

RIGHTS AND DEVELOPMENT

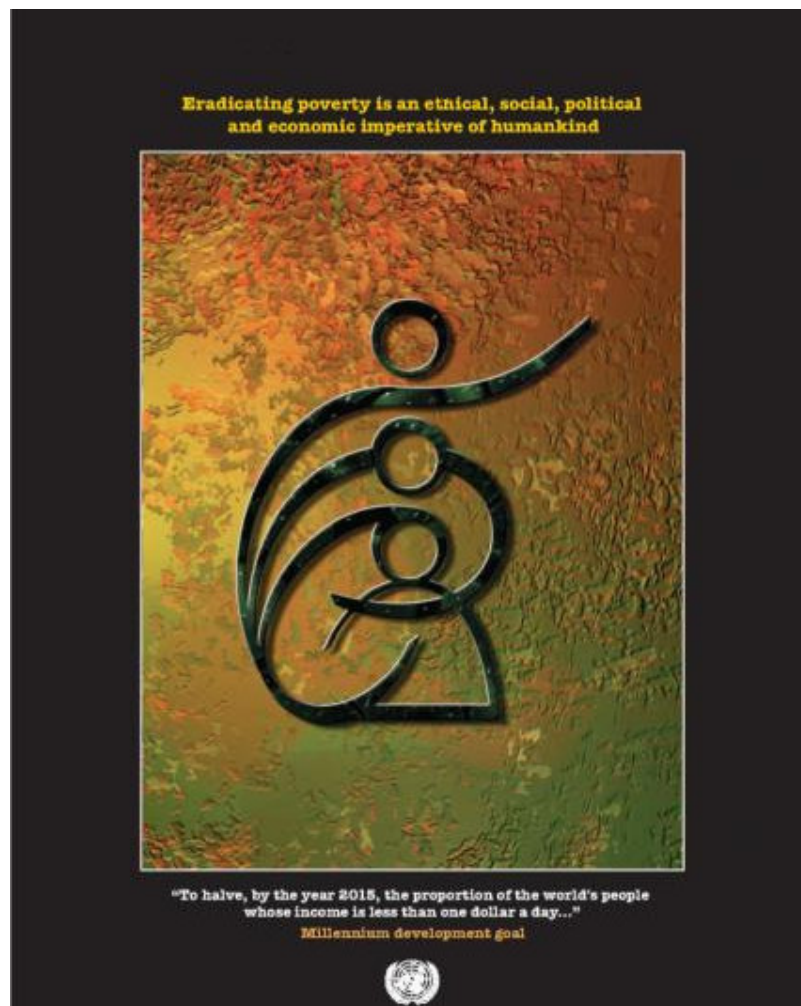
Bulletin



Centre for Development
and
Human Rights

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Centre for Development and Human Rights, New Delhi, brings out a Bulletin on Rights and Development, addressed to human rights activists in India and abroad, academics and scholars, public servants and political workers, NGOs and interested public. Its purpose is to make the readers aware of some of the developments in the area of human rights and economic, political and social concerns in India in the recent period. It focuses on a few selected issues of major concern in other countries in the world. It has a few short special articles, published and unpublished, in this area, and a section on brief analytical features on some of the major developments. There is also a section of commentaries on some important news in this area. Another section provides some reviews of recent books on these subjects.

This Bulletin is prepared by a team of young researchers Ms. Priyanca M. Velath, Ms. Preetika Sachar, Ms. Pragya Singh and Ms. Sunetra Ghatak as joint editors. The work of the team has been supervised by Ms. Jayshree Sengupta, (Editor-in-Chief) and a Board of Editorial Advisors consisting of Dr. Pronab Sen (Chief Statistician of India), Prof. Pulin Nayak (Professor of Economics, Delhi School of Economics), Dr. Alakh Sharma (Director, Institute of Human Development), Dr. N.J. Kurian (Director, Council for Social Development), Mr. Ravi Nair (Executive Director, South Asia Human Rights Documentation Centre) and Dr. Arjun Sengupta, (Chairman - CDHR).

The Bulletin is available on the website of the Centre for Development and Human Rights, www.cdhr.org.in

From the Editor-in-Chief's Desk

In this Bulletin, we examine some issues in India and the rest of the world in the field of human rights and development that urgently demand our attention. Women and children are suffering immensely at the hands of the Taliban in the Swat Valley of Pakistan and their futures have been sealed with the denial of their access to education. Without education, they are likely to recede into the Middle Ages and get completely cut off from the world. It also makes us question that while in India, investment in primary education has been at the forefront for every government at the Centre what has been the outcome of all the annual increases in expenditure over the last few decades? So we analyse a private NGO, Pratham's, Annual status of Education Report 2008, illustrating the detailed findings of the survey in terms of drop outs, learning and reading levels.

In this issue, we also highlight the ironical plight of a brave young girl who fought against a forced marriage to a physically challenged man thrice her age and had to face social discrimination in her own village for her stand. Despite India striding ahead economically in the past three years, violence against women in the streets of big cities like Delhi and inside homes is steadily increasing. In Delhi, in particular, the rate at which crime against women has been rising is shocking. What has emerged is that stringent steps are needed to bridge the yawning cultural gap between urban and rural youth. Recent events have shown that it is the rural unemployed boys who are increasingly taking to crime in the towns adjoining their villages. While their parents get richer by selling land to developers, they themselves are unable to become a part of the urban elite and this is increasing their frustrations.

We take a look at the problem of growing unemployment among the youth and ways of tackling the problem which is partly due to the effect of the global slowdown. We have also examined the UPA government's Interim Budget to see whether it contains enough stimuli for the economy which is clearly slowing down. We have commentaries on the survival of the poor in hard times of environmental disasters like the flooding of the river Kosi in Bihar and the travails of the Chilka fishing community in Orissa. We also comment on the need for early testing of new born babies for prevention of HIV/AIDS as a human right issue. Custodial deaths and maltreatment of domestic help are abuses that continue in India and demand more attention.

How migration can help poverty stricken families is the theme of World Bank's World Development Report 2009. This report has been reviewed and a critique of the film Slum Dog Millionaire has also been included. The multiple Oscar winning film shows only a part of the lives of the poor according to our reviewer.

These are the issues addresses in our 11th issue of the Rights and Development Bulletin.

We look forward to your feedback and comments,

- Jayshree Sengupta

RIGHTS – FEATURES

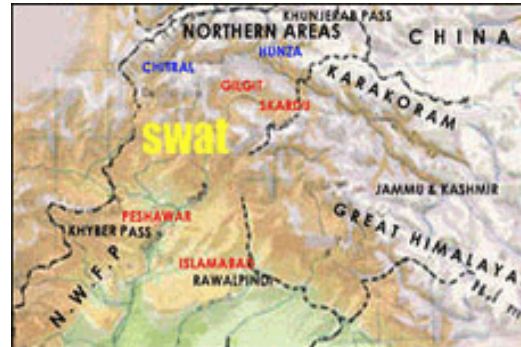
Swat - Valley of Death, Destruction and Violence

The Swat Valley, located in the North West Frontier (NWFP) of Pakistan, known for its scenic beauty and picturesque locales, has been turned from a popular tourist destination to a “valley of death” by the Taliban. The Taliban has been predominantly a Pashtun terrorist movement, governing Afghanistan from the period 1996 to 2001. It gained notoriety around the world for its excesses committed against women. The Taliban militants started making inroads into the Swat valley two years back and since then have gained a strong foothold into much of the valley making the situation a living nightmare both for its residents and the security forces guarding the valley. Shrinking state authority coupled with cold-blooded murders, beheadings carried out by the extremists, have only made matters worse in the valley. Official estimates suggest that up to a third of Swat’s 1.5 million residents have fled the area to safer places and that roughly 80 per cent of the valley has come under the control of the militants

(http://www.huffingtonpost.com/2008/12/29/swat-valley-scenic-pakist_n_154072.html).

The atrocities engulfing the Swat Valley have majorly hit the education of children, especially education of girls has taken a turn for the worse, after an infamous order by the Taliban to ban girl’s education altogether in the valley. This ban was supposed to be brought into effect from January 16th 2009 onwards. However, this ban was immediately met with resistance from the Pakistan National Assembly, which in a unanimous resolution adopted on January 20th

2009, strongly condemned the ban and destruction of schools. (<http://www.asianewsnet.net/news.php?id=3530&sec=1>).



©<http://www.geo.tv/1-17-2009/32892.htm>

The after-effects of the ban have been more than visible in the Swat valley. As a result of the ban, an estimated 40,000 women are being deprived of education (<http://www.welt.de/english-news/article3052434/Pakistani-Taliban-bomb-schools-in-Swat.html>). Schools, seen as symbols of Government authority by the extremists, are facing a great threat and are being bombed. 4 schools, 2 of girls and 2 of boys, were blown up by the group, Tehrik-e-Taliban, as recently as 19th January 2009. Taking into account the seriousness of the situation, the Government of Pakistan has condemned the mindless act of torching of educational institutions and assured the citizens that schools will be reopened in the valley. In fact, in Mingora, the region’s administrative headquarters, forces have been deployed at various schools, in order to provide security from the possibility of further attacks by the Taliban militia. Reacting to the ban on education, an education ministry official has summed up its consequences, by saying, “tens of thousands will be deprived of education”.

