

Background Guide

All India Political Parties Meet





Agenda: 2017-2019: Road map to General Election, 2019

Message from the Executive Board

Greetings, leaders!

The committee concept, is one with a continuing timeline, starting from March 2017 and May 2019 with the 2019 General Election as its conclusion. Leaders of different political parties and special invitees are expected to attend the Meet and discuss various issues as notified to them by the Executive Board. Leaders shall be judged not only upon their **research**, but also on their **political alignments** and the **necessary acumen** shown at the meet. A perfect blend of **political craft, substance** and **rhetoric** will be a must. It is hoped that the leaders will be **thoroughly researched** on all prevalent issues between the aforementioned dates. This Background Guide has been made keeping in mind **almost** all possible issues that could be discussed. The Executive Board humbly requests all participants to kindly go through the Background Guide in depth to understand necessary perspectives on any given issue. It is also hoped that leaders will be well acquainted with their **political interests** and shall take decisions in manner best suitable to their political party.

Your job, as leaders of the major political forces of this country, will be to tackle the issues mentioned in this guide with both **short term and long term solutions** and to **devise strategies** for the upcoming General Election.

Be ready to shape your own destiny! We hope it will be a memorable experience.

Jai Hind!

Note: The content of the background guide shall not be quoted anywhere in the debate. The purpose of this background guide is to merely provide a brief introduction to the agendas mentioned. This is only a research guide and your arguments should definitely not be limited to this.

Ayodhya Dispute

The Ayodhya dispute is a political, historical and socio-religious debate in India. It is centered on a plot of land in the city of Ayodhya which is located in Faizabad district, Uttar Pradesh. The main issues revolve around access to a site traditionally regarded among Hindus to be the birthplace of the Hindu deity Rama, the history and location of the Babri Mosque at the site, and whether a previous Hindu temple was demolished or modified to create the mosque.

Background

The Ayodhya debate centers on the land known today as Ram Janmabhoomi, on which the Babri Mosque was built in 1528. In the Hindu epic Ramayana, Ayodhya is the birthplace of the Lord Rama. He is the son of Dasharatha, the ruler of Ayodhya, and his queen Kausalya. Rama is worshiped by many Hindus as an Avatar, or incarnation, of Vishnu. According to the Garuda Purana, a Hindu religious text, Ayodhya is one of the seven sacred sites where Moksha, or a final release from the cycle of death and rebirth, may be obtained. There have also been speculations about a temple (mandir) being situated in Ayodhya.

In 1525, the Mughal king Babur invaded north India, and conquered a substantial part of the region. One of his generals, Mir Baqi came to Ayodhya in 1528 and after reportedly destroying a pre-existing temple of Rama at the site, he ordered the construction of a mosque, which has come to be called masjid-i-janmasthan (mosque at the birthplace) as well as Babri Masjid (Babur's mosque).

In the 18th century, Ayodhya once again became a major centre of Hindu pilgrimage under the patronage of the Nawabs of Avadh, Shuja-ud-daulah and Asaf-ud-daulah. Hindu revivalism, which took root in Avadh, consolidated its position after the British takeover of Ayodhya. At this time, the Nirmohis, a Hindu sect who had their establishment at Ram Ghat and Guptar Ghat, lay their claim over the Babri Masjid. They contended that the mosque stood on the spot of the Ram Janmabhoomi temple, which was destroyed by Babar. These claims led to a violent conflict in 1853-55. In May 1883 the Deputy Commissioner of Faizabad refused to grant permission to Hindus to construct a temple on the chabutara (platform) just outside on the left side of the gate. This was done after objections

began being raised by Muslims. In 1885, Mahant Raghubar Das filed a suit in the court of the sub-judge at Faizabad, seeking permission to build the temple. In March 1886, the sub-judge turned down this plea and appeals were dismissed. Tensions mounted and Muslim shaheeds (martyrs) gathered in the fortified Babri Masjid and their Hindu counterparts thronged the nearby Hanuman Garhi. Following a battle that left some 75 Muslims dead, and Hindus took the Babri Masjid.

It is only in the 19th century that the temple-demolition/ mosque-construction story got recorded. In 1822, Hafizullah, an official of the Faizabad law court, claimed that "(t)he mosque founded by emperor Babar is situated at the birth-place of Ram" and then the story gets into the records such as P. Carnegy's historical sketch of Faizabad (1870), H. R. Nevill's Faizabad District Gazetteer, and as a footnote in Mrs. A. S. Beveridge's English translation of Babur's Memoirs (1922). The British often referred to the mosque in their files as the "Janmasthan Mosque of Ajoodhia." They also put up a notice board, in front of the iron railings, calling the monument *wiwad grast* (disputed). When the mosque was under the control of Muslims, through the 1920s and 1930s, it was mismanaged and neglected. The Waqf (Muslim endowment board) Commissioner of Faizabad condemned the muttwalii as an opium addict in a report dated September 16, 1938.

The installation of idols inside the mosque on the night of December 22, 1949 led to the attachment and closure of the building for both Muslims and Hindus by an administrative order. Contrary to the "Ram's miraculous appearance" theory, the First Investigation Report of the Station House Officer of the Ayodhya police station, dated December 23, 1949, states that three individuals, (Abdy Ram Das, Ram Shukla Das, Sudarshan Das) and some 50 to 60 people had "desecrated (*napak kiya hai*) the mosque by trespassing (*sic*) the mosque through rioting and placing idol in it. Officers-on-duty and many other people have seen it." Later some 5,000 to 6,000 people tried to enter the mosque raising religious slogans and singing kirtans but were stopped.

A civil suit was filed on January 16, 1950 by an individual, Gopal Singh Visharad, for a declaration of the right to worship. The judge restrained the removal of the idols and ordered no interference with the puja (worship). The State of U.P. filed an appeal against the injunction on April 24, 1950.

According to historian Sushil Srivastava, "from 1951 to 1986, things remained relatively quiet in Faizabad." Just as there was a lull between 1886 and 1950, without any street or court battles, the period between 1951 and 1986 passed without any major incidents. Although the All India Hindu Mahasabha and the Bharatiya Jan Sangh had included Ayodhya, Mathura and Kashi on their programmes ever since their inception, the present-day Sangh Parivar stumbled upon the powerful symbols of Ram, Ram Janmabhoomi and Babri Masjid only in the late 1980s. For instance, throughout 1983, the Vishwa Hindu Parishad (VHP), along with leaders of some 85 major sects of Hinduism, was drifting aimlessly with the Ekatmata Yagna (integration rite). This projected the picture of Bharatmata (Mother India) and the kalas (brass vessel) of "holy" water from different rivers.

In October 1984, the VHP tried to make the mosque-temple question, a national issue through its Sri Rama Janma Bhoomi Mukti Yajna Samiti. The Samiti was formed on July 27, 1984 with the sole aim of "liberating" the disputed site. A 130-kilometre march was started on October 8, 1984 from Ayodhya to Lucknow, the State capital. The yatra (march) participants reached Lucknow on October 14. They organized a public meeting, and called on the Chief Minister "to fulfil the long outstanding demand of the Hindus." The next day a "Sri Rama Janaki Ratha" (Ram-Sita chariot) began being toured through major U.P. towns so as to mobilise public opinion and to administer a "Janmasthan Mukti Pledge" to the public. Although the "ratha" reached Delhi on October 31 to join a "Hindu Convention" on November 2, Indira Gandhi's assassination forced the cancellation of the programme.

As the Shah Bano controversy was raging across India in late 1985, the District and Sessions Judge of Faizabad, K. M. Pandey, ordered that the locks of the mosque be opened, indirectly allowing priests to enter it. The padlocks were removed on the order of the District Judge on February 1, 1986. After giving in to Muslim fundamentalism on the Shah Bano case, the Rajiv Gandhi Government was keen on playing the "Hindu card" for presumed electoral gains. N. Ram contends that the assurances given to the Hindu communalists before the court decision and the failure to appeal against the order revealed the collusive hand of Rajiv Gandhi's Government. An explosive situation emerged almost all over the country with Muslims protesting. VHP elements celebrated as well as criticized the "Muslim objection to the judicial order on Babri Masjid." Rajiv Gandhi's

Minister for Wakf, Rajindra Kumari Bajpai, advised Muslims to "take recourse to law and not to create disturbance."

The Sangh Parivar's "National Thinkers Conference", was organized in various places across the country in 1987. The Bharatiya Janata Party's Palampur Resolution of June 1989 consolidated the Ayodhya movement. The most critical stage of the conflict, however, was the build-up to the 1989 elections, which witnessed the preparation and mobilisation to demolish the mosque and build a Ram temple with consecrated bricks brought from all over India and other countries. As N. Ram points out, just a few days before the 1989 general elections, the desperate Rajiv Gandhi regime allowed the VHP to perform shilanyas (laying of the foundation stone) for the Ram temple on November 9, 1989 on the disputed land which was temporarily declared to be undisputed. This action boosted the VHP-BJP-RSS combine to advance its Ram Janmabhoomi campaign through changes of regime.

The November 22-24, 1989 general elections witnessed the worst ever communal violence in independent India's electoral history. It took a massive toll of 800 lives in the Hindi belt. V. P. Singh became Prime Minister with the support of the BJP, which won 88 seats in the new Lok Sabha. The new regime ushered in the judicial process by getting a special Bench established at the Allahabad High Court on January 8, 1990. It also requested for a ban on construction, until the title to the disputed site could be decided and the site plan was approved. The Special Court called upon the U.P. Government to clarify the status of the site. A Hindu priest filed a writ petition, seeking permission to construct the temple at the spot of the shilanyas that was performed on November 9, 1989. Having been directed by the Lucknow Bench of the Allahabad High Court to file a counter-affidavit, the Central Government maintained that no construction could be allowed unless all the civil suits pending before the special bench of the High Court were decided.

On January 12, 1990, the Supreme Court allowed the "Hindu" representatives to raise a preliminary issue before the full Bench of the Allahabad High Court that the suit by the Sunni Waqf on behalf of Muslims was not maintainable. The Bench, however, decided that it would not interfere with the October 23, 1989 order of the Lucknow Bench, before taking evidence for the trial of all the five suits, which had been pending for

28 to 39 years old in the District Court. The VHP appealed to the Supreme Court that the Sunni Waqf suit filed on December 18, 1961 be dismissed on the grounds it had cited.

Meanwhile, the All India Babri Masjid Action Committee (AIBMAC) revived the earlier demands it had made at its December 25, 1989 meeting, that if a negotiated settlement failed, the dispute should be decided by High Court judges "of some South Indian State, none of whom should be either Hindu or Muslim." The RSS mouthpiece, *Organiser* of January 14, 1990 took exception to this revived claim and V. P. Singh's meeting with Muslim leaders. It alleged that it "was not a case about the title of a place but of undoing a historical wrong and for that matter no court could decide it." Rather, they would follow the guidance of the Dharmacharya Sammelan (gathering of religious heads) to be held on January 27-28, 1990 in Allahabad.

The "auspicious" February 14 was chosen to begin temple construction, and V.P. Singh managed with great difficulty to get the date changed by pointing out the grave situation in Kashmir and Punjab. As the Hindutva groups' June 8 deadline passed without any settlement plan from the Government, the VHP meeting in Hardwar decided to begin construction from October 30.

Against this backdrop, V. P. Singh introduced the reservation bill in the Lok Sabha on August 7, 1990. The "upper caste" Hindus rose in revolt. With Brahmin youth immolating themselves in northern India, L.K. Advani set out in September on his 10,000-km "rath yatra" (chariot procession) to carry out the Ayodhya construction and to force the Government to hand over the site to the Hindutva forces. When Advani and his cohorts were arrested in Bihar on October 23, the BJP withdrew its support to the Government and the V. P. Singh ministry fell on November 9.

Chandra Shekhar, who was Prime Minister from November 1990 to early March 1991, made a breakthrough by bringing the VHP and the AIBMAC to the negotiating table. Representatives of the two organisations met first on December 1, 1990. They presented "evidence" of their sides to the Union Government on December 23, and obtained copies of the "evidence" of the other side from the Government. The two groups met again on January 10, 1991. At that meeting, they decided to set up four committees of experts

nominated by both parties to examine the historical and archeological evidence as well as revenue and legal records collected as evidence. The VHP released the summary of its "evidence" to the public. It turned down the demand of the other side for more time to study and evaluate the "evidence" , and made it known that it was not interested in an amicable solution.

The ultimate stage of the conflict, was the Narasimha Rao Government's inaction, even after the virtual announcement by the Hindu communalists in late October 1992, of their plan to demolish the mosque.

As N. Ram puts it: "If there is one 'theory' that this devotee of drift has contributed to national political life, it is the non-secular rule of not opposing 'Hindu religious sentiment' under any circumstances and of avoiding 'confrontation' with the saffron gentry and their lay allies."

According to P.V. Narasimha Rao's statement on Ayodhya, which he was not allowed to make in Parliament, about 70,000 kar sevaks (volunteers) had assembled at the Ram Katha Kunj for a public meeting and 500 sadhus and sants (religious figures) at the foundation terrace for pooja. Between 11.45 a.m. and 11.50 a.m. some 150 kar sevaks managed to break the cordon on the terrace and pelted stones at the police. About 1,000 kar sevaks broke into the Babri Masjid structure and 80 of them managed to climb the domes of the mosque and started demolishing it. In the meantime, they had damaged the outer boundary wall.

At around 12.20 p.m. about 25,000 kar sevaks had gathered in the complex and by 2.40 p.m., a crowd of 75,000 was surrounding the structure. Many in it were engaged in demolition. Cases were registered against Advani, Murli Manohar Joshi and Uma Bharati of the BJP (all of whom are now Ministers in the Union Government), Ashok Singhal and Vishnu Hari Dalmia of the VHP, and Vinay Katiyar of the Bajrang Dal. They were all arrested and remanded to judicial custody.

In a statement on December 8, Advani retorted: "(When) an old structure which ceased to be a mosque over 50 years back is pulled down by a group of people exasperated by the tardiness of the judicial process, and the obtuseness and myopia of the executive, they are reviled by the President, the Vice-President and political parties as betrayers of the nation, destroyers of the Constitution and what not! ...I wish to caution the

Government against this approach... Their pronouncements against kar sevaks are only strengthening the movement. Quite evidently, the Babri Masjid demolition was part of the Ayodhya movement.”

The Narasimha Rao Government passed the Acquisition of Certain Areas at Ayodhya Act 1993, a belated measure that preserved the post-demolition status quo. Among other things, the ordinance stipulated that the disputed land would be handed over to a trust formed only after the promulgation of the Act. On October 24, 1994, the Supreme Court delivered its judgment on the presidential reference upholding the acquisition of the disputed 67 acres of land in Ayodhya. It empowered the Government to delegate a trust to manage the property and to enable Hindus to worship in the makeshift temple on the basis of the "comparative user" principle (namely, Muslims were praying less often than Hindus in the disputed structure before demolition). However, this judgment struck down as unconstitutional, Section 4(3) of the Ayodhya Act which abated any pending "suit, appeal or other proceeding".

