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INDIAN STUDIES REVIEW

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Contents

1. Gender Stereotypes in Judiciary: Decisions in the Shadow of Sexism	1
– <i>Dr. Amreen Ameer Mailanchi & Prof (Dr.) S. Vinod Kumar</i>	
2. Sanskrit in Post Colonial India: A Study from 2014-2023	15
– <i>Dr. Mithila Bagai</i>	
3. Indianisation of the Indian Legal System: Mapping the Relevance of the Ancient Indian Jurisprudence	32
– <i>Dr. Mohammad Nasir & Samreen Ahmed</i>	
4. Hydropolitics in South Asia: Unravelling Afghanistan's Hydro-Political Challenges and Regional Cooperation	58
– <i>Pintu Kumar Mahla & Shivendra Shandilya</i>	
5. Indigenous Knowledge, Insights and Strategies of Disaster Risk Reduction and Resilience of Coastal Blocks of Purba Medinipur District, West Bengal: The Paradigm Shift from Vulnerability to Strength	81
– <i>Dr. Manishree Mondal, Chayon Chakraborty, Puja Karmakar & Dr. S.K. Mustak</i>	
6. Quadrilateral Security Dialogue; the Great Democratic wall to Siege the Great Firewall	119
– <i>Dr. Kalpana S. Agrahari</i>	
7. Gender Mainstreaming in International Relations: A Case of Swedish Feminist Foreign Policy	135
– <i>Annasab Shivaling Mirje & Dr. Girija K.S.</i>	
Book Review	151

Indian Studies Review is a Multidisciplinary, UGC-Care listed, Peer-reviewed, academic journal published twice a year (January and July) both online and in print from Delhi. It welcomes original research articles from authors doing research in social sciences and its sub-disciplines. The objective of the journal is to provide platform to the researchers, academicians, policy makers and policy practitioners to engage with issues of contemporary relevance in polity, economy or society and initiate a scholarly intellectual debate through their research monographs. Articles must have a theoretical structure and methodological insight employed in the critical and objective enquiry. Review articles and book reviews are also welcome.

Gender Stereotypes in Judiciary: Decisions in the Shadow of Sexism

Dr. Amreen Ameer Mailanchi¹ & Prof (Dr.) S. Vinod Kumar²

ABSTRACT

Inequalities that exist between men and women explain the sexism that prevails in society. To overcome sexism in society it has to be dismantled but it manifests both overtly and covertly among every stratum of people and can even be seen in the judiciary. It is also notorious that judges, judicial officers and lawyers negotiate sexism on an everyday basis. In the judiciary, it is expected that judges do not depend upon stereotypical decision-making and rather engage in challenging and dismissing detrimental stereotypes. Damaging stereotypical thinking may not do justice to the objective and impartial application of law thereby leading to discrimination and segregation. Are judges gender-neutral? This paper tries to shed light on domains where sexism is seen in the judiciary.

Keywords: *Gender Stereotypes, judicial decision-making, sexism in the judiciary*

INTRODUCTION

Perceptions related to the central role that men as well as women perform in their society are linked to sexism. The assumptions related to sexism usually manifest themselves as gender stereotypes. It can rank one gender as superior over another and can result in unconscious bias. It can also be seen that sexist language is overt in conversations but is ignored mostly by people as most of them are not aware of it as sexist. Generally, people use male-gendered generics which are words such as ‘he, man, chairman or mankind’ to signify both genders. These male-gendered words tend to strengthen gender stereotypes (Chew & Chew, 2007). Raising issues on the use of sexist language may even be criticized as trivial things as people usually do not find it very sensitive.

According to Sapir-Whorf's hypotheses, the perception of reality is also moulded by how individuals talk or communicate (Perlovsky, 2009). Because the generic statements of ‘man’ create an image of man and thus individuals

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mould thinking based on it. Examples of gender generic language are ‘chairman, mailman, and fireman’ which gives an impression that it’s all operated by men. This gives women a secondary status than men (DeJesus, Umscheid & Gelman, 2021). Over the years this paved the way for gender-neutral language (Sarrasin, Gabriel & Gyax, 2012) and the measures to develop ‘gender-neutral language’ are demonstrated in the writings of three editions of ‘Legal Writing Style’ (Law Institute, 2022). In the 1961 edition gendered and sexist language was used as instructions for lawyers and more precise writing emerged in 1980- the second edition of Legal Writing Style and further gender-neutral language emerged in 2018 third edition (Ware, 2020). Recently in 2003, Supreme court has released Handbook on Combating Gender Stereotypes and has given proper guidelines on discarding earlier used terms related to sexism and gender stereotypes (Handbook on Combatting Stereotypes, 2023).

Students of law learn the technical language related to the law from the referral casebooks and are filled with constitutional rights framed in language that excludes women (Rose, 2010). Changes from this that have happened over the years can be seen in modern legal writings, texts and style manuals avoiding the gendered generics (Ware, 2020). To have ‘gender-neutral language’ masculine as well as feminine nouns and pronouns which were indicated for men and women were primarily dodged. This was followed in the ‘The Dictionary of Occupational Titles’ released by the U.S Department of Labour which provided ample examples such as referring to ‘fisherman’ as ‘fisher’, ‘workman’ as ‘worker’, ‘repairman’ as ‘appliance repairer’ and so on (Benator, 2005; Dictionary of occupational titles, n.d). The Marylebone Cricket Club which is in London have formally renamed the term ‘batsman’ as ‘batter’ which is a gender-neutral term.

Nevertheless, educated groups of people in the present world use male-gendered generics in their day-to-day conversations and writings. Male-gendered generics are examples of subtle sexism. It is widely used in the legal world even today after so many reformations. Language reflects our perception and male-gendered generics shape our perception and are associated with gender-related attitudes (Perlovsky, 2009). A very minority of people understand that sexist language exists in classrooms, courtrooms, and newspapers and is engraved as well as encrypted on shrines, laws and inscriptions (Chew & Kelley-Chew, 2007).

Law during earlier years reflected patriarchal societal laws and can be seen as men- centric (Rifkin, 1980). Courts in India are proactive against

discrimination and contribute to improving the living conditions of women as they believe that women also deserve sexual freedom and not subordination (Fredman, 2012). Courts very strongly support this and sexual harassment issues were taken cognizance of and provided safety measures through issuing Vishaka guidelines and later on the POSH Act (Saluja, Gosain & Mahajan, 2020). Over time when there were voices against paternalism and paved the way for gender neutral laws it was supported by feminist jurisprudence which works against subordination and promotes gender equality. The legal world also can be looked up in the eyes of feminist jurisprudence (Smith, 2010). Misogynism and gender inequalities were taking place even in Supreme court during these years. To mention, in the year 2019 there were issues of sexual harassment raised by junior court officer against the CJI Ranjan Gogoi. Followed by the allegation the Supreme court secretary denied the allegation without proper investigation and left the complainants allegations unaddressed and victimized. In the process of inquiry, the final verdict highlighted the loopholes in judiciary and gender prism.

Even in this era, discrimination pushes women behind and those who are equally efficient as men are in a disadvantaged position (Reuter, 2005). Feminist jurisprudence mainly stresses that gender is human made whereas sex is not so (Barnett, 2013). Over the years, there were changes in the discrimination against women as lawmakers and judiciary have tried to wipe out gender bias and significant changes were brought about once the gender-neutral law evolved. It is noteworthy that the judiciary was been proactive in eradicating gender discrimination. Even when gender-neutral laws and eradication measures are going on sexism is not out of judiciary (Rachlinski & Wistrich, 2021). This paper tries to portray the different perspectives where sexism is reflected in the judiciary.

DEVELOPMENT OF GENDER BIAS

Looking at the historical perspective it can be observed that men are glorified in the olden times. These led to misuse of power and they started overpowering the womankind thereby considering women as lesser. Over the years the male-centered past has imbibed stereotypical thinking in the thoughts of generations in concepts of human nature, gender potential and social arrangements. Not only these but the cognitive, linguistic, judgement and construction of the legal aspects are also masculine-centered. This automatically reinforces the male values and prioritizes their priorities (Ware, 2020).

Also, the prejudice exhibited toward one gender over another or gender bias is frequent today. This is imbibed in us through culture, upbringing and personal experiences. Males as well as females are no exception to this as ‘doctor’ or ‘engineer’ is assumed as male for a large majority of the time and ‘teacher’ is assumed to be female most of the time. Women lawyers face more hurdles than men in terms (Brooks, 2021; Durant, 2004) of how their demeanor is. When the same demeanor is exhibited by males, they are judged differently than women. Angry and frustrated male advocates are often considered assertive whereas women are considered temperamental and irrational in the same instance (Dispenza, Watson, Chung & Brack, 2012).

Even though the legal system has made noteworthy steps in addressing gender bias it is still affecting both genders in one way or another. Women must be energized to rise above the biases, implicit and actual by honing their styles.

JUDGES AND GENDER BIAS

Judges are expected to be impartial, independent and disengaged by the judicial conduct all over the world. These attributes are designed with the expectation to ensure the law is applied neutrally. The judge is also an individual who has values, life experiences, ethnicity and other factors (Handbook on Combating Gender Stereotypes, 2023; Turner, 2009). These factors are important in molding a person and shaping their perspective. So, when a judge ascends the bench, their perspective is not left behind. It is unrealistic to ask a judge to leave their acculturation at home or self at home. Gender is also an important aspect of acculturation and it continues to influence throughout their lives (Smith, 1994).

Judges are critical in settling disputes and every party approaching the court deserves a fair hearing. Judges thus ensuring justice for them are praiseworthy. However, then judges are from different backgrounds besides people entering the court are also from varying backgrounds (Smith, 1994). The judge will not always have the same background as that of litigants also sometimes the judge may have the same viewpoint as that of the litigant (Voorhoeve, 2023). The judge’s upbringing and that of the defendants may be different and it can have an impact (Smith & Levinson, 2011). Therefore, a judge needs to be aware of point of view as it is the initial step towards understanding others' points of view.

It is a fact that once an individual forms a perspective, they frame all the opinions based on that opinion. Culture might have trained individuals to form

such perspectives. judges as individuals also might have formed perspectives in a particular way and it might be difficult for them to assume another's point of view (Mikkelson, 1998). Also, there are influences of dominant groups over submissive groups and hypothetically if the judge is from a dominant group and the litigant from a submissive group then it can have an influence. And so, it's important to understand the social relations and reasoning as well as to be impartial and egalitarian approaches to be followed (Lahav, 2012). Gender bias is prohibited in judicial conduct, even though gender discrimination occurs, it sometimes happens for the benefit of women. Sexism is rooted in the belief of humans with women being perceived as entitled to do certain duties and are also glorified thereafter. For example, women are stereotyped for their natural reproduction where they are entitled to look after children. Men are considered less capable than women in taking care of children and thus women are considered to have privilege for custody in court. Judges consider women in custody cases and women benefit in court this way even when it is the case of sexism.

SEXISM USED IN DEFENCE OF GUARDING WOMEN

According to Glick and Fiske, (1996), hostile sexism is “antipathy toward women who are viewed as usurping men’s power”. Benevolent sexism on the other hand is “a subjectively favourable, chivalrous ideology that offers protection and affection to women who embrace conventional roles”. Hostile sexism leads to negative attitudes towards women. Benevolent sexism involves the subjective attitude that women are inferior to men (Barnes et. al. 2018). Structural inequalities among men and women can be seen in both benevolent and hostile sexism (Cassese & Holman 2016). Benevolent sexism also stems from implicit and explicit stereotypical thinking that creates damaging consequences for females (Mellisa & Breger, 2019).

Benevolent sexism implies that the stereotypical characters credited to womenfolk generate rewards for women in some situations and trouble in some other situations (Dardenne, Dumont, & Bollier, 2007). There are certain beliefs which are common that women make better parents (Ellemers, 2018) are examples of benevolent sexism. This stereotypical thinking that women make better parents benefits female litigants in family courts in child custody cases. The drawback or disadvantage of this thinking is that those with this belief also believe that the proper role of women is parenting and consequently will have difficulties in hiring them for jobs and promoting them. These kinds of impacts will be happening in child custody and sentencing decisions

(Ware, 2020). As judges might also have the belief that women make better parents this may sway judges as well as make them decide accordingly. For example, Roxann Sharma vs Arun Sharma led to a landmark judgement which was pronounced by Supreme court in legal battle of child custody case. It was ruled by Supreme court that a child who is under five years of age will remain with mother. Courts adhere to the notion that fathers are less capable of giving emotional support and stability to their children. There is bias against men in child custody battles and it causes mental agony to them when fathers are capable enough to look after the kid. These beliefs are due to the schema formed earlier in life about sexism.

