margins of society and pleasures and bodies outside the assumed arenas of social reproduction. The transgenders have always been portrayed as having abnormalities which conflict with the normal binary of social beings - the male and the female. In fact, this 'away from the normal category' of individuals, is not a homogeneous group. It has its own segments, making the group heterogeneous and very often this has been overlooked, especially in India. Since this heterogeneity has no acceptance in the world of 'biological normal' therefore there is an apparent invisibility of empathy towards them. They constitute the marginalized section of society in India and thus face legal, social and economic difficulties.

V.S. Shinu Asmy and Dr. P. Nagaraj in their study titled Preliminary Problems Faced in Educating the Third Gender Community state that the problems in their lives begin at home. They are subjected to aggression and denial by their family members including their parents. The scholars have emphasized that the transgender community faces discrimination and high level of stigma in almost every walk of their lives. Once their identity is revealed, they are forced and pressurized to leave their homes by the society as they are not seen as part and parcel of normal community and class. These people are treated badly or oppressed by people in power. They are prone to struggle for social justice because of their identity as 'Transgender'. They are discriminated in education, employment, entertainment, justice, etc. Due to the absence of choice in the field of employment they have to enter into the professions of begging and prostitution. Apart from this, they are also prone to verbal abuse and rape. Due to MSM (men who have sex with men), transgenders are likely to contract such diseases as STD and HIV AIDS.

The transgenders are excluded from participating in social, cultural and economic lives. In brief, they are excluded from economy, employment and livelihood opportunities; society and family; protection from violence; access to education, health care and personal care; access to public spaces; access to collectivization; rights of citizenship; decision-making; and social security. Denied of recognition, rights and protection, the transgenders endure shaming and assault, exclusion from the rights and privileges of marriage and parenthood, curbs on their right to expression and association, and demeaning stereotypical depiction in the media.

In the absence of state-sponsored support system, many non-governmental organizations (NGOs) have come forward and have played an important role in transforming the lives of transgenders. These organizations offer professional counselling, family counselling and helpline services. A few others

provide emergency shelters, reproductive health advice, medical aid, and legal support to queer women and transgender people assigned as born female at birth. Yet, others offer safe spaces for conversations, networking and sports. For instance, Sangini Trust is a New Delhi-based NGO, set up in 1997, under the umbrella of The Naz Foundation Trust. It is the oldest LBT (Lesbian, Bisexual and Transgender assigned as female at birth) counselling and community support service in India. It provides counselling and both online and offline community support services.

Another NGO, TARSHI (Talking About Reproductive and Sexual Health Issues) was founded in 1996 and registered under the Societies Registration Act in 1997. It supports and enables people's control and agency over their sexual and reproductive health and well-being through information dissemination, knowledge. Similarly, Nazariya is a Delhi-based queer feminist resource group working on issues of gender and sexuality with a focus on lesbian, bisexual, queer, gender queer, non-binary people assigned gender female at birth, and trans-men. Likewise, Nirantar (educational organization) believes in enabling empowerment through education, and shaping educational processes from a critical, feminist perspective. There are many other organisations like Umang, Orinam, Sappho which are also working for the upliftment and empowerment of the transgender community and trying to bring transformation in the lives of transgenders. These organisations try to spread awareness among different societies and teach acceptance to people.

In 2009, the spirit behind the Fundamental Rights accomplished a triumph for the alternate sexuality when the Delhi High Court held Section 377 of IPC (which categorises any penile non-vaginal activity as an unnatural offence) in violation of the fundamental rights enshrined in Constitution of India, insofar as criminalizing consensual sexual acts of adults in private. It was further stated that, "Where society can display inclusiveness and understanding, such persons can be assured of a life of dignity and non-discrimination." It was further held that amending or repealing Section 377 should be a matter left to Parliament and not the judiciary. This reinstatement of Section 377 resulted in deep unrest amongst the society with various debates being held across the country. In April 2014, the Supreme Court in NALSA vs. Union of India granted constitutional recognition to the transgenders as third gender stating that they did form a distinct group and any discrimination against them violated their constitutional rights. Though transgenders have been recognized legally but they still have not really been recognized by the society. They face biases in the real world as the society is not yet ready to accept them as normal and not deviant beings.

Each being is unique and an integral part of nature. Everyone should be given the status of dignity and the freedom to love and be loved without any restriction. It would be wrong to discriminate people who do not conform to societal norms. It is time that people should now realize that every individual has the right to expression and they should be left free to follow their own choices.

THE SILENT INVASION

- Meghna Baruah (First Year)

Illegal Immigration is an issue that has plagued the north-eastern state of Assam for decades now and it has changed the demography of the state completely. Today, it is the biggest threat to the security and identity of the indigenous people of the state.

Assam has been independent for most of its existence, almost never coming under the control of any mainland Indian empire, largely because of its impenetrable forests and inaccessible terrain. The cultures of the many communities inhabiting this region, as a result were quite distinct. However, this changed with the British annexation of Assam in 1826, after the signing of the Yandabo Treaty between Myanmar and Britain.

Assam is a land that is extremely fertile and resourceful, with plenty of oil, coal, tea and large forest cover, and there had always been an ulterior design among the political leaders of East Bengal to exercise control over it. A step towards realizing this was started in the years prior to the independence of India, when the All India Muslim League, with the aid of the British launched the 'Grow More Food' campaign. Under this campaign, mass migration of Bengali Muslims from East Bengal to Assam was encouraged. At the time of India's independence, the population of this group increased exponentially especially in the districts of Goalpara, Kachar, Kamrup and Nagaon. Between 1901 and 1951, the population of Muslims in Kamrup grew from 9.11 percent to 29.3 percent while that of Nagaon rose from 6 percent to 40.5 percent. Thus by 1951, these four districts had a Muslim population which accounted for more than 25 percent of the total population. During the partition of the British India, an attempt was made to amalgamate Assam with the erstwhile East Pakistan or Bangladesh, despite its history, traditions and culture being so different from that of the latter. It was only because of the courage and uncompromising stand of the great Assamese leader Gopinath Bordoloi, who went on to become the first Chief Minister of Assam, that such a thoughtless act was prevented from happening.

The independence of India and the drawing of its borders, however, did little to stop the migration from Bangladesh to Assam. Both central and state governments implicitly encouraged illegal immigration because of the vote bank politics. The change in demographics and its effect on the daily life of the indigenous people was evident. Finally in 1979, the Assam Movement was started against the migrants when the Assamese saw a massive increase in the number of Bengali Muslim voters in the electoral rolls during the by-poll elections for Mangaldai constituency. The movement was joined by all the members of indigenous community irrespective of their different economic, religious or ethnic backgrounds, and it culminated in the Assam Accord of 1985 between the All Assam Students Union and the Central government which promised to detect and deport all illegal migrants entering Assam after March 25, 1971. However, this too was never implemented in reality. One in five people in Assam, or fifty lakh of the 2.61 crore population were estimated to be illegal Bangladeshi immigrants by the central government in 2001. Today, the Bengali Muslims have become a majority in eleven of the thirty-two districts of Assam, a substantial rise compared to no single district having a Muslim majority at the time of independence. Moreover, two independent studies conducted by Professor D.C. Nath, Dr. B.K. Nath and Indrajit Barua show that either by 2040 or 2047, the indigenous people of Assam will become a minority in their own state. This has already happened in Tripura, where only 30 percent of the population is indigenous Tripuri according to the population census of 2001. The numbers have certainly dwindled further in the last seventeen years.

The illegal immigrants in Assam have settled in government land, forests, grazing and agricultural lands and also in the tribal belts. They have also encroached upon thousands of acres of extra land. Despite special provisions for protection of tribal land (for example, the 6th Schedule of the Constitution), many illegal immigrants have encroached upon these areas as well, often leading to the displacement of tribal population. The settlement of non-tribal citizens, let alone, illegal migrants is not permitted in the tribal belts. However, the administration has seldom taken any action to ensure the proper enforcement of the constitutional rights of the tribes over their land. In one of the multiple instances, illegal immigrants had occupied 77,000 bighas (more than 25,665 acres) of land in a place called Sipajhar in Mangaldai district, displacing the indigenous people, most of whom were Assamese Muslims. These indigenous groups have still not been able to return to their land and such injustice has more often than not been ignored by the government.