Timeline:-

1853: The first recorded incident of violence over the holy site takes place during the reign of Nawab Wajid Ali Shah of Awadh. Nirmohis, a Hindu sect, claim that a Hindu temple had been destroyed during Babur's reign to build the mosque.

1859: The British colonial administration erects a fence at the site to separate the places of worship. While the Muslims are allowed to use the inner court, the Hindus are allowed the outer court.

1885: In January 1885, Mahant Raghubir Das files the first case, seeking permission to build a canopy on the Ramchabutra (a raised platform) outside the mosque. The plea is rejected by the Faizabad district court.

1949: Lord Ram's idols appear inside the mosque, allegedly placed by Hindu groups. Both sides file suits; the government declares the area as disputed and locks the gates to the premise.

1950: Gopal Singh Visharad and Mahant Paramhans Ramchandra Das file suits at the Faizabad court seeking permission to offer prayers to the idols

in the janamsthan. While the inner courtyard remains locked, prayers are allowed.

1959: The Nirmohi Akhara files a third suit, seeking possession of the site while claiming to be the custodians of the Ram Janmabhoomi.

1961: The Sunni Central Board of Waqf files a case against the placing of idols inside the mosque and claim that the mosque and surrounding land was a graveyard.

1984: Hindu groups form a committee to spearhead the construction of the Ram temple at the Janmabhoomi site. The temple movement gathers momentum. Bharatiya Janata Party (BJP) leader L K Advani takes over the leadership of the movement.

1986: A district court orders that the gates of the mosque be opened and Hindus be allowed to worship there, on a plea by Hari Shankar Dubey. As Muslims protest the move to allow Hindus to pray in the mosque, a Babri Mosque Action Committee is formed.

1989: The Vishwa Hindu Parishad (VHP) lays the foundation of a Ram temple on the land next to the Babri Masjid. Justice Deoki Nandan Agarwal, former VHP Vice-President, files a case asking for the mosque to be shifted elsewhere. Four suits that have been pending at the Faizabad court are transferred to a special bench of the High Court.

1990: Volunteers of the VHP partially damage the mosque. PM Chandrashekhar intervenes and tries to resolve the issue through negotiations, but these fail. In September, Advani holds a rath yatra to educate people about the Ayodhya movement. He start from Somnath in Gujarat, and ends his yatra at Ayodhya.

1991: BJP becomes the primary opposition party. Empowered by the rath yatra, forms the government in Uttar Pradesh. The momentum for the temple movement increases as karsevaks (volunteers) pour into Ayodhya.

1992: The disputed Babri Mosque is razed to the ground by the karsevaks on December 6, with the support of Shiv Sena, VHP and BJP. This leads to some of the most deadliest riots across the country, leading to the deaths of more than 2,000 people. The central government, headed by P V

Narasimha Rao, sets up a commission of enquiry under Justice M S Liberhan on December 16.

2001: Tensions arise during the anniversary of the Babri Masjid demolition. The VHP reaffirms its commitment towards building the Ram temple.

2002: In February 2002, in an attack on a train from Godhra in Gujarat, believed to be carrying karsevaks to Ayodhya, at least 58 people are killed. Riots erupt across the state and over 1,000 people are said to have been killed during the riots. The High Court orders the Archaeological Survey of India (ASI) to excavate the site to determine if it was earlier a temple. In April 2002, three HC judges start the hearing to determine who the site belongs to.

2003: The ASI begins the survey to determine whether a temple existed on the site. It finds evidence of the presence of a temple under the mosque. Muslim organisations dispute the findings. In September, a court rules that seven Hindu leaders should stand trial for inciting violence and the destruction of the mosque. Advani, the deputy prime minister, and does not face any charges.

2004: Congress comes back to power at the Centre. A UP court rules that the previous order exonerating Advani should be reviewed.

2005: Suspected Islamic militants attack the disputed site. Security forces kill five alleged militants and a sixth unidentified person.

2009: In June, the Liberhan commission, submits its report. This commission was set up to investigate the events following the demolition. Uproar in Parliament, as the report blames politicians from BJP for their role in the demolition.

2010: The Allahabad High Court announces its judgment on the four title suits relating to the dispute. In a landmark hearing, the HC rules that the disputed land be divided into three parts -- one third to Ram Lalla, represented by the Hindu Mahasabha; one third to the Islamic Waqf Board; and the remaining part to the Nirmohi Akhara. In December, the Akhil Bharatiya Hindu Mahasabha and the Sunni Waqf Board move to the Supreme Court, challenging the HC ruling.

2011: In May, the Supreme Court stays the High Court order to split the land, stating that the status quo remains.

2014: In a landmark win, the BJP led by Narendra Modi, storms to power at the Centre.

2015: The VHP announces a nationwide drive to collect stones for the construction of the Ram Mandir. In December, two trucks of stones arrive at the disputed site. Mahant Nriya Gopal Das claims that there is a green signal from the Modi government and the temple will now be built. The Uttar Pradesh government, led by Akhilesh Yadav says it will not allow the arrival of the stones in Ayodhya for the construction of the Ram Mandir.

March 2017: The Supreme Court says charges against Advani and other leaders cannot be dropped in the 1992 Babri mosque demolition case. The case may be revived.

March 2017: The BJP comes to power in Uttar Pradesh, with a massive majority.

March 21, 2017: The Supreme Court says that the matter is sensitive and should be settled out of court. It asks stakeholders to hold talks and find an amicable solution.

Important Resources:-

- Parliament Debates on Ayodhya Dispute
- Speeches by scholars, historians and political leaders
- <http://www.thehindu.com/news/national/other-states/The-Ram-temple-drama/article16052939.ece>
- <http://www.financialexpress.com/india-news/ram-mandir-babri-masjid-dispute-all-you-need-to-know-about-the-long-standing-ayodhya-issue/596377/>
- <http://www.business-standard.com/search?type=news&q=Ram+Mandir+Issue>

Points to Ponder:-

- The involvement of communal forces in the Ayodhya dispute.
- Possibility of construction of Ram Mandir.

- Detailed strategy on how to amicably settle the dispute, outside court.
- Maintaining communal harmony.

Personal Laws and the Possibility of a Uniform Civil Code

Family laws in India have been different for religions, since Warren Hastings in 1772, created provisions prescribing Hindu law for Hindus and Islamic law for Muslims. This was done for litigation relating to personal matters. However, after independence, efforts have been made to modernize various aspects of personal laws, and to bring about uniformity among various religions. Recent reform has affected custody and guardianship laws, adoption laws, succession law, and laws concerning domestic violence and child marriage.

Hindu Law

As far as Hindus are concerned, the Hindu Law is a specific branch of law. Though the attempt made by the first parliament after independence, did not succeed in bringing forth a Hindu Code comprising the entire field of Hindu family law, laws could be enacted touching upon all major areas that affect family life among Hindus in India. Jains, Sikhs and Buddhists are also covered by Hindu law.

Muslim Law

Indian Muslims' personal laws are based upon the Sharia, which is partially applied in India. Laws and legal judgements have been adapted and adjusted from the Sharia for the Indian society. The portion of the fiqh applicable to Indian Muslims as personal law is termed Mohammedan law. Despite being largely uncodified, Mohammedan law has the same legal status as other codified statutes. The development of the law is largely on the basis of judicial precedent, which in recent times has been subject to review by the courts. The concept of judicial precedence and of 'review by the courts' is a key component of the British common law upon which the Indian law is based. The contribution

of Justice V.R. Krishna Iyer in the matter of interpretation of the statutory as well as personal law is significant.

Polygamy and Triple Talaq have been subjects of debate for a long time. These practices have been abolished in many Islamic countries, but still hold their legal validity in the secular country of India. Supreme Court asked the central government for its views, to which it replied that polygamy should be done away with. These issues have also caused a debate on the need for a Uniform Civil Code in India.

The source of Muslim law is divided into two categories: (1) Primary Source, (2) Secondary Source

1. "Primary Source"

As per Sunni Law:

- Quran
- Sunna or Ahdis (Tradition of the Prophet)
- Ijma (Unanimous Decision of the Jurists)
- Qiyas (Analogical deduction)

As per Shia Law:

Usooli Shia

- Quran
- Tradition (only those that have come from the family of the Prophet)
- Ijma (only those confirmed by Imams)
- Reasons

Akhbari Shia

- Quran
- Tradition (only those that have come from the family of the Prophet)

2. Secondary Source

- Custom
- Judicial Decisions

- Legislation

Triple Talaq

Triple Talaq is a form of divorce practiced in India, whereby a Muslim man can legally divorce his wife by pronouncing talaq (the Arabic word for divorce) three times. The pronouncement can be oral or written, or, in recent times, delivered by electronic means such as telephone, SMS, email or social media. The man need not cite any cause for the divorce and the wife need not be present at the time of pronouncement. After a period of iddat, during which it is ascertained whether the wife is pregnant with a child, the divorce becomes irrevocable. In the recommended practice, a waiting period is required before each pronouncement of talaq, during which reconciliation is attempted. However, it has become common to make all three pronouncements in one sitting. While the practice is frowned upon, it is not prohibited. A divorced woman may not remarry her divorced husband unless she first marries another man, a practice called Nikah Halala. Until she remarries, she retains the custody of male toddlers and pre-pubertal female children. Beyond those restrictions, the children come under the guardianship of the father.

The All India Muslim Personal Law Board (AIMPLB), has told the Supreme Court that women can also pronounce triple talaq, and can execute nikahnamas that stipulate conditions so that the husbands cannot pronounce triple talaq.

The ulama of Hanafi Sunnis consider this form of divorce binding, only if the pronouncement is made in front of Muslim witnesses and later confirmed by a Sharia court. However, the ulama of Ahl-i Hadith, Ithna Ashariyya and Musta'lian Isma'ili Shia persuasions do not regard it as proper. Scholar Aparna Rao states that, in 2003, there was an active debate among the ulama.

In traditional Islamic jurisprudence, triple talaq is considered to be a particularly disapproved, but legally valid, form of divorce. Since the early 20th century, changing social conditions around the world, have led to an

increased dissatisfaction with traditional Islamic laws of divorce. Various reforms have been undertaken in different countries. Contrary to practices adopted in most Muslim-majority countries, Muslim couples in India are not required to register their marriage with civil authorities. Muslim marriages in India are considered to be a private matter, unless the couple decides to register their marriage under the Special Marriage Act of 1954. Owing to these historical factors, checks that have been placed on the husband's unilateral right of divorce, by governments of other countries (such as prohibition of triple talaq) have not been implemented in India.

Possibility of a Uniform Civil Code

The possibility or practicality of reconciling divergent laws and formulating a uniform or common code acceptable to all the communities needs to be debated.

Constitutional Aspect

Article 44 of the Constitution of India, requires the State to strive to secure for its citizens, a Common Civil Code throughout the country. Secular activities, such as inheritance covered by personal laws should be separated from religion. A uniform law thus prepared and made applicable to all, would promote national unity.

It was pointed out, at the time that, firstly, a Common Civil Code would infringe the fundamental right of freedom of religion as mentioned in Article 25. Secondly, it would amount to tyranny against the minority. The first objection is misconceived because secular activity associated with religious practice is exempted from this guarantee and since personal laws (as argued from this point of view) pertains to secular activities, they fall within the regulatory power of the state.

As for the second point, in none of the advanced Muslim countries, has the personal law of each minority been recognized as sacrosanct so as to prevent the enactment of a civil code. In Turkey and Egypt, no minority is permitted to have such rights. The term civil code is used to cover the entire body of laws, governing rights related to property and otherwise in

personal matters like marriage, divorce, maintenance, adoption and inheritance.

However, there are separate laws governing these aspects for different communities in India. Thus, the laws governing inheritance or divorce among Hindus would be different from those pertaining to Muslims or Christians and so on.

(1950-1985): The framers of the constitution were convinced that a certain amount modernization was required, before a uniform civil code was imposed on citizens belonging to different religions. It was also feared, that any attempt to ignore personal laws of various religions might lead to a civil war, or rioting and social unrest. Indian leaders at the time, wanted a secular constitution on the model of a western democracy.

However, the result was not secularism in the western sense of the word. It was, rather a 'secular' state with different religious laws for its religious groups. Thus, the forefathers of the constitution who imposed several reforms upon the Hindu law, were cowed down by the threats of Islamists. Therefore, they kept the Sharia strictly unaltered. Muslims and the Christians had to be governed by their own set of laws.

The Hindu marriage act of 1955 extended to whole of India except the state of Jammu and Kashmir. The effect of the Hindu marriage act was to prohibit polygamy amongst Hindus and to increase the right of the divorced wife to maintenance or alimony. This act is applied to everyone in India except Muslims, Christians, Parsees and Jews. Since Jews and Parsees are a small minority, Muslims remain the de facto large community with a distinct religious law that has not been reformed to reflect modern concepts. The legal practice of excluding Muslims continues with the passage of the dowry prohibition act of 1961 which specifically excludes, "dowry" or "mehr" in the case of persons to whom the Muslim personal law (Shariat) applies".

In 1973, a debate over the revision of the criminal procedure code, pointed out in the maintenance of divorced wives in cases involving Muslims, which

the court should take note on whether the woman had received maintenance under the personal law. For Muslims, there is a period of idda or 3 months of waiting, before a divorce created by talaq becomes effective. In this, a woman who has to be secluded for that time period, can't travel alone and if she doesn't abide by idda, she may lose entitlement to spousal support.

While the period of 1950-1985 can be summed up as one where Muslim personal laws were exempted from legislation and remained unreformed, it can also be seen as a period, where there were secular avenues opened to Muslims, the biggest of which, was the passage of the special marriage act, 1954.

The idea behind this act, was to give everyone in India, the ability to marry outside the personal law, in what could be called, a civil marriage. As usual, the law is applied to all of India, except Jammu and Kashmir. In many aspects, the act was almost identical to the Hindu marriage act of 1955, which gives some idea as to how secularized the law regarding Hindus had become. The special marriage act, allowed Muslims to marry under it, thereby retaining their protections, generally beneficial to Muslim women which could not be found in the personal law.

Under the act, polygamy is illegal and inheritance and succession is governed by Indian succession, rather than the Muslim personal law. Divorce is also governed by the secular law and maintenance of a divorced wife is along the lines set down in the personal laws under assault.