Irrespective of women's benefits or losses gender creates an influence as both benevolent and hostile sexism belong to dual sides of a coin (Hammond, Milojev, Huang, & Sibley, 2018). In several situations, justice is found not to be gender neutral and it is observed that gender matters to judges. As law affords judge's discretion there are chances that judges are influenced by benevolent sexism (Jacobi & Schweers, 2017).

STEREOTYPES AND DECISION-MAKING

Gender stereotype is having a generalized view or preconceptions of attributes or characteristics which are to be performed by men and women. When gender stereotype tries to withhold one's capacity to advance in their personal and professional life it is considered damaging (Ellemers, 2018). When inferences are made according to gender and related attitudes it will amount to prejudicial in judiciary. For example, stereotypical thinking related to gender influences the rights of women in matters related to sexual as well as reproductive health (Ware, 2020). When the rights of women are denied and violated this affects them. These come from the deeply rooted social system that existed and concepts related to patriarchy glue them.

In 2023, Supreme Court released a handbook on handling gender stereotypes as they recognize the stigma and disparities that exist. Judges may make decisions according to the personal beliefs they carry rather than facts and standards. They can penalize a victim based on their preconceived beliefs which are not by law. These kinds of rulings and decision-making are against the legal system and each individual has the right to have an impartial judgement on their case (Handbook on Combating Gender Stereotypes, 2023). In the handbook it highlights certain terms earlier used in court language shall be replaced with new terms which is gender neutral. It also calls attention on multiple levels of prejudice in legal language. For example, certain alternate

language is suggested in the book instead of stereotype promoting language which are ‘woman’ instead of ‘career woman’, ‘home maker’ instead of ‘house wife’, ‘relationship outside of marriage’ instead of ‘affair’ and so on.

There are several forms of stereotypes and those associated with reproduction are related to sexuality, pregnancy and motherhood. There is a general notion that women and adolescent girls are emotionally weak and are not capable of making coherent decisions. Consequently, elderly male members make decisions for them. Information related to sexuality and reproduction is not properly given in the concept that teenage girls misuse them. It is also stereotypical thinking that married women shouldn’t use contraceptive pills are also popular thinking. Women who seek contraception are promiscuous and they are expected to be chaste. There are also other stereotypical thoughts about women in which people think women who are disabled are incompetent in parenting and trans people are deviant (Ware, 2020).

There are also stereotypes related to family and its relations. Of that major one is that arranged marriages are more supported than love marriages. In India, especially it is considered arranged marriages offer stability and protection as well as it is seen that parents often support it. Consequences of love marriage are usually carried on by the couple alone. It is also considered that divorces are higher in love marriages as compared to arranged marriage and very less number of people opt love marriage due to various reasons like religious disputes, cultural differences etc. If involved in unsanctioned romantic relationships it leads in some places to honor killings in India. Likewise, disparate ages in the case of marrying are justified. Men are justified when they do not take care of children as they are considered irresponsible and not capable of connecting to their children. Another thinking is that men are supposed to protect women.

JUDICIAL STEREOTYPING

Judges may ascribe an individual’s characteristics just because of the membership in a particular social group. In this case, the judges perpetuating harmful stereotypes are not challenging the stereotyping. Generally, individuals associate men in the direction of careers and women associated with homemaking. Also, violent crimes are associated with men. These implicit biases can consequently lead to stereotypical decision-making as the same implicit biases that people associate men and women with lead them to make it difficult to believe women can also be successful entrepreneurs, politicians or top executives. Because women are strongly

associated with being a successful homemaker. This biased thinking benefits women in court but may impair women's success in other contexts. The same applies to men wherein are considered to be more prone to violent acts and thus a second alternative for parenting. These are preconceived notions of judges and can influence parental custody. Also, judges believe children are better off with stay-at-home mothers. So, judges try to retain mothers who stay at home. Fathers are less capable as caretakers are all paternalistic viewpoints. Women who might pursue new relationships and pursue jobs face retaliation in child custody and relocation disputes.

'Tender years' presumption in child custody is based on sexism and more women obtaining child custody is evidence of sexism (Roth, 1976). Research has also shown that when the father and mother seek child custody judges grant custody to mothers more often even when the circumstances of the father remain identical. A major disparity which can be seen in gender-related issues is sentencing disparities. Gender comes in the way of decision-making. Discrimination is not limited to any crimes and violent as well as nonviolent crimes are included in this. In violent crimes, benevolent sexism can be seen (Costa, Esteves, Kreimer, Struchiner & Hannikainen, 2019) as there is greater tolerance of spousal violence in benevolent sexism (Sengupta, Hammond, Deak, & Malhotra, 2022). Jain, Kaur & Jain (2020) studied the prevalence of benevolent sexism in India and found that there are high levels of it in Indian men compared to other countries. India's preference for paternalism have paved way for the prevalence of benevolent sexism especially much higher in women than men. Kishore (2023) had done an exploration in Indian women's understanding of benevolent sexism. They identified two global themes as 'being a woman' and 'sexism'. Indian roots and benevolent sexism are found to be related in a study by Mulla and Krishnan (2012).

In juvenile courts, judges might see girls in need of more supervision than boys. Among the judges themselves, male judges favouring mothers more than female judges (Artis, 2004). Judges favoured mothers over fathers and female litigants when every other characteristic was held constant (Ware, 2020). Compassion for female defendants ascends when they have children. Judges also find it rather difficult to sentence mothers than fathers (Tasca, Cho, Spohn & Rodriguez, 2019).

Expressing favour toward 'mother' is according to the norms and standards of the legal system as well as not egalitarian. Judges make determinations based on individual factors and decisions should not be made based on gender. When two parents are contesting for parental custody an identification of

which parent is more entitled to control the child has to be determined rather than not sympathetic attitude favoring mothers. Benevolent sexism in turn strengthens the stereotype of women taking care of children and not men and this may put men at a disadvantage and women at an advantage of getting custody. At the same time female litigants because of the same stereotype are put at a disadvantage when it comes to proving their professional competence. Female litigants who seem not according to the stereotypical thinking are treated more severely (Herzog & Oreg, 2008). In court cases there were instances where mothers prefer not to own the custody of the child and fathers take care of the children. In such cases women are portrayed as ‘bad woman’, ‘selfish’ or ‘career centric’. Here women actually challenged the patriarchal stereotypes.

Rachlinski and Wistrich (2021) conducted a study with 714 trial judges in which hypothetical cases were presented wherein they varied the gender of litigants. In family court cases judges favoured relocation by mothers more often than fathers in otherwise identical conditions. In criminal cases also similar trends were seen as female defendants were sentenced to prison time less than male defendants. Results indicated that there was gender stereotypical thinking among judges and sexism directed against female defendants. They found that judges sorted to benevolent sexism where women regularly experience better sentencing than men. It was very obvious in child custody disputes and criminal sentencing. From this study, it was confirmed that there was gender bias.

In sexual assault cases, judicial sexism can be seen as judges involved in victim blaming. This is regarding the requirement that the female complainants need to qualify as ‘ideal victims’ to receive judicial protection (Lewis, Hamilton, & Elmore, 2021). Ideal victim traits are chaste, respectable and moral. Even though neoliberalism in the 1980s and 1990s paved the way for a shift in the ideal victim it remained relatively constant. Even now dressing style and lifestyle of women are judged and commented on as risky women. When women travel alone, especially at night, they are considered putting themselves at risk and have a high-risk lifestyle. These kinds of thinking and actions on the part of judiciary officers demand women to be watchful of sexual assault (Gotell, 2008). Women need to be mindful of their dressing style, expressions of sexuality and proximity to men. Sometimes women are denied protection as others think women themselves made such situations. Benevolent sexism is involved there and such victims of women are portrayed as protagonists as well as precipitators of sexual assault. Benevolent sexism

is evident in some Indian politicians' statements and in 2014 Mulayam Singh Yadav said that "Boys make mistakes and should not be hanged for it". "Rapes are the outcome of interact freely with men and women" was the statement by Mamata Banerjee (Jain, Kaur, & Jain, 2020)

SEXIST LANGUAGE

The profession of judges can be seen that it depends too deeply on language, and its interpretation and is critical (Handbook on Combatting Stereotypes, 2023). Sexist language is misogynistic but not everyone is aware of it and keeps using such language. Certain times it is very evident that judges too use such language and pass uncalled comments upon female litigants and lawyers. Karnataka high court had remarked that it is "unbecoming of an Indian woman to go to sleep after being raped". And the accused was sanctioned bail related to this paving for a big controversy. These kinds of statements are not rare, unfortunately. These statements come because of the stereotypical thinking that women are caregivers and men are hard workers. Kerala high court had remarked in the Hadiya case that a girl aged 24 years is vulnerable. The high court emphasized the need for parent's concern in her case for marriage as she is considered as not capable enough. Madras high court judge asked a lawyer when she wavered if she had a busy morning. Dressing style, marital status and professional success are all commented upon in court. Sexism manifests both overtly and covertly in the form of mansplaining, infantilism and downright sexual harassment. Women litigants and lawyers negotiate sexism on an everyday basis.

Gender bias in the judiciary makes headlines frequently. In the 2021 case of writer and activist Civic Chandran, the Kozhikode Sessions Court issued an order saying the pictures produced in court of the complainant were "sexually provocative" and granted bail for the accused. This observation was made by Justice S Krishnakumar and High Court intervention was demanded due to controversy. The High Court intervened and said that a woman's dress cannot give license to outrage her modesty.

These kinds of stereotypical thinking set a code that ideal victim status (Bosma, Mulder & Pemberton, 2018) has to be followed and if not adhered to it makes them less of a victim and impairs investigation due to these kinds of preconceived notions. These kinds of thinking are not at the level of judges and its layperson's point of view and neutral spaces in the courtroom is out of the question. Women are not believed properly when they do not adhere to the ideal victim status (Lewis, Hamilton & Elmore, 2021).

Supreme Court of India has published ‘Handbook on Combating Gender Stereotypes’ (2023) which deals with recognizing, considering and battling stereotypes targeted against females. In its glossary, there are gender-unjust terms and alternatives or phrases which shall be utilized by judges in their writings of judgements. The handbook is aimed not to criticize the judgements in past but to throw light on how stereotypes may be unintentionally used.

LITIGANT POINT OF VIEW

Certain clients do not engage women lawyers for their cases as they do not have faith in their competence (Bogoch, 1997, Elsesser, 2018). They often look out for men. Many law firms do not take women lawyers seriously. Some consider taking women as an added burden. If a male lawyer gets aggressive it is considered valorous and at the same time, if women do the same, she’s attacked. Even in the Supreme court when there was case against CJI Gogoi, there was no proper investigation conducted in the earlier stages. Instead, the allegations by the junior court officer were denied and the complainant was not rendered justice as she was not allowed lawyer and was unaware of committee’s procedure thereby leading to the withdrawal of inhouse inquiry and supreme court disposed the case in the light of lack of evidence. This has strengthened patriarchal and misogynist stereotypes inside and outside of court rooms.

CONCLUSION

Gendered words especially male gendered words reinforce gender stereotypes. It can be noted that such use of sexist language is considered insignificant and thereby woman is thought of as secondary. ‘Gender neutral language’ emerged as even in the legal world sexist languages prevailed. Language shapes our outlook on the world and gendered stereotypes shape our gender-related attitudes. Minority comprehends the importance of this and it is noteworthy that the judiciary has been active in avoiding such gender discrimination.

Still, judges may make conclusions as on their beliefs they have rather than facts and standards. They can punish a victim according to their predetermined beliefs which are not by law. These kinds of rulings and decision-making are in contrast to the legal system and every person has the right to have an unbiased verdict on their case.

Judges are trained and expected not to go by prejudice and preconceived notions but to honour their commitments. Judges are often forced into quick

and intuitive thinking and thus they need to be cheered more for deliberative thinking in the courtroom. There are several ways to cultivate deliberative thinking such as developing decision-making checklists, checking for feedback etc. It is seen that judges are swayed by influences when they make decisions. Avoiding such reliance needs training and discipline by judges.