There has also been a significant increase in crime, especially violence against women. This is another wakeup call as north-eastern societies have always valued women, and practices like dowry, sati and female infanticide which are common in the strictly patriarchal societies of north and western India have historically been unheard of here. Kaziranga, which has also seen high influx of illegal immigrants, has witnessed increased instances of rhino poaching. An examination of the list of bail applicants in Guwahati High Court showed that more than 50 percent of applicants were of Bangladeshi origin. Moreover, lack of employment and unending cycles of poverty have left a large proportion of the native population helpless. They do not receive any help from the government nor do the national media tell their stories. All the government benefits meant for the indigenous population are appropriated by the illegal immigrants. The political parties always have had a vested interest in keeping these groups at their side and use them as their vote banks. The Sadou Asom Gorias Moria Deshi Jatiya Parishad, an organization representing the indigenous Assamese Muslims has been crying foul over the injustice meted out to them as the funds meant for minority development have been singularly granted in immigrant-dominated districts. Nekibur Zaman, Chairperson of the Assam State WAQF Board and Advocate at the Guwahati High Court says, “all minority developmental schemes and programs, be it of the Central Government or of the State Government are given only to those Muslims who have come from erstwhile East Bengal (Bangladesh). (These) are distributed in areas dominated by the Muslims coming from Bangladesh and there are no benefits which are made available to us. All of us Assamese Muslims, who are rooted to this earth and to this land, will be finished.”

This is something I would like to say to those who are making this an issue of religion, IT'S NOT. The Assamese Muslims are as integral a part of our community as any other and have made great contributions to the culture of Assam. The part played by great men like Bagh Hazarika and Azan Fakir in the advancement of our community can never be forgotten. We are one people. This is a fight between the indigenous people of Assam, be they be Hindu, Muslim, Christian or Animist, and the illegal Bangladeshi immigrants. It is a fight to protect our culture and heritage from dying out. It is to point out the hypocrisy of the mainland Indian leaders and intellectuals who never accepted us as one of their own, but are quick to dismiss this problem that has been afflicting our region by politicizing it on the grounds of religion. The threats are not just cultural and the issue does not merely pertain to the identity of the indigenous communities of Assam. It has all the likelihood of threatening the integrity and national security of India as mentioned by the Army Chief, General Bipin Rawat recently. It is high time that this issue is given attention and included in the major discussions of the country. The people of Assam have suffered enough, and we will not be silenced by name calling and false accusations of bigotry for raising an issue that has changed the face of our land and threatens our identity. We have already lost our identity in a sense, we will not let go of whatever little we are left with.

THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) BILL 2016

- Tanvika Gulyani (Third Year)

The Indian experiment with democracy has travelled long and often exhausting roads, with the spaces within it constantly being depreciated for minorities. This has continually been accompanied with rightful revolutions - demonstrations, protests and marches, all demanding the enforcement of the rights that the Constitution of our country ensured theoretically to all its citizens way back during its inception in 1950 - the right to a life with dignity along with the right to equality.

The LGBTQIA+ community in India is vulnerable as its members are more prone to discrimination and stereotypes, which often take the form of physical attacks. Homophobic behaviour rooted in a patriarchal framework, often which is born in a domestic setup and does not have any legal repercussions. Intersectionality, sometimes even within the community itself, may go awry, and contemporary discussions surrounding the community and its rights requires one to take into account the different factors which shape one's individuality.

The movement by LGBTQIA+ community in India is relatively young, originating as organized political movements only in the early half of the 20th century¹. As early as 1981, an All-India Hijra Conference was held in Agra, which saw more than 50,000 hijras from India and Pakistan attend it². In India, hijras were granted voting rights in 1994. In 1998, Shabnam "Mausi" Bano was elected to the state legislative assembly in Madhya Pradesh, where she remained an elected politician till 2003. Hijras have since established their own political party in the state, 'Jeeti Jitayi Politics', which translates to "politics that has already been won"³. Pride marches are regularly held in various cities in India, the first being held in Kolkata in 1999⁴. In 2013, S. Swapna and Gopi Shankar Madurai staged protest demanding reservation for both trans-women and trans-men in education and employment, educational assistance, and preference for them in government jobs⁵. In 2014, a private member's bill protecting and providing rights for transgenders was passed by the Rajya Sabha, and was drafted by the office of MP Tiruchi Siva⁶. In 2015, Laxmi Narayan Tripathi, a transgender rights activist, organized a convention of transgender people in Delhi. Ms. Tripathi has played a primary role in the successful movement to gain legal status in India for transgenders⁷.

The Transgender Persons (Protection of Rights) Bill 2016, which was recently approved by the current administration, is very detrimental to the effective operation of democratic practices. Previously in 2014, in a landmark NALSA (National Legal Services Authority) judgment, the Supreme Court had declared transgender people to be a "third gender", emphasizing on the need for recognizing them as socially and economically backward. It additionally "gave broad directives to the central and state governments on affirmative action, public health, social welfare and other services to be made available for transgender people"⁸. Clauses 21 and 22 of Chapter V of the 2014 Bill state that 2% of the seats in

¹How Many Of These 93 Things Do You Know About India's LGBTQ Movement? (2017, October 30). Retrieved March 08, 2018, from <https://www.youthkiawaaz.com/2017/07/lgbtq-movement-in-india-91-facts/>

²Hall, K., & Livia, A. (1997). *Queerly phrased: language, gender, and sexuality*. New York: Oxford University Press.

³Politicians of the third gender: the "shemale" candidates of Pakistan. (n.d.). Retrieved March 08, 2018, from <https://www.newstatesman.com/world-affairs/2013/05/politicians-third-gender-shemale-candidates-pakistan>

⁴Kolkata Rainbow Pride Walk. (2018, March 03). Retrieved March 08, 2018, from https://en.wikipedia.org/wiki/Kolkata_Rainbow_Pride_Walk

⁵T. (2013, October 07). Transgenders stage protest at collectorate - Times of India. Retrieved March 08, 2018, from <https://timesofindia.indiatimes.com/city/madurai/Transgenders-stage-protest-at-collectorate/articleshow/23670065.cms?referral=PM>

⁶Jatin Gandhi & Smriti Kak Ramachandran. (2015, April 24). RS passes Bill on transgender rights. Retrieved March 08, 2018, from <http://www.thehindu.com/news/national/rajya-sabha-passes-private-bill-on-transgenders/article7138056.ece>

⁷Malhotra, A. (2015, July 02). What Happens at Indias Transgender Convention. Retrieved March 08, 2018, from <https://blogs.wsj.com/indiarealtime/2015/07/02/what-happens-at-indias-transgender-convention/>

⁸Sheikh, D. (2016, August 04). Failures of the New Transgender Bill. Retrieved March 04, 2018, from <https://thewire.in/56299/failures-of-the-new-transgender-bill/>

primary, secondary and higher education institutions which are funded by the government, and in government jobs are to be reserved for transgender people⁹. Despite number of loopholes, the Bill served as a much needed thrust towards opening up dialogue for the somehow controversial subject of rights of minorities in India.

The initial version of the Bill had adopted a broad understanding of the transgender identity, encompassing within its fold all those who wanted to “traverse the male-female identification binary and those who wanted to identify themselves outside of it”. The 2016 Bill, however, threatens to disregard any attempts made at this recognition. Sampoorna, a transgender and intersex group, has outlined various inconsistencies of the Bill vis-à-vis the demands of the members of these communities. Under Chapter 1, Clause 2 of the Bill, “transgender person” means a person who is—

(A) neither wholly female nor wholly male; or

(B) a combination of female or male; or

(C) neither female nor male; and

whose sense of gender does not match with the gender assigned to that person at the time of birth, and includes trans-men and trans-women, persons with intersex variations and gender-queers¹⁰.”

This definition in itself fails to disregard the male-female binary and strips an individual of the right to self-determine his/her identity. The transgender and intersex groups within India demand that different definitions be adopted for the two identities, and that the right to self-determine gender identity be upheld, irrespective of surgeries or hormonal therapies (this right was granted by the Supreme Court judgment of 2014). The concept of both sex and gender are spectrums, and not every intersex person identifies as transgender. The bill should expand its scope to include within it the specific demands of the intersex community, instead of grouping it together with the transgender community, as has been done in the Bill.

As opposed to NALSA’s guidelines which state that no prerequisites are required for one to identify as transgender, Chapter 3 of the Bill states that “a transgender person may make an application to the District Magistrate for issuing a certificate of identity as a transgender person...” who will then refer it to a District Screening Committee which would include medical officers, psychologists or psychiatrists among others. The transgender and intersex groups oppose this provision and uphold the right to self-identify their gender without any physical screenings or evaluations. There is a provision for a single transgender individual on the committee, and this can result in prejudice and relatively privileged transgender or intersex individuals might be favoured.

Additionally, Chapter 8, Clause 19 of the Bill criminalizes begging, and this leads to growing vulnerability of the community which struggles to sustain a livelihood of basic standards. The cyclic relationship among factors like inequality, lack of education, dearth of employment opportunities and the resultant activities like begging make it clear why it is a wrong move to criminalize begging. The Bill also invalidates the community based familial systems that many in the community are a part of, by giving more significance to “birth families”. Transgender and intersex individuals are more prone to abuse and violence at home and often may find adoptive families or community living a safer recourse.