(1985-2005): The Shah Bano case, on 23 April 1985, led the Supreme Court, to judge that divorcee Shah Bano was entitled to maintenance under section 125 of criminal procedure code (CrPC). The Rajiv Gandhi government quickly passed, the Muslim women act, 1986. This law essentially provided for maintenance for Muslim women, outside the criminal code, thus ensuring that Muslim women were not protected under the constitutional right to equality. They could no longer have recourse to section 125 of the CrPC. The act was an improvement on the former

divorce rights under the Shariat Act, or Muslim personal laws that Shah Bano had found wanting.

Those wishing to reform the Muslim personal laws have often cited Muslim countries as examples that such reform is possible. Terence Farais, in his chapter, 'The development of Islamic law', points out that the 1961 Muslim family law ordinance of Pakistan "makes it obligatory for a man who desires to take a second wife to obtain a written permission from a government appointed arbitration council".

The interesting point here is that until 1947, India and Pakistan had governed Muslims under Shariat act of 1937. However by 1961, Pakistan, a Muslim country had actually reformed its Muslim law more than India had. This remains true even today. The demand for a uniform civil code essentially means unifying all these "personal laws" to have one set of secular laws dealing with these aspects. These laws will apply to all citizens of India irrespective of the community they belong to.

Though the exact contours of such a uniform code have not been spelt out, it should presumably incorporate the most modern and progressive aspects of all existing personal laws while discarding those which are retrograde. If you will look at the European countries which have a civil code, every person who goes there, from any part of the world, including all minorities, have to abide by the Civil Code. It is not felt to be tyrannical to the minority.

Our first problem and the most important one, is to produce national unity in this country. We think we have national unity, but many factors still pose a serious threat to our national consolidation. Communalism breeds discrimination at two levels. First, between people of different religions and second, between the two sexes. This dangerous and ruinous problem should be done away with, by possibly introducing a Uniform Civil Code.

For women, the Uniform Civil Code provides equality and justice in courts of law irrespective of their religion, in matters pertaining to marriage, divorce, maintenance, custody of children, inheritance rights, adoption etc. The only step taken forward in this direction was the codification of the

Hindu law, in spite of great protest; but the codification of Muslim law or enacting a Common Civil Code is a sensitive issue owing to its politicization. Enlightened Muslim opinion however, is in favour of codification.

Merits of Uniform Civil Code:

- If a Common Civil Code is enacted and enforced, it would help and accelerate national integration.
- Overlapping provisions of law could be avoided.
- Litigation due to personal law would decrease.
- Sense of oneness and national spirit would be roused, and the country would emerge with new force and power to face any odds, finally defeating the communal and the diversionist forces.
- Israel, Japan, France and Russia are strong today because of their sense of oneness which we have yet to develop and propagate. India has set before itself, the ideal of a secular society and in that context, achievement of a uniform civil code becomes all the more desirable. Such a code will do away with diversity in matrimonial laws, simplify the Indian legal system and make Indian society more homogeneous.
- It will de-link law from religion which is a very desirable objective to achieve in a secular and socialist pattern of society. It will create a national identity and will help in containing fissiparous tendencies in the country. The uniform civil code will contain uniform provisions, applicable to everyone and will be based on social justice and gender equality in family matters.
- According to the Committee on the Status of Women in India: "The continuance of various personal laws which accept discrimination between men and women violate the fundamental rights and the Preamble to the Constitution which promises to secure to all citizens "equality of status, and is against the spirit of national integration". The Committee recommended expeditious implementation of the constitutional directive in Article 44, by adopting a Uniform Civil Code.

The UCC Debate in the Constituent Assembly

It is in this background that Article 35 of the draft Constitution (now included as Article 44) was debated. Mohammad Ismail Sahib and Naziruddin Ahmad wanted to amend Article 35 and include, that no one would be compelled to give up their personal laws. They argued that right to adhere to one's personal law, was part of their right to religion and way of life. Citizens could not be compelled to give up their personal laws in order to augment harmony (Constituent Assembly, 2003, p. 540). Ahmad argued that Art. 35 was in conflict with Art. 19 of the draft Constitution (now Art. 25) which gave citizens the right to profess, practice and propagate their religion. Ahmad wanted the interference by state, in matters of religion to be a gradual and slow process. Hindus too were opposed to UCC. K.M. Munshi, an ardent supporter of UCC, said, "I know there are many among Hindus who do not like a UCC... they feel that personal laws of inheritance, succession etc. are really a part of their religion. If that were so, you can never give, for instance, equality to women."

Munshi was in favour of UCC, on the grounds of gender equality and for unity of the nation. He said, "Whether we are going to consolidate and unify our personal laws in such a way that the way of life of the whole country may in course of time be unified and secular. We want to divorce religion from personal law, from what may be called social relations or from the rights of parties as regards inheritance or succession." (p. 547). But then Pocker Sahib Bahadur (p. 545) and Hussain Imam (p. 546) asked which Hindu law would become the basis of UCC, given the diverse traditions within Hinduism and the differences in educational levels in the country.

Dr. B R Ambedkar said, "It (Article 35) does not say that after the Code is framed the State shall enforce it upon all citizens merely because they are citizens." The future Parliament, Ambedkar opined, could bring in family laws that were applicable to those who voluntarily chose to be bound by it (p. 551). The Special Marriage Act, 1954 is such a voluntary code. Art. 35

was passed by the Constituent Assembly without any amendments that protected the citizens from being compelled to give up their personal laws.

BJP and the UCC

While the debates on inclusion of Art. 35 of the Draft Constitution were to provide for gradual extrication of family laws from religion and March towards the goal of gender justice, the Hindu nationalists advocate UCC in order to use it as a weapon to scare the minorities of impending majoritarian hegemony and to invoke their opposition. This could then be useful to demonstrate the separatist mentality of the minorities.

The BJP has been demanding UCC to promote national integration. Union Law Minister D V Sadanand Gowda, said that UCC was necessary for national integration (Express News Service, 2015). This is notwithstanding the fact that BJP's Election Manifesto 2014 mentions promises of UCC on the ground of gender justice, "drawing upon the best traditions and harmonizing them with the modern times".

However, the question is, given the mind boggling diversity of traditions, within all the religious communities, how painful will the negotiations to draft such a uniform code be?" And, will the UCC be in consonance with diversity? Which of the diverse traditions will form the basis of the UCC?

Regional Diversity

The Dravidian Southern regions, follow various practices which are more gender just compared to the North, in matters of inheritance of property. There was a custom of handing over a piece of land to the daughter, at the time of her marriage within Madras Presidency. The income from it was for her exclusive use and devolved to her female heir. Women could remarry if her husband's whereabouts were not known for a long time; and if the first husband returned, the woman could choose to live with either. Matrilineal practices were prevalent in Nayars, Nambudiris and Malabar Muslims. According to Sambandham practice, women continued to live in their natal house after marriage and children belonged to their caste and tarawad.

Sambandhan marriages were loose matrimonial alliances which could be easily terminated with consent of both parties.

Mithakshara Joint family system was abolished in Kerala. Kerala abolished Malabar joint families of matrilineal type governed by Marumukkatayam, Aliasantana, Nambudiri and other matrilineal laws but they are operative in Karnataka, TN and AP. The Christian Succession Acts of Travancore and Cochin are in vogue in Kerala with its practice of Joint family system.

Portuguese Civil Law is still applicable in Goa (Portuguese Decrees on Marriage and Divorce, 1910 and Decree on Canonical Marriages, 1946 in Goa Daman and Diu and Dadra and Nagar Haveli.) However, the Gentle Hindu Usages Decree, 1880 allows application of some customs. Different family laws are applicable to Goan Hindus than in other parts of the country. The laws for Goan Christians and Muslims is different from those applicable to their fellow members in rest of the country. The Shariat Act and the Special Marriages Act do not apply in Goa.

Hindus, Christians and Muslims in Puducherry are divided into two groups – Renoncants and others. Renoncants are still governed by French Civil Code and to others, other Indian laws are applicable.

The Hindu Marriage Act 1955 was re-enacted by J&K Assembly. J&K has its own Hindu Succession Act, without repealing the Buddhist Succession Act, 1943. Till recently, Muslim Laws were applicable but local customs prevailed in matters of inheritance. The Muslim Personal Law (Shariat) Application Act, 1937 was made applicable in J & K, recently.

Tribal customary law is protected by legislation in Meghalaya, Mizoram, Nagaland, and Sikkim. The Khasi, Jaintia and Garo tribes continue matrilineal inheritance even after their conversion to Christianity.

Mitakshara school of Hindu law has four regional variations: Varanasi, Mithilia, Dravida and Maharashtra. These govern the succession, and diversity within religious communities, caste and Scheduled Tribes.

The Hindu family laws have been extensively amended by three southern states in India – TN, AP and Kerala. Agricultural land is excluded from the operation of the Shariat Act. The Shariat Act was applicable to these three Southern states only till 1963.

Marriage among lower castes is less sacramental and more contractual (with consent of adults marrying and without the rituals of sapatpadi and kanyadan). The practice of bride price prevails amongst the lower castes (Kanya shulka). Christian tribes, all over the country have been exempted from the Indian Succession Act. The four Hindu legislations are also inapplicable to Scheduled Tribes.

Specific Hindu, Buddhist, Jain and Sikh customs, which run counter to general statutory provisions, enjoy full legal protection under the law, including those customs (i) violating statutory rules to sapinda relationship and prohibited degrees in marriage; (ii) customary marriage rites replacing saptapadi; (iii) Customary divorce and (iv) adopting major and married children.

Amongst Muslims, customs and usage relating to wills, legacies and adoption enjoy statutory protection even under the Shariat Act. Sunni Bohras and Khojas are governed by Hindu customs and usages.

One is afraid that the UCC could be a threat to this rich diversity. The legislations enacted to regulate Hindu Personal Laws have threatened the local customs and traditions, particularly those that were more pro-women. The journey towards “uniformity” is informed by Brahmanical traditions and smriti texts, ignoring the vast body of traditions of the OBCs, SCs and STs. The Hindu community is sought to be unified around smriti texts.

The Muslim Personal Law is also applicable in all the diversity evident from the above discussion. That is why, the Muslim Personal Law Board dithers from codifying their law and one is afraid that the Wahabi-Hanafi fiqh would dictate codification. This is not because it is in the best interest of the community, but because they are better organized and networked to influence the process.

What we need is a “Uniform” civil code and not “Common” civil code. Dr. Ambedkar said in the Constituent Assembly, that the UCC need not be enforced on unwilling citizens. We should march towards a uniform regime of gender just, family laws but we need to draw information from the different traditions and allow space for diversity. Gender equality alone, should be guiding this process and the same could be achieved through gradual reforms of existing family laws.

Uniform Civil Code – Contemporary Debates

"Injustice anywhere is a threat to justice everywhere." - Martin Luther King

The following arguments provide a strong case for the introduction of a common code:

1. The Common Civil Code will bring all the personal laws, governing matters like marriage, divorce, adoption, inheritance, succession to property etc. under a single roof. This will create a space for the practices of all communities in a just manner.

2. The one common argument given by all the political parties, which highlights their reluctance to implement the Uniform Civil Code, is that implementing Article 44 violates the rights of Indians provided under Article 25 i.e., "Freedom of conscience and free profession, practice and propagation of religion." The counter argument that can be cited, is present in the same Article 25, under Clause 2, where it is clearly indicated that this article shall not affect the operation of any existing law or prevent the State from making any new law –

(a) Regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) Providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

3. With the non-implementation of Article 44 of the constitution, article 14 to 18 are being violated which provide for Right to Equality before Law and

prohibition of discrimination on the grounds of sex and religion. Many personal laws relating to marriage, inheritance, guardianship, divorce, adoption and property relations in all communities are unjust, especially to women.

4. Ambiguity is created due to the presence of different laws governing a social institution such as marriage, particularly in the case of polygamy and divorce; both within a religion as well as amongst different religions.

5. Much misapprehension prevails about polygamy in Islam. Ironically, Islamic countries like Syria, Tunisia, Morocco, Pakistan, Iran et cetera have codified the personal law where the practice of polygamy has been either totally prohibited or severely curtailed to check the misuse and abuse of this obnoxious practice.

6. One of the advantages of a uniform civil code will be a proper notice period and registration of the marriage. The ceremonies will become optional - parties can have ceremonies of their choice as a ritual, (i.e., Hindu— Saptapadi; Muslim—Nikah; Christian—Church blessing, etc.) But the proof of the marriage will be the registration and compliance with what is required of notice, etc., as set out in the uniform civil code. Monogamy will be mandatory and the laws of divorce will be the same for men and women. This will lead to cohesion and non-fragmentation of society. Men and women must be entitled to equal property rights which can be enforced by law. This will be real empowerment for the woman.

"Law by itself could only be a pointer and a guide." - M.K. Gandhi

The following arguments show that the imposition of a common code, can pose a serious threat to the secular social fabric of the country, in general, and the minority communities in particular:

1. The minority community fears the imposition of the religious customs and rituals of the majority community under the garb of a common civil code.

2. A common civil code is seen as an infringement on the Fundamental Rights enshrined in the Constitution of India, which guarantee the right to freedom of conscience and free profession, practice and propagation of religion (Article 25) and freedom to manage religious affairs (Article 26).

3. Most religious scholars consider their scriptures and personal laws to be of Divine origin. Hence, they show strong resentment towards any sort of interference with same.

4. Most religious practices have been carried out in conformity with these personal laws since times immemorial. Any attempt to alter them can hurt religious sentiments and sow the seeds of mistrust among communities.

5. Most discriminatory practices have found their bases in distorted codified personal laws, which do not conform to the authentic sources. Therefore, the fault, lies not in religious principles but in the flawed process of codification.

Muslim Personal Laws: As far as the Muslim perspective is concerned, they seem not to be opposed to the idea of a common code since they can very well accept any law, provided it does not prohibit them from doing what is fard (compulsory) or forces them to do what is haram (prohibited) in the religion. It should be realised that, though Islam gives permission for polygamy, it does not hold it to be fard. So even if a Muslim is made to live under a law that established monogamy, he could abide by the law as polygamy is not fard. However, when given an option, they would certainly prefer Shariyat Law over other laws.

As per Shariyat law, legal adoption is prohibited in Islam as is explicitly stated in the Quran (33:4), "...neither has He made your adopted sons as your own sons". In relation to marriage, Muslims are allowed to marry more than one wife, but there is an upper limit of four as promulgated by the Quran (4:3), "Marry a woman of your choice in two, three or four but if you can't do justice, marry only one." The consent of both the spouses in the marriage contract is essential for the validation of a marriage under Muslim personal laws. Divorce is another aspect of personal laws and the

Prophet conceded that of all the things, divorce is most tasteful to God; however it was allowed with certain restrictions. The Quran states in Chapter 4, verse 35, "If you fear a breach among them, then appoint two arbitrators, one from his family and one from hers. If they seek to set things alright, Allah will call their reconciliation."