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Sanskrit in Post Colonial India: A Study from 2014-2023

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ABSTRACT

The revival of Sanskrit in India is a post-colonial endeavor to bring in epistemic equality and shed the colonial baggage of Western supremacy from discourses. It's an attempt to reject "native essentialism" that portrays native knowledge as superstitious, inferior and outdated. The paper analyzes how colonialism and neo colonialism disrupted the growth of Sanskrit in India to further its political ends. The methodology adopted for the pursual of the above stated objective is interpretative analysis. The period taken for analysis is 2014-2023. The paper critically looks at decolonizing attempts by post-colonial India to break the power knowledge nexus and present heterogenous and plural model of language and knowledge systems. It also highlights that resting nationalism on the ancient legacy of Sanskrit has ended up more as a vote bank politics rather than a genuine attempt to put forth diverse systems of knowledge and values at international and domestic fora.

Keywords: Sanskrit, Post Colonialism, De-Colonization, nationalism, Knowledge systems, Eurocentrism

INTRODUCTION

Vasudhaiva Kutumbakam, a Sanskrit phrase found in Maha Upanishad which is an ancient philosophical and religious text, that means World is One Family and all the plants, animals, micro-organisms and human beings form One Future. The aforementioned phrase has been announced as the theme of the elite club of G20 where India is chairing the Rotating Presidency from December 1, 2022 to November 30, 2023. Conspicuous in the theme is the use of a Sanskrit phrase and an affirmation of the Sanskritic values that has adorned India's ancient legacy.

India's G20 Presidency also coincides with its Shanghai Cooperation Organization's(SCO) rotating presidency that has bestowed Varanasi with the rotating title of 'Cultural and Tourism capital' for the SCO region.

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Varanasi, well known for being a centre of learning, is also celebrated for its mysticism, spiritualism, Sanskrit and yoga. The list is long where India is unhesitatingly projecting its culture, beliefs, traditions and language on the global platform amidst the global dominance of Western knowledge and values. This postcolonial endeavour underlines the unshackling of colonial baggages and putting forth its renewed confidence in native knowledge constituted in Sanskrit language. It rejects “native essentialism” (Grovoqui, 2013) that emphasises native knowledge as superstitious, inferior, barbaric and uncivilised. It rather highlights native’s heterogeneity and its potential in giving world various perspectives for emancipation from pressing global issues. The legacy of Sanskrit, the ancient language of India was quelled by colonisers to replace it with the dominant language of English and also to create hegemony of the Western values and ideas. In the colonising process, Sanskrit was belittled and degraded with the aim to impose the dominance of the colonial language. This created a binary between English, a “vehicular language”(Grovoqui, 1998) that was categorised as far superior and a language of educated and civilized class and on the other, Sanskrit and other native languages were termed as vernaculars, a language of inferiors, uncivilised and uneducated. The aim of this paper is to look at the postcolonial approach to understand the impact of colonisation on the ancient language of Sanskrit, it’s degradation from the status of the language of elite and learned and the decolonising attempts to look at Sanskrit and the treasure in Sanskrit texts with a renewed vigour from 2014-2023. The methodology adopted for the pursual of the above stated objective is interpretative analysis.

THE POST BY THE POSTCOLONIAL : AN INSIDE VIEW INTO THE KNOWLEDGE PRODUCTION

“We are at a point in our work when we can no longer ignore our empires and the imperial context in our studies” (Said, 1994).

The significant aim of the postcolonial is to unravel the role and impact of colonialism in our studies. They highlight how race and racialised identities form an important part of text determination. Text Determination means how the text, ideas, beliefs and culture forms the basis of any society, economy and polity. Normative and ideational structures are as important as material structures (Smit,2005). But the Right over Text Determination is usurped by colonizers only, depriving the plural and diverse societies of the Right to Explain Their Worlds to The World. It means that every society has its own text and context of knowledge and understanding that has been run over by

the universal understanding of the colonizers. Post Colonials assert that the colonizers decide and determine how should a text be written to perpetuate and advance their Western political and ideological interests. Knowledge is Power (Foucault, 1980). And the power is asserted by the juxtaposition of the domination of colonial knowledge with the subordination and suppression of the indigenous knowledge. Edward Said therefore underlines “We cannot fight for our rights and our history as well as future until we are armed with weapons of criticism and dedicated consciousness” (Said, 2001).

Post colonials give a critical insight into the epistemological terrain traversed by the colonizers to manufacture knowledge that is then classified as “universal” and scientific knowledge. It is accepted as “natural” knowledge which cannot be challenged under any circumstances. The knowledge which challenges colonial knowledge is then condemned as inferior, superstitious, illogical and “The Other”. Post Colonial asserts that this classification of knowledge into Western and Non Western, Us and Others has caused oversimplification and homogenization of understanding of the world that is otherwise heterogenous, plural and diverse. The diversity in the societies has been translated into the depravity in our studies by categorising them into limited paradigms. Post Colonial analysis of the study of impact of colonization goes much beyond the material and resource exploitation. It gives an insider’s view into the machinations of knowledge. It explains how and why a particular form of knowledge is manufactured and then universally supplied for the consumption of the global community. They indeed study how the colonizers have occupied not the territory but the minds, texts and discourses of colonial people that the latter has voluntarily consented to accept the enslavement and supremacy of the colonizers. They have also consented that the knowledge of their world and society is outdated, illiberal and out of sync with contemporary modernity. Gramsci explains this in his concept that he calls as hegemony. Hegemony, Gramsci explains as the ideological, “moral and intellectual leadership” over the allied and subaltern groups (Gramsci, 1971). Post Colonial explains how the colonizers have created the hegemony (Gramsci, 1971) of their ideas, beliefs and institutions, denigrating the native knowledge as superficial, incompetent and redundant. Edward Said in his book *Culture and Imperialism* said that “the history of other cultures is non-existent” (Said, 1993). Post Colonials refuse the hierarchies of knowledge. They are not chauvinistic and do not believe that indigenous knowledge is superior or is above Western Knowledge. Post Colonials are saying that there are many forms of knowledge and Western knowledge is one amongst it. They refuse to accept Western knowledge as universal form of knowledge.

They emphasise on the alternative perspectives. They say there is not One Singular Truth but various Truths, not One History but various narratives and versions of history, not One Reality but many competing realities. They say there exists no hierarchy of ideas rather hermeneutics of ideas to present the multiple Truths of the colonized. They say colonial people have their own truth and history that has been silenced for the vested interests of colonizers. Heterogeneity, pluralism and diversity are the adornments of the post colonials. Post Colonial scholars says that post colonialism is not redundant or outdated concept just because colonialism does not exist now. Rather Post Colonial is not limited to the colonial period. It extends to the distortion and destruction of indigenous knowledge that has been done by colonizers and which is still very much relevant and continuing even after colonialism in the form of “universal” and scientific knowledge. They question this knowledge mafia or the “network of knowledge based experts” that gives fixity and rigidity to knowledge. They seek “epistemic justice” (Sajed, 2022) where they endeavour to put colonized’s knowledge equal to colonizers. They highlight the epistemic violence carried by the colonizers that has deprived the native’s knowledge of their validity, logic, rationale and put forth as superstitious, irrational and illogical. Post Colonials study the genealogy of a text. They underline the linkages between the power and knowledge. They problematize the universalization of knowledge by the Westerners that is passed on as common-sense and normal. They call for inclusion and legitimacy of non-western and indigenous forms of knowledge and diverse epistemic communities to make a salad bowl.

EXPLOITS OF THE COLONIAL: PUSHING SANSKRIT TO THE BRINK

The colonial history of Sanskrit has been tumultuous. Therefore, the need to study the colonial impact on Sanskrit and its fall from prominence is very much required. Sanskrit has become a dead language (Pollock, 2021). This section will deal with the ramifications of the intrusion of colonial British empire into the Indian education system and the deliberate degradation of native languages, our focus will be on Sanskrit in this article, and knowledge as “vernaculars” that etymologically means the language of slaves.

The colonial onslaught on the Indian education system dislodged Sanskrit from its prominent place. Sanskrit has been hailed as language of elite. But this elitism was not at all related with the moneyed class. Rather this elitism was associated with learning, knowledge and enquiry of The Absolute and The Truth. Though the malaise of casteism did exacerbate this true cause. But

that's not the area of focus of this paper.

A paradigm shift brought by the colonial rule completely changed the structure and nature of the Indian education system. The British education policy institutionalised the teaching of Sanskrit and confined it to classroom teaching. This deprived Sanskrit of its agency and its normative and cultural life. It was made into an academic discipline, disconnecting it from culture and society. This was done with the narrow aim of transforming the employees of the Company from tradesmen and merchants into India's ruling elite (Tull, 2015). Second, colonisers wanted to introduce and inculcate the European ideas and philosophy in Sanskrit that they consider as supreme. Another aim was to disseminate Christianity among the people. Therefore, language was not only a medium of communication. But it was constitutive of knowledge, ideas and customs that colonisers wanted to disseminate among the colonial people. Thirdly, Colonial government wanted to have the knowledge of the "Hindoo law". So Sanskrit was taught so as to have a class of 'able magistrates, wise and honest judges, and skilful statesmen properly qualified to conduct the ordinary movements of the great machine of government' (Tull, 2015). Lord Wellesley, the Governor General of India devised the curriculum by restricting it to two areas, the study of Indian languages and of Indian laws and customs. Learning Sanskrit remained fundamental to the higher class curriculum as this language (like Latin in Europe) was the source of various prominent dialects and languages and also the provider of knowledge of Hindu laws, customs, manners, usages and religion, whether to facilitate colonial rule in India or to ground sophisticated specialist debates (Fleming, 2020). Fourthly, Britishers had a malicious aim of bringing Sanskrit scholars and city's pundits under their control by establishing relationships with them. This was purposely done to displace the relationships that kings shared with pandit and scholars. To achieve their aims, the Sanskrit curriculum was systematised and made consistent. The measurement of the achievements and progress of students, introduction of examinations and mandatory attendance, transparency, regularity and predictability in the management of the pedagogy of Sanskrit was started. Organising the learning of Sanskrit in a classroom setting caused the downfall of the language, to an extent that Sanskrit neither remained a subject nor a course in graduation after few years (Tull, 2015). This colonial legacy of rote learning and classroom pedagogy still very much forms part of Indian curriculum system and has reduced the significance of Sanskrit from culture formation to a mere academic course, whose worth is merely analysed on the basis of enrolments or by its speakers. During the Indian freedom struggle in the nineteenth century, the nationalists did fight to reclaim the lost

sheen of Sanskrit and make it the pride of anti-colonial movement but the status of Sanskrit further deteriorated when Left and secular wings started associating Sanskrit with vulgar elitism (Vajpeyi, 2016).

Sanskrit's status and usage also declined due to the 'Grammar Translation Method' introduced by Britishers and that is still followed while teaching in institutions of India. It is surprising to note that the question papers of Sanskrit course in undergraduate and post graduate level in the top ranked University of Delhi are still in English language. Should not the questions in the examination of Sanskrit course be asked in Sanskrit?

It is a telling reminder that remnants of colonialism are still very much entrenched in the minds of society who have long ago got freedom from the political and territorial occupation of the colonials. (India got independence in 1947 and it's been 75 years since India's independence)

Grammar Translation Method was introduced by Britishers to translate Sanskrit literature into other 'less difficult' and easy languages namely English so that the colonisers can be well acquainted with the laws and philosophy governing the Indian society. This colonial legacy has continued till date in imparting Sanskrit education in India. The grave consequence of this method has been that Indians read only translation and are incapable of reading and writing Sanskrit. Normally, a student of Sanskrit can translate Sanskrit to other languages but faces lot of difficulties in translating other languages to Sanskrit. They can understand Sanskrit but cannot converse in Sanskrit. There are Sanskrit departments and classes but there's no favourable environment for Sanskrit. They know about Sanskrit but do not know Sanskrit. Since the Grammar Translation Method actually never taught Sanskrit but only translations, Sanskrit started appearing difficult for students. And to counter this "difficult" subject, rote learning and memorization of Sanskrit started. The better the student is able to memorise, the more marks will be allotted. Therefore, Sanskrit is now termed as a 'scoring' subject. Its life is dependent on scores. The energy, dynamism and life from Sanskrit language and literature have been sapped confining it to an academic subject that has to be scored. Due to this lingering colonial impact, interdisciplinary studies in Sanskrit institutions have become difficult. Grammar Translation Method has been discarded across the world but it's still very much prevalent in India for the Sanskrit learning and teaching in academic institutions. And this is one of the prominent reasons that Sanskrit has not been able to prosper and only 0.00198 per cent of India's population speak Sanskrit language amongst 121 crore (Press Trust of India, 2018).