The Bill does not mention any form of affirmative action for the transgender and intersex communities whatsoever, i.e. any OBC (Other Backward Classes) or caste based reservations, and naturally this leaves them more prone to discrimination and stigmatization. The provision for reservation in primary, secondary and higher education, and employment opportunities should be established in accordance

⁹Rights of Transgender Persons Bill, 2014, Act No. 49 of 2014. Retrieved on March 04, 2018, from <http://164.100.47.4/BillsTexts/RSBillTexts/asintroduced/transgender-E.pdf>

¹⁰Sheikh, D. (2016, August 04). Failures of the New Transgender Bill. Retrieved March 04, 2018, from <https://thewire.in/56299/failures-of-the-new-transgender-bill/>

with the 2014 judgment of the Supreme Court.

The Bill only provides for a National Council which will act as an advisory agency to the central government in the processes of implementation of transgender-specific policies. The community however demands for a separate Commission or the intervention of the National Human Rights Commission to look into their human rights violations.

The Bill, for the prevention and penalization of atrocities against transgender persons, states that “(offences are) punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine.” The framework of the same however doesn’t include violations by police personnel, domestic violence by families, atrocities committed at educational or health care institutions, etc. Sexual assault laws which deal with the prevention and penalization of the same are currently gender specific and do not cover transgender persons in their ambit. Inhumane practices that transgender and intersex individuals are often subjected to must be brought into the scope of the Bill to make aversion therapies, forced marriages, non-consensual hormone treatments among others strictly punishable by law¹¹.

The absence of stringent measures to tackle the possible discrimination and harassment coupled with attacks and prejudice against the LGBTQIA+ community in general, and the transgender and intersex individuals in particular has resulted in the ‘The Transgender Persons (Protection of Rights) Bill 2016’ being met with utmost contempt and dissent. On 17th December 2017, transgender and intersex people from across the country gathered at the Parliament Street in New Delhi to protest against the regressive Bill. The phrase “#StopTransBill2016” gathered momentum on social media and saw immense support for urging the authorities to recognize the flaws in the Bill and to amend it in order to overcome the ambivalent lacunae which characterize it.

Grace Banu, a Dalit and transgender rights activist has written an open letter to the President and the Prime Minister, an excerpt of which is as follows:

‘We, the transgender people of India, the children of this ‘Independent’ land who have been disowned by our families, by the government, and have been made refugees in our own land. I am writing this with the sweat and blood of the transgender community and request you to at least euthanize us....Your bill is a grave injustice to the already oppressed transgender community, and the bill further criminalizes us and reinforces your oppression. And this is the bill that your government is eager to thrust upon us’¹².

A number of non-governmental organizations (NGO's) have dedicated themselves to the cause of supporting and empowering transgender and intersex individuals. The Sahodari Foundation, based in Tamil Nadu, was founded by Kalki Subramaniam, and is an organization of young transsexual people, volunteers and friends. Their main objectives are to work for establishing social, economic and environmental justice for transgenders, intersex and gender non-confirming people and to eliminate oppression and exclusion based on such factors as race, ethnicity, gender, class, religion, legal status, sexual orientation, age, and disability¹³. The Humsafar Trust is the oldest LGBTQ+ organization in India and is one of the leading organizations covering the spectrum of sexual minorities in India¹⁴. The

¹¹S. (2017, January 18). Transgender Persons (Protection of Rights) 2016 Bill - Responses From Sampoorna WG and other Trans & Intersex Communities. Retrieved March 04, 2018, from <http://sampoornawg.wixsite.com/sampoorna/single-post/2017/01/18/Transgender-Persons-Protection-of-Rights-2016-Bill---Responses-From-Sampoorna-WG-and-other-Trans-Intersex-Communities>

¹²Anasuya, S. I. (2017, December 05). Why We Should Pay Urgent Attention to a Campaign to Stop the Trans Bill 2016. Retrieved March 04, 2018, from <https://thewire.in/201366/pay-urgent-attention-campaign-stop-trans-bill-2016/>

¹³About Us | Sahodari Foundation. (n.d.). Retrieved March 07, 2018, from <http://sahodari.org/about-us/>

¹⁴<http://humsafar.org/>

Naz Foundation, based in New Delhi, similarly focuses on reaching out to marginalized populations infected or affected by HIV to help reduce stigma, improve health, and empower families. They also aim to sensitize the general population about HIV, and to highlight issues related to sexuality and sexual health¹⁵.

The overarching framework of any democratic country necessitates the recognition of the opinions and lived experiences of minorities when it comes to the implementation of policies guaranteeing their rights. The transgender and intersex community in India has rightfully put forward specific demands which seek to uphold the very basic right to life with dignity. It is the priority of every successive government in power to implement policies for the welfare of minorities - it is what is expected of them as reparation for the countless years of oppression and humiliation that the latter have been subjected to. As allies, it becomes one's foremost duty to indulge in literature which seeks to give voice to these marginalized opinions and demands. It is time that we stand back and not speak over their voices; yet stand together in solidarity, and strive to create structures for these voices to be heard by all, in order to uphold the democratic values enshrined in our constitution.

¹⁵<http://nazindia.org/naz-india/>

TIME TO FACE THE TRUTH

- Vibhuti Sikand (First Year)

The hot topic of discussion for parents in the month of March and April is the result of their children - some are proud of their children's performances while others may be disappointed or expecting some more marks. Thus, in these months, the atmosphere has a whole competitive vibe to it - be it in the children or amongst their parents. And as excited as any other parent would be, so was my domestic help Sheela aunty when she came in the morning to share with me the proudest moment of her life - her daughter had stood first in her class with exceptional marks. As she continued to tell me how happy she was for her daughter, she also told me that how disappointed she was with the school where her children were studying.

She had sent her children to a private school and she narrated how the schools exploited people by consistently raising school fees. The poor parents were required to pay number of fees in the name of admission and examination fees. Further, my domestic help said that it was compulsory to pay enrolment fee every year. So, I asked her to send her children to a nearby government school which in my view was bigger and even better than their present school. But to my utter astonishment she told me that both she and her children were sceptical of going to a government school. The main reason for such scepticism is that the government schools are looked down upon as they do not provide quality education and that there are not many facilities to cultivate the growth of students. In spite of not being satisfied with the present school and the given financial constraints, she told me that she wanted to provide best education to her children. She also opined that it would be an idealist situation if the government schools could provide quality education to help children grow into wise men and women who could then do something productive for their country.

Later, I could not stop but think about the talk I had with my domestic help that morning and I realized that the basic purpose of opening government schools is to educate children, especially from among the poor or lower middle classes of the society. These sections of the society cannot afford the education provided in private schools because of their financial limitations and thus often education is not their priority. To encourage children from middle and lower income groups to study, the Right to Education Act was enacted in 2009 to provide free and compulsory education to children of six to fourteen years of age. As a part of this Act, the government hired the best teachers, gave them good salary, and built schools even in the remotest areas of the country. Many incentives were also given to the students like the mid day meals.

But after listening to Sheela aunty's story, I realized that all the efforts undertaken by the government have gone in vain as the objectives of the Act have not been met. As far as I am concerned, I think that the government in a way can be held responsible because every day there is news about the bad quality of food being served in schools which has resulted in the hospitalization of students or that there are no toilets and even if there are toilets they are unhygienic or that the teachers were found sleeping during the class. According to a recent survey conducted in 780 government schools across thirteen Indian states, the key facilities (including toilets and drinking water) were mostly found missing or in a poor conditions. The survey further showed that while the Right to Education Act called for sufficient infrastructure, less than five percent schools had all the nine facilities mentioned in the Act. Over thirty percent schools had no toilets (many girls quoted this has a big reason for dropping out of school), over sixty percent had no playgrounds (it is no wonder that we struggle with both health and fitness). All such cases lead the people to question their faith in government schools and therefore their children either go

to private schools or they don't go to schools at all.

No matter how much money you have or how satisfied you are in life but the quality or meaning of one's life comes with education. It opens the gates to the world of creativity, confidence and rationality. Investment in human resource development today can prove to be the biggest asset for future for a country like India as presently forty percent of its population is under forty years of age and it is this generation that would shape the country in near future. Investment in their education would not only be helpful for the personal development of the youth but also for the country's overall growth and development. Even in the Indian budget for 2018, the money allocated to the education sector has been reduced which reflects the changing priorities of the government. The need of the hour is to strengthen the policies for government schools policies and increase supervision so that the implementation takes place as required. The politicians are concerned with problems like unemployment, poverty and corruption but no one realizes that the root cause of most of the problems is illiteracy amongst people. If the forty percent of India's population is uneducated, then it would be difficult to handle the problems in future. We want the other countries to be inspired by the level of development in the field of education in India so that the world can be made into a better place to live.