(<http://www.asianews.it/index.php?l=en&art=14248&size=A>)

However, continuing threats from the

extremists through the local radios, has led to widespread fear amongst the students and the teachers of the Swat Valley, further preventing them from attending school. With about 400 schools remaining closed and education of about 80,000 female students from grade 5 and up as well as the jobs of an estimated 8,000 female teachers shrouded in a cloud of uncertainty, the extremists seem to be moving dangerously close to their aim of Talibanising the North West Frontier itself (<http://www.asianews.it/index.php?l=en&art=14248&size=A>).

The situation in Swat in Pakistan is reminiscent of the Taliban in Afghanistan, which ruled the country from 1996 to 2001, issuing similar diktats there. *The Times of India* (02.01.09), reported that following the Taliban's campaign against girls being educated in the Swat valley, an order has been passed by them that all 'grown up' girls should be married off to the Taliban 'jihadis', or else be ready to face dire punishment. Through sermons in mosques this notorious new force-marriage campaign is steadily gaining ground. There are several instances to highlight the seriousness and gravity of such warnings. For example, in November 2008, a social worker and a staunch campaigner for women's education Bakht Zeba, was shot dead by the Taliban in her house, after she refused to take any note of their warnings (http://timesofindia.indiatimes.com/World/Girls_to_marry_militants_orders_Taliban/articleshow/3926460.cms).

In order to enforce people to take heed of their warnings, the extremists are adopting harsh measures like targeted killings and display of corpses in full public view. A local tribal leader, Pir Samiullah who took on the challenge of directly confronting the terrorists, was shot dead and his body was hanged in a public square. Worse, his followers had also been beheaded when they had refused to

divulge his whereabouts. (<http://www.independent.co.uk/news/world/eur/ope/taliban-broadcast-wanted-lists-in-swat-valley-1517587.html>) Further, the media in Afghanistan has also been target for the extremists in the Swat, the most recent case being of Musa Khan Khel, a journalist working for Geo TV, who was shot dead on 18th February 2009 after covering a peace mission by a radical Taliban cleric in Swat (http://news.bbc.co.uk/2/hi/south_asia/7896974.stm).

The atrocities engulfing the Swat Valley have majorly hit the education of children, especially education of girls has taken a turn for the worse, after an infamous order by the Taliban to ban girl's education altogether in the valley

In light of the above-mentioned incidents, security of the common people is emerging as the most crucial issue in the area. Highlighting the growing terror in the valley, a report in the Dawn (a leading Pakistani newspaper), has brought to light the fact that militants regularly patrol the area of Mingora, where its central square – the Green Chowk – has become infamous as 'Chowk Zebakhana' or the slaughter square (<http://www.dawn.com/2009/01/15/top1.htm>). This phrase is self-explanatory, a reflection of the grim state of affairs in the Swat valley. It is now a well known fact that a parallel administration has been set up by the Taliban militia, with courts, checkpoints and taxes. The insurgents include Afghan as well as other foreign fighters, having infiltrated from ethnic Pashtun lands on the Afghan border.

Adding fuel to the fire is the increasingly growing negative perception amongst the residents of the valley, with regard to the counter-offensive operation by

the military forces against the extremists, which the residents claim has killed more civilians than extremists. Moreover, due to the absence of adequate police personnel in the area, credible data with regard to civilian casualties is missing, thus affecting reporting from the area. It seems that Swat's problems are only increasing day by day, thus posing a huge challenge for the present Pakistani government.

Moreover, the most recent development in Swat, that of a 'peace deal' signed between the hardliners or the 'Pakistani Taleban' and the Government of the North West Frontier Province of Pakistan, has sent shock waves into the world. The deep concern regarding the 'deal' is only justified, as the deal legitimizes the ongoing human rights abuses in the Swat valley, under the garb of Islamic law. Sam Zarifi, Amnesty International's Asia-Pacific Director, while expressing concern over the deal, has stated in a press release (16th February, 2009) that, "The government is renegeing on its duty to protect the human rights of people from Swat Valley by handing them over to Taleban insurgents." (<http://www.amnestyusa.org/document.php?id=ENGPRES200902169444&lang=e>)



©<http://www.abc.net.au/news/stories/2009/02/25/2500508.htm>

It is very clear that in the Swat Valley, basic human rights of life and liberty of the common people are openly being flouted in the name of religion, with fundamentalists

assuming the role of the moral police. Tragically, in all this mayhem, the fact that the worst sufferers are women and young girls is a compelling reminder of the deplorable status of women in countries like Afghanistan in the past and now also Pakistan. In the past, through the medium of visual media, the world has been appalled by the violence against women in Afghanistan, with footage being telecast of public beatings, murders by the self-appointed guardians of religion and culture.

With the Taliban extremists gaining control over most of the valley, the present situation there, is nothing short of a calamity. Moreover, with the valley's close proximity to the capital city of Pakistan, Islamabad, it is a matter of concern how rapidly the Government of Pakistan takes steps in order to curb the Taliban fundamentalists in the valley, who are menacingly wielding power and are threatening to spread their terror far and wide in the time to come. However, it is equally important to understand here that, in the present climate of unrest and terrorism in the world, war and unrest in the valley poses as much a threat to the world community, as it does to Pakistan.

Thus violence against the common people and their horrific human rights' violations in the valley, especially against women and young children, is not a problem of Pakistan alone, but that of the entire world. It thus becomes imperative that the world community, especially the world human rights community as well as international development organisations take immediate notice of the blatant human rights abuses and understand the ramifications of the violence in the Swat valley. They need to join hands to tackle this menace and not remain a mute spectator. In this context, the role of the civil society has to come into play. The civil society has always been one of the major players in

most democratic nations of the world, and even in this case, apart from the media and political players, the civil society around the world, will have to wake up and become a voice for the voiceless of the Swat valley.

-CDHR Team

The Scrouge of Unemployment

According to the latest ILO report, global unemployment rate would rise to 6.1 per cent in 2009 compared to 5.7 per cent in 2007, resulting in an increase of the number of unemployed by 18 million people. In the US, 80,000 jobs were lost in one day—January 26th 2009. Such a phenomena is bound to have rippling effects all over the world.

Unfortunately, the economic situation is continuing to deteriorate and US, the world's largest economy shrank 6.2 per cent in the fourth quarter of 2008. Contraction of its output is much higher than the earlier estimate of 3.8 per cent and the ILO has warned that if the global economic outlook deteriorates beyond what was envisaged by the IMF in November 2008, the global unemployment rate could rise to 6.5 per cent. Correspondingly, the global number of unemployed could rise by 30 million as compared to 2007.

Though the impact of the global crisis was not much emphasized by the government of India initially, it is clearly concerned with the rising number of jobless in the last few months (it could be an important election issue). Many factories in India are closing down with export orders being cancelled. Official figures for unemployment in the last three months are as high as 500,000 workers. The numbers would increase if we count the

job losses in the informal or unorganized sector. Not only have the export industries like diamond cutting, textiles, handicrafts, carpets, sports goods and leather been directly affected but IT, hospitality, tourism services and the financial sector have also been hit. In most cases, cutting jobs would be the only way to survive.

There is no safety net for the average worker which can take care of children's education, health care, nutrition, and other essential expenses and hence job loss means a big blow. It's not just psychologically crippling for the person but the family's lifestyle and demand for goods and services also gets drastically affected.



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Due to slack external demand and now domestic demand also declining, the industrial growth rate has fallen to 2.4 per cent and manufacturing growth has shrunk by 0.2 per cent, indicating that prospects of job expansion in the manufacturing sector are bleak. The job losses in the Small and Medium scale enterprises have been going on for sometime and RBI data upto March 2007 indicates that there were 1.14 lakh sick small and micro enterprises and between 2006 and 2008, 280 units closed down rendering 12,000 people jobless. More are being added to the numbers everyday.

The latest news on the agricultural front is also not promising as there has been a 2.2 percent decline in agriculture in the third quarter of 2008. With 58 per cent of the labour force dependent on agriculture, it would mean a decline in farming jobs in rural areas also.

The fastest growing services sector is also beleaguered and according to the Minister of State for Communications and IT, Jyotiraditya Scindia, growth rate for 2008-09 has been revised to 21.2 per cent as compared to average growth rate of more than 30 per cent recorded over the last few years. The latest protectionist stance by the US on outsourcing of services abroad by American firms, is also going to contribute to a rise in unemployment in India.