This historical terrain traversed by Sanskrit is evident of the vicious interplay of power, knowledge, language that was at work. Antonio Gramsci talked about hegemony. And the colonisers wanted to create an hegemony of European ideas and philosophy and relegate indigenous or local knowledge and language to superstitious or irrelevance. The idea was to employ Sanskrit language and infuse Western ideas into India. Western education was promoted as true, rational, logical, valid and scientific and native learning was debased as decadent, irrational and unscientific. This led to the slow dissipation and endorsement of the Sanskritic ideas that was constituted in Sanskrit language. To an extent, that the natives considered their own knowledge as regressive and irrational. This brought in the racialised hierarchy where the Westerners were considered superior and the natives as inferior. It created a binary of 'Us' versus 'Them'. Therefore, one notices how starkly the intersectionality of power, knowledge, language and race brought in the decline of Sanskrit.

But the colonisers aim was not solely limited to spreading Christianity and Western ideas in colonial countries. They also had a larger aim of building and expanding of what English school terms as international society (Bull & Watson, 1985). This international society is dominated by English speaking, western, powerful and rich countries that lays down the terms and conditions for being a member in it. Firstly, there has to be a 'standard of civilization' (Buzan, 2014). And this standard was based on modernity, rationalism, science and logic that Westerners believed was only in Western knowledge and English language. So acceptance of West and Western language, ideas and knowledge became the important marker for being civilised. They heralded the civilizing mission and took on the mantle of civilising the colonial population of so as to fit them into international society. It became a white man's burden to teach them how to behave in international society. English became the medium of instruction as it's also the repository of Western ideas that will facilitate in civilizing the indigenous population of the colonial. So when the institutionalization of education took place in India, Britishers learned and taught Sanskrit for another reason that they can gain affection of Indian people that will facilitate their civilizing mission.

Particularism was given way to universalism. Rather heterogeneity and diversity amongst the colonial population was problematised by the colonisers. The colonisers portrayed diversity as a problem and a source of constant conflict, complications and a curse. Plurality and diversity were not celebrated. Homogenising in the garb of civilising was the solution. The white race and their knowledge systems were considered superior. English

was considered as a sole unifying and centralising force for the international society. Unity was meant as homogeneity. It was not unity in diversity as implied in the Indian context. English came to be naturally recognised as the language of International Society. Second, was the need to emphasise on the capitalist expansion and free trade for which a common English language will be a facilitator. Western language and knowledge deprived the indigenous epistemic community of their legitimacy and authority. The epistemic violence heaped on by the colonisers lent rigidity and fixity to knowledge. The non-western knowledge systems were not recognised or they were excluded from International Society. This led to the loss of moral, social and political imaginaries and possibilities of global reforms. The alternatives to knowledge or language were excluded. Western knowledge was therefore considered as natural and universal knowledge for International Society. So to include and expand the International Society as explained by English School, the colonial race has to train and shape themselves as modern and Western. Edward Said said that Orient was a mythical space created by the Westerners. Similarly, Third World was a myth and the aim was to dominate and suppress the Other knowledge systems. Alina Sajed rightly said Third World became a project (Sajed, 2022). Therefore, in this colonial project of civilizing mission, Sanskrit lost the sovereignty and sanctity of language to English. English became a sovereign language. To an extent, that even in India if there are attempts to allot a superior status to any regional or local language, conflict and allegations of biasedness and discrimination arises as to why other Indian languages were not given privileged status. These are the seeds of conflict that has been sown by the colonisers and they say only English is the way out of this conflicting pluralism.

Post Colonials are trying to understand how English colonised and enslaved the minds to an extent that its ramifications are felt even after the colonies have been freed of colonial rule. They are also attempting at understanding how the colonial policies of civilizing or de-civilizing mission work till date (Cesaire, 1972). Aime Cesaire in his 'Discourse on Colonialism' highlighted that colonialism decivilized the colonial societies by exploiting their raw materials, extracting human labour through slavery and destroying their indigenous crafts, knowledge and means of livelihood. He said that colonialism has led to the dehumanization and thingification of the colonised (Cesaire, 1972). Post Colonialism aims at excavating, adding and diversifying the multiple versions of The Truth.

THE POST COLONIAL ENDEAVOUR : RETRIEVING THE LOST LEGACY OF SANSKRIT

Frantz Fanon in his seminal work of 1961 titled 'The Wretched of the Earth', Chapter Four 'On National Culture', begins by talking about the 'colonized intellectuals'. He says that these intellectuals are trained by colonizers but they react against colonialism and colonizers. Fanon says that colonialism has distorted, disfigured and perverted the past of the colonized people to an extent that they have lost faith and confidence in their own values, knowledge and literature. Rather these oppressed people consider their past as "unworthy and evil". (Fanon, 1961). The local culture has been labelled as mythical folklore or as symbolic rituals. So these colonized intellectuals should carve out a strategy to counter the tendency of debasing the local culture and knowledge and explore their own idea of national culture. Antonio Gramsci in his Prison Notebooks also talks about the need to have counter-hegemony so as to arrest the dominance and prevalence of hegemonic western ideas.

And this is what the post colonial nations have done to assert the personality, legacy and glory of their own nation and culture. And here I will take the example of India and Sanskrit. Colonialism for the contemporary generation is a bygone event. The advent of liberalisation, globalization and privatization in India increased the aspirations of Indians to achieve a comfortable standard of living. Consumerism has become the means to attain their goals of improving their living standards. In this case, colonialism and struggle for national independence is a thing of past that happened 75 years ago and that is not related to the young generations. But the enslavement from colonialism still lingers on very evidently. Though this time the colonialism has not violated the territorial integrity of India but has certainly violated the mental, soul and attitudinal integrity of Indians particularly the youth (that forms 65% of the Indian population that is below 35 years age) by westernising and modernising them in Western knowledge and culture. English is considered the language of elite class in comparison to regional or local languages that is considered secondary or irrelevant.

So the post intellectual class and the post knowledgeable class has found a breather in nationalism to form a national culture as Fanon talks about or a counter hegemony as Gramsci highlights. So how does one define a post intellectual class or a post knowledgeable class? Siba N Grovogui, a post colonial scholar talks about the "network of knowledge based experts" that works to further their own political and ideological agendas (Grovogui, 1998). So a post intellectual or post knowledgeable class is one that does not

consider one form of knowledge as superior or The Truth. Rather they believe in epistemic equality and accommodation of myriad knowledge systems, languages, culture by lending dignity to one and all. They seek epistemic justice for all.

This post intellectual class, in order to re-find worth and dignity in their ancient or knowledge systems, evokes a sense of nationalism. They link their indigenous languages and culture to the pride and glory of their nation. Hence, Sanskrit by the post intellectual class has been considered as a unifying influence for the Indian nation. It is instrumental in assertion and shaping the individuality and personality of a nation that stands unique amidst the dominant culture.

In the Chair of G20 Presidency, India announced the theme of Vasudhaiva Kutumbakam inspired by the ancient Sanskrit quote in MahaUpanishad. The deep philosophical message stands in complete contrast to the dominant realist culture of International Relations that professes zero sum relations among nations that are at constant war with each other. Vasudhaiva Kutumbakam highlights the equality and dignity of all nations that come together to form One Family in the Universe. It nullifies the concept of hierarchy amongst nations.

Prime Minister Narendra Modi can be seen giving a befitting Sanskrit shlokas to make important national or international announcements. He replied the Chinese aggression in June 2020 with a Sanskrit Shloka that upheld the Indian ethos and side-lined the Western hegemonic realist solution for every conflict.

*Vidya vivadaaya dhanam madaaya
Shaktihi pareshaam paripidnaya
Khalsaya sadhu vipritam aetat
Gyanaya Daanaya cha Rakshanaya*

The Sanskrit Shloka means that a deceitful person uses knowledge for arguments, wealth for ego and power to trouble others. On the other hand, a noble person deploys knowledge for wisdom, wealth for helping and power for protecting others. The message signified that the power of the country is in co-existence and empowering one another and not in conflict or in the colonizing tendencies of the Zhongguo or the 'Middle Kingdom' culture. Emergence of post colonialism and rise of multi-polar world have lent power to the discourses, adding to the epistemic hues and shaking the foundations of eurocentrism.

There have been many significant occasions where Prime Minister Narendra Modi has deployed Sanskrit and highlighted the treasure of Indian civilization in it. The use of Sanskrit vocabulary has become so common that in the daily usage also, many Sanskrit words are commonly used without the knowledge that it's a Sanskrit word. Efforts are being made to mainstream the language and the need to look for knowledge and guidance from indigenous and local sources. For example, the government application for combatting Covid that is *Aarogya Setu* is a Sanskrit word meaning a bridge to great health. Sanskrit and the values embedded in Sanskritic texts have been now welcomed by the top ranked management schools that have endorsed the idea of Karma capitalism, inclusive and humane growth. They are extracting important lessons from Bhagvad Gita to combat their high level stress, pressure and conflicts. IIM Lucknow has a compulsory course on 'Human Values and Responsible Citizenship'. IIM Ahmedabad has included classical texts in its course to train and develop responsible and empathetic leadership (Verma, 2018).

But it will be wrong here to assume that indigenous or local cultures are aggressive in annihilating the western knowledge systems and asserting 'The Others' language and knowledge as supreme. The indigenous epistemology do not breed chauvinism. Sanskrit, a means by post intellectual class or political class to define the character of Indian nation, is not for language chauvinism. Sanskrit also is not in competition with Indian regional languages. In reference to a reply by the Minister of Culture in Lok Sabha on 3 February 2020, Jairam Ramesh pointed out that the Centre has spent Rs.640 crores in the last three years on the popularisation of Sanskrit (Press Trust of India, 2020). Twiterrati also reacted by saying why is the Government of India wasting away taxpayers money on the 'dead' language. They also asked why the government is meting out discriminatory treatment to other classical languages by spending more on Sanskrit. This is a significant example that shows how colonialism still persists in the minds of Indians. Britishers policy of divide and Rule is still very much functional in Indian society. Indians have faith and agree majorly on having English as the common language for communication. But the moment past heritage, glory of the traditional knowledge and language is evoked, the 'who's, why, when and how' questions are raised over the attempts at giving more investment, space to one regional language or the other. And this exactly was the purpose of Britishers 'Divide and Rule' policy where if the moment will arise where India's history and glory will be celebrated or eulogised, rivalries within the same nation/ society will emerge to suppress it. For example, the North South divide in the country becomes vociferous when Sanskrit gets investment or recognition (Press Trust of India, 2020).

The failure to understand the lingering impact of colonialism to keep us in a constant state of division, conflict and barbarism fulfils the main aim of colonizers. By looking at the regional rivalries, the colonial population itself start looking diversity as a problem and look for harmony in homogeneity of Western values.

To counter this, may be for post colonial intellectuals, Sanskrit is the starting point to be followed by the renewed pride of other regional languages. Venkaiah Naidu, the former Vice President of India, has suggested both Telangana and Andhra Pradesh to make Telugu as their language of administration and a compulsory subject for getting recruited in government jobs (The News Minute, 2017). The beginning with Sanskrit language is one of the initial attempts to re-search and re-assert the confidence in the traditional knowledge systems. Sanskrit also does not stand in competition with the English language or the Western knowledge systems. Sanskrit stands as a language and as a constituent of knowledge on its own without basing its existence in competition with other languages or knowledge systems. Its resurgence does not announce competition or fear. It's focus is on highlighting the vibrant and dynamic life of Sanskrit. But the continuous epistemic assaults from West have not abated. There have been continuous attempts at disregarding the ontology of the indigenous and local knowledge systems to further their agenda of neo colonialism. Estrada in the recently published journal issue of International Affairs pursues a very reductionist approach to look at the depth of concepts embedded in Sanskrit texts. She says the concept of VishwaGuru professed by India is based on civilizational superiority and the West has agreed covertly on this so as to counter the rise of China (Estrada, 2023).

The emphasis on Sanskrit in a post colonial India is a Straussian endeavour to discover, learn, search and re-search on the wisdom shared by authors in classical texts and add richness to the discourses that can then be applied to find solutions to the pressing global problems. Post Colonialism stands in strong competition to Neo Colonialism.