Illustration Courtesy
Naina Tiwari (First Year)

TRIPLE TALAQ

- Jasmine Kachhap (Third Year)

Women suppression is not new to the history of India or the world for the matter, almost every religion and every country has suppressed women rights in history. But in today's time we need to change laws and the mentality towards women. Women should be treated equally and should be given equal rights as men. The promotion of gender equality should be the concern of every state and society. Similarly, in India, women empowerment should be promoted equally by all the sections of the Indian society.

What is Triple Talaq?

Triple talaq, an instant divorce, is the Islamic divorce given by muslim men to their wives in India. It allows a muslim man to legally divorce his wife by uttering 'TALAQ' three times. Talaq is an Arabic word for divorce. A man can say talaq three times and that will be an irrevocable divorce. The pronouncement can be oral or written and in today's time, it can happen over the internet, social media and even on any message application. Given the practice, men can give divorce without stating any reason and the wife's presence is not mandatory at the time of announcement. However, the actual Islamic law states that there should be at least a gap of one month between each talaq pronouncement.

Though this custom falls under the Islamic personal law, many Islamic countries such as Saudi Arabia, Pakistan and Morocco have abolished the practice. In India, triple talaq has faced strong opposition from the Muslim women with some of them even filing a PIL in the Supreme Court against this practice. The case was defended by the All India Muslim Personal Law Board which tried to save this custom. The political parties in India have made triple talaq a political issue rather than a human issue. Recently, in the winter session of the Indian parliament, the Triple Talaq bill was passed. This bill envisages criminalization of triple talaq and defines the jail term for the man. Some political parties have opposed the bill and it still needs to be passed in the Rajya Sabha.

Plight of Muslim Women

While men are busy politicizing personal laws, the women continue to fight peculiar battles and most of which they lose. In India, muslim women are often entangled in legal battles that they are not even allowed to fight. The educated muslim girls live in the fear of talaq looming large over their heads all the time. But it is also to be noted that the Indian Constitution guarantees basic rights which the All India Muslim Personal Law Board (AIMPL) cannot question or interfere with. The practice of 'halala marriage' is still prevalent. In order to return to her first husband and children after talaq, a woman needs to marry another man and then the second husband has to divorce her. This humiliating exercise is undertaken by muslim woman each time her husband divorces her.

Problems and Consequences

Under the Muslim Women (Protection of Rights on Marriage) Bill, man can get up to three years of imprisonment. The maintenance for muslim women is to be left at the discretion of the magistrate. Some have complained that if the man is sentenced to jail then the couple would not have time for reconciliation. Others have speculated that the Indian muslim women can take advantage of this bill. There are still others who believe that it is a BJP's move to divide the muslim votes in India. The opposition parties have demanded improvements in the bill and their points also need to be considered.

But that does not mean that the Bill should not be introduced in India. In present scenario, the discussion on triple talaq has boldly resurfaced in our drawing rooms and newsrooms, but there is much to be done to ensure justice for women.

Men and women should have same rights, as they are equal in all aspects. The religious practices and laws need to change with the changing times. The Indian society has to understand the importance of treating women equally as men. By not doing so, the society has prevented half of India's population from actively participating in the progress of the country. This has to be stopped and changes need to be brought about in the Indian society.

भारत महान् है!

- नेहा अरोड़ा (द्वितीय वर्ष)

भारत महान है-

क्योंकि यहाँ पर पकते हर तरह के पकवान है।
और बाकी के जो बच जाते हैं गरीब भिखारी।
वो खाते हैं उन धनवानों की झूठन सारी।

भारत सच में महान है-

भारत एकता का भी मिशाल है,
क्योंकि यहाँ पर हिन्दू, मुस्लिम, सिक्ख, ईसाई,
को कहा जाता है भाई, भाई,
पर असल में ये बन बैठे हैं एक दूजे के लिए कसाई।

भारत तो सच में महान है-

यहाँ पूरे होते सब काम है,
शहर नहीं पर छूट जाते ग्राम हैं,
क्योंकि यहाँ शिक्षा के बूरे नहीं इंतज़ाम हैं।

भारत सच में महान है-

भारत में बसे ज्यादातर लोग महान हैं,
क्योंकि उनके पास बहुत सा ज्ञान है,
शायद इसलिए अपने आप को वे कहते महान हैं !!!

UNIFORM CIVIL CODE

- Gautami Nair (First Year)

The primary objective of implementing a uniform civil code in India is to ensure that the same set of civil laws governs all the people, irrespective of their religion. The scholars believe that a uniform civil code is needed to protect the secular fabric of our country. At the same time, it is required for gender justice as the rights of women are restricted in almost every religion. But, is India really ready for the Uniform Civil Code or is it really the need of the hour?

The Constitution has never envisaged 'one nation, one law'. The implementation of uniform civil code would mean that all the communities would have to give up their distinctive practices to achieve uniformity. It is high time that we put the debate on uniform civil code in context, with constitutional intentions as well as India's lived experience.

In the triple talaq case, the majority bench of the Supreme Court held that freedom of religion, subject to restrictions, under Articles 25 and 26 is absolute. The right to follow personal law has been elevated to the highest status of fundamental rights. Article 26 is wider in scope than Article 25, as it guarantees freedom to "religious denominations or any sect thereof to manage its own affairs in matters of religion". This freedom is not even subject to 'right to equality'. The Supreme Court rightly held in *Minerva Mills* case (1980) that "to destroy the guarantees given by Part III (Fundamental Rights) in order purportedly to achieve the goals of Part IV (Directive Principles) is plainly to subvert the Constitution by destroying its basic structure...to give absolute primacy to one over the other is to disturb the harmony of the Constitution".

Of the nineteen directive principles, why is it that only two are a matter of public discussion now: cow protection and uniform civil code? No one is talking about living wages, removal of inequalities in income, equal pay for equal work, early childhood care, raising the levels of nutrition and public health, and so on. In fact, many people had opposed the apex court's order on the mere prohibition of the sale (not consumption) of liquor within 500 metres of a highway, even though Article 47 provides for the prohibition of intoxicating drinks, in a language that is identical to that of Article 44. Is this not hypocrisy?

It is an erroneous perception that we have different personal laws because of religious diversity. As a matter of fact, the laws can differ from state to state. It appears that the framers of the Indian Constitution did not envision uniform laws applicable to the entire country because the power to legislate in respect of personal laws has been given to both the Indian Parliament as well as the state assemblies. Thus, personal laws are bound to differ in all the twenty-nine states and the Union. The preservation of legal diversity seems to be the reason for the inclusion of personal laws in the Concurrent List. Thus, 'one nation, one law' is not what the Indian Constitution really envisages.

The Indian states have made more than hundred amendments to the Criminal Procedure Code and the Indian Penal Code. It is also a myth that India has uniform criminal laws. Even in the United States, for instance, the criminal laws vary from one state to another. Similarly, all the Hindus residing in India are not governed by one law. At the same time, the laws relating to marriage are diverse in different parts of the country. Marriage with close relatives is prohibited by the Hindu Marriage Act, 1955 but it is considered customary in several parts of south India. The Hindu Code Bill does recognise these different practices.

In the same way, there is no uniformity in the personal laws of Muslims and Christians. Even the Indian Constitution protects the local customs of different regions such as Nagaland, Meghalaya and Mizoram. Even in Goa, which is often lauded for having a Uniform Civil Code, the Hindus are still governed by the Portuguese family and succession laws, and practice of polygamy is permitted (though not for other communities). The reformed Hindu Law of 1955-56 is still not applicable to them. The Shariat Act of 1937 is not enforceable in Jammu and Kashmir, and so the Muslims residing there continue to be governed by customary laws, which in many ways is at variance with Muslim personal law.

Here, a pertinent question that can be asked is that why there is a need to talk about the discriminatory personal laws alone when the even land laws enacted in several states after 1950 are unjust to women. These laws have been exempted from judicial scrutiny by including them in the Schedule IX of the Indian Constitution. It is important that the advocates of gender justice revisit the land laws as well. The Hindu laws have not been entirely reformed even after seventy years of independence. If the Hindu laws cannot be amended (Hindus being a majority community) at one go, then reforming the personal laws of minority communities in the absence of a conducive environment would be unwise.