Many factories in India are closing down with export orders being cancelled. Official figures for unemployment in the last three months are as high as 500,000 workers. The numbers would increase if we count the job losses in the informal or unorganized sector. Not only have the export industries like diamond cutting, textiles, handicrafts, carpets, sports goods and leather been directly affected but IT, hospitality, tourism services and the financial sector have also been hit. In most cases, cutting jobs would be the only way to survive.

If the global meltdown pulls down the Indian economy further then India's economic growth could slide back to the 'Hindu' rate of growth of 3 to 5 per cent in 2009 according to Morgan Stanley. The GDP growth rate in the last quarter has already been disappointing at 5.3 percent.

According to a recent study by the Associated Chambers of Commerce and Industry of India, employment generation in

the top six sectors which include finance, fell from 35 per cent in the first quarter to 15.8 per cent in the second and 10.8 per cent in the third quarter. In the financial sector the share of job creation dropped from 7 per cent in the first quarter to 2 per cent in third quarter.

The financial sector though not as linked with the global economy as the EU, is also dependent on the global economy. Even though Indian banks have had a small exposure to sub prime loans and toxic assets, India has been affected in indirect ways like global liquidity drying up and shrinking Western markets. Not only were there lower capital inflows but there was also capital flight from the Indian stock market. This knocked off more than 50 percentage points of the stock market index in less than a year. Recently, after the downgrade of India's sovereign credit rating by Standard & Poor, more FIIs have been fleeing Indian shores causing the precipitous fall in the value of the rupee against the dollar.

It is the youth who will suffer because they will find it difficult to get their first jobs. As it is, job opportunities in the public sector have been shrinking for quite sometime and now private sector too is afflicted with a severe crisis. In the present scenario, emphasis on retraining of workers and vocational training of students is important in order to facilitate the movement of labour force to new jobs.

-CDHR Team

Real Status of Education in India

The year 2008 was marked with many important events in the educational sector in India. More elaborately, the government introduced the free and compulsory education

Bill (2008) which ruled that elementary education is a fundamental right between the ages of six to fourteen years. India has increased its funding on education, through the 11th Five Year plan, five times as compared to the previous one to attract increasing numbers of children in the schools. The Government has also other programs like Sarva Shiksha Abhiyan, Mid-day Meal Scheme etc. But the question remains, are all outlays translating into expected outcomes? So it is important to evaluate the outcome of this huge expenditure and also to go beyond the rate of enrolment and attendance.

Every year since 2005, Pratham, a non-government organization, has been conducting a survey to evaluate the real status of education in rural India. On January 13, 2009, the fourth Annual Status of Education Report (ASER) 2008 was published by Pratham which had many interesting insights. It provides a comprehensive and reliable set of data at national level. The survey made by ASER is based on getting reliable estimate of the status of children's schooling and basic learning at the district level. After that it measures the change in this basic learning and compares it with that of the previous year's data. ASER is included in the national and state level policy and discussion documents. It is the vanguard of government's planning and action which have brought forth the challenges to improve the quality of education for children.

The most crucial evaluation contained in ASER 2008 is that though an increase in funding in the education sector has increased the school enrolment and attendance, no significant results have been achieved in the level of education attained. The ASER has used simple and scientifically reliable methods to measure the basic level of learning of rural children. Pratham volunteers have covered 564 districts, 16,198 villages and 3.35 lakh

households. The reading ability of the children has been tested by asking students between Classes III to VI to read text from Class II books. To test their mathematical ability they have been asked to solve sums involving simple division, subtraction, check the time on a clock and count the value of the currency. According to the report, reading ability has stagnated over the last four years while the mathematical skills have also not been satisfactory and the dropout rate still remains high.

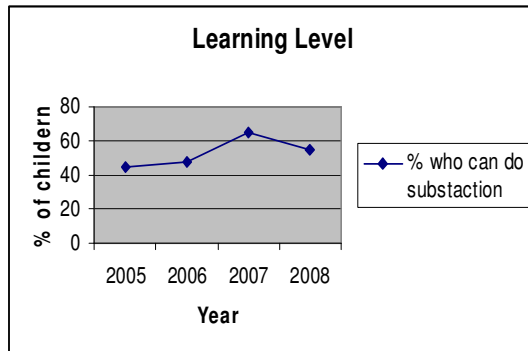
School Enrolment and Not in School				
India	% Children in each age group in different types of schools			% Out of schools
Year	Govt.	Pvt.	Other	Not in School (Never+ dropout)
2005	75.11	16.30	1.90	6.60
2006	71.41	18.41	1.15	9.03
2007	75.34	19.33	1.17	4.16
2008	56.10	22.80	0.90	20.20

Source: www.asercentre.org

According to the fourth Annual Status of Education Report, Madhya Pradesh and Chhattisgarh were at the leading position. In both the states 60% of student of Class III are able to read the text of Class I and over 36.8 per cent children of Class V can go through Class II text book easily. Also in Madhya Pradesh 77 per cent children of Class V can do division sum which is a high level arithmetic task.

The national average enrollment, according to the ASER, 2008, has declined from 75.11% in 2005 to 56.10% in 2008. But percentage of out of school children has declined from 6.6% in 2005 to 20.20% in 2008. ASER 2008 also reveals that the number of children going to private schools

have increased from 16.3% in 2005 to 22.8% in 2008.



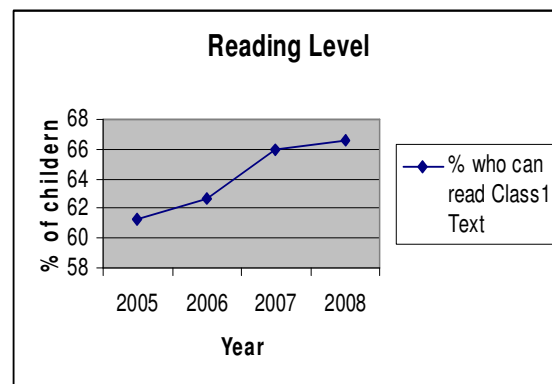
Source: www.asercentre.org

The proportion of children who can do subtraction, simple division and time checking has increased from 44.6% in 2005 to 54.9% in 2008. On the state level, the report card shows that arithmetic skill is remarkably strong in states like Madhya Pradesh and Chhattisgarh, and 91% children in Class I can identify numbers 1-9 or more. 85.9% children of Class V in Madhya Pradesh could solve a division problem correctly which is the highest in the country compared to the national average of 54.9%. 61% of children in Class V could tell time correctly. The percentage of children who could do currency tasks is 73.1%. More interestingly, Bihar, once most educationally backward state, has fared remarkably well in getting children to the school. From 13.1% out of school children in 2005 the state has brought the number down to 5.7% in 2008, which is a dramatic improvement.

The reading level has shown an impressive trend in India over the last four years. It was 61.3% in 2005 and has gone up to 66.6% in the current report. State-wise report shows that Madhya Pradesh and Chhattisgarh have done well in reading. In Madhya Pradesh 91.7% government school students in Class V were able to read Class II level text. Also in Chhattisgarh the achievement is remarkable at (85.1%) as

compared to the low performing states like Tamil Nadu (45.7%), Puducherry(49.8%),Uttar Pradesh(50.7%).

Pratham's Annual Report Card and the NCERT's rigorous survey appreciates the Government's effort of the Sarva Shiksha Abhiyan in attracting the children to the school despite their methodological differences. While the policy and the practice aspects have given mixed results about government's efforts, there continues a massive recruitment



Source: www.asercentre.org

of teachers, more funding in this sector without evaluating the outcomes of this huge expenditure. This is a vital issue because if India wants to get one benefit from the 'demographic dividend' of having 190 million children between the age group of six to fourteen, then it has to ensure that the new workers in the upcoming quarter century must be properly educated so that they can become productive labour force. ASER tells us that enrolment in schools is a whopping 93.4%, which in real terms means that 12.5 million children - equal to over half the population of Australia - are not in school. ASER also finds that 51.9% of children cannot read Standard II level material and 65.5% of the children cannot do division. This implies that all these children need remedial help and revision of their skills. But if we were to become quite serious about implementing 100% qualitative

education then we can enjoy amazing human resources with young blood.

Noida Gangrape and Increasing Violence against Women

Violence against women on the streets of Indian cities and villages seems to have sadistically acquired a new dimension. The perpetrators of this crime now move around hunting their prey with callous indifference as though armed with an unknown legitimacy of their dastardly deeds. On January 4, 2009 a group of teenaged boys, returning home from a cricket match, allegedly gang-raped a girl after finding her sitting in her car with a male friend, on a street of Noida, an upmarket suburb of the capital.

While the victim was a Delhi college student, her attackers were 11 young men living in a village, one of the many rural settlements on the outskirts of Noida. This MBA student was apparently returning with a male friend after watching a movie in a multiplex when she was caught and pulled away by this group of boys who were traveling in a car and motorcycles and returning from a cricket match. Apparently, they used the same cricket stumps and bats that they were carrying with them to overcome the victim's friend after which they took the girl to Gali Chowkhandi village where they allegedly gangraped and physically assaulted her. This is not just another incident of violence against women in the NCR (National Capital Region) but also a grim reminder of the increasing deterioration in law and order particularly in Noida.