However, this conception of divorce, does not seem consistent with the triple divorce that is being practiced by Muslims, with immunity in India. Regarding guardianship, there are specific rules, both in Hindu law as well as in Muslim law. The details may differ, but the substantive principle that the "interests of the child" should be a supreme consideration has been accepted by all systems. A brief reference to the problem of maintenance is necessary. Under the Muslim law, it is a duty of the faithful husband to maintain his wife with the same standard of living which he has.

The Quran ordains the same in the following verses, chapter 2, verses 240 and 241, "Those of you who die and leave widows should bequeath for their widows a year's maintenance without expulsion. For divorced women also, there shall be provision to what is fair." It was on grounds of these verses, that Mr. Daniel Latif argued in the Supreme Court in the Shah Bano case. In this case, Shah Bano, an old Muslim lady of about 60 years of age, was married to Md. Ahmed Khan, a senior advocate of Indore some time in 1932. During the wedlock, three sons and two daughters were born to this couple. In 1975, the appellant Md. Ahmed Khan drove Shah Bano out of the matrimonial home.

She waited for about three years and ultimately in April 1978 she filed a petition against the appellant under Section 125 of the Code of Criminal Procedure in the court of Judicial Magistrate Class I, Indore asking for maintenance of Rs. 500 per month. On 6th November, 1978 the appellant divorced Shah Bano. His defence before the court, was that the petitioner ceased to be his wife due to divorce. He was, therefore, under no obligation to provide her with any maintenance. He had already paid her the maintenance at the rate of Rs. 200 per month for about two years and in addition a sum of Rs. 3000 by way of dower. The case was heard by the

Magistrate who directed the husband to pay a paltry sum of Rs. 25 per month to Shah Bano by way of maintenance.

It was alleged, that the appellant was earning more than Rs. 60,000 a year and had a lucrative practice at the bar. Despite that, the maintenance granted by the Court was Rs. 25 per month. Shah Bano went in revision against that order and the Madhya Pradesh High Court enhanced the maintenance to Rs. 179.20 per month. This order came to be challenged before the Supreme Court. A five member bench of the Supreme Court headed by Justice Y.V. Chandrachud, in their unanimous judgment, held that Section 125 of the Code of Criminal Procedure cuts across the religions, castes and creeds because the ultimate objective of this provision is the prevention of vagrancy and destitution.

Regarding the point that Section 125(3) (b) [which excluded the application of this provision to Muslim divorced women] was a bar to grant maintenance, it was held that it was not. The court held that the dower or mehr, was not a sum payable to the wife on divorce and therefore the case was not covered by that provision. Additionally, the Supreme Court concluded that "there is no conflict between the provisions of section 125 and those of the Muslim Personal Law on the question of the Muslim husband's obligation to provide maintenance for a divorced wife who is unable to maintain herself." After referring to Holy Quran, holding it to be the greatest authority on the subject, it held that there was no doubt that the Quran imposes an obligation on the Muslim husband to make provision for or to provide maintenance to the divorced wife.

Christians Personal Laws

The Christians in India have expressed varied opinions with regard to different aspects of the personal laws. A part of the Christian community, believes that Section 10 of the Divorce Act is discriminatory against women, since much is expected by way of proof from them as against men. Most Christians (both Catholics and Protestants) support the introduction of a uniform civil code though with some reservations. For example, the Catholics prefer annulment of marriage over divorce. On the point of

adoption, the Christians want full adoption to be legalized. Now there is a prohibition in Christian law; they cannot adopt and hence Christians are sent abroad for adoption.

All of them are of the view, that all aspects of Christian personal law are negotiable. On the point of succession, they believe that the Indian Succession Act is quite satisfactory. But, in case of intestacy, the Christian customary laws that are discriminatory must go. According to them, the widow must get full rights in a husband's property to be divided between the children, as and when she likes. In the John Vallamattom and Anr vs Union of India case 2003, the Supreme Court declared Section 118 of the Indian Succession Act to be void, as it found the provision to be discriminatory and violating articles 14, 15, 25 and 26 of Constitution.

The Section stated that "No man having a nephew or niece or any nearer relative shall have power to bequeath any property to religious or charitable uses, except by a Will executed not less than twelve months before his death, and deposited within six months from its execution in some place provided by law for the safe custody of the Wills of living persons". The Christians, found this to be an infringement upon their religious right to practice charity, and to attain spiritual salvation.

Many jurists have expressed their anxiety, regarding the upheavals that might follow the introduction of a uniform civil code. They have promulgated an intermediate position, that is, the establishment of the uniform civil code must be done slowly, with the consent of all communities.

In the Constituent Assembly, K. M. Munshi wanted to narrow the definition of religious practice. He pointed out that the personal law of Hindus was discriminatory against women and contravened an Indian citizen's right to equality. Therefore, "religion must be restricted to spheres which legitimately pertain to religion, and the rest of life must be regulated, unified and modified in such a manner that we may evolve, as early as possible, a strong and consolidated nation." Ambedkar can also be put in this group, since he supported the inclusion of the uniform civil code in the

directive principles but said that the code would only apply to those who wanted it its application. Syed Shahbuddin, former President of the All India Muslim Majlis-e-Mushawarat believes that the project to implement UCC should logically pass through three stages:

1. The codification of personal laws of various communities, so that over a period of time, there is adequate basis in terms of comparative jurisprudence to serve as a foundation to evolve common principles for a uniform civil code,
2. There is also to be a transitional phase of optionality, and
3. If the uniform civil code comes into conflict with Shariat, the Muslim community should be granted exemption when the UCC becomes obligatory. However, such a piecemeal approach may give rise to new inconsistencies in personal laws across religions and hence defeat the very objective of a UCC.

Points to Ponder:-

- Judicial Intervention
- Codification of all Personal Laws for Muslims
- Abolishing Triple Talaq and other unfair practices
- Necessity and feasibility of a Uniform Civil Code
- Components of the proposed Uniform Civil Code – Marriage, Adoption and Guardianship, Divorce, Maintenance, Succession among others
- How should the UCC be brought into force – piecemeal or full, optional or compulsory?
- Should the proposed UCC be a balanced mix of “best practices” from all religions or should it be drafted from scratch?
- Ways to tackle gender discrimination intrinsic in personal laws.
- Relation between Feminist politics and UCC
- The issue of The Goa Civil Code
- Point of Special Marriage Act and Indian Succession Act
- Parsis and the UCC

Important Resources:-

- <http://journal.lawmantra.co.in/wpcontent/uploads/2015/05/17.pdf>
- <http://iasir.net/AIJRHASSpapers/AIJRHASS13-370.pdf>
- <http://www.ijesls.com/Need%20for%20Uniform%20Civil%20Code-%20Milind%20Gaur.pdf>
- <http://indianexpress.com/article/india/india-news-india/triple-talaq-is-a-non-issue-brought-up-to-implement-uniform-civil-code-aimplb-2836529/>
- http://zeenews.india.com/news/india/hindu-majority-needed-to-save-democracy-in-india-uniform-civil-code-important-subramanian-swamy_1888985.html
- <http://www.firstpost.com/india/triple-talaq-markandey-katju-slams-Sharia-calls-for-uniform-civil-code-2810018.html>
- <http://indianexpress.com/article/india/india-news-india/uniform-civil-code-sc-refuses-to-interfere-wont-issue-directive-to-centre/>
- <http://thewire.in/2016/05/13/an-open-letter-to-the-all-india-muslim-personal-law-board-35547/>
- <http://www.thestatesman.com/news/india/naidu-wants-debate-on-common-civil-code/145840.html>
- http://www.huffingtonpost.in/vivek-v-gumaste/dr-ambedkar-and-the-rss-f b_9861014.html

Religious Intolerance

One word that dominated in 2015 and 2016 was 'intolerance'. It was part of national headlines in all newspapers and television channels. It was trending on social media and it was even a topic of debate in the Parliament.

Some believe it to be a consequence of the arrival of the NDA government whereas some attribute it to the devious plans of the opposition parties and view it as a media generated issue.

Several incidents like the Dadri incident, communal divide, beef ban issue and suppression of dissent have contributed to the debate on intolerance in India. As the representatives of various political parties and ideologies, the need of the hour is to introspect on the issue and decide whether intolerance actually exists or if it is just a media generated issue and a mere trick of the opposition to destabilize the government.

Communal divide:

Press accounts of communal conflicts in the India have frequently portrayed religious antagonisms, particularly between Hindus and Muslims, as intrinsic to the region. However, such an interpretation fails to take into account, the fact that political organizations and governments have exploited religious differences for political purposes. Independent India established a governmental structure committed to secularism and democracy. The constitution guarantees equal treatment before the law to all individuals regardless of community background.

The Law:

Victims of communal violence in India suffer a range of violations of internationally recognized human rights. These include, the right not to be arbitrarily deprived of life, the right to equal treatment before the law without discrimination, and the right to not to be subjected to coercion which would impair the freedom to have or adopt a religion. Ethnic,

linguistic, and religious minorities are guaranteed the right to enjoy their own culture, to profess and practice their own religion, or to use their own language. Furthermore, under international human rights law, states are obligated to prohibit by law any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence.

The indiscriminate use of lethal force, against unarmed demonstrators, violates the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which inter alia states: "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms ... Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved; (b) Minimize damage and injury, and respect and preserve human life" The Basic Principles also state: "Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law." Unfortunately, the Maharashtra state government's Guidelines for Dealing with Communal Disturbances 1986, authorize the early use of lethal force in order to quell a communal disturbance, and prohibit firing warning shots in the air, in violation of the Basic Principles. The violations of human rights that occur in the context of communal violence, also clearly violate protections set forth and defined in the Constitution of India and the Indian Penal Code. Under articles 15, 16, and 19 of the Indian constitution, discrimination on the grounds of religion is prohibited. All citizens are guaranteed the right to equal treatment before the law and the right to equal protection of the laws. Section 153 of the Indian penal code criminalizes the promotion of violent attacks against groups on grounds of religion, race, place of birth, or language.

Reasons for the Divide:

- UN Historical Approach: The British use of Indian history, to degenerate Indian national character and to prove Indians unfit for independence and democracy, produced another distortion in Indian

history and politics. The Indian counter to this unscientific and unhistorical approach, was with an unhistorical approach of their own. They began to glorify the past. Thus, gradually developed several myths, each one, weakened healthy, secular nationalism and gave an opening to communalism. The first of these myths, is the belief that Indian society and culture-Indian civilization-had reached a high watermark, the Golden Age, in ancient India, from which, it gradually slide downward, during the medieval period. The medieval period was branded as one of decadence and of “foreign rule.” The society, continued to slide, till the revivalist movement made partial recovery but the real task of reviving the past glory and civilization still remains. The blame of this decay is put on Islam or Muslim rule and the alien west. These create hostility between these two religious communities.

- Hero myth: All the major heroes, Rana Pratap, Shivaji, and Guru Gobind Singh, belonged to medieval India. They fought against Mughal authority and have done as much to undermine secularism and national integration as any other ideological factor. These hero myths, proved the case for the two nation theory or basic communal approach. By what definition are they national heroes and their struggle a national struggle? Because they were fighting against foreigners? How were the Mughals foreigners? Because they were Muslim? What was the uniting principle in the nationalism of Rana Pratap, Shivaji and Guru Gobind Singh? Their being Hindu or non-Muslim? Thus, the hero myths spontaneously generated communalism.
- Divide and Rule Policy of the British: The British rulers adopted the policy of 'Divide and Rule' to strengthen their roots in India. They divided the people of various communities and spread the feeling of distrust among them. Hence, they sowed the seeds of communalism in India.
- Political Organisations: Different communal organizations, are found in India which have created hatred among the people of various

religious communities by propagating. Hence, they are the root cause of communalism.

- **Inertia indifferent Government:** When the government does not take proper action at the correct time, communalism spreads among the subjects. Sometimes the government favors one of the religions and leaves others, which creates differences.
- **Ineffective Handling of Communal Riots:** Sometimes, the state governments have proved ineffective in trying to curb the communal riots in their respective states. It also results in the spreading of communalism. As a result of the above factors, communalism is showing its ugly face in India after Independence and also creating great problems in the working of its political system.

Beef Ban Issue:

The country is embroiled in a controversy regarding a ban on slaughter of cows and the sale and consumption of beef. In retrospect, this controversy has existed for many decades. The reason is apparently simple. Hindus, who form the majority of the populace, consider the cow sacred. The cow, according to Hindu religious scriptures, is the embodiment of the Feminine Divine and motherhood. Hindu religious leaders claim that the slaughter of cows brings greatest misfortune. An average Hindu, though far from being vegetarian, will abstain from consumption of beef. On the other hand, the Muslim and Christian minorities consume beef extensively. Since India gained independence from the British, there has been a demand for banning cow slaughter in the country and on consumption of beef. Successive governments have resisted any attempt to impose such a ban at a central level due to the secular nature of the country and its constitution. Some states, however, have succeeded in implementing local legislation banning cow slaughter. While this does not automatically translate into a beef consumption ban, it makes it difficult to legitimately source beef and beef products. The entire situation seems to be in stark contrast to one economic reality – India is the world's second largest beef exporter, though most of the beef exported is buffalo meat.

Incidents related to Intolerance in India:-

NDTV Ban Issue:

The central government's decision to ban Hindi news channel NDTV India for a day has been sharply criticised by observers, journalists and opposition parties alike.

This is the first time ever that a news channel has been barred from broadcasting for breaching national security laws in the country. While the government has defended the banning in the interest of national security, the Editors Guild of India has condemned it as a violation of the freedom of media.

Amid all the outrage, there is still confusion over why the ban was imposed and under which law. Here is an explanation of some important aspects of the ban:

What does the ban entail?

The Information & Broadcasting ministry has passed an order to “prohibit the transmission or re-transmission of NDTV India channel for one day on any platform throughout India with effect from 00:01 hrs on 9th November, 2016 till 00:01 hrs of 10th November, 2016”.

Why was NDTV India banned?

Sources in the Information & Broadcasting ministry say that action was taken against the channel because it had revealed sensitive details, such as the location of the ammunition depot, school and residential areas in its coverage of the Pathankot attack. It also appeared to disclose the location of the attackers.

This crucial information could have been readily picked up by the terrorists' handlers and jeopardised national security as well as the lives of civilians and defence personnel.

What does the law say?

Under Rule 6(1)(p) of the Cable TV Network (Regulation) Act, no programme should be carried in the cable service which contains live coverage of any anti-terrorist operation by security forces, wherein media coverage shall be restricted to periodic briefing by an officer designated by the appropriate government, till such operation concludes.