Like the Hindu Law Reforms Committee which was formed in 1941, the Modi government should constitute, as a first step, a Muslim Law Reforms Committee, Tribal and Indigenous Law Reforms Committee, Christian and Parsi Law Reforms Committees, and based on their recommendations, take the reform process forward. A Hindu Law Committee would also be needed as some of the existing provisions of codified Hindu law such as the solemnisation of marriage, saptapadi, kanyadaan, the sacramental nature of marriage, joint family and tax benefits, testamentary powers and so on may not find a place in the Uniform Civil Code, and provisions like dower or nikahnama (prenuptial contracts) might have to be incorporated. Are Hindus ready for these reforms? When the RSS opposed the Hindu Code Bill, the Nehru government did concede on several key issues. And as far as the present government is concerned, its commitment to gender justice is clear from its stand on marital rape.

Therefore it can be said that the goal of a Uniform Civil Code should be achieved in a piecemeal manner, and with commitment to justice and respect for diversity. Legal pluralism is widely respected. It has to be remembered that mere normative changes would not bring social reforms.

WOMEN RESERVATION IN INDIA

- Dharna Tehlan (First Year)

Woman, the better half of man has woken up from her slumber of millennia and is asking for her due in the Indian society. Women comprise almost 49 percent of the population of the country and are thus the largest minority in the land. Therefore, their social, economic and political status cannot be ignored.

Although, the role and status of urban woman have been improving gradually during the recent years, the condition of rural woman is pathetic and miserable. Several evil social customs such as child marriage, female infanticide, dowry system and other practices make the lives of rural women all the more vulnerable. These evil social practices coupled with very low illiteracy rate and superstitions have relegated the status of women to that of the second-grade citizens. They have been denied the equal status with men, equality of opportunity and equal pay for equal work, although their contribution to life and civilization is no less than that of men.

In order to improve the status of women and to ensure some measure of gender equality, the need for empowerment of women has been keenly felt for quite some time. With this understanding, the National Commission for Women has proposed reservation of 33 percent of seats in the Indian Parliament and the state assemblies. In pursuit of this objective, the Constitution (81st Amendment) Bill, 1996 has also been drafted. The basic object of this Bill is to practically awaken and empower women and ensure their effective participation in political and democratic institutions. The Bill rests on the premise that the gender composition of our elected assemblies is not relevant to their functioning.

Women hold only 7.2 percent seats in the Lower House (the Lok Sabha) and 7.8 percent in the Upper House (the Rajya Sabha) at present. In order to empower women, to make them partner in decision-making process, to promote and safeguard their interests, the Bill was contemplated in the Indian Parliament. But the Bill has been pending because men are not prepared to accommodate women and strengthen the social justice and democratic tradition. They are still subject to patriarchal and anti-female political culture and tradition. Some politicians have felt that the reservation of seats for women in parliament and legislature would not solve the problems of women. They believe that it would not make any qualitative difference in the condition of women. On the other hand, women have dubbed the solution of improving the lot of women by increasing the number of seats in legislatures as a clever way to keep them out of the decision-making process.

It is also not correct to believe that only women legislators can look after the rights of women. Raja Ram Mohan Roy, Swami Dayanand Saraswati, Swami Vivekananda and Mahatma Gandhi have done much more for the emancipation of women than any woman legislator or minister either past or present.

The first step towards the improvement of the lot of women, therefore, should be to educate them. Education can help women develop and become self-reliant. Therefore, providing reservation for women in educational institutions and giving them better job opportunities is far more important than providing reservation in the Parliament and state legislatures, where they will be under statutory obligation to cast their vote in accordance with the party whip.

IT'S ALL ABOUT SCAMS

- Deepanshi Gupta (First Year)

Scams, scams, scams
It's all about scams!
2G, 3G, and Coalgate
And many others in our fate
Panama or paradise
It's all about their rise!

They take, eat and even retake
Doesn't matter how much goes at the stake
When you catch them, they will escape
No matter how much effort you make
They have their bulldozers and their contacts
You may catch them red handed
But it's all a waste.

It's a vicious circle
In which they all mumble
From ministers to every official
They all think of the world as noodle!

New faces, new scams
Nirav or Lalu, all are vamps
By investing in boondoggle
They have us swindled
Making their profits
Leaving us with losses
They dupe the world
With different shades and new means
And we all are left with just memes!

Scams, scams, scams
It's all about scams!

लोकतांत्रिक भारत में हिन्दुत्व और राष्ट्रवाद

- पिकी (तृतीय वर्ष)

भारतवर्ष एक एतिहासिक देश है जहां पर विभिन्न धर्मों का उद्भव हुआ। हिन्दू धर्म ऐसा ही एक प्राचीन धर्म है जिसका तात्पर्य हिन्दुत्व से लिया जाता है। विनायक दामोदर सावरकर ने अपने प्रसिद्ध ग्रंथ 'हिन्दुत्व' के अन्तर्गत हिन्दुत्व की परिभाषा देते हुए लिखा है, हिन्दू वो है जो भारत को अपनी पितृभूति और पुण्यभूमि दोनों मानता है। 'हिन्दू धर्म को सनातन वैदिक या आर्य धर्म भी माना जाता है। इसके अलावा राष्ट्रवाद एक ऐसी अवधारणा है जिसमें राष्ट्र ही सर्वोपरि है, भारत जैसे विभिन्नता वाले देश में राष्ट्रवाद की भावना ही यहाँ के प्रत्येक नागरिक को एकता के सूत्र में बाँधने के लिए महत्वपूर्ण है। आज के लोकतांत्रिक भारत राष्ट्रवाद और हिन्दुत्व दोनों ही काफी विकट परिस्थिति में आ गए हैं।

हिन्दुत्व के नाम पर विभिन्न धार्मिक दलों का उद्भव हुआ। उदाहरण स्वरूप-बजरंगी दल, हिन्दू महासभा, शिवसेना इत्यादि।

आज के लोकतांत्रिक भारत में इन संगठनों (धार्मिक संगठन) वे असुरक्षा की भावना को जन्म दिया। कुछ धार्मिक संगठन ऐसे हैं जो हिंसात्मक गतिविधियों में लिप्त पाए गए। उदाहरण स्वरूप -

24 जनवरी 2009 को मंगलौर के एक पब में एक धार्मिक संगठन द्वारा कुछ लड़कियों पर यह कहते हुए हमला किया गया कि, 'पब में जाना हिन्दू संस्कृति के खिलाफ है।' क्या आज भी नारी को धर्म का चोला ओढ़कर घर में बैठना चाहिए? संविधान में उल्लिखित प्रत्येक नागरिक को स्वतंत्रता का अधिकार यहाँ लुप्त कैसे हो गया? इसके अलावा कुछ धार्मिक दल यह भी मान्यता रखते हैं कि इस्लाम आतंकवादियों से लड़ने के लिए हिन्दुओं को भी कट्टरवादी बनने की आवश्यकता है। अर्थात् अधिक धार्मिक बनने की जरूरत है।

आज के लोकतांत्रिक भारत में राष्ट्रवाद की भावना हिन्दुत्व में विलीन होती नजर आ रही है, इसी बात पर सवाल उठाते हुए अभिनेता प्रकाश राज ने एक ट्वीट पोस्ट में कर्नाटक भाजपा नेता अनंत कुमार हेगड़े के बयान, 'राष्ट्रवाद और हिन्दुत्व एक है' पर ट्वीट करते हुए कहा-

मेरे जैसे बहुत से लोग हैं, जिनके पास धर्म नहीं, लेकिन मानवता में विश्वास रखते हैं क्या हम सभी राष्ट्रीय नहीं हैं? आप एक धर्म को राष्ट्रवाद से जोड़ते हैं, तो आप भीमराव अम्बेडकर, अब्दुल

कलाम, खुशवंत सिंह, अमृता प्रीतम, डॉ. वर्गी कुरियन के बारे में क्या कहते जो हिन्दु नहीं हैं?