What needs to be noted here is that while women's groups and the media in general have reacted with shock and condemnation to this incident, the elders in the

village of the attackers have rallied in support of their sons and reacted angrily saying they are innocent and that 'it was only a rape'. (sic) When spoken to, these villagers of Gadi Chaukhandi expressed their anger by saying that, "All the boys are innocent. They did not rape anyone but yes, they may have beaten the couple up. All these city kids, they come here to have a good time. Every evening they drive up here in their vehicles and drink and have sex. What was that couple doing here? Why don't the police take action against them?" (BBC News; 'Social Divide Sparks India Violence'; www.newsvote.bbc.co.uk)



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In fact the Noida police registered a case of rape only after the Delhi police had nabbed the main accused and he had confessed to the police. The police had earlier not registered a case of rape, but one of abduction with the intention of forced marriage or some other reason. The case was busted only on January 15 when the Delhi police arrested one Amit Gujar who reportedly confessed to the crime along with his associates. The police then arrested the other members of his group viz., Pushpendra, Srikant, Sanjay, Gautam and Toni, all boys in the age group of 18-25. Finally a case was registered at the Noida Sector 39 police station and within the next 12

hours, the Gautambudh nagar police station claimed that it had cracked the case and booked the accused under Sections 374, 376 and 392. (*The Times of India*, 23 February, 2009) What is most surprising is that the media reported on February 8th that the fingerprints of the 11 accused charged of the gangrape had been found to be smudged with excessive ink. While many may see this as a deliberate act, it cannot be denied as Noida criminal lawyer SP Chowdhury said that “there has been serious negligence while lifting the prints as a result of which if the victim declines to depose the accused may walk free.”(*The Times of India*, 8 February, 2008)

This anomaly is as much about different cultures as it is because of the huge class difference that has cropped up says sociologist Sanjay Srivastava. Actually the growth of the city suburbs had enabled many farmers to sell off their lands to developers at high prices. Many may have become instant millionaires but their social attitudes have not changed. “It is this that leads to a perception of the attack on the college student that is in complete contrast with the world outside” (*BBC News*; ‘*Social Divide Sparks India Violence*’; www.newsvote.bbc.co.uk) The truth is that money can never be a leveling force between the huge clash of cultures here. It is the sign of the new emerging middle class in the suburbs of metro cities that remains, illiterate and uncivilised despite the huge amounts of money it is managing to procure by selling off its lands. This forced co-existence of rural and urban cultures will continue to exhibit such sparks (*‘Noida Rape: A Clash of Cultures’* by R.A.Nazish, www.merrinews.com)

-CDHR Team

Maharashtra Assembly passes Bill on Rights of Domestic Workers



Hope for the domestic workers
 ©nitawriter.wordpress.com

Domestic workers are men and women, often referred to as ‘servants’ and ‘maids, who are engaged in different domestic tasks such as cooking, washing and cleaning etc. Domestic workers are categorized into three main groups viz. – Domestic workers (Live-in domestic worker, Part time/Live-out domestic worker), Child Domestic workers, Migrant Domestic workers (Inter-country domestic workers/ Foreign migrant domestic workers) (<http://www.ndwm.org/about-dw/default.asp>.) The stigma of servants and maids has lowered their self-esteem. But there is a significant shift as awareness and recognition have allowed society to change their perceptions. The term ‘domestic worker’ itself aims to give dignity, status and respect for the occupation. They work amidst difficult circumstances with usually no rights. In such a scenario, the Bill on rights of Domestic Workers that was recently passed by the Maharashtra State Assembly in India, is a much welcome step towards restoring the rights of this marginalised group.

Most of the domestic workers hail from village or tribal areas because of their unsteady domestic circumstances at their own households, e.g rural unemployment, sole breadwinner of the family, abusive or alcoholic husbands, etc. When they reach the cities where they earn their living, they have to adopt very different environment, culture and language. They have to face a tremendous sense of loneliness because of the solitary nature of the work and they are unable to communicate with their distant friends/relatives, as they are illiterate. Moreover, the domestic workers in villages are also an exploited lot. In the case of child domestic workers the children are treated neither as members of the family, nor as workers. Child Domestic Workers are popular with employers because they are docile, they can be manipulated according to the needs of employers, they can be paid less, and they are less troublesome because of being unaware of and unable to demand their rights.

The bill also includes health insurance, pension and provident fund policies to be provided to domestic workers and that workers would be granted status equal to labourers of unorganized sector. It also contains provisions for paid annual leave and weekly day offs. The Bill will benefit both part-time and full-time domestic workers all over the state.

The workers migrate from rural to urban areas or from India to foreign countries and are exploited everywhere. It becomes difficult for them to adjust to foreign environments, new cultures, language and food. They have to face excessively long working hours and deprivation as despite working seven days a week, 365 days a year,

they remain highly exploited and denied just and humane wages. They are paid in most cases, below the minimum wage for unskilled and semi-skilled workers. But sometimes they receive few advantages that include the services provided like provision of meals, accommodation, and clothes, in addition to the modest wage. The factors that drive them into this labour are deepening poverty, failure of government programmes to make an impact on poverty reduction and the adverse impact of globalisation that has further impoverished the poor. Some of them are actually victims who were displaced due to natural disasters like earthquake, floods, drought, etc. The National Domestic Workers' Movement (NDWM) is an organization working with 23 states of domestic workers in India and working towards achieving dignity for domestic work and workers, at both the national and international level and it has been working to alleviate the status of these workers.

The Domestic Worker's Bill was passed by the Maharashtra assembly on 2 January 2009. Under its provisions, from now on, domestic workers in Maharashtra will be entitled to get paid leave, pension and maternity benefits. The Molkareen Sangthana, an organisation fighting on behalf of the domestic workers in the Maharashtra, welcomed this step. (www.timesofindia.indiatimes.com)

The approval of the long standing Domestic Worker's Bill opens the way towards the establishment of Domestic Worker's Welfare Board in Maharashtra, which will ensure job security to domestic workers. The Bill proposes to establish a state welfare board for domestic workers that will comprise of representatives of the government, domestic workers and employers. Benefits to employees would come under state labour laws. The bill also includes health insurance, pension and provident fund policies to be

provided to domestic workers and that workers would be granted status equal to labourers of unorganized sector. It also contains provisions for paid annual leave and weekly day offs. The Bill will benefit both part-time and full-time domestic workers all over the state. (<http://ibnlive.in.com/>)

The problem with this Bill lies with its efficient implementation as while it easy to legislate laws regarding domestic worker, it's not that easy to change the attitudes of employers. Domestic workers are always the victims of suspicion. If anything is missing in the house, they are the first to be accused with threats, physical violence, police conviction and even dismissal. Domestic workers talk about the exploitation as to how the wages they are given are fixed for a certain amount of work, but employers keep adding to the tasks. Caste/class prejudices remain as strong as ever. Thus, legislations like the Domestic Worker's Bill should be implemented not only in Maharashtra, rather it should be implemented in every part of the country to change the current scenario of these workers.

Slavery would be considered a harsh term by most Indians who employ domestic workers but the reality is that even today in many homes, the domestics - especially those who work full time - are often no better than slaves. They are usually in debt to their employers and work their whole lives to pay off the debt. Generations work to pay off the debt but it never really ever gets paid off. They are on call 24 hours of the day, 365 days in the year. And they can never ever dream of freeing themselves from such bondage. Now the question arises that, "How can laws intervene in such situations"?

This Bill offers the possibility of changing the conditions of work and life of such people and it was passed by both houses of the legislature during the recently

concluded winter session. This law makes them aware about their rights and the facilities that are available for them viz, Right to Information, Domestic Violence Act, Health issues, etc. This Bill is important because it recognizes the rights of these "invisible" workers. But ultimately, things can and will change only if those who employ domestics accept that these workers are first of all "workers" and not "servants", they are individuals with rights like any other person and they should be paid a fair wage. They deserve time off in order to take care of their families. They should not lose wages when they fall sick. Employers should also realize that these workers are valued human beings without whom employers' lives would be quite impossible. They should be given the right to work and live with dignity too.

-CDHR Team

RIGHTS – COMMENTARIES

The Interim Budget and the Third Stimulus Package

The Interim Budget of the United Progressive Alliance (UPA) government of India was presented on 16th February 2009 by the Finance Minister Pranab Mukherjee, just a couple of weeks before the polls were formally announced. Both the BSE Sensex and NSE Nifty plunged by around 3.4 per cent after the Budget, reflecting the market's disappointment. The Interim Budget did not have any direct incentives or sops for the beleaguered sectors like textiles, gems and jewellery, garments, carpets and handicrafts which have been facing slack export demand, job cuts and downsizing.