What was the process followed?

January 29: Showcase notice was issued to NDTV India for violation of Cable Act; they were asked to reply within 15 days.

February 5: The channel responded, submitting that the coverage was balanced and responsible.

July 25: Channel's representatives were given a personal hearing before an Inter-Ministerial Committee (IMC).

November 2: The order announcing the ban was made public.

NDTV India can take legal recourse and appeal the ban.

What were the observations of the Inter-Ministerial Committee (IMC)?

The IMC, which includes joint secretaries of home, defence, I&B, health and family welfare, consumer affairs, law and justice, external affairs, women and child development and representative of the Advertising Standards Council of India recommended that NDTV India be taken off-air for one day.

In its report to the Information & Broadcasting ministry, the IMC observed that disclosure of sensitive information has several ramifications such as causing alarm and de-moralisation of citizens and security forces, collateral damage to critical assets, apprehension among families of those serving in combat.

Saffronisation:

Saffronisation is a term used in the Indian polity jargon by critics to refer to the policies of the right-wing Hindu nationalists that seek to recall and glorify ancient Hindu history.

While the Rashtriya Swamayansevak Sangh (RSS) has never deviated from its core ideology of Hindutva, it is the systematic attempt of rewriting history with saffron ink through its vast network of educational institutes like Vidyabharti, one of the largest chain of private schools in India, catering mainly to lower middle classes; Vanvai Kalyan Ashram (VKA) which specialises in hostels for Adivasi children along with other activities and Ekal Vidyalaya Foundation, which runs single pre-school teacher centres, where students are taught basic reading and writing of Sanskrit and Sanskrit behaviours, is a clear indicator of RSS's slow but deliberate attempt of "saffronising" the education system of the country.

Other Important Issues:

- Dadri Incident
- Ink Attack On Sudheendra Kulkarni And Ghulam Ali Incident
- Award Wapsi
- Engineer Rashid Incident
- Shahrukh Khan Incident
- Killing Of MM Kalburgi
- JNU Issue
- Rohith Vermula Suicide Incident
- Anti-Romeo Squads
- VARIOUS OTHER INCIDENTS

Important Resources:

- Parliament Debate On Intolerance
- Various Editorials On The Same Topic By Different Intellectuals

Points To Ponder:

- Does intolerance actually exist or is it a media and politics generated issue?
- What is the exact definition of intolerance?
- If intolerance exists, is it a result of the arrival of the NDA government or was it always present in the Indian society?
- What are the possible solutions to the problem?



Reservation Demands

Jat Agitation:

In Haryana, Jats are an influential community and make up about 29 per cent of the population. Jats originally were an agrarian community and now mostly live in Haryana, Punjab, Delhi, Rajasthan and UP. Their total population is about 82.5 million.

Timeline:

- In March 2008, All India Jat Mahasabha, raised a demand for quota at a convention in Jind.
- In September 2010, All India Jat Arakshan Sangharsh Samiti(AIJASS), led by Hawa Singh Sangwan, blocked rain traffic in Hisar's Mayyar village. A youth died during this protest.
- In March 2011, AIJASS resumed agitation at Mayyar village, and blocked railway tracks.
- In December 2012, Haryana government gave special backward status to Jats with 10% quota to five castes.
- In March 2014 UPA government grants OBC status to Jats.
- On March 17, 2015 Supreme Court sets aside the notification that granted OBC status to Jats.
- On March 26, 2015 Narendra Modi meets representatives of Khap Panchayats and Jat leaders, supports quota demand.
- In February 2016 AIJASS resumes agitation for inclusion of Jats as OBC.
- In March 2016, following the death of 30 people, Jat leaders threaten to resume agitation in case the BJP-led Haryana government does not meet their demands by March 17. Jat leaders and Haryana Chief Secretary and Director General of Police meet. The community leaders agree to give the government time to get a reservation bill. The Haryana Assembly on March 29 passed the Haryana Backward Classes (Reservation in Services and Admission in Educational

Institutions) Bill, 2016 to provide reservation for Jats and four other communities in government jobs and education.

- In May 2016 The Punjab and Haryana High Court stays reservation for Jats and members of five other provided by the Haryana government under a newly carved Backward Classes (C) category.
- In June 2016 The State braces for another round of agitation. Jat community in Haryana starts a second round of protest demanding reservation in government jobs and educational institutes.
- In July 2016 The Jat community leaders say that they will not protest till July 21, by which the Punjab and Haryana High Court has sought the state government's reply. The community suspends the protest till the Monsoon session of Haryana Assembly, where the demands will be discussed.
- In August 2016, All India Jat Arakshan Sangharsh Samiti decides to take out a 'bhaichara' rally at Rohtak to decide on the further course of action.
- In September 2016, the Samiti announces to raise Jat reservation issue in poll-bound Punjab. In December 2016, Jats decide to renew agitation from January 2017.
- In January 2017, the district administration imposes Section 144 in parts of Rohtak district, as a precautionary measure in view of the call given by a section of Jats for a fresh round of quota agitation from January 29. Members of the Jat community, stage peaceful dharnas at Ramayan village near the Hisar-Bhiwani railway track, Jolilath village on Sonipat-Gohana road, Jassia village on Rohtak Highway, Rasalwala Chowk in Jhajjar, Umrakheri village near Panipat-Shamli road, Bala village near Assandh road in Karnal.
- In February 2017, Haryana Finance Minister Capt. Abhimanyu claims that the Jat agitation was politically motivated. He says that in view of the sentiments of the Haryana Vidhan Sabha, the court would pronounce its decision in favour of the reservation.
- In March 2017, around 8-10 lakh Jats from Haryana, Rajasthan and Uttar Pradesh were expected to reach Delhi in tractor-trolleys on

March 20 in support of their demands, including reservation, Akhil Bharatiya Jat Aarakshan Sangharsh Samiti national president Yashpal Malik said. The community plans a rally in the Jantar Mantar, Delhi on March 20. The rally kept police and security personnel on tenterhooks for much of the day. Sources in the security establishment put the number of protesters at the rally between 7,000 and 7,500.

Patidar Reservation Agitation

Gujarati Patels were historically agriculturalists. Patels are one of the wealthiest communities across the globe because of the abundance of fertile land in Gujarat, and particularly tobacco production. Patels have migrated to various countries and enhanced their wealth. The Patidar community benefited from British Reforms during the 19th century and their wealth increased. The Patel community varies by religion and ideology, with disparate groups having their own samaj (social gatherings) and mandirs. Most of them, follow vegetarianism, due to the influence of Hinduism and Jainism. The modern Patel communities have branched out of agriculture to a variety of business trades, especially in hotels. Patels dominate the pharmaceutical, chemical, medical, plastic, building construction, ceramic and diamond industries in Gujarat.

Starting in July 2015, the people of India's Patidar community, seeking Other Backward Class (OBC) status, held public demonstrations across the Indian state of Gujarat.

Championing the cause of Patidar reservation was a young man named Hardik Patel. He formed an organization called the Patidar Anamat Andolan Samiti (PAAS) that demanded OBC status for the community in order for their youth to be eligible for quotas in government jobs and educational institutions. At first, Hardik Patel and PAAS maintained that they were an apolitical organization but very quickly their rallies turned violent. By the end of July, agitators had torched and vandalized BJP property in various parts of Gujarat. The police arrested over 150 protesters as a result.

PAAS went on a rallying rampage over the next few months, conducting over 200 rallies across the state. The turning point of these protests, however, was the Kranti Rally held in Ahmedabad on 25th August. Compared to the crowds of 1-4.5 lakhs that had been present at the other rallies, this one saw a turnout of over half a million people. Hardik Patel announced a hunger strike until his Patidar demands were met. Soon after the rally, the police arrested him and used force to disperse the rest of the crowd. It was only after the Kranti Rally that the protests took a dangerous turn. Buses were torched, crowds clashed and several cases of arson were committed. Protestors even attacked police and media. In August alone, 12 lives were lost because of the agitation. During the last week of the month, a state-wide shut down was ordered for factories, businesses, schools and colleges. A curfew was imposed in the state and Internet services were blocked entirely. The Army was deployed to control crowds in Ahmedabad, as well in other parts of Gujarat like Kapodara, Santhana, Surat and Vadodara. The Patidar community received over 1500 FIRs, filed for the estimated loss of Rs. 300 crores to public and personal property. Despite this massive destruction and loss of lives, Hardik Patel vowed to expand his agitation to other states if the Patidar demands were not met.

By 14th September, Gujarat CM Anandiben Patel agreed to meet with Hardik Patel and offer scholarship schemes to Patidar students as well as compensation for the families of the Patidar rally victims. As these didn't entirely meet Patidar expectations, the violent rallies and property damage continued. As a result, the Government offered further concessions and incentives for the Patidar community. But once again, these fell short of the Patidars being declared an OBC category and Hardik Patel called it a temporary fix, like a "lollipop". What ensued, was the "Lollipop Movement" where hundreds of thousands of lollipops were distributed to Patidar and non-Patidars during a series of peasant and farmer rallies organized in the state over the next 2 months. It was during this time that Hardik Patel was arrested by the Gujarat Police for his acts of inciting violence, promoting enmity and sedition.

State Legislative Assembly Elections

The Legislative Assembly Elections in India are the elections in which the Indian electorate choose the members of the Vidhan Sabha (or Legislative/State Assembly). These elections are held every 5 years and the members of the legislative assembly are called MLAs. The assembly elections are never carried out in the same year for all states and union territories. The legislative assembly elections are held in all the 29 States and 2 of the 7 Union Territories of India.

Here's a list of the elections that will be held within our timeline:-

- Punjab Legislative Assembly election, 2017
- Goa Legislative Assembly election, 2017
- Uttarakhand Legislative Assembly election, 2017
- Uttar Pradesh Legislative Assembly election, 2017
- Manipur Legislative Assembly election, 2017
- Gujarat Legislative Assembly election, 2017
- Himachal Pradesh Legislative Assembly election, 2017
- Karnataka Legislative Assembly election, 2018
- Meghalaya Legislative Assembly election, 2018
- Mizoram Legislative Assembly election, 2018
- Nagaland Legislative Assembly election, 2018
- Tripura Legislative Assembly election, 2018
- Madhya Pradesh Legislative Assembly election, 2018
- Rajasthan Legislative Assembly election, 2018
- Chhattisgarh Legislative Assembly election, 2018

NOTE- These elections will have a direct impact on the results of the General Election, 2019.

Presidential and Vice-Presidential Elections

The presidential election will be held in India on 17 July 2017. Counting will be done on 20 July 2017, five days before the term of the current President's expires. The incumbent is eligible for re-election, as there is no term limit in India.

The president is elected by an electoral college consisting of the elected members of both houses of parliament, the elected members of the Legislative assemblies of the 29 states and the elected members of the legislative assemblies of the Union Territories of Delhi and Puducherry. As of 2017, the Electoral College comprises 776 MPs and 4120 MLAs. The total strength of Electoral college is 10,98,882 votes. Halfway mark is 5,49,442 votes. After state assembly elections and by-polls of 2017, NDA is short of nearly 20,000 votes.

The nomination of a candidate for election to the office of the President, must be subscribed by at least 50 electors as proposers and 50 electors as seconders. The election is held in accordance with the system of proportional representation by means of a single transferable vote. The voting takes place by secret ballot. The manner of election of President is provided by Article 55 of the Constitution.

Refer to the below mentioned links to know more about the procedure of the election of the president and the Electoral College distribution:

- https://en.wikipedia.org/wiki/Indian_presidential_election,_2017
- http://eci.nic.in/eci_main/President_VP_Elec2012/Presidential_Elections-FAQ.pdf

Some names which have been floating around as the next president of the Republic of India are:

- Jharkhand Governor- Draupadi Murmur
- BJP Veteran- Lal Krishna Advani
- Gopal Krishna Gandhi

- RSS Chief- Mohan Bhagwat (Mentioned By Shiv Sena)
- Pranab Mukherjee (Re Election)

Refer to the below mentioned links to know about the procedure and the main candidates for the vice presidential election, 2017:

- https://en.wikipedia.org/wiki/Indian_vice-presidential_election,_2017
- <https://www.nagalandpost.com/ChannelNews/National/NationalNews.aspx?news=TkVXUzEwMDEzMjYzMw%3d%3D>



Agrarian Crisis

Globalization and its impact on Indian Agriculture

The people's protest against Special Economic Zones in various parts of the country, including at Nandigram in West Bengal, stagnation in agriculture, import of foodgrains, widespread suicide of farmers are systems of simmering discontent in the agricultural sector. What is highlighted today in the national scene is the image of "incredible India" and "shining India".

We often hear about India as a country with a very high economic growth, a country with the highest numbers of billionaires in Asia, and a country renowned for information technology. But we do not hear enough, about the serious problems in agriculture.

It was with the Structural Adjustment Programme (SAP) in 1991 that the policy of globalization was concretely introduced in India. Based on this policy and the directives of the World Bank, International Monetary Fund and World Trade Organisation, the Indian economy was substantially overhauled. The Export-Import policy was liberalized and the import and customs duties of many products were drastically lowered or totally dropped, so that they could be imported without any restriction. The government started reducing its investment in agriculture and the industrial sector allowing the private sector to take over. The restructuring of the public distribution system affected the availability of food grains to the poor at subsidized rates. All such measures had implications for the farm sector.

Problems of Agrarian Sector and their Consequences

FIFTEEN years of economic liberalisation have adversely affected Indian agriculture. The most prominent manifestation of this, is in the drastic decline in the growth rate of food grains. The growth rate of agricultural output was gradually increasing in 1950-1990, and it was more than the growth rate of the population. In the 1980s, the agricultural output grew at about four per cent per annum. Thus, India became self-sufficient in food

and started exporting wheat and rice. But during the 10-year period after the start of liberalisation, the growth rate declined to two per cent. According to the Mid-term Appraisal of the Tenth Five Year Plan (2002-07), the growth rate of the GDP in agriculture and allied sectors, was just one per cent per annum during the year 2002-05. As a result, per capita availability of food grains decreased, the growth rate of population became higher than that of food grains, and India started to import food grains at a much higher price than that in the domestic market.

Secondly, unemployment in the agricultural sector increased during the reform period, as agriculture was not profitable. This was due to the fall in the price of farm products. As a result, the number of people who are employed in the primary sector and the area under cultivation decreased, which in turn, caused a decline in rural employment. According to the National Sample Survey, the annual rate of growth of the employment in the rural areas was 2.07 per cent in 1987-1984, while it declined to a mere 0.66 per cent in 1993-2000, which corresponds to the period of liberalization. It is not only the farmers but also the Dalits and tribals, who heavily depend on agriculture and they became unemployed.