आम जनता के विचार भी कुछ ऐसे हैं - संस्थाओं में आए दिन हो रही नकारात्मक गतिविधियों के कारण बदलती जा रही है। उदाहरण - सर्वोत्तम शिक्षा का गढ़ कहे जाने वाले जे.एन. यू. आज के समय में आम जनता के बीच नकारात्मकता का भाव उत्पन्न कर रहा है। जे.एन.यू. में आए दिन धरना प्रदर्शन व कई बार तो राष्ट्र विरोधी नारे भी लगाए जाते रहे हैं। हाल ही में जे.एन.यू. के मुद्दे पर भाजपा को केन्द्र में रखते हुए कांग्रेस नेता शशी थरूर ने कहा है कि- 'राष्ट्रवाद अब इस बात पर तया किया जाता है कि कोई व्यक्ति भारत माता की जय कहता है या नहीं।'

इसके अलावा आमिर खान का असहिष्णुता पर बयान आज के लोकतांत्रिक भारत को संदेह की दृष्टि से देखना है। उनका यह बचान काफी विवादास्पद था जिसके कारण सरकार ने उन्हें 'अतुल्य भारत अभियान' से हटा दिया है।

आर.एस.एस. भारत में स्थित एक हिन्दू राष्ट्रवादी संगठन है जिसका मूल लक्ष्य भारतीयों की रक्षा करना एवं भारत को विश्व गुरु बनाना है। भारतीय राष्ट्रवाद में आर.एस.एस. की भूमिका स्वतंत्रता प्राप्ति से लेकर आज तक अहम रही है- चाहे वह जनता पार्टी का गठन हो या समय-समय पर लोगों व सरकार की मदद का हो।

आज के राष्ट्रवादी भारत में आर.एस.एस. एवं भाजपा दोनों को एक ही माना जा रहा है। हालांकि आर.एस.एस. द्वारा हमेशा यही दावा किया जाता रहा है कि वह किसी भी राजनीतिक पार्टी से मिला हुआ नहीं है परन्तु कई स्थानों पर आर.एस.एस. का संबंध बीजेपी से है पाया गया है, उदाहरण- 2014 से पहले चुनाव प्रचार में मोदी द्वारा दिए गए भाषण का जनता के ऊपर क्या प्रभाव पड़ा प्रतिक्रिया के रूप में आर.एस.एस. द्वारा जानकारी जुटायी गयी।

मोदी के नेतृत्व में संघ खुले तौर पर आगे की चीजें तय करता नजर आ रही है जो एक तरह का हिन्दुत्व है।

इसके अतिरिक्त आम लोगों का भारतीय राष्ट्रवाद पर नजरिया एक समान नहीं है। कुछ लोग तो भारत को एक हिन्दू राष्ट्र के रूप में देखना चाहता हैं। वहीं कुछ लोग भारत की धर्मनिरपेक्षता की प्रकृति से भली-भांति परिचित हैं। अतः वे लोग भारत को एक विकसित एवं सम्पन्न राष्ट्र के रूप में देखना चाहता हैं जहाँ राष्ट्रवाद की भावना सकारात्मक रूप से प्रत्येक व्यक्ति के हृदय में हो, एक ऐसी राष्ट्रवादी भावना जहाँ धर्म, महजब के स्थान पर मानवता का दृष्टिकोण हो।

आज का भारत

- दीपिका (तृतीय वर्ष)

भारत विश्व का सबसे बड़ा लोकतांत्रिक देश है। अब्राहम लिंकन (1809) ने लोकतंत्र को परिभाषित करते हुए कहा था कि “ये लोगों के लिए, लोगों के द्वारा और लोगों का शासन है।” लेकिन अगर हम इसे भारत के संदर्भ में देखें तो पाते हैं कि ये लोकतंत्र नहीं बल्कि ‘भ्रष्टतंत्र’ है। क्योंकि लोकतंत्र का अर्थ होता है ‘लोगों द्वारा ‘शासन’ और यहां पर भारत में हम लोगों के स्थान पर भ्रष्ट लोगों का शासन देखते हैं।

हम लोग अक्सर ऐसा कहते हैं कि ये सरकार होती तो ऐसा नहीं होता या तो सरकार होती तो ऐसा नहीं होता। लेकिन अब हमें ये बात समझनी होगी कि सरकार तो हर 5 साल में बदलती रहती है लेकिन जो लोग या मतदाता हैं वो नहीं बदलते हैं। और यहां ध्यान देने वाली बात यह है कि हमारे देश में जो मतदाता है वे राजनीतिक रूप से उतने अधिक जागरूक एवं क्रियाशील नहीं होते हैं जितने की पश्चिमी देशों में होते हैं। वे साल में सिर्फ एक ही बार राजनीतिक रूप से जागरूक होते हैं और वो भी चुनाव के समय तक मतदान करके ही। यह कहें कि हमारे देश की अधिकतर जनता गरीब और अशिक्षित हैं, जिसके कारण वे राजनीतिक भागीदारी करने से कतराते हैं क्योंकि उनके लिए राजनीति स्वयं में एक नकारात्मक शब्द है, राजनीति शब्द सुनते ही वे अपने मन में एक ऐसे नेता या राजनेता की छवि बना लेते हैं जिसका उद्देश्य शक्ति या सत्ता की प्राप्ति होता है। वर्ष 2001 में एस. शंकर द्वारा निर्देशित ‘नायक’ 2001 फिल्म इसका अच्छा उदाहरण है। जिसमें अनिल कपूर ने मुख्य भूमिका निभायी थी।

इसके अलावा वर्ष 2014 में आयी मोदी सरकार भी इसका एक अच्छा उदाहरण है। वर्ष 2014 के चुनाव से पहले मोदी सरकार द्वारा मतदाताओं को लुभाने के लिए एक बहुत ही आकर्षक सा नारा दिया गया था। अच्छे दिन आने वाले हैं। लेकिन यहां वे शायद यह बाद बताना भूल गये कि अच्छे दिन, हमारे नहीं बल्कि उनकी पार्टी के आने वाले हैं। क्योंकि वर्ष 2016 में अचानक हुई नोटबंदी और के ठीक पहले जियो का अनलिमिटेड, कॉल एण्ड डाटा प्लान ये सभी चीजें घटनाएँ अचानक नहीं हुई थी। बल्कि थोड़ा सोच विचार करने पर हम ये देखते हैं कि ये सब कुछ तकनीक थी पूंजीपति वर्ग के वर्चस्व को बनाए रखने के लिए, उनके काले धन को सफेद धन में बदलने और अपने विपक्षियों या विरोधियों को सबक सिखाने के लिए।

अगर हम मोदी सरकार द्वारा अब तक किए गए कार्यों का मूल्यांकन करें तो यह पाते हैं कि शुरूआत के दो वर्ष तो बहुत ही अच्छे रहे। लेकिन वर्ष 2016 में कई ऐसी गतिविधियाँ हुई जिन्होंने

हमें यह सोचने पर मजबूर कर दिया कि क्या हमें ऐसी ही सरकार चाहिए थी? सच कहें तो 'नहीं' क्योंकि मोदी सरकार द्वारा चलायी गई विभिन्न योजनाएं जैसे प्रधानमंत्री जनधन योजना, प्रधानमंत्री उज्ज्वला योजना, स्वच्छ भारत अभियान, प्रधानमंत्री मुद्रा योजना, प्रधानमंत्री आवास योजना आदि ये सभी ऊपर-से तो कार्य करती हुई दिख रही हैं लेकिन अंदर से उतना ही खोखली हैं जितने की वर्ष 2014 में उनकी पार्टी द्वारा किए गए विभिन्न दावे।

इसके अलावा अन्य सरकारी योजनाएँ एवं सुविधाएँ भी भारत में बढ़ती हुई भ्रष्ट प्रवृत्ति को दर्शाते हैं। क्योंकि लडली योजना, पेंशन योजना जैसी योजनाएँ गरीबों, वृद्धों या अन्य प्रकार से असमर्थ लोगों को आर्थिक सहायता पहुंचाने के लिए चलायी तो गई हैं लेकिन भ्रष्टाचार के कारण इन योजनाओं का लाभ लाभार्थियों को नहीं मिल पाता है। क्योंकि ज्यादा इनमें जो रकम लाभार्थी को प्रदान की जाती है वे या तो वास्तविक रकम से कम होती है या फिर उन्हे समय रहते नहीं मिल पाती और कई मामलों में लाभार्थियों को इन योजनाओं का लाभ मिलता ही नहीं है। इसी प्रकार हाल ही में हुए आधार कार्ड डाटा लीक का मामला भी इस समय सुर्खियों का विषय बना हुआ है क्योंकि एक ओर तो अन्य दस्तावेजों की जगह आधारकार्ड के प्रयोग की बात की जा रही है और वहीं दूसरी ओर इस प्रकार की घटनाएँ कागजी और जमीनी हकीकत को दर्शाती हैं।

आज के हालात देखते हुए ऐसा लगता है कि पश्चिम में तो पुनर्जागरण 14वीं शताब्दी में ही आ गया था लेकिन हमारा देश आज भी इससे कोसों दूर है क्योंकि हमारे देश के शासन की बागडोर ऐसे लोगों के हाथ में है जो उसे संभालने के योग्य नहीं है और ऐसा इसलिए है क्योंकि सबसे ज्यादा भ्रष्ट तो यही लोग हैं।

तीन तलाक (तलाक-ए-विद्दत)

तलाक ! तलाक ! तलाक !

- रितु (द्वितीय वर्ष)

तीन तलाक क्या है? आखिर क्या है ट्रिपल तलाक?