After a week's gap a third stimulus package was announced and it contained some incentives for consumers. The Interim Budget 2009-10 however was supposed to be just an approval for certain expenditures that would allow the functioning of the government for the few months before the elections. The Budget did not contain the sops but the stimulus package did.

The main problem in the economy today is slack external and domestic demand which is a fallout of the global financial crisis. The third stimulus package does aim at boosting consumer spending as it contains a cut in the excise duties and service tax by 2 percent. If the tax cuts are actually passed on to the consumers with actual price reductions there could be a beneficial effect on the spending propensities of people which would boost domestic demand. Price incentives have been offered to key inputs like steel and cement making them marginally cheaper also.

In the Interim Budget the Finance Minister declared his intentions of giving a strong stimulus to the infrastructure sector, aimed at indirectly boosting demand for goods and services. He also enhanced the National Rural Employment Guarantee Programme (NREGP) by allocating Rs 30,100 crore. He also raised the allocation for education, mid day meals at schools and urban renewal. Many more flagship schemes under the social sector have also been enhanced with the hope that in difficult times, they would offer some cushioning to people without jobs or lower incomes.

But the main point raised against the Interim Budget by experts is regarding the Budget's fiscal deficit. The government has made it clear that the FRBM norms will not apply this year and the deficit has exceeded the target and is going to be around 6 per cent of the GDP. It would mean a massive borrowing

programme by the government of around Rs 91,000 crore with the usual crowding out effect on the private sector borrowers in the market. It could mean hardening of interest rates which the country cannot afford.

The deficit adds up to 13 per cent when the deficits of states are also added. Besides the new stimulus package will cost the government an additional Rs 29,100 crore in giveaways. According to fiscal experts, the revised estimate of expenditure for 2008-09 is higher than the Budget estimate by 20 per cent and if you add other 'off Budget' liabilities of the government, it is higher by 32.8 per cent. The additional expenditure has been due to pay scale revisions, loan waivers to farmers and the additional allocation for NREGP. The stimulus package will add nearly Rs 30,000 crore or .5 percent of GDP to the fiscal deficit.

With the fiscal deficit rising dramatically, the international investment rating agency Standard & Poor has revised its outlook for India's long term sovereign credit rating, from stable to negative. This would affect the private sector's borrowings abroad and the investment profile.

Government's borrowing could balloon further given the current industrial downturn and the low oil and petroleum prices that would impact on custom duty and excise duty collections. It could also lead to further wasteful expenditure which India can ill afford.

In this scenario, with agricultural growth also falling to 2.2 per cent, exports falling drastically by 16 per cent in January and 12 per cent in February, industrial growth at 2.4 per cent, and GDP growth in the third quarter at a new low of 5.3 per cent, there could be further problems in servicing the government's huge debt. A lot of caution is

needed in monitoring the heavy borrowing programme of the government.

The situation can be saved if tax collections rebound and the government is able to finance all its programmes through its revenue collection. But having new taxes like the GST in place and various other tax proposals that would earn the government additional revenue will have to wait till the central Budget is announced for the next fiscal year by the new government in power at the Centre.

Meanwhile, the monetary policy of the government has brought relief to the business sector through a further reduction in the repo rate recently and hopefully interest rates would come down. While there is plenty of liquidity in the market, easy access to loans has been denied by banks. Basically business confidence has to be restored for the smooth functioning of the financial system in which bankers trust their clients' ability to pay back. The rupee's value also has to be stabilized because volatility of the rupee is only causing problems for importers and impacting adversely on the industry's accessing cheaper raw material inputs. Imports too have been declining which means an overall slowdown in trade which in turn would mean lower revenue collection.

State Acceptance or Social Acceptance: Girl gets Bravery medal but is outcast from her village

Fourteen year-old Asu Kanwar of the state of Rajasthan in India was one of the recipients of the National Bravery Awards for 2008. But her biggest award came when finally in February 2009, after a year long boycott, she and her family were allowed to access drinking water from their village well. Ironically, this boycott had been imposed on her by her village for the very act of bravery

that the Indian State chose to felicitate her for the act of resisting her marriage with a differently-abled man, thrice her age.

As one of the twelve girls among the twenty children chosen for the Bravery Awards this year 'for showing immense courage to save someone or their own life', Asu had proudly participated in the Republic Day parade that is held every year on 26th January in the capital city of New Delhi, riding on a caparisoned elephant, down the stately Janpath road waving to gathered crowds. But back home in her village Dechu in the Jodhpur district of Rajasthan she and her family were still facing a social boycott which denied them basic rights like access to drinking water.



14 yr old Asu Kanwar ©www.deccanherald.com

The teenage Kanwar's personal struggle against the society she lived in began in April 2008 when village elders and caste leaders began putting undue pressure on her father, Bhom Singh, to fulfill a commitment that he had made to marry her off to a 40 year-old farmer, who suffered a physical disability, in exchange of money. According to reports, they had camped along with the bridegroom and hundreds of his supporters as the 'baraat' (the procession of the bridegroom) in a school building, demanding the 'gona' of the bride i.e. Asu. Traditionally, 'gona' is the farewell given to a child-bride when she has attained puberty and is finally sent off from her parents' house to live with her in-laws.

But a defiant Asu, who had been opposing this match for the past two years, refused to succumb to such pressure and instead went and lodged a complaint in the Anganwadi (the government sponsored child-care and mother-care centre in the village). She stayed defiant till help came in the form of the intervention of a self-help group that in turn approached the District Women Development Agency to get the wedding called off and till the women welfare department came to her rescue. "We eventually got the school vacated and saved the girl. She was saved only because of police intervention and security," said Indu Chopra, programme director, Child and Women Welfare Department (CWWD), Rajasthan, who had assisted Asu in her fight. But Indu also shockingly revealed more details like, "Kunwar and her family lived in constant danger. Their relatives had abandoned them. The Panchayat had outlawed them. She even went to New Delhi secretly. She deboarded the train at the station earlier as there were men waiting to attack her at the Jodhpur railway station." (*The Tribune*, 12.02.09)

Kunwar dared to stand up against an illegitimate social practice as in India the legal age for marriage for girls is 18 years and for boys 21 years and marriage of any person under these ages is banned under the Child Marriage Prevention Act of 1929. While despite legal remedy, over the years, girls and boys have succumbed to this social malaise in states like Rajasthan, Madhya Pradesh, Bihar and Andhra Pradesh, in this Dechu Panchayat of the Fatehgarh Dhani district of Rajasthan one girl's spirited act of revolt won her the prestigious Bapu Gaidhani award amongst the nation's highest bravery awards for children. Till now, a total of 756 children 541 boys and 215 girls have been given the awards under the national bravery award scheme that was initiated by the Indian Council for Child Welfare (ICCW) in 1957. The deserving

awardees will be granted financial assistance until they complete their schooling under the Sponsorship Programme of the ICCW and the government has reserved some seats for them in medical and engineering colleges and polytechnics. But for Asu the biggest advantage of this national recognition was the restoration of her family's dignity. Till then for daring to not abide by the 'social norm' of child marriage in their village, her family had been forced to live like outlaws, facing the indignity of not being invited to social gatherings by relatives. This award ensured that they no longer had to get drinking water through a tanker.

Receiving the President's Medal may have gotten Asu her much needed acceptance in her village. But it still leaves many questions unanswered. How can a state that can track the courageous story of a girl in a village to honour her at the same time be blind to her existing social reality? In Asu's own words while being honoured, "What is the use of any award if my own village does not accept me, if I can't drink water from the village well?" It was only after her own lamenting that her plight reached the ears of the political elite class and led to the Indian National Congress party Chairman, Smt. Sonia Gandhi writing to the Rajasthan Chief Minister Ashok Gehlot expressing her concern over the issue. Gehlot then pressurised the concerned state department to rehabilitate the family back into their village and it took nearly a week for the villagers to get convinced to welcome them back. A reality like this can only serve as a grim reminder of the deeper social evils that continue to plague our society.

Custodial Deaths in India

The word 'custody' implies guardianship and protective care. The idea of a

human being in custody is to provide him/her protection. Even when applied to indicate arrest or incarceration, it does not carry any sinister symptoms of violence during custody. When a person dies in the custody of the police, prison service or other authorities it is termed as custodial death. Death in custody remains a controversial subject, with the authorities often being accused of abuse, neglect, racism and cover-ups of the causes of these deaths. When it comes to custodial death, metro cities have a very high rate. So far however no one has been able to prove that the encounters were staged. The fact that the dead person had a criminal background was proven beyond doubt, and the court never gave a verdict that the dead person was in illegal custody.