The suicide of farmers is the third fall-out of stagnation in agriculture. When agriculture was not yielding remunerative income, the life of the farmers became very desperate. Many of them committed suicide as a last resort. As revealed by Sharad Pawar, the Union Agricultural Minister, in the Lok Sabha in 2004, over one lakh farmers committed suicide in India after the economic reform started. According to the National Crime Records Bureau, 17,060 farmers committed suicide in the country in 2006 with Maharashtra having the highest number of (4453) suicide deaths. Punjab is the latest state suffering from farmer suicides. This is a record in the agricultural history of India. It points to the acute nature of the problem, which has affected the vast majority of the population, and has created a real crisis. But unfortunately, the government and the people do not consider it a crisis. Their lack of seriousness and lukewarm response to the problem, points to this reality.

Reasons for the Agrarian Crisis

THERE is a need for analysing the reasons for the crisis, to see whether there is any connection with globalisation and, if so, what measures could be adopted to face this challenge.

1. Liberal Import of Agricultural Products

The main reason for the crash of prices of agricultural products, especially of cash crops, was the removal of all restrictions to import these products. For example, when the Government of India reduced the import duty on tea and coffee from Sri Lanka and Malaysia, their prices in the domestic market got reduced drastically. Thus, cultivation of such products became unprofitable and so their production was fully or partly stopped. Since the removal of quantitative restrictions and lowering of import duties were according to the restrictions of the World Trade Organisations (WTO), the crash in the prices of agricultural products is directly related to the liberalisation policy of the government.

2. Cutback in Agricultural Subsidies

In the post-reform period, the government reduced different types of subsidies to agriculture. This has increased the production cost of cultivation. According to Ramesh Chand, an economist, cutback in subsidy and control of fertilisers over the last few years has adversely affected the agricultural sector. It has increased the input cost and made agriculture less profitable. Since the decrease in subsidy to agriculture is part of the regulations of the WTO, it is related to the policy of globalisation.

3. Lack of Easy and Low-cost Loan to Agriculture

After 1991, the lending pattern of commercial banks, including nationalised banks, to agriculture drastically changed. The result was that loan was not easily available and the interest was not affordable. This has forced the farmers to rely on moneylenders and thus pushed up the expenditure on agriculture. The National Commission for Agriculture, headed by Dr M.S. Swaminathan, pointed out that removal of the lending facilities and

concessions of banks during the post-reform period have accelerated the crisis in agriculture. When the farmers were not able to pay back loan with high interest, they fell into the debt trap. Studies show that most of the farmer suicides was due to the debt trap. It is part of the policy of privatisation that banks, even nationalised banks, look for profit over their social responsibilities to the people.

4. Decline in Government Investment in the Agricultural Sector

Studies show, that after the economic reforms started, the government's expenditure and investment in the agricultural sector have drastically reduced. This is based on the policy of minimum intervention by the government, enunciated by the policy of globalisation. The expenditure of the government in rural development, including agriculture, irrigation, flood control, village industry, energy and transport, declined from an average of 14.5 per cent in 1986-1990 to six per cent in 1995-2000. When the economic reforms started, the annual growth rate of irrigated land was 2.62 per cent. Later, it was reduced to 0.5 per cent in the post-reform period. The consequences were many. The rate of capital formation in agriculture came down, and the agricultural growth rate was also reduced. This has affected the purchasing power of the rural people and subsequently, their standard of living.

5. Restructuring of the Public Distribution System (PDS)

As part of the neo-liberal policy, the government restructured the PDS by creating two groups—Below Poverty Line (BPL) and Above Poverty Line (APL)—and has continuously increased the prices of food grains distributed through ration shops. As a result, even poor people did not buy subsidised food grains and it accumulated in godowns, only to be spoiled or sold in the open market. As the in-take from PDS was less, it affected the food security of the poor, especially in the rural areas, and this has indirectly affected the market and the farmers.

6. Special Economic Zones

As part of the economic reforms, the system of taking over land by the government for commercial and industrial purposes was introduced in the country. As per the Special Economic Zones Act of 2005, the government had so far notified about 400 such zones in the country. Very often, it is fertile land which has been acquired. According to Khasanoki, a writer, the government has acquired five million hectares of land for purposes other than agriculture between 1991 and 2003. This is almost half of what was acquired during the last 40 years. It was in news, that the government decided to acquire 10,120 hectares of land near Mumbai (almost one-third area of Mumbai) for the Reliance Company. The amount was reduced to 5000 hectares due to public pressure. Since the SEZ deprives the farmers of their land and livelihood, it is harmful to agriculture. In order to promote export and industrial growth in line with globalisation, the SEZ was introduced in many countries.

Towards a Solution

THE agricultural crisis is affecting a majority of Indians. The farmers who produce food materials for the country are in deep distress. The marginalised people like the Dalits and tribals, who depend on agriculture, are getting unemployed and struggling for their livelihood. The ordinary people, especially the poor, have lost their food security. The agricultural crisis, is a crisis of the country as a whole. It needs urgent attention. Some of the suggestions are being listed here.

1. Quantitative restrictions should be imposed on import of agricultural products. Since the import policy was the major reason for the crash in prices of many agricultural products, there should be restrictions on the quantity and customs duty of such products. Necessary import duty and quantitative restrictions should be imposed on imported goods to protect our farmers who should be given priority to the discipline of the WTO.
2. Subsidy and concessions given to agriculture but removed in the post-reform period should be restored. This is a must to make agriculture remunerative. One of the main disputes in the Doha Round of talks at the WTO, is the high subsidy given by the United States and European Union to

their farmers in spite of the WTO regulation. India should assert its right to give sufficient subsidy to its farmers to offset the rising cost of cultivation and protect their livelihood.

3. Bank loans should be easily made available to the farmers, especially since the input cost of agriculture has gone up. The government should think of restoring the low rate of interest to farmers given by banks and other financial institutions as it had done, before the reform period.

Swaminathan Report: National Commission on Farmers

The National Commission on Farmers, chaired by Prof. M. S. Swaminathan, submitted five reports through the period December 2004 - October 2006. Following the first four, the final report focused on causes of farmer distresses and the rise in farmer suicides. It recommended addressing these issues through a holistic national policy for farmers. The findings and recommendations encompass issues of access to resources and social security entitlements. This summary is a quick reference point highlighting the key findings and policy recommendations under land reforms, irrigation, credit and insurance, food security, employment, productivity of agriculture and farmer competitiveness.

Background

The National Commission on Farmers (NCF) was constituted on November 18, 2004 under the chairmanship of Professor M.S. Swaminathan. The Terms of Reference reflected the priorities listed in the Common Minimum Programme. The NCF submitted four reports in December 2004, August 2005, December 2005 and April 2006 respectively. The fifth and final report was submitted on October 4, 2006. These reports contain suggestions to achieve the goal of "faster and more inclusive growth" as envisaged in the Approach to 11th Five Year Plan.

Terms of Reference

The NCF is mandated to make suggestions on issues such as:

- a medium-term strategy for food and nutrition security in the country in order to move towards the goal of universal food security over time;
- enhancing productivity, profitability, and sustainability of the major farming systems of the country;
- policy reforms to substantially increase flow of rural credit to all farmers;
- special programmes for dry land farming for farmers in the arid and semi-arid regions, as well as for farmers in hilly and coastal areas;
- enhancing the quality and cost competitiveness of farm commodities so as to make them globally competitive;
- protecting farmers from imports when international prices fall sharply;
- empowering elected local bodies to effectively conserve and improve the ecological foundations for sustainable agriculture;

Key Findings and Recommendations:-

Causes for farmers' distress

Agrarian distress has led farmers to commit suicide in recent years. The major causes of the agrarian crisis are: unfinished agenda in land reform, quantity and quality of water, technology fatigue, access, adequacy and timeliness of institutional credit, and opportunities for assured and remunerative marketing. Adverse meteorological factors add to these problems.

Farmers need to have assured access and control over basic resources, which include land, water, bio resources, credit and insurance, technology and knowledge management, and markets. The NCF recommends that "Agriculture" be inserted in the Concurrent List of the Constitution.

Land Reforms

Land reforms are necessary to address the basic issue of access to land for both crops and livestock. Land holdings inequality is reflected in land

ownership. In 1991-92, the share of the bottom half of the rural households in the total land ownership was only 3% and the top 10% was as high as 54%.

Table 1: Distribution of Land

Land Holding	% of House holds	% of Land hold
Land less than 0.01 acres	11.24	
Sub-marginal holdings (0.01 - 0.99 acres)	40.11	3.80
Marginal holdings (1.00 - 2.49 acres)	20.52	13.13
Small holdings (2.50 - 4.99 acres)	13.42	18.59
Medium holdings (5 - 14.99 acres)	12.09	37.81
Large holdings (15 acres + above)	2.62	26.67
	100.0	100.0

Source: Table 1 of the Fifth NCF Report based on Some Aspects of Household

Ownership Landholdings-1991-92. NSS Report-399

Some of the main recommendations include:

- Distribute ceiling-surplus and waste lands;
- Prevent diversion of prime agricultural land and forest to corporate sector for non-agricultural purposes.
- Ensure grazing rights and seasonal access to forests to tribals and pastoralists, and access to common property resources.
- Establish a National Land Use Advisory Service, which would have the capacity to link land use decisions with ecological meteorological and marketing factors on a location and season specific basis.
- Set up a mechanism to regulate the sale of agricultural land, based on quantum of land, nature of proposed use and category of buyer.

Irrigation

Out of the gross sown area of 192 million ha, rain fed agriculture contributes to 60 percent of the gross cropped area and 45 per cent of the total agricultural output. The report recommends:

- A comprehensive set of reforms to enable farmers to have sustained and equitable access to water.
- Increase water supply through rainwater harvesting and recharge of the aquifer should become mandatory. "Million Wells Recharge" programme, specifically targeted at private wells should be launched.
- Substantial increase in investment in irrigation sector under the 11th Five Year Plan apportioned between large surface water systems; minor irrigation and new schemes for groundwater recharge.

Productivity of Agriculture

Apart from the size of holding, the productivity levels primarily determine the income of the farmers. However, the per unit area productivity of Indian agriculture is much lower than other major crop producing countries.

Table 2: Comparative Yield of Select Crops in Various Countries (Kg/ha)

Country Crop

Paddy Wheat Maize Groundnut Sugarcane

India 2929 2583 1667 913 68012

China 6321 3969 4880 2799 85294

Japan 6414 - - 2336 -

SA 6622 2872 8398 3038 80787

Source: Table 3 of the Fifth NCF Report based on Agriculture At a Glance [2002]

Ministry of Agriculture

In order to achieve higher growth in productivity in agriculture, the NCF recommends:

- Substantial increase in public investment in agriculture related infrastructure particularly in irrigation, drainage, land development, water conservation, research development and road connectivity etc.
- A national network of advanced soil testing laboratories with facilities for detection of micronutrient deficiencies.
- Promotion of conservation farming, which will help farm families to conserve and improve soil health, water quantity and quality and biodiversity.

Credit and Insurance

Timely and adequate supply of credit is a basic requirement of small farm families.

The NCF suggests:

- Expand the outreach of the formal credit system to reach the really poor and needy.
- Reduce rate of interest for crop loans to 4 per cent simple, with government support.
- Moratorium on debt recovery, including loans from non-institutional sources, and waiver of interest on loans in distress hotspots and during calamities, till capability is restored.
- Establish an Agriculture Risk Fund to provide relief to farmers in the aftermath of successive natural calamities.
- Issue Kisan Credit Cards to women farmers, with joint pattas as collateral.
- Develop an integrated credit-cum-crop-livestock-human health insurance package.
- Expand crop insurance cover to cover the entire country and all crops, with reduced premiums and create a Rural Insurance

Development Fund to take up development work for spreading rural insurance.

- Promote sustainable livelihoods for the poor by improving (i) Financial services (ii) Infrastructure (iii) Investments in human development, agriculture and business development services (including productivity enhancement, local value addition, and alternate market linkages) and (iv) Institutional development services (forming and strengthening producers' organisations such as self-help groups and water user associations).

Food Security

The Mid-term appraisal of the 10th Plan revealed that India is lagging behind in achieving the Millennium Development Goals of halving hunger by 2015. Therefore, the decline in per capita food grain availability and its unequal distribution have serious implications for food security in both rural and urban areas.

The proportion of households below the poverty line was 28% in 2004-05 (close to 300million persons). However, in 1999-2000, the percentage of population consuming diets providing less than 2400 kcal (underlines definition of below poverty line) per capita per day was almost 77% of the rural population. Several studies have shown that the poverty is concentrated and food deprivation is acute in predominantly rural areas with limited resources such as rain-fed agricultural areas.

The report recommends:

- Implement a universal public distribution system. The NCF pointed out that the total subsidy required for this would be one per cent of the Gross Domestic Product.
- Reorganise the delivery of nutrition support programmes on a life-cycle basis with the participation of Panchayats and local bodies.
- Eliminate micronutrient deficiency induced hidden hunger through an integrated food cum fortification approach.

- Promote the establishment of Community Food and Water Banks operated by Women Self-help Groups (SHG), based on the principle „Store Grain and Water everywhere'.
- Help small and marginal farmers to improve the productivity, quality and profitability of farm enterprises and organize a Rural Non-Farm Livelihood Initiative.
- Formulate a National Food Guarantee Act continuing the useful features of the Food for Work and Employment Guarantee programmes. By increasing demand for food grains as a result of increased consumption by the poor, the economic conditions essential for further agricultural progress can be created.

Prevention of Farmers' Suicides

In the last few years, a large number of farmers have committed suicide. Cases of suicides have been reported from states such as Andhra Pradesh, Karnataka, Maharashtra, Kerala, Punjab, Rajasthan, Orissa and Madhya Pradesh. The NCF has underlined the need to address the farmer suicide problem on a priority basis. Some of measures suggested include:

- Provide affordable health insurance and revitalize primary healthcare centres. The National Rural Health Mission should be extended to suicide hotspot locations on priority basis.
- Set up State level Farmers' Commission with representation of farmers for ensuring dynamic government response to farmers' problems.
- Restructure microfinance policies to serve as Livelihood Finance, i.e. credit coupled with support services in the areas of technology, management and markets.
- Cover all crops by crop insurance with the village and not block as the unit for assessment.
- Provide for a Social Security net with provision for old age support and health insurance.