तीन तलाक (तलाक-ए-बिद्दत) के तहत जब एक व्यक्ति अपनी पत्नी को एक बार में तीन तलाक बोल देता है या फोन, मेल, मैसेज या पत्र के जरिए तीन तलाक दे देता है तो इसके बाद तुरंत तलाक हो जाता है। इसे निरस्त नहीं किया जा सकता है। ट्रिपल तलाक जिसे तलाक-ए-बिद्दत तत्काल तलाक और तलाक-ए-मुधताजाद के रूप में भी जाना जाता है। इस्लामिक तलाक का एक रूप है जिसे भारत में मुस्लिमों द्वारा इस्तेमाल किया गया है। विशेषकर हनफी पन्थ के अनुयायी न्यायशास्त्र के सुन्नी इस्लामिक स्कूल।

ट्रिपल तलाक के बाद यदि पुरुष और स्त्री फिर से शादी करना चाहे तो हलाला भरने के बाद ही ये शादी हो सकती है। हलाला एक पद्धति है जिसमें तलाकशुदा स्त्री को पहले एक दूसरे मुसलमान पुरुष के साथ निकाह करके रहना होता है, इस आदमी के हो साथ तलाक लेकर स्त्री अपने पुराने शौहर से फिर से विवाह कर पाती है।

तीन तलाक से होने वाली परेशानी

तीन तलाक फोन, टेक्स्ट मैसेज, फेसबुक, स्काइप, ई-मेल आदि के जरिए किया जाने लगा है इससे पुरुषों को तो कोई फर्क नहीं पड़ता है। वहीं दूसरी तरफ स्त्रियों की जिंदगी इससे बहुत अधिक प्रभावित होती है। वो महिलाएँ जो आर्थिक रूप अपने शौहर पर निर्भर होती हैं तलाक के कारण इन्हें अपनी जिन्दगी में काफी समस्याओं का सामना करना पड़ता है। आर्थिक परेशानियों के साथ वे भावनात्मक रूप से भी टूट जाती हैं। ऐसी महिलाओं को किसी भी तरह से जीव निर्वाह का जरिया नहीं मिल पाता। अधिकतर मामलों में तीन तलाक हो जाने के बाद आदमी अपने बच्चों की मुख्यतः अपनी बेटी की जिम्मेवारी कभी नहीं लेता है। ऐसी स्थिति में अपने बच्चों पालन-पोषण करना स्त्री के लिए असंभव सा हो जाता है। मुस्लिम महिलाएँ इस बात के डर में अपनी जिंदगी गुजार देती हैं कि न जाने कब उनके शौहर ये तीन शापित शब्द कह दे और उनकी जिंदगी खत्म होने के कगार पर आ जाए।

तीन तलाक पर क्या कहती है 'पवित्र कुरान'

स्कॉलरों का मानना है कि पवित्र ग्रन्थ कुरान में इस तरह के किसी भी नियम का उल्लेख नहीं किया गया है हालांकि कुरान में तलाक देने की प्रक्रिया को जरूर बताया गया है कुरान के अनुसार तलाक देने के बाद भी जब तक महिला सक्षम न हो जाए उसकी पूरी जिम्मेदारी उसके पति के ऊपर ही रहती है। इतना ही नहीं बल्कि तलाक तब पूरा माना जाएगा जब उसकी पत्नी का निकाह किसी अन्य व्यक्ति से हो जाए।

मुस्लिम पर्सनल लॉ के सदस्यों ने सफाई देते हुए कहा है कि तीन तलाक को लेकर लोगों के बीच नासमझी का माहौल है। पर्सनल लॉ बोर्ड के महासचिव मौलाना वली रहमानी ने कहा है कि देश में कई लोग पर्सनल लॉ बोर्ड पर सवाल उठाने लगे हैं। ऐसी स्थिति में देश के सामने इन मुद्दों को साफ-सुथरे तौर पर रखने की बार्ड की जिम्मेवारी और भी बढ़ गई है। मुस्लिम पर्सनल बोर्ड के तहत यह कानून कुरान से निकला है। अतः ये न्यायपालिका के दायरे से बाहर पड़ता है। साथ ही बोर्ड ने यह भी कहा है कि इसे गैर-संवैधानिक बताना कुरान को फिर से लिखने जैसा है।

मुस्लिम महिला विवाह अधिकार संरक्षण विधेयक 2017 28 दिसंबर 2017 को लोकसभा में पारित किया। यह बिल ट्रिपल तलाक को अवैध घोषित करता है। इसका कई सांसदों द्वारा विरोध भी हुआ। विधेयक पर विपक्षी दल के सदस्य 10 संशोधन प्रस्ताव लेकर आए थे। लेकिन सदन ने सभी को खारिज कर दिया।

इस मामले की सुनवाई के लिए 5 जजों की बैंच बनाई गई जिसमें मुख्य न्यायाधीश जे.एस. खेहर, जस्टिस कुरियन जोसेफ, जस्टिस आर.एफ. नरिमान, जस्टिस यू.यू. ललित और जस्टिस अब्दुल नजीर शामिल थे। सुप्रीम कोर्ट ने ट्रिपल तलाक को असंवैधानिक घोषित कर दिया। इस फैसले पर 5 जजों की बैंच में से 3 जजों ने इसका समर्थन किया जबकि अन्य 2 ने इस फैसले का समर्थन नहीं किया। अब अगर कोई ट्रिपल तलाक देता है तो उसे 3 साल तक की सजा हो सकती है तथा ट्रिपल तलाक मान्य नहीं होगा।

अंततः हम यह कह सके हैं कि ट्रिपल तलाक कहीं न कहीं मुस्लिम महिलाओं के समानता के अधिकार का हनन करता है तथा उनका शोषण करता है। ट्रिपल तलाक के कारण मुस्लिम महिलाओं की जिंदगी एक पल में तबाह हो जाती है। मुस्लिम महिलाएँ जीवन भर इसी डर में जीतीं हैं कि न जाने कब उनके शौहर ये तीन शब्द बोल दे और उनकी जिंदगी तबाह हो जाए। जब ट्रिपल तलाक को अवैध घोषित कर उस पर दंड लगाया गया तो बहुत-सी मुस्लिम महिलाओं ने यह प्रश्न उठाया था कि

यदि शौहर जेल चला गया तो घर का खर्च कौन उठाएगा? देखा जाए तो यह प्रश्न वाजिब है क्योंकि मुस्लिम महिलाओं की आर्थिक स्थिति उनके शौहर पर निर्भर होती है। देश में जहाँ एक तरफ महिला सशक्तीकरण की बात हो रही है वहीं दूसरी तरफ मुस्लिम महिलाओं की स्थिति बहुत ही दयनीय है। अतः हम यह कह सकते हैं कि ट्रिपल तलाक को अवैध घोषित किया जाना पूर्णतः उचित है।



Illustration Courtesy
Purnima Khanal (First Year)

भारतीय समाज में एल.जी.बी.टी. समुदाय की स्थिति

- राजकुमारी (प्रथम वर्ष)

समलैंगिकता का अर्थ : किसी भी व्यक्ति का समान लिंग के प्रति प्रेम तथा आकर्षण होना ही समलैंगिकता कहलाता है। समलैंगिकता, उभरलैंगिक और लिंग परिवर्तित लोगों को मिलाकर ही एल.जी.बी.टी. समुदाय बनता है। जिसे कोई भी समाज स्वीकार नहीं करता है। समलैंगिकता का अस्तित्व सभी संस्कृतियों और देशों में पाया जाता है, यद्यपि कुछ देशों की सरकारें इस बात का खण्डन करती हैं।

एल.जी.बी.टी. समुदाय का यह संघर्ष पूरे दुनिया में जारी है। जैसे- संयुक्त राज्य अमेरिका जहाँ की कुल जनसंख्या लगभग 32.31 करोड़ है, जिसमें करीब 3 प्रतिशत लोग एल.जी.बी.टी. समुदाय से आते हैं। अमेरिका में सन् 2013 से व्यस्कों के लिए समलैंगिकता वैध है। सितंबर 2011 में बने 'डॉट आस्क, डॉटटेल' नीति के तहत समलैंगिकता को देश की सैन्य सेवाओं में नौकरी करने का अधिकार है तथा कई राज्यों में समलैंगिक जोड़ों की शादी कर परिवार बनाने का अधिकार भी प्राप्त है। यू.के. या ब्रिटेन जहाँ की कुल जनसंख्या 6.49 करोड़ है और कुल जनसंख्या का 1.5 प्रतिशत एल.जी.बी.टी. समुदाय से आता है। समलैंगिकता, इंग्लैंड और वेल्स में 1967 से स्काटलैंड में 1981 से और नार्थन आयरलैंड में 1982 से वैध है। सन् 2005 से पूरे यू.के. के संविधान में समलैंगिक जोड़ों को पहचान देने का प्रावधान है। चीन में 2002 से समलैंगिकता वैध है। दक्षिण अफ्रीका के काबून की बात करें तो वहाँ भी समलैंगिकता, समलैंगिक जोड़ों को विवाह और बच्चा गोद लेना कानूनी तौर पर वैध है।