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The Asian Center for Human Rights report "Torture in India 2008" states that in 2006-2007, the National Human Rights Commission (NHRC) received a total of 1,597 custodial death cases including 118 cases in police custody, 1,477 cases in judicial custody and two cases in the custody of defence and paramilitary forces. In 2005-2006 the NHRC received cases of 1,575 custodial deaths including 124 in police custody and 1,451 in judicial custody. In 2004-2005, NHRC received 1,493 cases of custodial deaths including 136 deaths in police custody and 1,357 deaths in judicial custody. In 2003-2004, there were 1,340 custodial death cases

including 183 in police custody and 1,157 in judicial custody. In 2002-2003, NHRC received 1,463 custodial death cases including 162 deaths in police custody and 1,300 deaths in judicial custody, one death in the custody of para-military forces. The NHRC statistics imply that in the last five years 7,468 persons at an average of 1,494 persons per year or four people in a day died in police and prison custody in India. (<http://www.achrweb.org/reports/india/torture2008.pdf>)

Recently, the Indian National Human Rights Commission (NHRC) reported that there had been 588 cases of death in police custody between 2005-2008. The commission granted compensation in 75 cases amounting to over Rs 99 lakh. The Uttar Pradesh government topped the compensation payout list with Rs 23.2 lakh given in 16 cases of custodial deaths in the last four years. Data quoted is available from NHRC. The year-wise break-up for UP showed that while in 2005, the compensation amount was Rs 3.50 lakh (six cases), it increased to Rs 5.25 lakh (seven cases), Rs 34.20 lakh (24 cases) and Rs 56.25 lakh (38 cases) in the following years. In 2008, Rs 16 lakh compensation has been recommended in nine cases in Uttar Pradesh while Andhra Pradesh was told to pay Rs 8 lakh in eight cases reported from the state. (*Times of India*, 24/12/08)

On 18 February 2007, Mr Vinod Chandorkar was allegedly tortured to death in the custody of Wadala police station in Mumbai, Maharashtra. He was arrested earlier in the day on the basis of a complaint filed by his wife, alleging domestic violence whereas on 24 April 2007, Hafiz Kamaluddin, a Madrassa teacher, died after allegedly being tortured at the custody of the Police Post of Prem Nagar under the Sultanpuri Police Station in North-West district of Delhi. The police claimed that Kamaluddin was mad,

quarreled with a cycle rickshaw puller and was injured, resulting in his death at the Sanjay Gandhi Hospital. On the night of 14 June 2007, Mr Bhaskar Behera aged 20, was allegedly beaten to death by a police team headed by Assistant Sub-Inspector NK Das at Rajnagar village under Athgarh police station in Orissa. Mr Behera was mistakenly identified as a suspect. These are a few illustrations of the various incidents of custodial death.

Recently, a 26 year old man who was allegedly beaten up by a mob after being caught trying to steal a rickshaw in West Bengal's Howrah district in Belgachhia died in police custody overnight. An assistant sub-inspector and a constable were suspended for not arranging treatment for him in the police station. (*The Telegraph*, 29/12/2008). In another case, a 30-year-old man alleged suicide at Hanumanthnagar police station. Six policemen were suspended in this regard. (*The Times of India*, 28/12/08)

Custodial cruelties are inhuman and totally illegal. They are the product of a perverse mindset, which causes suffering and cruelty to a human life, which is bounded, weak, helpless, and raft of retaliation. The state has to take stern action and issue serious warnings to the police force to stop abusing its powers to prevent custodial deaths in the future.

The Tragedy Remains in Kosi

It was six months ago on August 18, 2008, when the river Kosi in India washed away a big portion of the state of Bihar in India, to live up to its name of "river of sorrow". The river changed its course on August, 2008, and shifted over 120 kms east to

west due to a break in the barrage on the Kosi built in the 1950s on the Indo- Nepal border. According to the Bihar government's Crisis Management Department, the Kosi deluge ruined thousands of hectares in 16 districts including 11 blocks under panchayats of Bihar (*The Telegraph*, 23-09-08). More than three lakh people have been rendered landless, homeless, and jobless when the river flashed on Bihar. Still, in many areas people are surviving without food, drinking water and even clothes to cover themselves from the winter cold. The state government has promised several relief measures but few of them have reached the victims due to the inefficient distribution policy of the state government, lethargy of the government officials or the distributors and vote bank politics of local politicians.



The flood affected in Bihar
©www.savethechildren.org.uk

Prime Minister Manmohan Singh visited flood affected areas last year and sanctioned Rs 1,000 crore for relief operations. The Bihar Chief Minister Nitish Kumar announced the second installment of relief on January 5, 2009 to provide foods and blankets to the displaced people. According to the second relief installment, the government was to pay Rs 1,590 in cash to each of the displaced families instead of giving one quintal food grains. The government has decided to give Rs 250 to buy blankets to cover themselves from the cold, as from the

past experience, winter chill in Bihar is bad (*The Telegraph*, 05-01-09). Nitish Kumar promised to provide financial aids Rs 800 for middle school children, Rs 1,000 for high school students and Rs 1,200 for every college student (*Anandabazar Patrika*, 05-01-09).

All these are measures that the government promised but have not been yet operationalised according to the victims due to the lethargy of the distributors. A more shocking picture is that those who have taken shelter in the relief camps set up by the government immediately after the incident, were forced to leave the camps and live under the open sky without food, clothing and even drinking water. Thanks to the social workers who have been helping these people for months to get out of these miserable situations people are still surviving. Government agencies claim that there is adequate medicine, and the spread of disease is under control. But international aid agencies say that over twenty children may have died of diarrhoea in Supaul and Saharsa alone.

Jivan Jadav, 41, a flood victim, complained about the distribution of relief as there are more than 22 flood victims who were staying on a school campus without food, water, clothes and fighting the cold every moment (*The Telegraph*, 03-01-09). Another victim Mahender Sharma, 45, died in early January, 2009, since no relief reached the family and also he was jobless from the time when the disaster struck. Mr. Azad, state convenor of Bihar Lok Swaraj Andolon, said Sharma died because of no food and the biting cold as he was not provided any relief (even food, and clothes). His widow lamented that they had no relief because they were not counted in the below poverty level (BPL) list (*Hindustan Times*, 13-01-09).

In Sonbarsha Raj, there is another picture, a flood-hit person is not eligible

enough to receive blanket. Only Dalits, Mahadalits and Muslims can get relief while the relief has been donated by the Red Cross, the government and private groups (*Indian express*, 05-01-09). The same thing happened in Soha, where over 1,000 people were ignored in a similar way with the appearance of the Dalits, Mahadalits and Muslims. But the fact is there is no question of any caste factor or religious belief in the distribution of relief from the government side (*Indian express*, 05-01-09). Recently, on January 2009, the flood victims of Supaul district protested against the state government for the discrepancy of delivering government relief. They broke the store of the distributor and stole food grains from the depot. They argued that the relief is not being distributed properly though there are enough blankets and food for everybody.

Prime Minister Manmohan Singh described the floods as a “national calamity”; he said that we all accept this as “natural disaster”. Though it could be a natural disaster, but the extent of the tragedy in Bihar is an important lesson for us. And in the comparatively lax law and order situation of Bihar, the responsibility of the state and the Centre increases considerably in ensuring dignified relief and resettlement. It is time to wake up and not to make this into a political issue.

Early Testing of New-Born Babies for prevention of HIV/AIDS – a ‘human right’

The recently released report titled, “*Children and AIDS: Third Stocktaking Report*”, jointly prepared by UNICEF, World Health Organisation (WHO), the Joint United Nations Program on HIV/AIDS (UNAIDS) and the United Nations Population Fund (UNFPA), strongly emphasises the need for early infant testing and treatment for HIV/AIDS, a move that can save new born

lives all over the world. In fact, the UNAIDS Executive Director, Dr. Peter Piot, while reiterating the urgency in preventing the deadly infection and disease, has gone on to state, that, "*the prevention of mother-to-child transmission of HIV is not only effective, but also a human right.*" (http://www.unicef.org/media/media_46600.html)



©http://www.unicef.org/infobycountry/malawi_46696.html

Several disturbing facts with regard to the status of the spread of HIV and AIDS, emerge in the above-mentioned report. While, limited counselling to pregnant women regarding primary prevention remains an issue; what starkly stands out is the fact that significant numbers of very young children, those under one year old are dying due to AIDS related illnesses without even being diagnosed. The report also points out that young people, especially girls, in sub-Saharan Africa, continue being infected with HIV each year.

While advocating early HIV testing among new born babies, the report shows that the survival rates for babies can improve drastically if early testing and treatment become the norm. Anne M. Veneman, UNICEF Director, reports that, for those babies whose testing and treatment for HIV is done within their first 12 weeks, the survival

rates go 75% higher. (http://www.unicef.org/media/media_46600.html) In fact, the Stocktaking Report brings to light that in low and middle income countries like Kenya, Malawai, Mozambique, Rwanda, South Africa, Swaziland and Zambia, early infant testing is being scaled up.