- Promote aquifer recharge and rain water conservation. Decentralise water use planning and every village should aim at Jal Swaraj with Gram Sabhas serving as Pani Panchayats.
- Ensure availability of quality seed and other inputs at affordable costs and at the right time and place.
- Recommend low risk and low cost technologies which can help to provide maximum income to farmers because they cannot cope with the shock of crop failure, particularly those associated with high cost technologies like Bt cotton.
- Need for focused Market Intervention Schemes (MIS) in the case of life-saving crops such as cumin in arid areas. Have a Price Stabilisation Fund in place to protect the farmers from price fluctuations.
- Need swift action on import duties to protect farmers from international price.
- Set up Village Knowledge Centres (VKCs) or Gyan Chaupals in the farmers' distress hotspots. These can provide dynamic and demand driven information on all aspects of agricultural and non-farm livelihoods and also serve as guidance centres.
- Public awareness campaigns to make people identify early signs of suicidal behavior.

Competitiveness of Farmers

It is imperative to raise the agricultural competitiveness of farmers with small landholdings. Productivity improvement to increase the marketable surplus must be linked to assured and remunerative marketing opportunities.

The measures suggested by NCF include:

- Promotion of commodity-based farmers' organisations such as Small Cotton Farmers' Estates to combine decentralised production with centralized services such as post-harvest management, value

- addition and marketing, for leveraging institutional support and facilitating direct farmer-consumer linkage.
- Improvement in implementation of Minimum Support Price (MSP). Arrangements for MSP need to be put in place for crops other than paddy and wheat. Also, millets and other nutritious cereals should be permanently included in the PDS.
 - MSP should be at least 50% more than the weighted average cost of production.
 - Availability of data about spot and future prices of commodities through the Multi Commodity Exchange (MCD) and the NCDEX and the APMC electronic networks covering 93 commodities through 6000 terminals and 430 towns and cities.
 - State Agriculture Produce Marketing Committee Acts [APMC Acts] relating to marketing, storage and processing of agriculture produce need to shift to one that promotes grading, branding, packaging and development of domestic and international markets for local produce, and move towards a Single Indian Market.

Employment

Structural change in the workforce is taking place in India, albeit slowly. In 1961, the percentage of the workforce in agriculture was 75.9%. While the number decreased to 59.9% in 1999-2000. But agriculture still provides the bulk of employment in the rural areas.

The overall employment strategy in India must seek to achieve two things. First, create productive employment opportunities and second to improve the 'quality' of employment in several sectors such that real wages rise through improved productivity. The measures to do so include:

- Accelerating the rate of growth of the economy;
- Emphasizing on relatively more labour intensive sectors and inducing a faster growth of these sectors; and

- Improving the functioning of the labour markets through such modification as may be necessary without eroding the core labour standards.
- Encourage non-farm employment opportunities by developing particular sectors and sub-sectors where demand for the product or services is growing namely: (i) trade, (ii) restaurants and hotels, (iii) transport, (iv) construction, (v) repairs and (vi) certain services.
- The "net take home income" of farmers should be comparable to those of civil servants.

Bio resources

Rural people in India depend on a wide range of bio resources for their nutrition and livelihood security. The report recommends:

- Preserving traditional rights of access to biodiversity, which include access to non-timber forest products including medicinal plants, gums and resins, oil yielding plants and beneficial micro-organisms;
- Conserving, enhancing and improving crops and farm animals as well as fish stocks through breeding;
- Encouraging community-based breed conservation (i.e. conservation through use);
- Allowing export of indigenous breeds and import of suitable breeds to increase productivity of nondescript animals.

The Mandsaur Incident:

At least five farmers were killed and several injured in Madhya Pradesh's Mandsaur district when police fired on protesters demanding better prices in the drought-ravaged region that recorded a farm suicide every five hours in 2016-17.

Below is a detailed account of how the violence escalated

June 1: The agitation starts and farmers stop vehicles carrying milk, vegetables. At some places, protesters pour the milk on roads and throw away the vegetables. This goes on for the next four days.

June 5: Farmers head to Pipliyamandi and forcibly close traders' shops. A few traders resist and their shops are vandalised. After a majority of protesting farmers leave, traders allegedly catch hold of the remaining few and thrash them. One of the farmers suffers a head injury and is sent to a hospital in Udaipur in Rajasthan. Farmers allegedly burn down the houses of traders in retaliation.

June 6: Farmers find out traders are at Pipliyamandi police station to lodge a complaint against them. The farmers head to the police station and demand the traders be handed over to them. The police refuse and CRPF is called in. Agitated, farmers allegedly start throwing stones. The forces retaliate and shots are fired at the farmers.

Five farmers are killed in two separate incidents. State home minister Bhupendra Singh says, "There were two incidents at Pipalia. In one of the incidents police had to fire in self-defence when a mob gheraoed the police station. In the other incident, the police fired when there was firing from the mob."

Following the farmer deaths, protesters torch trucks and other vehicles on the Neemuch-Mhow highway. Police keep their distance and the frenzied mob sets more than a dozen vehicles on fire.

June 7: Farmers start a chakka-jam (blockade) on the highway at Barkheda with the body of one of the slain farmers, Abhishekh Patidar. They heckle and manhandle Mandsaur district collector Swatantra Kumar Singh when he approaches them to complete Patidar's last rites and ensure peace.

The protesters perform Patidar's last rites, but continue the highway blockade during which vehicles are torched again. Among the vehicles set on fire is a multi-axle vehicle transporting new motorbikes.

Protesters also torch a small factory in the area, owned by one of the traders they suspected of having beaten farmers two days ago.

The police arrive at the arson site nearly an hour later. The protesters make a run for villages nearby and police do not give chase.

Some protesters also heckle journalists covering the unrest.

Important Resources:-

- [Why Mandsaur farmers are angry? All you need to know about the Madhya Pradesh agitation](#)
- [Mandsaur agitation: Rahul Gandhi says govt at war with farmers, Congress calls bandh](#)



Goods and Service Tax Bill

Goods and Services Tax (GST) is an indirect tax throughout India to replace taxes levied by the central and state governments. It was introduced as The Constitution (One Hundred and Twenty Second Amendment) Act 2017, following the passage of Constitution 122nd Amendment Bill. The GST is governed by the GST Council and its Chairman is Union Finance Minister of India - Arun Jaitley. The GST will replace at least 17 state and federal levies, making the movement of goods cheaper and seamless across a market holding 1.3 billion consumers, which is about four times the size of the U.S. population. It would be simpler than the current system, where a good is taxed multiple times at different rates. The underlying principle is to tax goods at the point of consumption rather than production thus avoiding double taxation. All taxes that are levied while purchasing goods, will include both the central government's taxes as well as the state government's taxes. The move would deter state governments from indiscriminately increasing taxes fearing public backlash. GST can boost economic growth by as much as 2 percentage points, according to Finance Minister Arun Jaitley. Greater tax compliance has the potential to boost revenues for the government, helping narrow Asia's widest budget deficit and allowing more funds to be allocated to schools and highways. The GST Council has approved a for rate structure – 5%, 12%, 18% and 28% – with most goods likely to fall in the 12% and 18% rate. In addition, a cess will be levied on luxury and sin goods as well. The law provides for a maximum GST rate of 40% (20% central GST and 20% state GST).

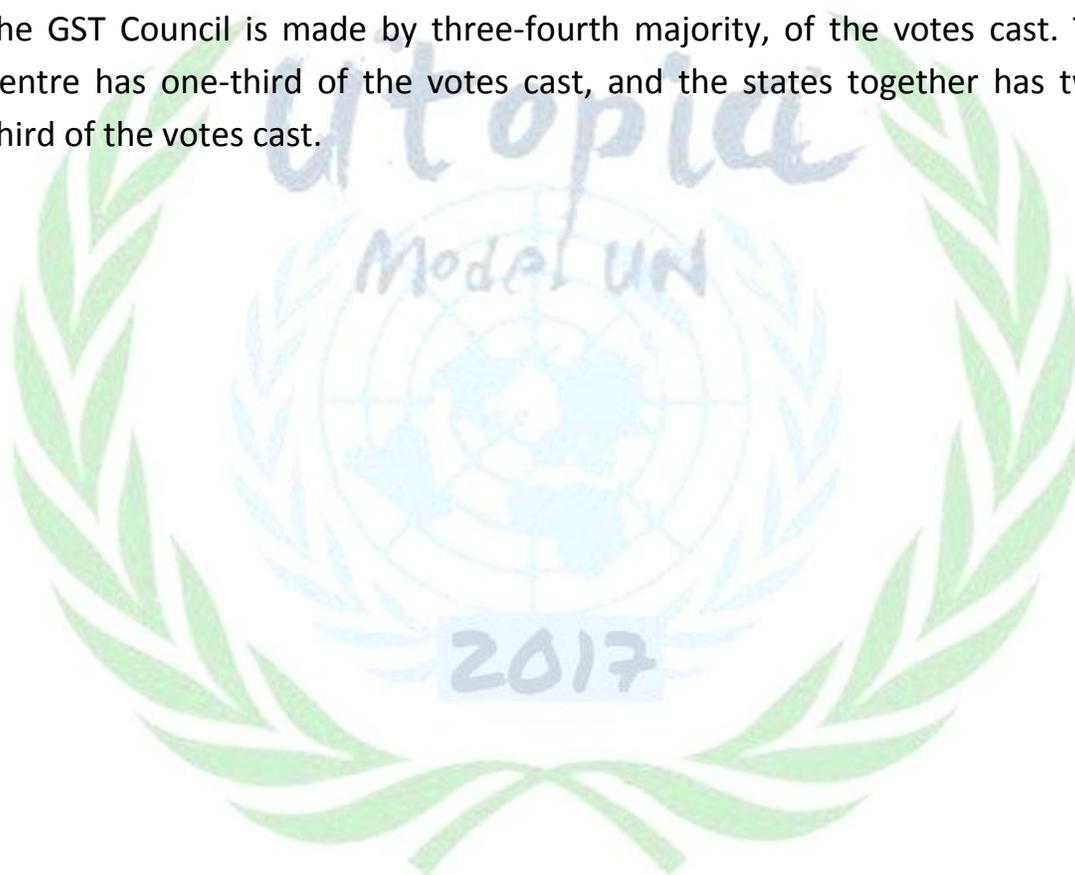
4 Bills passed by the Parliament:-

- The Central Goods and Services Tax Bill, 2017 was introduced in Lok Sabha on March 27, 2017. The Bill provides for the levy of the Central Goods and Services Tax (CGST).The centre will levy CGST on the supply of goods and services within the boundary of a state. Supply includes sale, transfer and lease made for a consideration to further a business.

- The Integrated Goods and Services Tax Bill was introduced in Lok Sabha on March 27, 2017. The Bill provides for the levy of the Integrated Goods and Services Tax (IGST) by the centre on inter-state supply of goods and services. The centre will levy IGST in cases of (i) inter-state supply of goods and services, (ii) imports and exports, and (iii) supplies to and from special economic zones. Supply includes sale, transfer, exchange and lease made for a consideration to further a business. In addition, IGST will be levied on any supply which will not fall under the purview of the Central and State GST Acts.
- The Goods and Services Tax (Compensation to States) Bill, 2017 was introduced in Lok Sabha on March 27, 2017. The Bill provides for compensation to states for any loss in revenue due to the implementation of GST. Compensation will be provided to a state, for a period of five years from the date on which the state brings its State GST Act into force. Projected growth rate and base year: for the purpose of calculating the compensation amount in any financial year, year 2015-16 will be assumed to be the base year, from where revenue will be projected. The growth rate of revenue for a state during the five-year period is assumed to be 14% per annum. Base year revenue: the base year tax revenue consists of the states' tax revenues from: (i) state Value Added Tax (VAT), (ii) central sales tax, (iii) entry tax, octroi, local body tax, (iv) taxes on luxuries, (v) taxes on advertisements, etc. However, any revenue among these taxes related to supply of (i) alcohol for human consumption, and (ii) certain petroleum products, will not be accounted as part of the base year revenue.
- The Union Territory Goods and Services Tax Bill, 2017 was introduced in Lok Sabha on March 27, 2017. The Bill provides for the levy of the Union Territory Goods and Services Tax (UTGST). The centre will levy UTGST on the supply of goods and services within the boundary of a union territory.

GST Council:

The GST bill set up a GST Council. The GST Council's aim is to develop a harmonized national market of goods and services. According to the GST Bill, the President has to constitute a GST Council, within sixty days of the Act coming into force. The composition of the GST Council includes: the Union Finance Minister (as Chairman), the Union Minister of State in charge of Revenue or Finance, and the Minister in charge of Finance or Taxation or any other Minister, nominated by each state government. The decisions of the GST Council are made by a three-fourth majority of the votes cast. The Centre has one-third of the votes cast, and the states together have two-thirds of the votes cast.



Demonetization and Black Money

On 8 November, Prime Minister Narendra Modi announced the biggest-ever demonetisation exercise in India by abruptly withdrawing Rs 500 and Rs 1,000 notes from public use. This was done, in a bid to clamp down on black money, fake currency menace, terror funding and corruption. The PM said there were certain exemptions for the first 72 hours, including permission to use old currency in government hospitals, for buying fuel, medicines, train tickets, airline tickets, in government buses and for paying utility bills. Exchange of notes were initially allowed up to Rs 4,000 while cash withdrawal at ATMs was capped at Rs 2,000 per card per day and withdrawals at banks were allowed with a limit of Rs 10,000 per day and Rs 20,000 per week. Since then, rules have changed many times. After a month of demonetisation, the country was reeling from a cash crunch, as bank branches and ATMs were struggling to meet the cash demand from common people. The demonetisation-resulted cash crunch hit the economy hard, especially in the rural areas. The stated long-term gains are still unclear, while the immediate challenge for the government was to ensure cash shortage eases in the minimum time.

Some positive impacts that were initially laid out by the government were:

- Uprooting the parallel economy, by removing black money and counterfeit money from circulation.
- Impact on banks: more amounts being deposited in Savings and Current Account of commercial banks, hence enhancing their liquidity position, which can be utilized further for lending purposes.
- Increase in usage of Online Transactions and alternative modes of payments

The opposition labelled it a political stunt, keeping in mind upcoming elections and said that it did not affect the black money problem much.

Some negative impacts presented by the opposition were:

- A study by the National Investigation Agency and the Indian Statistical Institute, in 2016, estimated that fake Indian currency notes in circulation have a face value of Rs 400 crore. This is an incidence of fake currency of 0.022%. The scale of counterfeiting of the Indian rupee, is not out of line with what is seen in other countries. The procedures adopted worldwide to address this include investigative actions against counterfeiters, phased replacement of old series of notes with new notes that have better security features, etc. De-monetisation is generally not seen as a tool for dealing with counterfeiting.
- The analysis presented in the Finance Ministry's White Paper on Black Money, 2012, shows (on page 47) that, on an average, the amount of cash seized during raids by income tax authorities is 4.88 percent of total undisclosed income admitted in those cases. This data is from more than 23 thousand warrants executed. Even if this decision inflicted a 100% loss upon holders of unaccounted cash, this would imply a loss of 4.88% of their total unaccounted wealth, which is not much of a shock for those with such wealth. If, as is more likely, the demonetisation had imposed a 40% loss upon holders of unaccounted wealth (who suffer a 40% discount when laundering the money), this implies a loss of about 2% of unaccounted wealth.