भारत देश में एल.जी.बी.टी. समुदाय की स्थिति - भारत एक स्वतंत्र देश है जहाँ लोग स्वतंत्रता, समानता तथा मानव अधिकार की बात करते हैं। जहाँ सभी लोगों को स्वतंत्रता, समानता तथा अपने विचार अभिव्यक्त करने का अधिकार है। वहीं कुछ ऐसे भी लोग हैं जिन्हें समाज स्वीकार नहीं करता है, जिन्हें एल.जी.बी.टी. समुदाय के नाम से जानते हैं। भारतीय समाज में समलैंगिक लोगों को हीनता की दृष्टि से देखा जाता है। उन्हें उनके अधिकार से वंचित रखा जाता है। 1860 के दशक में ब्रिटिश काल के दौरान भारतीय दंड संहिता(आई.आर.सी.) की धारा 377 को पेश किया गया था जिसके लिए सजा भी सुनिश्चित की गई है।

डी.ए.सी. की धारा 377 : "इसके तहत जो भी कोई किसी पुरुष स्त्री या जीव-जन्तु के साथ प्रकृति की व्यवस्था के विरुद्ध स्वयं इच्छा से संभोग करेगा तो उसे आजीवन कारावास या किसी एक अवधि

के लिए कारावास तथा आर्थिक दंड के लिए भी उत्तरदायी होगा।”

भारत में धारा 377 के अंतर्गत समलैंगिकता को अपराध माना जाता है। नाज फाउंडेशन ने वर्ष 2001 में दिल्ली उच्च न्यायालय से धारा 377 को गैर-संवैधानिक घोषित करने की मांग की थी। 2009 में दिल्ली हाईकोर्ट ने नाज फाउंडेशन मामले में अपने फैसले को पुनः विचार किया तथा इस अपनाथ की श्रेणी से हटा दिया था जिससे समलैंगिक समुदाय को राहत तो मिली, परंतु यह स्थिति ज्यादा दिन तक नहीं बनी रही। दिसंबर 2013 को सुप्रीम कोर्ट ने दिल्ली हाई कोर्ट के फैसले को पलट दिया तथा समलैंगिकता की धारा 377 को इसके मूल स्वरूप में परिवर्तित कर दिया। इसके बाद यह समस्या अधिक गंभीर हो गई है क्योंकि धारा 377 के प्रावधानों का सहारा लेते हुए समलैंगिक समूह को उनके अधिकारों से वंचित किया जा रहा है। भारत जैसे देश में जहाँ दो तरह के कानून कार्य करते हैं- (1) संविधान का कानून (2) समाज का कानून। वहां समाज के कानून, नियम को अधिक महत्व दिया जाता है। भारतीय समाज में लोग समलैंगिक समुदाय को हीनता की दृष्टि से देखते हैं वहां समलैंगिकता को सीकारना सरल कार्य नहीं है।

परन्तु समय के साथ-साथ समलैंगिकता के प्रति लोगों के विचार में परिवर्तन शुरू हुआ है। तथा लोगों ने डी.ए.सी. की धारा 377 के विरुद्ध याचिकाएं दायर की हैं तथा एल.जी.बी.टी. समुदाय के लोगों में यह उम्मीद है कि धारा 377 को खत्म कर दिया जाएगा ताकि उन्हें कानून, समाज और अपने आसपास के लोगों की प्रताड़ना का शिकार नहीं होना पड़ेगा। हमारे देश में एल.जी.बी.टी. समुदाय के लोगों के साथ भारतीय समाज के द्वारा बुरा बर्ताव किया जाता है। हालांकि 2018 में सर्वोच्च न्यायालय ने एक बार पुनः विचार का फैसला लिया है कि “क्या एक ही लिंग, यौन गतिविधि को वैध बनाना है” और साथ ही समान नागरिक न्यायालय (4), (5) को लागू करना है। भारतीय समाज में लोगों को अधूरी जानकारी है, इसलिए लोगों को अपनी मानसिकता में परिवर्तन करने की जरूरत है क्योंकि एल.जी.बी.टी. समुदाय के व्यक्तियों को भी एक सामान्य व्यक्ति की तरह सम्मान का जीवन व्यतीत करने के अधिकार हैं।

DEMOS QUIZ

1. The powers and jurisdiction of the High Court can be changed by –
 - a) Parliament
 - b) State Legislature
 - c) President
 - d) Both (a) and (b)

2. Which of the following is an instrument of direct democracy by which the citizens can exercise their vote directly on specific and important issues?
 - a) Recall
 - b) Initiative
 - c) Referendum
 - d) Electoral College

3. Which of the following describes India as a democratic state?
 - a) Fundamental Rights
 - b) Preamble
 - c) Seventh Schedule
 - d) Directive Principles of State Policy

4. Which of the following forms the basis of the amendment procedure in the Indian Constitution?
 - a) Separation of Powers
 - b) Parliamentary Sovereignty
 - c) Cooperative Federalism
 - d) Universal Adult Franchise

5. If the Legislative Council rejects a bill passed by the State Legislative Assembly, then –
 - a) A joint sitting is called for by the Governor
 - b) The bill is declared dead
 - c) The Legislative Assembly can pass the bill for the second time to override Legislative Council
 - d) Either (a) or (c) depending on the type of bill

6. In the Indian Constitution, the provision for promoting equal justice and providing free legal aid to the poor has been mentioned in –
 - a) Fundamental Rights and Directive Principles of State Policy
 - b) Directive Principles of State Policy only
 - c) Fundamental Rights and Fundamental Duties
 - d) Fundamental Rights only

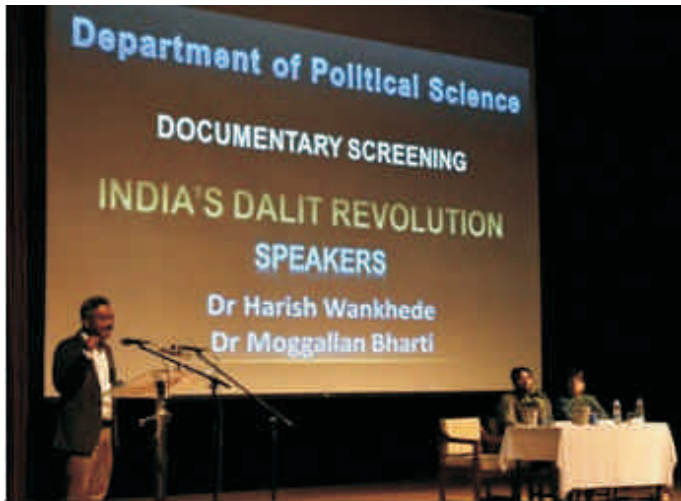
7. Which of the following statements regarding the Government of India Act, 1935 is incorrect?
 - a) It extended separate electorates to women
 - b) It provided for the establishment of Federal Public Service Commission
 - c) It provided for the establishment of Federal Court
 - d) It abolished bicameralism in all the provinces

8. Dr. B. R. Ambedkar considered one of the following as the 'heart and soul of the Indian Constitution' -
- a) Right to Life
 - b) Right to Equality
 - c) Right to Freedom of Religion
 - d) Right to Constitutional Remedies
9. Who amongst the following can be elected by the Lok Sabha?
- a) Speaker of the Lok Sabha
 - b) Deputy Speaker of the Lok Sabha
 - c) Speaker of the Rajya Sabha
 - d) Speaker Pro Tempore of the Lok Sabha
10. In India, the Right to Form a Political Party is a –
- a) Fundamental Right
 - b) Legal Right
 - c) Natural Right
 - d) Constitutional Right

ANSWERS

- 1. Both (a) and (b)
- 2. Referendum
- 3. Preamble
- 4. Cooperative Federalism
- 5. The Legislative Assembly can pass the bill for the second time to override Legislative Council
- 6. Fundamental Rights and Fundamental Duties
- 7. It abolished bicameralism in all the provinces
- 8. Right to Constitutional Remedies
- 9. Speaker of the Lok Sabha and Deputy Speaker of the Lok Sabha
- 10. Constitutional Right

Compiled by Noopur Tanwar, Gunjan Sachdeva and Stella Gitika Barla (First Year)



Talk by Dr. Harish Wankhede on Dalit Revolution in India



Talk by Dr. Moggallan Bharti on *India's Dalit Revolution*



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