MYTHS AND MISTAKES OF POST COLONIALISM

The stark reality is that the survival of post colonialism cannot continue by depending on the baton of colonialism. The post colonial nations have evoked nationalism to push their indigenous knowledge and culture out of sense of estrangement and alienation amongst its own people. But this has led to major pitfalls. Here, in this section we will talking in case of Sanskrit language. The authorization of Sanskrit with nationalism by Right wing parties have done more harm to the language. Sanskrit is seen from a narrow view of saffronization that will facilitate in achieving a totalitarian Hindu nationalist

agenda and sustain fascist, majoritarian policies that will be deterrent to minorities (Estrada, 2023). The association with Sanskrit language is also based on vote bank politics. Anthony Downs explains in his Rational Choice Theory that the government in a democracy act or formulates policies that will win maximum number of votes (Downs, 1957). At the international and domestic arena, post colonial scholars or workers have succeeded in highlighting the distinct personality of Sanskrit and making it into a populist agenda to portray itself as the true savior of Hindu religion. But not much genuine effort has been made on ground. Sanskrit has become the vote vending medium where the Right wing parties claim themselves to be the original inheritors of its treasure of knowledge. A distinguished Sanskrit scholar Shastri Kosalendras says “The government under Narendra Modi should have done more for Sanskrit because BJP claims to be the custodian of Hindu traditions” (Goswami, 2019). He complements the unparallel work done by Congress government for the development of Sanskrit language. RSS backed Samskrita Bharati, a not for profit organization dedicated for the revival of Sanskrit also has serious complaints against the BJP government for not doing enough for the growth and protection of the language. Samskrita Bharati had organized a three days *chintan baithak* from 9-11 November, 2019 where more than 4000 delegates of over 17 countries were invited to promote Sanskrit language globally and also to look at the hurdles impeding the growth of the language in the countries. Even Minister of Akhil Bharatiya Srish Dev Pujari lamented the closure of third of 800 Sanskrit schools in Uttar Pradesh, attributing it to the shortage of teachers and funds (Arnimesh, 2019). He also added that the continuation of the insincere attitude will lead to further closure of Sanskrit schools. He highlighted the dwindling number of students taking exams in Sanskrit at the Sampuranand Sanskrit Vishwavidyalaya in Varanasi, a university specializing in Sanskrit language. Over 1.61 lakh students opted for Sanskrit in 2010 that has now reduced to 54,715 in 2019 (Arnimesh, 2019). Srish Dev Pujari lamented that even 10% of the recommendations proposed by the committee headed by Chief Election Commissioner N. Gopaldaswami in 2016 has not been included for the development of Sanskrit. He questions the claimants of Hindu legacy who are in power and have not been able to change the way Sanskrit is taught in schools and colleges. He said, we learnt Hindi through our parent’s communication and not by learning the grammar of Hindi first. Similarly, Sanskrit is to be taught through *sambhashan* (conversation) and not by teaching the rules of grammar first (Arnimesh, 2019). Adding apathy to the state of Sanskrit, is the pitiable treatment meted out to the teachers. About 200 contract teachers organized a sit-in protest at the Delhi headquarters of Rashtriya Sanskrit

Sansthan to demand the regularization of their jobs (Mohanty, 2018). Their complaints were that Prime Minister Narendra Modi, a staunch believer in Hindu nationalist agenda, has not revised their salaries even once. And they also have no provision of provident fund that provides a financial backing and have less leaves. The protestors highlighted that during the Congress government, the salaries of the Sanskrit teachers were revised thrice increasing it from 8000 rupees in 2006 to 41,000 rupees in 2012. The status of Sanskrit can be reclaimed once it provides a gainful employment. But it can be noted that not much jobs are available in the field. While looking for jobs on various portals of government and private, it was found that jobs are not available in Sanskrit discipline. Youth4work, a job search engine, affiliated with a government body AICTE that has almost 5 million users, it was found that that there are no job openings available for 519 candidates who are actively seeking Sanskrit related positions. (Youth4work.com, 2020) It was also found on the portal that the top companies globally that offers highest salary packages in Sanskrit does not have any job openings (Youth4work.com, 2020).

Even a popular job search engine, Naukri.com had very less to offer to Sanskrit graduates or post graduates barring a few minor openings. Monster.com, another job portal had no job listings for Sanskrit professionals. On one hand, where the current government did not have any job opening for Sanskrit discipline. On the other hand, there was a deliberate callousness on part of government to deprive whatever scarce jobs are available in Sanskrit. Sanskrit scholar Kalale Nadadur Varadaraja Iyengar who operates the world's oldest and only surviving daily in Sanskrit, Sudharma has been compelled to seek donation from its 3000 subscribers to keep its newspaper afloat. This appeal came after receiving no response from Prime Minister Narendra Modi, Smriti Irani and Rajnath Singh (Bose, 2016).

The All-India Survey on Higher Education also has a similar story to narrate (aishe.nic.in). Failing to achieve gainful employment in Sanskrit, number of students enrolled for Sanskrit has declined. Enrolment of students has not matched with the opening of 2 more universities. Rather students enrolled in Post graduate and MPhil have declined. There has been a minor increase in PhD students but compared to 2015-16, the outlook appears bleak. This is despite the MHRD guidelines recommending NAAC accreditation to Sanskrit universities so that they can be elevated to the standards of national and international institutions.

<i>Years</i>	<i>Universities</i>	<i>Students in PhD Sanskrit</i>	<i>Students enrolled in MPhil Sanskrit</i>	<i>Students Enrolled in PG Sanskrit</i>
2013-14	11	994	263	23590
2014-15	11	773	400	23951
2015-16	11	1074	620	25228
2016-17	13	939	505	26197
2017-18	13	971	476	26886
2018-19	13	1048	401	21226

Another sorry state of Sanskrit has been attributed to the meagre salaries offered to Sanskrit teachers in many states in comparison to the other subject teachers. Britishers introduced the system of low pay to Sanskrit teachers because the subject was used only for character building and moral education in which they were least interested. They paid higher salaries to teachers who taught Western subjects as they could be employed for administrators to train and teach them in English that was required to sustain British rule. To plug this major loophole, the committee led by the former Chief Election Commissioner, N. Gopalaswami suggested equal pay in schools. Low pay and scarce institutional support cause demotivation to the Sanskrit educators that is then passed onto students and they avoid taking Sanskrit in higher education knowing of its poor prospects. This then impacts the production of Sanskrit teachers and ultimately Sanskrit education. Absence of B.Ed course was also noted and a suggestion for starting a diploma course for the aspirants of Sanskrit teaching was also made.

CONCLUSION

Though Sanskrit has been an endeavour by the post-colonial India to showcase its tradition, knowledge, culture, norms at the domestic and international level. And this endeavour is not to pit with Western knowledge or claim its superior place. Rather the aim of post-colonial Indian State is to have inclusive epistemology and shed the hierarchical character of knowledge systems. It believes in accommodation and diversity rather than arrogance and depravity by relying on one system of knowledge. It believes in new form of colonialism that has been brought in by discourse asymmetries. It underlines epistemic equality and affirms that the Post Colonial India too have the capacity, know-how and the ontological strength to contribute in shaping the global norms.

But this post-colonial attempt is not without pitfalls. The post-colonial endeavour lacks sincerity. It will be a failed project if the aim of the post

colonial India and its revival of Sanskrit stops at gaining political power and status. The misidentification of Sanskrit with Saffron has done more harm to the language. Right wing parties have claimed that the age old knowledge of Sanskrit as its sole inheritor and protector. A sincere attempt at knowing the language and texts of Sanskrit barely exist. Genuine efforts are required for the development of Sanskrit and passing on the treasure of knowledge in Sanskrit texts to the future.

It becomes significant for the post-colonial Indian scholars to shed the colonial baggage of supremacy of Western knowledge and look at more diverse, indigenous and plural perspectives of knowing and understanding the world to address the global issues. Lest, countries will continue being enslaved by new forms of colonialism that will threaten global security, justice and peace. Kwame Nkrumah said,

“A State in the grip of Neo Colonialism is not master of its own destiny. It is this factor which makes neo colonialism such a serious threat to world peace” (Nkrumah, 1966).

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Indianisation of the Indian Legal System: Mapping the Relevance of the Ancient Indian Jurisprudence

Dr. Mohammad Nasir¹ & Samreen Ahmed²

ABSTRACT

In recent times, there has been a lot of debate on the need for reorienting the Indian legal system and legal education. To realise the aspirations of 'New India', such reorientation should reflect the socio-cultural realities of our times. Indian legal system owes its origin to the Vedas and indigenous customs; however, it was distressed by foreign influences of invaders and colonisers—the Islamic law and the English common law. To legitimise transplantation of their legal system in India, the British colonisers propagated a false narrative that the Indian legal system was devoid of basic jurisprudential principles such as natural justice, rule of law etc. Although, "Bharat," was incorporated in Article 1 of the Indian Constitution but even after 75 years of Independence we do not have any Indigenous legal system and continue to be governed by colonial laws, largely. Arguably, any legal system that is not rooted in the native and ethnic character of the community will eventually fail to deliver justice. The contemporary debate on 'reorienting the legal system in India' is anchored towards reviewing this anomaly. Since, the present Indian legal framework is significantly transplanted and colonial in nature, hence, a natural corollary of the Indianisation of law debate is decolonialisation of law. Indianisation of law cannot be achieved in one go, it will take years to achieve the desired change. This paper attempts to trace the factors contributing to the prolonged delay in the commencement of the Indianisation of law process. The paper argues that the process of Indianisation entails infusing the Indian jurisprudence in the Indian legal framework and simultaneously divesting it of the colonial vestiges. This requires conscientious and meticulous research to identify areas requiring overhauling or change and to suggest viable Indianised alternatives.

Keywords: *Indianisation of law, de-colonialisation, Mann ki Baat, Ancient Indian Jurisprudence*

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INTRODUCTION

The present Indian legal system is palpably either British in origin or inspiration. It is infamously at odds with the beliefs and concerns of a large portion of the populace that it governs today. There have been jittery revolutions in the past for the revival of the 'indigenous' system, but nothing concrete happened until the recent past when the judges of the Supreme Court of India, incumbent Prime Minister Narendra Modi and his government took on themselves to Indianise the Indian legal system and legal education.

Indianisation, though, does not imply revival of the ancient Indian legal system *in toto*; it seeks to pick and choose from the rich ancient past and, at the same time, exhort Indians to take pride in India's legal heritage. Primarily, the movement for Indianising the Indian legal system is directed towards integrating the virtues and values of the ancient Indian legal system into the contemporary legal system.

This paper tries to find answer to the question as to why even after 75 years of Independence, India is under the influence of colonial hangover. The paper draws on scholarly literature and judicial pronouncements to prove that through vague criticism, a false narrative was built to oust the ancient legal system. The paper suggests the decolonialisation of law as indispensable to Indianisation of the Indian law and for this purpose tries to determine the contemporary relevance of the ancient Indian jurisprudence.

FACTORS AND REASONS FOR DELAY

The question that troubles contemporary scholars is why Indianisation of Indian legal system has not been seriously mulled over in the past 75 years and why the colonial legal system was perpetuated even when a major section of the members of the Constituent Assembly were legal professionals?

(Galanter, 1972a) argues that the present legal system has always been supported and endorsed by the influential class of lawyers who were fully convinced of the system's and were committed to it. They perceived that their interests were intertwined with its continuation. Hence, revivalist attempts regarding indigenous law were taken as a challenge to their livelihood and a potential detriment to the nation. Quoting a member¹ of the 1958 Law Commission who was an illustrious lawyer and later rose to the prominence

1 Marc Galanter has not named the member but the description indicates towards Gopal Swaroop Pathak who was the Law Minister when the 1958 Law Commission submitted its report.

of being the Vice-President who once commenting on the comparative study of various legal systems undertaken by the Law Commission said that it was concluded that the British legal system which India adopted was the best. Arguably, in their estimation, it secured more enduring justice. He cautioned against borrowing from other legal systems as innovations may usher radical changes.

A ready reckoner could have been *Dharmaśāstra* but some of its central themes ran against the core commitments of the Independent India viz. a secular state, protection of religious minorities, equality before the law, and equal protection of law irrespective of caste, class, religion, gender, sex, place of birth, color, etc. Interestingly, the only traces of legal force that *Dharmaśāstra* retained were also put to death knell by the blow of the Hindu Code.