Further, HIV testing and counselling have been emphasised as areas that are both critical and integral components of maternal care. In this context, the issue of access to care and treatment is a critical one. In many places, where resources are limited, the majority of women who are identified as HIV positive have access to anti-retroviral treatment only through referral. Suggesting easy access to antiretroviral treatment for HIV positive women, the report states that instead of only going through referrals for treatment, thus limiting one's access to care, the maternal health care settings should also be equipped with basic services required for those infected with HIV.

Prevention is a critical part of the UN strategy to combat the spread of HIV and AIDS. As a part of prevention, one of the strategies is to provide adequate attention to primary prevention among pregnant women who are not infected with HIV, as the report highlights that there is a greater risk of women who get infected during pregnancy and lactation to pass on their virus to their infants than those women who get infected before they became pregnant. In fact, according to statistics, in 2007, a dismally low percentage of pregnant women- a mere 18%, in low and middle-income countries remained aware of their HIV status. (http://www.unicef.org/aids/index_46434.html)

With AIDS ranking amongst the top 10 killer diseases in the world, and HIV

infecting 33 million people worldwide, every step towards curbing its spread is like a drop in the ocean. (<http://www.alertnet.org/thenews/newsdesk/N01347740.htm>) Increasing access to anti-retroviral medicines for women in need of care and treatment, scaling up programs that provide early diagnosis of infants exposed to HIV, providing services for HIV/AIDS treatment within primary health care settings, are just a few of the steps that the report advocates in order to meet the ever-growing challenge of the deadly disease. Ultimately, an important target group, as the report also stresses, are the children who have lost either one or both their parents to AIDS. This section of the world's population, which is a huge 15 million, is both extremely vulnerable as well as, in dire need of care and protection.

Chilka Fishing Community – From Abundance to the Margins of Poverty

The Chilka lake, near the Bay of Bengal, in the Indian state of Orissa, has been for years and decades, a 'lake of plenty', being home to a diverse species of prawns and fish, along with supporting livelihoods of hundreds of thousands of fishermen and women living along the lake. However, with increasing globalization and mechanization, there has been a drastic decline in the productivity of the lake, with a subsequent adverse impact on the livelihoods of the fishing community in the region, pushing it to starvation and hunger. In fact so deeply degraded has been the lake's ecosystem, that the lake was included in the Montreux Record of threatened list of Ramsar sites years back in 1993. (<http://www.cised.org/wp-content/uploads/j-human-ecology.pdf>)

The Chilka lake, being the largest coastal lake in India, is spread over 1,165 sq km in the monsoon season to 906 sq km in the

dry season (<http://www.answers.com/topic/chilka-lake>). The lake being home to a diverse 158 range of species of fish and prawn, has been the main source of income for 104,040 people of the fishing communities living in the villages and towns around the lake (<http://www.peopleandplanet.net/doc.php?id=2347>). Apart from being the lifeline for the fishing communities living in the area, the lake has also boosted the state's economy, because of being a natural habitat for both resident and migratory birds as well as aquatic birds, thus attracting both domestic and foreign tourists to its shores.



The Chilka Lake ©www.peopleandplanet.net

In order to understand the significance of the Chilka lake, it is important to understand its significance in the lives of the people who have been fishing in the lake over generations. Fishing has not only supported the men folk in this area, but has also been a major source of income for the women, who have exclusively handled the selling of fish, preservation of dry, salted fish eggs and shrimps. The summers, which have been a lean period for fishing, have been a time for cultivation of paddy or millet in the dry beds, thus providing an alternate and temporary livelihood option for the women folk in the area.

Traditionally, the fish was caught by locally made boats, with nets and bamboo traps, the catch of which was shared between the fishermen, the boat owners and the net owners. However, gradually with time, modern and unregularised methods of fishing took over the traditional methods of fishing. The nylon zero nets (with a fine mesh) which captured smaller fish were introduced, soon followed by motor boats, which were owned by businessmen outside the fishing community. Though these boats hauled in a large catch in a short span of time, the shrimps were picked up and the small fish caught were left to die. In fact the prawn cultivators in the region came to be termed as “mafia” by the local people as well as children.

Siba Mohanty in his piece “A tale of gloom lurks behind Chilka Lake” says that fishery rights have witnessed a ‘history of bloodshed in the lagoon’. (<http://www.expressbuzz.com/edition/story.aspx?Title=A+tale+of+gloom+lurks+behind+Chilka+Lake&artid=K4WuzJ8N1lc=&SectionID=f4OberbKin4=&MainSectionID=f4OberbKin4=&SEO=lagoon,+lake+chilka&SectionName=cxWvYpmNp4fBHAEKn3LcnQ==>) With about 127 villages in and around Chilka and the Fisheries Department putting the statistics of fishermen’s population at 1.07 lakh, the dependency on the lake is but obvious. With the easy entry of illegal shrimp traders into the lake, thousands of people belonging to the traditional fishing communities, have been left with no alternative but to continue struggling to make their ends meet or to migrate to other areas. Worse, according to the State Reservoir Fishery Policy passed by the Orissa Government in 2003, water bodies like Chilka lake can be leased out to registered companies and individuals, in the absence of bids from fishermen’s cooperatives (<http://www.peopleandplanet.net/doc.php?id=2347>). This is one-sided because it ignores the plight of the poor fishermen who cannot afford

to fight for the bid on the same platform as the rich businessmen and traders.

The Supreme Court, in 2000, while taking into account the adverse environmental impact of modern methods of shrimp culture has held that the modern shrimp culture is “violative of constitutional provisions and central acts, especially Environment Protection Act, and therefore cannot be permitted to operate, while traditional shrimp farming is pollution-free”. (http://www.karmayog.org/women/women_11_655.htm) In spite of the stand taken by the highest court of India, there seems to be little respite for the Chilka lake as well as the fishing community heavily dependant on it for its survival.

It is quite clear that the link between the fisher folk and the lake is inextricable, with the survival of the former solely dependant on the survival and abundance of the latter. This relationship between the two is the crux of the matter with livelihoods of the fishermen and ecology of the lake being issues of serious concern and the reason for much discussion and debate.

Several activist groups in the region have been working hard to strengthen the fishermen’s cooperatives in the region and to create linkages between the SHG’s and banks, in order to rescue the poor communities from the brink of poverty, exclusion and marginalization. In all of this, an active role played by the State Government and local administration especially in the context of providing and securing the livelihoods of the fisher folk is the need of the hour. Further, the consequences of the absence of a stringent fishing regulation are going to cost the fishing community their bread and butter, as well as threatening the very existence of the lake. Thus, stringent norms need to be put into place by the State Government, thus safeguarding

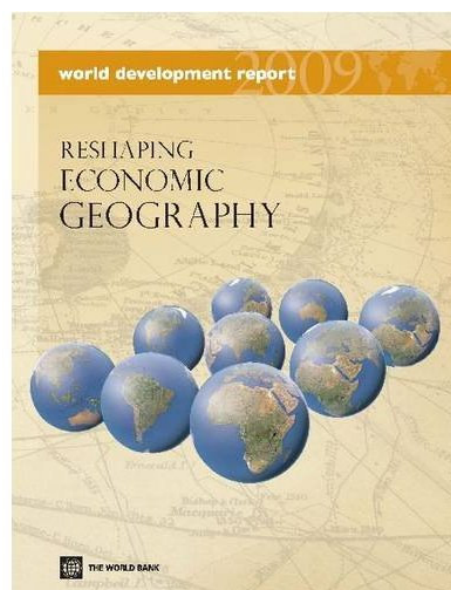
the rights and interests of the Chilka fishermen, whose future at the moment looks very bleak.

Migration and the World Bank Study

The 'World Development Report: Reshaping Economic Geography' 2009 of the World Bank received flak from the Indian media for allegedly describing the much-acclaimed National Rural Employment Guarantee (NREGA) scheme of the UPA government as a policy barrier hurting economic development and poverty alleviation. Essentially this Bank study advocates that the process of migration should be encouraged and that internal mobility is necessary because it facilitates shifting populations from villages to cities and thereby lifts people out of poverty.

Various schemes of the Indian government like NREGA, watershed programmes and schemes for development of small and medium towns are acting as "policy barriers to internal mobility", the Bank said in its 'World Development Report' 2009. "Negative attitudes held by (the) government and ignorance of the benefits of population mobility have caused migration to be overlooked as a force in economic development," it said. According to the report economic benefits of migration are not always recognised by policy makers and, in fact, two forms of policy have been attempted in India to counter migration. According to it, recently introduced measures in India like the National Rural Employment Guarantee Act (NREGA) are an illustration of the first kind of response that attempt to increase rural employment by stemming movement out of rural areas by guaranteeing 100 days of minimum employment in those very areas.