Electoral Reforms

Main Issues in Electoral Politics of India: –

Currently, elections are not being held in ideal conditions because of the enormous amount of money and muscle power needed for winning the elections. In addition, there are many factors on the basis of which election is fought, like poverty, casteism, communalism, criminalization of politics, poll violence, booth capturing, non-serious independent candidates, unemployment, etc.

Money power: In each constituency, a prospective candidate has to spend millions of rupees towards campaigning, transport, publicity etc. The gap between the expenses incurred and the amount which is legally permitted, is increasing over the years.

Muscle Power: Use of Violence, pre-election intimidation, booth capturing are mainly the products of muscle power. These are prevalent in many parts of the country like Bihar, Western UP etc. and are slowly spreading to south India.

Criminalization of politics and politicization of criminals: These issues are two sides of the same coin and are mainly responsible for the manifestation of muscle power at elections.

Politicization of criminals: Criminals enter politics to gain influence and ensure that cases against them are dropped or not proceeded with. Also, political parties field criminals in elections for funds and in return provide them with political patronage and protection

Misuse of Government Machinery: It is generally complained that the government in power, at the time of election, misuses official machinery, to improve their candidates' election prospects. The misuse of official machinery, takes different forms. For example, use of government vehicles for canvassing, advertisements at the cost of government and public exchequer, highlighting their achievements, disbursements out of the

discretionary funds at the disposal of the ministers, etc. This gives an unfair advantage to the ruling party at the time of elections.

Non serious Independent candidates: Non-serious candidates are largely floated by serious candidates either to cut sizeable portion of votes of rival candidates, or to split the votes on caste lines or to have additional physical force at polling station and counting centers

Casteism: There are cases of certain castes lending strong support to particular political parties. Thus, political parties make offers, to win different caste groups in their favor. Caste groups also try to pressurize parties, to give tickets for its members. Caste based politics is eroding the “unity” principle, in the name of regional autonomy. Thus, caste has become a prime factor in winning elections and candidates are selected not in terms of accomplishments, ability and merit but on the appendages of caste, creed and community

Communalism: Post independence, the politics of communalism and religious fundamentalism has led to a number of movements in various regions of the country. Communal polarization has posed a serious threat to the Indian political ethos of pluralism, parliamentarianism, secularism and federalism.

Very Important Topics/Resources:-

- EVM Tampering
- <http://byjus.com/free-ias-prep/electoral-reforms-in-india>
- <http://indianexpress.com/article/opinion/columns/evm-manipulationvote-counting-election-commissionup-electionsmayawati-4593042/>
- <http://www.gktoday.in/blog/key-electoral-reforms-in-india/>
- [http://www.ijhssi.org/papers/v2\(3\)/version-2/A230105.pdf](http://www.ijhssi.org/papers/v2(3)/version-2/A230105.pdf)
- <https://www.mainstreamweekly.net/article1049.html>

Naxalite-Maoist Insurgency

The Naxalite–Maoist insurgency is an ongoing conflict, between Maoist groups, known as Naxalites or Naxals, and the Indian government. The conflict in its present form, began after the 2004 formation of the CPI (Maoist), a rebel group composed of the PWG (People's War Group) and the MCC (Maoist Communist Centre). In January 2005, talks between the Andhra Pradesh government and the CPI-Maoists broke down. The rebels accused authorities of not addressing their demands, for a written truce, release of prisoners and redistribution of land. The ongoing conflict has taken place over a vast territory (around half of India's 29 states) with hundreds of people being killed annually, in clashes between the CPI-Maoists and the government every year since 2005.

The armed wing of the Naxalite–Maoists is called the PLGA (Peoples Liberation Guerrilla Army) and is estimated to have between 6,500 and 9,500 cadres, mostly armed with small arms.

The Naxalites control territory throughout Bihar, Jharkhand and Andhra Pradesh. They claim to be supported by the poorest of the rural population, especially the Adivasis. According to a study of the newspaper The Times of India, 58% of people surveyed in the state of Andhra Pradesh, have a positive perception of the guerrilla, against only 19% against it. The Naxalites have frequently targeted tribal, police and government workers in what they say, is a fight for improved land rights and more jobs for neglected agricultural labourers and the poor. The Naxalites claim they are following a strategy of rural rebellion similar to a protracted people's war against the government.

Timeline:-

2002

The People's War Group (PWG) intensified its attacks against politicians, police officers, and land and business owners in response to a July ban imposed on the group by the Andhra Pradesh government. The government responded by tightening security, allegedly ordering attacks on suspected PWG members by state police and the "Green Tigers". Police forces continued to have virtual impunity for the killing of PWG rebels during police encounters. The Maoist Communist Center rebels intensified their armed campaign against Indian security forces following the killing of their leader by police in December. An estimated 140 people were killed in the fight between the PWG and government forces throughout the year. According to government reports, 482 people died during the conflict that year.

2003

The conflict in Andhra Pradesh intensified, as Naxalite rebel groups, in particular the PWG, continued guerrilla attacks on police and government targets, while the security forces stepped up counter-insurgency efforts. An October assassination attempt on Chief Minister N. Chandrababu Naidu, was consistent with the PWG's practice of targeting government officials to draw attention to their cause. According to independent media reports, as many as 500 people were killed in the conflict, in 2004, half of these were Maoist rebels.

2004

Sporadic, low-intensity fighting between the PWG and government forces continued for most of the year. Attacks on police and TDP party officials, believed to be carried out by the PWG, accounted for most major incidents and deaths. A three-month cease-fire, announced in late June, led to failed negotiations between the government and the PWG. A few days into the

cease-fire, an attack attributed to the PWG placed the cease-fire in jeopardy. More than 500 people were killed in sporadic, low-intensity fighting, a reduction from previous years. Most victims were members of the police forces or the Telugu Desam Party (a regional political party).

2005

Violent clashes between Maoist rebels and state security forces and the paramilitary groups increased after the breakdown of peace talks between the PWG and the government of Andhra Pradesh. Rebels continued to employ a wide range of low-intensity guerrilla tactics against government institutions, officials, security forces and paramilitary groups. For the first time in recent years, Maoist rebels launched two large scale attacks against urban government targets. Fighting was reported in 12 states covering most of south, central and north India with the exception of India's northeast and northwest. More than 700 people were reported dead in violent clashes. Over one-third of those killed were civilians.

2006

Maoist attacks continued, primarily on government and police targets. Civilians were also affected in landmine attacks affecting railway cars and truck convoys. Clashes between state police and rebels also resulted in deaths of members of both parties. Civilians were caught in the crossfire. Fighting differs from state to state, depending on security and police force responses. In the state of Andhra Pradesh, security forces have been somewhat successful in maintaining control and combating Maoist rebels. The other state that is most affected, Chhattisgarh, has seen an increase in violence between Maoist rebels and villagers who are supported by the government. In 2006, 500 to 750 people were estimated killed, fewer than half Naxalites, and approximately one-third civilians.

2007

Fighting continued between Naxalite Maoists and government security forces throughout the year. The majority of hostilities took place in

Chhattisgarh, which turned especially deadly when over 400 Naxalites attacked a Chhattisgarh police station, seizing arms and killing dozens.

In November 2007, reports emerged that anti-SEZ (Special Economic Zone) movements such as the Bhoomi Uchched Pratirodh Committee in Nandigram in West Bengal, which arose after the land appropriation and human displacement following the SEZ Act of 2005, have joined forces with the Naxalites since February to keep the police out. Recently, police found weapons belonging to Maoists near Nandigram. Civilians were forced to choose between joining the Maoist insurgency or supporting the Salwa Judum and face coercion from both sides. According to news reports, this conflict resulted in 650 deaths during 2007; of these 240 were civilians, 218 security personnel and 192 militants.

2008

Civilians were most affected in the ongoing fighting between Maoist rebels and government security forces. Of the 16 states touched by this conflict, Chhattisgarh and Jharkhand were the most affected. One positive note for Chhattisgarh was that fatalities, although still high, were significantly down from 2007. Similarly, Andhra Pradesh, the state with the most Maoist activity until a few years ago, has improved security with a corresponding drop in fatality rates. Unfortunately, as conditions have improved in Chhattisgarh and Andhra Pradesh, the Maoist forces seem to have shifted their operations to the state of Orissa where conditions have worsened. South Asia Terrorism Portal's fatality count across the six states that saw the majority of the fighting (Bihar, Orissa, Jharkhand, Maharashtra, Chhattisgarh, and Andhra Pradesh) was 794. This included 399 civilians, 221 security force personnel and 174 insurgents.

2009

In 2009, Naxalites were active across approximately 180 districts in ten states of India.

In September 2009, Prime Minister Manmohan Singh, admitted that the Maoists had growing appeal among a large section of Indian society,

including tribal communities, the rural poor as well as sections of the intelligentsia and the youth. He added that "Dealing with left-wing extremism requires a nuanced strategy – a holistic approach. It cannot be treated simply as a law and order problem." In the first half of 2009, 56 Maoist attacks were reported. The South Asia Terrorism Portal reported 998 killed in the conflict: 392 civilians, 312 security forces and 294 rebels.

2010

During February, the Silda camp attack killed 24 paramilitary personnel of the Eastern Frontier Rifles in an operation the guerillas stated was the beginning of "Operation Peace Hunt", the Maoist answer to the government "Operation Green Hunt" that was recently launched against them. According to Crisis Watch and various news sources, between 500 and 600 people were killed this year. Of those killed, approximately 366 were civilians, 188 were government troops (including police) and 27 were Naxalites. According to South Asia Terrorism Portal and government sources, over 1,000 deaths occurred in the conflict this year. This includes 277 security forces, 277 Naxalites, and more than 600 civilian.

On 6 April, Naxalite rebels killed 76, consisting of 74 paramilitary personnel of the CRPF and two policemen. Fifty others were wounded in the series of attacks on security convoys in Dantewada district in Chhattisgarh. The attack resulted in the biggest loss of life security forces have suffered since launching a large-scale offensive against the rebels. On 17 May, a Naxalite landmine destroyed a bus in Dantewada district, killing up to 44 people including several Special Police Officers (SPOs) and civilians.

On 29 June, at least 26 policemen are killed in a Maoist attack in the central Indian state of Chhattisgarh.

On 29 August, a joint team of BSF and district police was attacked by the rebels in Bhuski village (Chhattisgarh) under Durg Kondal police station in the district while they were conducting routine search operations in the wee hours. Following the attack, the forces retaliated and in the action they lost five security personnel, including three BSF jawans.

On 29 and 30 August, rebels ambushed a joint paramilitary-police team in Bihar, killing 10, wounding 10, taking 4 prisoners and robbing more than 35 automatic rifles from the state forces. The Naxalites later freed 3 of the policemen after Naxal leader Kishenji met with worried family members.

On 12 September, Naxalites killed 3 policemen and took 4 more hostage in an ambush in Chhattisgarh. The 4 policemen were later released without conditions after Naxal leaders listened to the appeals of family members. The freed policemen also promised the Naxals to never take up arms against the insurgency again.

On 5 October, rebels killed 4 Police officers as they were on their way to a market in Maharashtra.

On 7 October, Naxalites attempted derailment of Triveni express, a train of Singrauli-Bareilly route, by removing 4 fishplates and 42 sleeper clips.

On 8 October, Naxalites triggered a landmine in the border area between Chhattisgarh and Maharashtra. The attack killed 3 Indo-Tibetan Border Police (ITBP) jawans, wounded 2 more and destroyed a military jeep.

2011

In May, Naxalites killed and dismembered ten policemen, including one senior officer in the Gariyaband area on the Chhattisgarh border with Orissa. In June, the total fatalities of both the police and the paramilitary were 43. On 21 July 2011, Maoist rebels in the central Indian state of Chhattisgarh blew up a bridge, killing four people and wounding five others. The attack happened, when the Congress party chief of the state, Nandkumar Patel, was returning from a party function.

Despite the continued violence in 2011, the most recent central government campaign to contain and reduce the militant Naxalite presence appears to be having some success, the 2011 toll of 447 civilians and 142 security personnel killed having been nearly 50% lower than the 2010 toll. Some states experiencing this sharp reduction in Naxalite hostilities, such as

Madhya Pradesh, attribute their success to their use of IAP funds for rural development.

2012

In mid-March, Maoist rebels kidnapped two Italians in Orissa. They later released one, while the government of Orissa negotiated for the release of the second. The Maoists released the second hostage in the middle of April. The Member of the Legislative Assembly (MLA) of Laxmipur constituency (Orissa), Jhin Hikka, was abducted by the Maoists in March, who demanded the release of 30 Maoist cadres (presently in jail) in exchange for the freedom of the MLA. The Orissa Government is negotiating with the cadres with the help of arbitrators to free the MLA.

On 27 March, an explosion blamed on Maoists killed 15 Indian policemen in Maharashtra.

2013

The 2013 Naxal attack in Darbha valley resulted in the deaths of around 24 Indian National Congress leaders including the former state minister Mahendra Karma and the Chhattisgarh Congress chief Nand Kumar Patel.

2014

- 28 February 2014 : Six police personnel, including a SHO, killed in Maoist attack in Chhattisgarh.
- 11 March 2014 : 15 security personnel and 1 Civilian were killed in Chhattisgarh Naxal attack in Tongpal village, close to the Darbha Ghat area, of Sukma district in south Chhattisgarh, while they were engaged in a road opening exercise in the area.
- 11 May 2014: 7 police commandos killed in a Maoists landmine blast in the forests of Gadchiroli district of Maharashtra.

2015

- 11 April 2015 : 7 Special Task Force (STF) personnel were killed in a Maoist ambush near Kankerlanka, Sukma, Chhattisgarh.
- 12 April 2015 : 1 BSF Jawan was killed in a Maoist attack near Bande, Kanker, Chhattisgarh.
- 13 April 2015 : 5 Chhattisgarh Armed Force (CAF) Jawans were killed in a Maoist ambush near Kirandul, Dantewada, Chhattisgarh.

2016

- 30 March 2016 : 7 CRPF Jawans were killed in Dantewada attack by Naxalites.

2017

- 24 April 2017 : 25 CRPF Jawans were killed in Sukma, Chhattisgarh, in an attack by Maoists.

CONCLUSION- General Election, 2019. All the above mentioned issues will have a significant impact on the results of the upcoming elections.