The other factors underlined by scholars pertain to practical expediency, for instance, there wasn't any organised body of the proponents of the proposed alternative (indigenous laws) or educational institutions which could produce such scholars or any existing group of professionals whose professional interests were aligned or likely to be advanced with its introduction. (Galanter, 1972b) further, the major drawback was the absence of qualified experts on indigenous laws while on the contrary the lawyers were considered as the competent authority on legal reform. Other inadequacies in the restorationist movement for the indigenous system included the failure of proponents to put forth what (Galanter, 1972a) calls 'any vivid alternative'. They couldn't garner consensus amongst themselves for having any alternative language for English. Galanter aptly comments, "...this was a restorationist movement without a believable pretender!"

Some scholars are of the view that the British supplanted legal system had over the course of time become so domesticated in India that the Indianisation movement couldn't gain momentum as it should have been. Moreover, the British law also underwent certain modifications when applied to the Indian laws. Arguably, the indigenization on the ideological and programmatic level failed in India because the law had become 'indigenous' on the operational and adaptive level. The law and society had over the period of time mutually adapted in several ways. The law itself underwent considerable adaptation.

British institutions and rules were combined with structural features (e.g., a system of separate personal laws) and rules (e.g., *dharmaśāstra*, local custom) which accorded with indigenous understanding. The borrowed elements underwent more than a century and a half of pruning in which British localisms and anomalies were discarded and rules elaborated to deal with

new kinds of persons, property and transactions. By omission, substitution, simplification, and elaboration, the law was modified to make it suitable to Indian conditions. However, Galanter's contention that the British law was modified to make it 'suitable to Indian conditions' seems to be an exercise undertaken only in the post-Independence era. The modification and tweaking are temporary solutions which were used as an alternative in the early years of independence in purview of expediency but after 75 years there isn't any justification for its continuation. For the law and legal system to satiate the general consciousness it has to be Indianised.

(Setalvad, 1960) contended that most of the legal professional bodies in India were through with the existing legal system that the acquaintance barred them from visualising a legal system of a different kinds. They perceived the shortcomings and loopholes as blemishes that could be remedied and not as flaws necessitating overhauling or fundamental change. (Setalvad, 1960) made an interesting observation that for more than a century, eminent jurists and judges in India have developed their own doctrines that are tailored to the unique needs and circumstances of India, basing their ideas on the English common law and legislation. The fabric of contemporary Indian law, which is obviously Indian in its outlook and operation despite its foreign origins and antecedents, has thus been constructed on the foundation of English law.

However, unfortunately, the Indian legal framework is still under colonial hangover and our reliance on the law in UK as a model subsists till date. A case on point is Clause 3 of Article 105 of the Constitution of India concerning the other parliamentary privileges of the Members of the Parliament (other than those defined under clauses 1 and 2). Even after the two amendments, the Indian lawmakers have not been able to decolonise the effect in spirit.

Clause 3 of Article 105 reads, "In other respects, the powers, privileges and immunities of each House of Parliament, and the members and the committees of each House, shall be such as may from time to time be defined by Parliament by law, and, until so defined, shall be those of that House and its members and committees immediately before the coming into force of section 15 of the Constitution (Forty-fourth Amendment) Act, 1978."

Prior to the Constitution (Forty-Fourth Amendment) Act, 1978, originally, Article 105(3) provided that the privileges of the parliament or its members were to be those enjoyed by the members of the House of the Commons in England on 26th January 1950 until defined by Parliament by law.

The Constitution (Forty-Fourth Amendment) Act, 1978 completely omitted reference to the House of Commons in letter but not in spirit. The amendment substituted the words “shall be those of that house and its members and Committees immediately before the coming into force of the Constitution (44th Amendment Act, 1978)” for the words “shall be those of House of Commons....at the commencement of the Constitution.”

COLONIALISATION OF THE INDIAN LEGAL SYSTEM AND ITS PERILS

(Borrows, 2005)the colonisers imposed their legal, political, and social structures on the Indians based on the misconceived notion that Indigenous people “did not have law because they were ‘savage’ and ‘living without subjection’”.

Character assassination and scapegoating through false propaganda were the techniques applied by Britishers to validate their incursions in India. This tactic benefitted them in two ways. First, by calling the Indian society as barbaric, disgusting and filthy, they criticised the regime under Mughal era to elicit resentment in the natives and secondly, it helped them simultaneously set the narrative against India in the global world and potentially legitimise their attempts at colonisation. In the name of ‘The White Man's Burden!’ the Britishers legitimised all atrocities they inflicted on Indians and the damage they did to our legal system especially by eroding all the Indian values and ethos from it.

It is a stark irony that the Britishers who are the biggest perpetrators of racism, religious hatred, bloodshed and turmoil in Europe owing to their imperialist and capitalist interests, declared and projected themselves as the most progressive and civilised men of all times. Moreover, they credit themselves of civilising Indians and other third world countries.

(Mill, 1887) wrote that on testing Indian institutions the anvil of utilitarianism he found them to be “static, retrogressive and conducive to economic backwardness.” On the basis of his findings, he recommended radical change in the Indian society. Mill’s observation is an example of the attempt on the part of the scholars to justify the colonial rule of the imperialists. On the similar pattern, Hegel also highlighted the absence of dialectical change in India's history and dismissed Indian civilization as being static, despotic in orientation, and outside the mainstream of relevant world history.

It is an established fact that the Britishers in the colonialisation process apart from exploiting, India economically, tried to prove themselves superior to the native Indians and therefore, at first underrated the pre-colonial heritage of India, demeaned the mindset and psyche of Indians. It was their strategy to legitimise their rule by manipulating the common Indian mentality. To them making Indians feel inferior about their culture, thought, traditions, concepts, legal system and identity was a way through which they could manipulate them and make Indians admire the British systems. Their agenda was simply cultural imperialism.

Under the guise of the guarantee of rights, liberty, and justice, the colonizers altered and diminished justice leaving it to the mercy of the State. Justice could not be demanded but rather it was allowed by the State as a matter of concession. The Britishers protected the subjects only on the surrender of the rights of the rulers. This is in stark contrast to our ancient Indian legal system, where justice could be demanded, being the concept that was inbuilt/ingrained.

The demand for rights as a matter of contest between the State and the Citizens is a gift of colonial governance framework. (Sengupta, 2023) asserts that in the colonial India's political sphere, the duties of citizens primarily revolved around the duty to pay taxes to the British government. Consequently, the citizen's demands were not centred around duties rather around the notion of rights of citizens. (Sengupta, 2023) argues that the demand for rights by Indians was a tradition that dated back to the French Revolution wherein the oppressed citizens demanded their rights as men and women equal before the law. It was premised on the canon of liberal thought that be virtue of their very existence men and women were entitled to rights. In India, the articulation of demands for independence and self-rule and independence were, therefore, manoeuvred in the form of a demand for rights. Summing up these demands, the Karachi Resolution of 1931 asserted for the seven fundamental rights to speech, association, religion, bearing arms, equality, and non-discrimination both in public places and public employment.

(Black, 1994) asserts that when the culture of the nation, the morality of the citizen dies or the social characteristic of a country dies, the nation dies. The Britishers had hit India on all three aspects. Bharat was *Vishwaguru* then with a pool of knowledge systems. India dominated and ruled the knowledge power corridors without crossing boundaries through its knowledge systems. This also added to India's economic prosperity but the colonial settler's stroke by stroke took it all and the nation died in spirit.

Analysing the perils of transplantation of law, (Asadullah et al., 2022) argue that during the process of colonization, settler's laws were enforced at the expense of Indigenous legal traditions through the seizure of land. He pitches understanding the relationship between the natural environment and Indigenous legal traditions, as a mechanism to understand how to approach decolonizing law.

DEFINING DECOLONIALISATION

Scores of scholars have furnished definitions of decolonization. Applied to the discourse on decolonialisation of law in India the definition incorporates some unique elements. The two themes that anchor the discourse are:

- (1) re-establishing a connection with the Indian land; and
- (2) confronting dominant systems of governance.

Prof Anju Vali Kato, dean of the faculty of law at the Delhi University avers that for locating 'law' and 'authority' in colonial India's discourse, Austin can be taken as a reference point, as he considers law as the command of the sovereign. She describes decolonisation as the process of getting out of the clutches of British regimes and thought processes. The regimes also include legal regimes (Panel Discussion on Indianisation of The Indian Legal Landscape: Decolonising Academia & Legal System, 2023)

Decolonialisation in law is simply put, to go fall back on something that is indigenous that we have been using since decades, and which was successively enjoyed as a collective existence. And this something is our ancient Indian legal philosophy.

Dr. Seema Singh argues that decolonialisation is related to realisation of how we were at the pinnacle of knowledge and economic prosperity in ancient India. We need to find what we were before the colonisers invaded our nation to be able to gauge our strengths (Organiser Web Desk, 2021) (Mehta, Rai, & Bhattacharya, 2022) in the briefing book *From Rule by Law to Rule of Law*, published by a pioneering centre for legal research, Vidhi Centre for Legal Policy, clarify that the project of decolonisation of the Indian legal system is not directed at "uninstalling" a defective version of an operating system where the previous version simply stands "restored". They outline the fact that laws and legal systems are perennially a work in progress and keep on changing to meet the changing needs of society. They highlight that 'perfect' laws or legal systems were never there in India and decolonialisation process is not about the hasty removal of all that was introduced during the British rule in India.

The research centre has described decolonizing the law as an acknowledgment of India's complicated history and undertaking the task of rewriting it with the objective of aligning it with our Constitutional goals and status as a liberal and modern democracy. It is important to note here, that are constitutional values and goals are the embodiment of our Indian ethos and traditions.

The idea behind decolonialisation is neither erasure nor restoration but reimagination and reformation through the quadruple values of—liberty, inclusivity, accountability of institutions, and relevance in a constantly changing world.

The authors suggest the decolonialisation process as entailing four aspects namely, safeguarding freedoms, making the law inclusive, ensuring accountability, and upgrading the law. One of its suggestions on the sedition law has been partially accepted in the new criminal laws, although as suggested, the problematic provision has not been repealed.

It is pertinent to clarify that law reforms directed towards decolonisation cannot be put into a straight-jacket formula, rather different measures shall be required to address the various aspects. For instance, complete overhauling shall be required for the Indian Forests Act, 1927; the Law Commission of India needs structural and institutional changes. The office of the governor needs to divest itself of the colonial institutional structure, protocols, and functionality. There are laws and institutions which require complete reimagination from the point of view of the purpose behind them. For instance, the anti-beggary laws operational in different states of India and the functions of the District Collector in the administration of land.

The decolonisation project seeks to preserve political self-determination and expand development in India. It envisions the creation of an international system wherein the global power asymmetries do not make India vulnerable.

What constitutes and connotes *Bhartiyakaran*?

India is definitely a political identity but Bharat connotes a kind of cultural identity of this country. Indianization or *Bhartiyakaran* as largely misunderstood does not imply that certain things or ideologies shall be imposed over the countrymen. It simply means bringing back to the mainstream the practices, culture, philosophy, and customs of India. Further, it does not mean blinding importing the culture, philosophy, customs, or traditions of ancient India but rather means replenishing only that part which is relevant to contemporary India.

To further, dissect this, the idea of ‘*Bharat*’ is understood by the Constitution makers. (Kumar, 2023) observes that a close scrutiny of the genesis of India, Bharat or Hindustan, makes it clear that there was never a consensus over the name of our country and our Constitution’s makers adopted ‘India’ as the name for the country but in the very first article to the constitution linked it with ‘Bharat’ to give our ancient Indian roots its due.

The original copy of the Constitution of India which is handwritten and hand-painted has pictorial depictions of the ancient, medieval period and the freedom struggle. The Constitution is adorned with photos of Indus Valley Civilisation, Ashokan edicts, Mughal courts, and Gandhi ji, to name a few. This conscious selection of pictures is a testimony to the conviction and commitment of our constitution makers towards the Indian heritage, let alone legal heritage.

A shift towards the duty-based society is a crucial aspect of *Bhartiyakaran*. Indian understanding of duties and rights was different to the western notions. India was always a duty-based society it was only due to the excesses of the British state that the Indians started demanding for rights against the State on the patterns of French revolution.