Other programmes like the watershed programme to improve agricultural productivity and development of small and medium towns, that have been taken up by the Indian government to reduce migration have



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been cited as illustrations of the second kind of response that end up impacting migration processes negatively. "The second policy response is implicit. Because of the perceived negative effects, local governments remain hostile towards migrants, while employers routinely disregard laws to protect their rights and needs," the report said. According to the report in many cases, welfare policies and social services are designed for a sedentary population, for example, when location-specific entitlements are given to social services, housing subsidies, food rations, and other public amenities especially to the working poor. (<http://economictimes.indiatimes.com/Economy/NREGA-a-barrier-to-development-WB/articleshow/4266622.cms>)

Thus essentially this study recommended that there should be concentration of production and mobility of

people and that economic activity must be spread geographically to benefit the world's most poor and vulnerable. As the director of WDR and regional chief economist for the World Bank's Europe and Central Asia region, Indermit S Gill said. at a media briefing on the report, that "Throughout history mobility has helped people escape the tyranny of poor geography and poor governance" and so schemes like NREGA negate the economic benefits of migration and attempt to counter migration. It critiqued that "Current policies do not allow communities to fully capture the benefits of labour mobility" and so a better alternative would be to encourage the process of migration.

"Negative attitudes held by government and ignorance of the benefits of population mobility have caused migration to be overlooked as a force in economic development....Because of the perceived negative effects, local governments remain hostile toward migrants, while employers routinely disregard laws to protect their rights and needs," the report said. In fact this then gets reflected in the reality that many welfare policies and social services of the state are designed for a sedentary population. (http://www.domain-b.com/finance/banks/World_Bank/20090316_nrega.html)

However, the Bank was quick to issue another statement on March 16, 2009 saying that the NREGs is an important safety net programme providing livelihood security to the poor in rural areas. Roberto Zaghera, the World Bank country director said in a statement while commenting on media reports that quoted a study of the Bank saying that NREGS was a policy barrier to the mobility of the workforce in India and that "India is fortunate to have in place a programme that people can fall back on to find work in these

hard times...such programmes have taken on an even greater significance at a time of global economic downturn" It took a stance in variance with its own in the 'World Development Report' 2009, though it added that the WDR 2009, "focuses on the long-term impact of migration on development and stresses the importance of reducing barriers to voluntary movement of people seeking better opportunities."

(<http://www.ptinews.com/pti%5Cptisite.nsf/0/CD01CA93D7BD16CA6525757B005297D1?OpenDocument>) This report and the reactions to it have simply brought up a new debate on the merits and demerits of migration processes that warrant a deeper and wider study in the challenging reality that we live in today.

RIGHTS – REVIEW

A Hollow Message of Social Justice - Slumdog Millionaire's Dehumanizing View of India's Poor

- Mitu Sengupta

Slumdog Millionaire, one of the most celebrated films of recent times, tells the rags-to-rajah story of a love-struck boy, Jamal, who, with a little help from "destiny," triumphs over his wretched beginnings in Mumbai's squalid slums. Riding on a wave of rave reviews, *Slumdog* is now poised to win Hollywood's highest tribute, the Academy Award for Best Picture. This honour could add some US\$100 million to *Slumdog's* box-office revenues, as Oscar wins usually do. But it will also enhance the film's already-robust reputation as an authentic representation of the lives of India's urban poor. So far, most of the awards collected by the film have been

accepted in the name of “the children,” suggesting that its own cast is promoting it not as an entertaining, cinematically spectacular work of fiction, which it is, but as a powerful tool of advocacy. Nothing could be more worrying, as *Slumdog*, despite all hype to the contrary, delivers a disempowering narrative about the poor that renders hollow its apparent message of social justice.

Many Indians are angered by *Slumdog* because it tarnishes their country’s image as a rising economic power and beacon of democracy. While understandable, this is not defensible. Though at times embarrassingly contrived, most of the film’s heartrending scenarios reflect a sad, but well-documented reality. Torture is not unheard of among the police, though none is surely dim enough to target an articulate man who is also a rising media phenomenon. Beggar-makers do round-up abandoned children and mutilate them to make them more sympathetic, though such a child will unlikely ever chance upon a \$100 bill, much less be capable of identifying it by touch alone.



If anything, Boyle’s magical tale, with its unconvincing one-dimensional characters and absurd plot devices, understates the depth of suffering among India’s poor. It is impossible, for example, that Jamal would emerge from his ravaged life with a dewy complexion and upper-class accent. The real

problem with *Slumdog*, however, is not its shallow portrayal of poverty, but its minimizing of the capabilities and even basic humanity of those it claims to speak for.

It is no secret that *Slumdog* is meant to reflect life in *Dharavi*, the vast sprawl of slums at the heart of Mumbai. The film depicts *Dharavi* as a feral wasteland, with little evidence of order, community or compassion. Other than the children, the no-one is even remotely well-intentioned. Hustlers and petty warlords run amok, and even Jamal’s schoolteacher is inexplicably callous. This is a place of sheer evil and decay.

But nothing is further from the truth. *Dharavi* teems with dynamism, and is a hub of small-scale industries, whose estimated annual turnover is between US\$50 to \$100 million. Nor is *Dharavi* bereft of governing structures and productive social relations. Residents have built strong collaborative networks, often across potentially volatile lines of caste and religion. Many cooperative societies work together with NGOs to provide residents with essential services such as basic healthcare, schooling and waste disposal, often compensating for the formal government’s woeful inadequacy in meeting their needs. Although these under-resourced organizations have touched only the tip of the proverbial iceberg, their efforts must be acknowledged, along with the fact that slum-dwellers, despite their grinding poverty, have lives of value and dignity, and a resourcefulness that stretches far beyond the haphazard, individualistic survival-of-the-fittest sort shown in *Slumdog*.

In the end, *Slumdog* presents a profoundly dehumanizing view of the poor, with all its troubling political implications. Since there are no internal resources, and none capable of constructive voice or action, all “solutions” must arrive externally. After a

harrowing life in an anarchic wilderness, salvation finally comes to Jamal in the form of an imported quiz-show, which he succeeds in thanks only to “destiny.” Must other unfortunates, like the stoic Jamal, patiently await their own destinies of rescue by a foreign hand? While this self-billed “feel good movie of the year” may help us “feel good” that we are among the lucky ones on earth, it delivers a patronizing, colonial and ultimately sham statement on social justice for those who are not.

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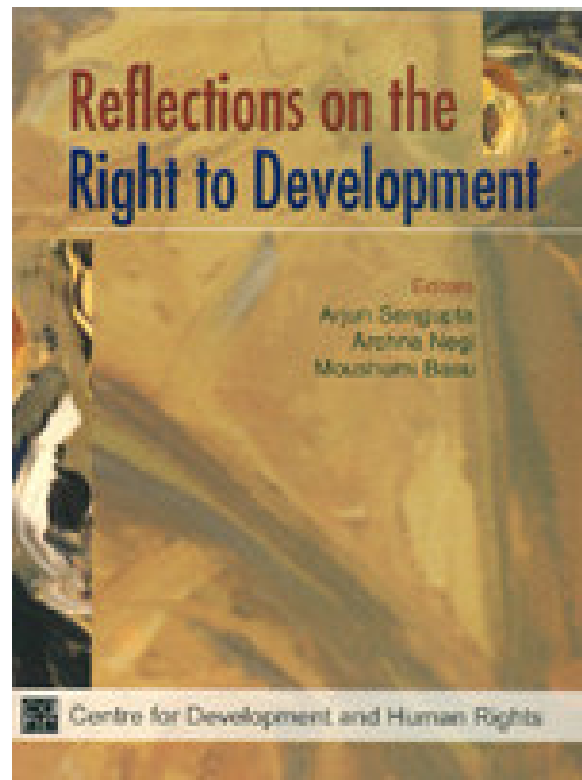
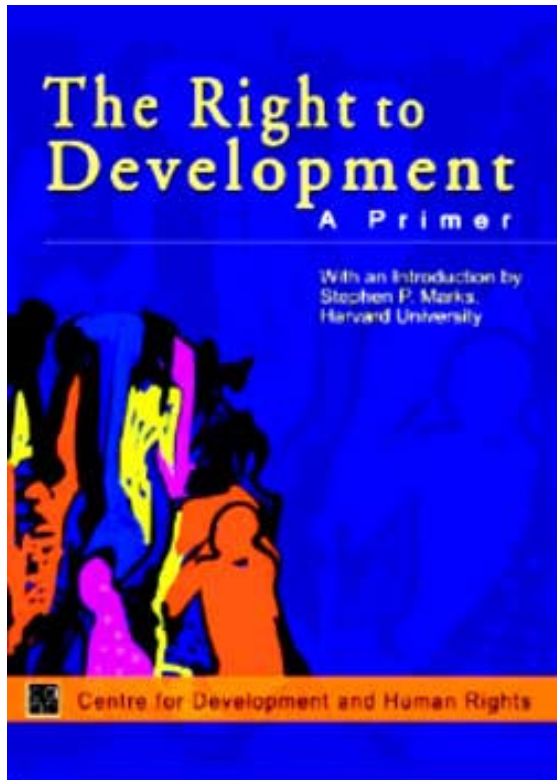
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