Why do we need decolonialisation or Indianisation?

“Colonial continuity”, “colonial inheritance” and “colonial legacy” are the three terms that rampantly resurface in the discourse on decolonialisation. These terms have been used for two purposes largely in the post-colonial India:

1. They are imported to identify, diagnose, or explain some illness or issue of the present times.
2. At times they are also used to scapegoat or shift the blame on the colonisers for the unaddressed problems of the present.

Cautioning against the blame game, Dr. B. R. Ambedkar, the Chairman of the Drafting Committee of the Constituent Assembly warned that there is an expiry date for blaming the Britishers for all Indian issues. In the closing speech in the Constituent Assembly, he said “[b]y independence, we have lost the excuse of blaming the British for anything going wrong. If hereafter things go wrong, we will have nobody to blame except ourselves”, (*Constituent Assembly Debates 25 November 1949*, 2014).

(Barra, 2016) in a similar fashion, colonial inheritance or colonial imprints are used to criticise or do away with laws or institutions. For instance, in the **Naaz Foundation v. Govt. of NCT of Delhi & Others (WP(C) No.7455/2001)** one of the arguments furnished by the petitioners was that the Indian Penal

Code, 1860 which under Sec 377 criminalises sexual activities against the order of nature is a colonial vestige and therefore must be struck down.

The continuity of the colonial institutions like bureaucracy (civil service) and the structure of police establishments which were in direct conflict with the nationalist leaders (freedom struggle) is a puzzle for scholars on Indianisation. It comes out rather as a paradox that what was criticised was not denounced in independent India. The continuity also raises questions on the political will of post-colonial India to get rid of the colonial remnants.

Locating colonialism and Indianisation debate in the contemporary scenario, it can be argued that in the comity of nations, we need to have our own unique identity, own culture, and institutions for sustaining in the entirety of the world. If India continues to be guided by ideas that have come from a colonial hangover which by and large do not fit in the Indian system, it will lead to the depredation of Indian leaders by other superpowers. Prof Amar, Vice-Chancellor of Ram Manohar Lohia National Law University, Lucknow, asserts that the identity of a nation is formed by its culture, traditions, legal system, and values. Linking this distinguished identity with confidence and position in the global world order, he emphasises. He laments that the Indianisation process should have started in 1950 itself. It has taken seventy-five years for us to begin, but better late than never, he sighs with relief.

The scholars of Indianisation to explore what was exactly the problem we had in our legal system. What went wrong with that system, and how the existing system can be oriented to make it better?

During the ancient period, the legal system was more people centric, forward looking, and federal as compared to the present system which is hierarchised and highly centralised. To support this argument, Professor Amar draws on the authority of Peter Kane and Robert Lingat. Robert Lingat reports that the legal norms during ancient were in the form of authority that was translated into legality. Authority was like a floating principle and one was allowed to approach it in one's own way. It was available for the guidance of the common man. Even in cases and situations where the authority could not provide a solution for any problem, still, it was not reduced in any manner. Authority differed from legality in ancient India but the thin boundary has been transgressed in the present era. In the colonial era, this authority was interpreted and continued to be interpreted in the post-colonial era by a common law trained/guided judge and as a consequence the authority is left behind and the derived rule took centre stage. Indianisation, according to Prof Amar will bring back the law in its original form to the centre stage.

(Sen, 2016) contends that the kind of philosophies we have from ancient India are not typical lawyer's material as is the case of the statutes that we have inherited from the common law system. Indian philosophy is not purely legal, it has varied aspects clubbed together, and even Kane's book does not separate 'legal' from the 'general'. Rituals, social practices, and aphorisms have been clubbed with legal parts. There is a need to extract/ cull out genus from the species. It is high time that we kickstart the process now. This in his perception is one major reason why Indian philosophies have not been incorporated so far in our legal landscape.

Indianisation will require us to inform our institutions with indigenous ideas and to determine how Indian philosophies will be incorporated into the current system. It also necessitates recalling our philosophy and interpreting it in the present scenario with the objective of aligning it with the existing needs.

Justice Abdul Nazeer who is credited with having brought the decolonisation and Indianisation of the Indian legal system to the forefront has highlighted important recurring themes in the Indianisation discourse:

1. To produce great lawyers and judges training in the traditions of *Manu*, *Kautilya*, *Katyayana*, *Brihaspati*, *Narada*, *Yagyavalkya*, and other legal scholars of ancient India is required.
2. The neglect of these rich resources/repositories of knowledge by Indian stakeholders over the decades runs contrary to the constitutional goals, national development, and national interest.
3. Colonial psyche dominates the administration of justice in India.
4. It is unfortunate that one needs to pray for justice even in the Independent India as we did from our colonial masters. Justice is a matter of right in a democracy and the litigant can demand for it anytime.
5. The salutations used for addressing the judges i.e., Ladyship and Lordship in a sense put the judges on the pedestal of God and the litigant at his mercy, thereby requiring him/her to pray for justice/relief in the humblest manner. The colonial masters did so as they wanted to perpetuate Her Majesty's rule and subjugate Indians forever.
6. The disregard of the law towards trivial cases is also a manifestation of a colonial mindset wherein even trivial crimes were punishable.
7. The manner of the drafting of pleadings also adds to the inaccessibility of courts to the marginalised.

8. The jurisprudence as studied today is weak and lacks theoretical nourishment as it is divorced from India's ancient legal heritage.
9. The theoretical foundations of the Indian judicial system are borrowed from other legal systems.

There is a pressing need to Indianise the entire structure of the Indian judicial system. The impact of theories of jurists, including ancient scholars, and the legal system of a country is profound even though it may be unseen and subconscious. To support his contention that Indian lawyers and judges must be oriented with the Indian jurisprudence and science of governance (*dharmashastratha kushalai rartha shastra visharadai*), Justice Nazeer draws upon the example of Russian judges who are trained in the Marxian jurisprudence which has developed over the centuries, similarly, the judges and lawyers in the United States of America, England, and Western Europe have been nourished with the jurisprudence of their respective civilizations. Through a series of examples, he establishes that the judicial process of a country must derive nourishment and strength from its own jurisprudence which has been developed in the society in which it has to be applied. Thus, nothing can justify the absence of any training of Indian law students, lawyers, and judges in the Indian jurisprudence.

It is argued by many scholars regarding certain aspects of the ancient law have become obsolete in contemporary era. This fact is true and fully acknowledged by the scholars advocating for Indianisation of law and the legal system. The obsolete parts have to be repealed. The case of laws turning obsolete is not unique to the Indian legal framework alone, the Greek and Roman civilisations also legitimised slavery earlier, so have they over the years with the progress of their civilisations completely rejected their legal system and transplanted an alien system under the pretext of certain lacunas? Similarly, the animals were tried for criminal offences in Europe till 17th Century. (Keeton, 1961) mentions an anecdote from Germany of a cock being placed in the prisoner's box being accused of making noise insubordinately. Since his counsel failed to establish his innocence, the feathered bird was unfortunately ordered to be slaughtered. Have Germans shunned their legal systems now for law is always evolving? Justice Nazeer questions. Thus, although is unreasonable to divorce the legal system from the realities of today but at the same time, it must have some footing in the past. In toto, *sui generis* system is more likely to be accepted and encompass the needs of the governed. Thus, the ancient Indian jurisprudence cannot be shunned for the mere fact that some of its components have become obsolete or archaic in the present world.

It is therefore, necessary that in the process of Indianising laws, elimination method is used for re-establishing the relevance of ancient Indian jurisprudence and simultaneously pick those aspects which have proved to be effective. For instance, the ancient laws calling for the punishment of the rulers who overstepped their authority were in many ways stronger than legal restraints on sovereign authority today. From the standpoint of the twenty-first century, if we look at the development of law, it becomes clear that law has gone from the dictate of the sovereign to place a restraining limit on that very sovereign.

Highlighting the problems of the colonial justice delivery system and its unsuitability for the Indian setup, (Ramana, 2021) claims that quite often the Indian justice delivery system tends to pose multiple barriers for the common man. The style and working of the Indian courts does not sit well with the complexities of the system. (AnanthaKrishanan, 2021) the primary reason being the practise of colonial origin rules by the independent India's courts, which are not suited to the needs of the Indians. The working and the style of courts do not sit well with the complexities of India. In the post-independence era, the 'Indianisation' has over the decades not followed any particular trajectory of change. In some instances, it appears to "coincide with the democratization of public spaces, increased access, or more transparency" and in others, it furthers "the crystallization of the idea of a 'strong nation-state', with fewer deliberations and debates. 'Indianisation' has also meant for some, a conflation of the country with particularistic religious-cultural representations.

Presently, a significant section of the population, especially, the rural populace¹ feels out of place when the case proceedings are carried out in the English language. The process of Indianisation requires the justice delivery system to localise and adapt to the practical realities of our society. For instance, parties fighting a family dispute are usually made to feel out of place in the court. They do not understand the arguments or pleadings which are mostly in English, a language alien to them. Furthermore, judgments have become lengthy, which further complicates the position of litigants. If the parties to understand the implications of a judgment, they are forced to spend more money and avail the services of a legal professional.

Apart from Justice Abdul Nazeer and N V Ramana, many other Supreme Court judges, including the incumbent CJI, Justice DY Chandrachud, have also voiced their concerns, stressing the need for re-thinking and re-formulation of

1 Rural populace here is used for people not well-versed with the English language residing in the rural areas of India

the Indian legal system so that it reflects India's current realities, which is an amalgamation of our rich and diverse heritage of the centuries past and also the dreams and aspirations for the shining future of the billion plus Indians

(Ananthakrishnan, 2021) asserts that simplification of the Indian judicial system with enhanced transparency and effectiveness is required. (Alam, 2021) for a just and robust justice dispensation system it is necessary that while approaching the court the litigant should not feel scared.

The Indianisation debate has also become synonymous with the simplification of law, legal language (a conscious departure from legalese), and legal drafting. In connection with the use of simple and clear language in the pleadings as they form the core of the legal proceedings in an adversarial system of justice, the Andhra Pradesh High Court had in the case of **J. Pushpalatha v. Election Tribunal and Others (MANU/AP/1127/2002)** observed that the mandate under Order 6 Rule 2 of the Code of Civil Procedure, 1908 that pleadings should contain precisely only relevant facts, stems from the ancient Indian Jurisprudence and can be traced to *Dharmakosa* of *Brihaspati*.

Recently, the CJI Hon'ble Mr. Justice D.Y. Chandrachud has also urged brother judges to write judgments in simple language (Khanna, 2024).

(May, 2019) draws an incisive comparison between Ancient India's Code of Manu and Western jurisprudence to show how the ancient Indian law ushered better governance. He argues that the checks and balances system in ancient India was more comprehensive and effective and the accountability of the rulers was larger as compared to the restraints levied on the sovereign's authority today. (Manu, Olivelle, & Olivelle, 2005) under the Manu's code stringent punishment is provided for a king who exceeds his authority, it reads, "a king who is lustful, partial, and vile will be slain by the law". Similarly, a very strong sense of rule of law was imposed over even the strongest rulers. Larry contends that Manu's code sets the agenda for legal thinking. He finds it quite elaborate and encompassing in terms of the areas of common life covered.

Indianisation will also require us to inform our institutions with indigenous ideas and to determine how Indian philosophies will be incorporated into the current system. It also necessitates recalling our philosophy and interpreting it in the present scenario with the objective of aligning it with the existing needs. A pertinent issue which Indianisation of legal system can easily address is accessibility to law and the justice delivery system. Indianness is all about inclusiveness, it was also evident in the G-20 theme under India's presidency—*Vasudhaiva Kutumbakam* meaning 'one earth, one family, one

future'. Emphasizing on the relevance of the ancient Indian legal principles of inclusiveness in the present scenario and pitching them as an answer to the problem of inaccessibility which Britishers created and is still perpetuating.

The calls for Indianisation of the legal framework in India have transcended beyond closed doors to the public domain with stakeholders from all pillars of the government lending their voice.

Averting that the perpetual ingraining of Indian minds with the colonial jurisprudence runs against the constitutional ideals and national development, Justice Nazeer pitched for inclusion of the ancient Indian jurisprudence in the, "Great lawyers and judges are not born but are made by proper education and great legal traditions as per Manu, Kautilya, Katyayana, Brihaspati, Narada, Yagyavalkya and other legal giants of ancient India. The continued neglect of their great knowledge and adherence to colonial legal system is detrimental to the goals of our Constitution and against our national interest."

Another reason why we should revisit and bring back our Indian philosophy to the mainstream is the fact that our philosophy is largely based on personal experiences and reflects our collective consciousness. It aligns with the idea of innovation and the recent initiatives of Make-in India, *Vishvaguru*, Innovate India, etc.

There is no gainsaying that independent India was conceived to be decolonial in letter and spirit. As evident from the opening lines of the Preamble to our Indian Constitution which reads as "We the people of India", this implies the source of authority are Indians and establishes our collective consciousness. This phrase is an embodiment of the Bhartiya philosophy.

Considering the circumstances the Constitution was drafted, it can safely be assumed that the Constitution makers could not do away with all the colonial vestiges in one go and put in place a completely Indianized legal system, hence we do find transplanted provisions. This is further substantiated by the phrases used in the Preamble. It reads 'We adopt, enact and give to ourselves', arguably, we can 'adopt' something that is already in existence, however, enactment can be of some novel law (our original contribution).

The problem with our Indian Constitution is the absence of Indian perspective. The cherished Constitutional ideals of fraternity, equality and liberty do not reflect the Indian perspective rather are credited and perceived from the western standpoint. It is imperative to note here that as against what is largely understood, Dr B.R. Ambedkar while introducing the word 'fraternity' which was incorporated in the Preamble specified that it was a

derivation from the word ‘Bodh’ from Buddhism and not borrowed from any western movement. Similarly, as highlighted by Justice Nazeer highlighted that the principle of ‘judicial independence’ which was prevalent and fully implemented in the Indian setup is wrongly credited to have originated during the British rule. Since, its considered colonial in origin, it is implemented and understood in light of the colonial reasoning. It is very unfortunate that we Indians have left behind our rich legacy and followed the colonial footsteps. Justice Nazeer avers that the concept of judicial independence was given by the Brihaspati, an ancient Indian scholar who stated that “a judge should decide cases without any motive of personal gain or prejudice or bias and decisions should be in accordance with the law prescribes by the text.

ATTEMPTS TOWARDS INDIANISATION

A notable development towards Indianisation of the legal system has been the introduction of *Vidhik Anuvaad* Software (SUVAS) by the Supreme Court of India. It is rightly celebrated as a concrete step towards Indianisation of the legal system in the sense that it enhances the accessibility of courts. With the objective of promoting regional languages in judicial procedure, the machine assisted translation tool SUVAS which is trained by Artificial Intelligence has been put to use. It translates English Judicial Documents, Orders and Judgments into ten vernacular languages viz. Hindi, Kannada, Tamil, Telugu, Punjabi, Marathi, Gujarati, Malayalam, Bengali, Urdu and vice-versa.

It is pertinent to note here that enabling Constitutional and legal provisions in this regard were already in place since 1950. As per Article 348 of the Constitution of India and Section 7 of the Official Languages Act, 1963 there are provisions of optional use of Hindi and other languages included in the 8th Schedule of the Indian Constitution, in the proceedings and judgments etc. of the courts. In light of these provisions, the optional use of Hindi in the proceedings of High Courts of Rajasthan, Uttar Pradesh, Madhya Pradesh, and Bihar was authorized in the years 1950, 1969, 1971, and 1972 respectively (“Use of Regional Languages in High Courts,” 2023).

Similarly, the recently launched Tele-Law Scheme 2.0. aims to provide legal advice and representation services to over 50 lakh people in India under the *Nyaya Bandhu* (pro-bono) programme. This single registration gateway shall provide common citizens with legal advice, assistance, and representation in one place. (“Tele-Law 2.0 Unveiled by Law Minister,” 2023) It is projected as an effort towards democratisation of legal services in India—one of the critical aspects of Indianisation and Ancient Indian jurisprudence. Appealing

to the legal professional community. The initiative is realisation of the Indian tradition of helping and that's precisely what is called under the modern law setup as *pro bono*.

The incumbent Prime Minister assertion in his inaugural address of the First All India District Legal Services Authorities Meet held on 30 July 2022 underscores the point. He claimed that the resolution of 01 crore cases through video conferencing implies—the realisation of ancient Indian values of justice and showcases India's commitment to match the realities of today by grounding our legal system (the footing of the legal system) in our ancient values (“PM Addresses Inaugural Session of First All India District Legal Services Authorities Meet,” 2022). “Our judicial system is committed to the ancient Indian values of justice and, at the same time, is ready to match the realities of the 21st century,” he added.

Commenting on the crucial facets of Indianisation of the legal system, namely, ‘simplification of the language of law’, ‘increasing accessibility of the legal system’, and ‘decreasing the pendency of cases’, the Prime Minister at the International Lawyer’s Conference on 23 September 2023 said that his government was committed to simplifying the drafting of laws, as complicated drafting was a colonial residue. (“PM Inaugurating ‘International Lawyers’ Conference 2023’ in New Delhi,” 2023), citing the example of Data Protection Act, he stressed on the measures undertaken to simplify laws while making them accessible to all. Further, emphasising on the central theme of Indianisation i.e. decentralisation of the administration of justice and increasing access by grass-root level courts and amicable resolution of disputes, he highlighted that in the last 6 years, approximately 7 lakh cases have been solved in the Lok Adalat. Drawing on the ancient Indian past, the PM underlined the arrangement of conflict resolution through Panchayats. He delineated that resolution through amicable ways have been part of the Indian culture and to give a formal shape to this arrangement, the Mediation Act, 2023 was passed. The PM also mentioned the significant move of the government to have laws to which the populace is accustomed and is able to understand without professional help.

THREE NEW CRIMINAL LAWS: THE FIRST LEGISLATIVE FOOTSTEP TOWARDS INDIANISATION

The colonialism infused criminal laws of India are often criticised for their prejudiced perceptions of the subalterns or marginalised communities like the Adivasis, religious minorities, or Schedule Castes. Even after several years of independence, these marginalised communities suffer subjugation through

the criminal process, particularly through provisions related to the habitual offenders and undertrial. The Britishers emphasised on the creation of a police state and to establish their control, they used sedition law and the Press Act, 1835 as an instrument to suppress dissent emanating from the Indians. These laws have continued to operate in the post-colonial India. In this backdrop, in July 2020, a committee for Reforms in Criminal Laws was constituted by the Ministry of Home Affairs with Professor Ranbir Singh as the Chairman. The committee was vested with the task of transforming the existing criminal justice system (which is a colonial institution) and imbuing it with Indian ethos and philosophies. Prior to this, an attempt at decolonising the criminal justice system was made by the Committee chaired by (Dr. Justice V.S. Malimath, 2003). However, the Malimath Committee did not provide any substantial solution, roadmap for the commencement of the decolonisation process or any recommendations for the same.

The three new laws—the Bharatiya Nyaya Sanhita (BNS), the Bharatiya Sakshya Adhinyam (BSA), and the Bharatiya Nagarik Suraksha Sanhita were passed recently to repeal the colonial era criminal laws. This legislative move is pitched to be a watershed moment in the process of decolonising the Indian laws. It is pertinent to note here that the ‘Statement of Objects and Reasons’ clause of the three new laws clearly mention the legislative intent ‘to decolonise our existing criminal justice system and shun our colonial identity’. However, these laws are criticised by legal experts for their failure to address the colonial aspects of our justice system, as claimed by the government. (Bakshi, 2023) reports that on the very aspect of their nomenclature which has been changed from English to Hindi, a lawyer’s association in a non-Hindi speaking state (Madras Bar Association) passed a resolution alleging that the move of the government was an attempt to impose ‘Hindi’ on non-Hindi speakers. The resolution stated that “the use of such language (Hindi) also reflects the majoritarian state of mind of the ruling dispensation to impose Hindi and Sanskrit on non-Hindi speaking states and people.”

A group of legal scholars consider Indianisation of law process as a vehicle disguised for imposing ‘Hindutva’ ideologies. Their contention is that decolonisation of law is ‘separation from the western ideologies or philosophy’ and founding India legal framework on the philosophies of ancient Indian jurisprudence which is by and large shaped by Hindu mythologies and law. They are apprehensive that Indianisation may ultimately culminate into the creation of a Hindu Rashtra. On the contrary, for the scholars favouring the decolonisation of law process, it should be understood as an attempt to shed the colonial mentality of oppression and subjugation from the criminal system.

Another case on point is the change in the sedition law which was projected as transcendental, however in reality is filial. A glance on the new law reveals that if not explicitly, the sedition provisions exist in the new law indirectly. It is re-worded as “acts endangering sovereignty, unity and integrity of India” under Section 150. The new Section 150 covers secessionism, separatism, and armed rebellion within its ambit. Efforts have been observed to counteract these advances, such as through the expansion of police authority to secure custodial detention prior to formal charges being filed (as outlined in section 187 of the new law). Additionally, provisions enabling trials (section 356) and asset confiscations (section 107) in absentia have been proposed, with limited avenues for recourse in case of misuse of these powers by the state.

Another concern with the new laws is the opaqueness of the reformative process. There was no representation from the marginalised sections of the Indian society and only one female representative in the Committee for Reforms in Criminal Laws, 2020.

According to data from the National Crime Records Bureau (NCRB), the marginalised sections have been the major victims of the criminal justice system of India. Drawing on the NCRB data (Singh, 2023) observes that people from the Scheduled Caste (SC) and Scheduled Tribe (ST) communities comprised over 30% of undertrials (90,951 SCs and 40,221 STs in 2022) and nearly 33% of convicts (26,952 SCs and 17,910 STs in 2022), significantly exceeding their population share of 24%. (Mehmood Ahmad & Sharma, 2024) argue that despite the ongoing crisis of prolonged undertrial incarceration, there haven't been any cogent initiatives to broaden the scope for bail, the legal framework of 1923 (The Code of Criminal Procedure, 1923) remains in place till date. The government had an opportunity to rectify these shortcomings of the laws however, the new laws do not deliver on the expected grounds.

The new laws should have focused on simplifying the complicated procedure, humanising the interrogation provisions, address the rise in custodial deaths, re-draft the preventive detention laws from the human rights perspective and holistically review the nature of punishment in the criminal justice system. Similarly, the power to grant custodial remands vests in the Magistrates, this leads to the practise of filing the bail application and interim bail applications by the pre-trial detainee. The colonial sensibilities towards natives perpetuates even today in form of the practise of the wide misuse of powers by the police to interrogate any suspect. This needs to change at the earliest. It is argued that such colonial attitudes of the police and the State towards the governed that has been continued in post-colonial state. These

were the major challenges which were expected to be addressed by the new laws. However, there isn't any sigh of relief yet, but a beacon of hope.

While laws assert that justice should be the primary objective of the legal system rather than solely punishment, the new laws paradoxically perpetuate colonial ideologies by increasing mandatory minimum sentences, introducing the death penalty for at least four new offenses, and reinforcing colonial policing methods. A more fundamental effort toward decolonization would have entailed recognizing the colonial influence on our perceptions and ideologies of crime and punishment. This should have been followed by a comprehensive evaluation of the lingering colonial power structures within the criminal justice system and, ultimately, the adoption of a principle-based framework for creating criminal laws and prescribing punishments. The enduring colonial legacy in the new laws is underscored by (Sekhri, 2023) as, "These new criminal laws can be seen as an ongoing effort in India to retain the "exclusionary authoritarian structures of colonialism, but colouring those power-imbalances with an Indic flourish to somehow legitimise them."

INDIAN JUDICIARY'S TREATMENT OF THE ANCIENT INDIAN JURISPRUDENCE

The Indian judiciary has recognised the pre-existing ancient Indian laws and have time and again mulled over their relevance in the contemporary scenario:

In the matter related to the recognition of marital rape as an offence in **RIT Foundation v. Union of India ([2022] 3 HCC (Del) 572)** the Delhi High Court has in its judgment summarised in paragraph 14 the arguments furthered by Mr J Sai Deepak, the counsel appearing for the Men Welfare Trust (MWT). Relevant excerpt is reproduced here for showcasing that the discourse on Indianisation has reached the courts, and lawyers have been averring for Indianisation of Indian legal system and perusal of the law from the prism of Indian traditions and culture. "Although the impugned provisions [Section 375 (2), Indian Penal Code, 1860] are part of our colonial legacy, they have undergone a process of Indianisation after the enactment of the Constitution; an aspect which is evident from the parliamentary cogitations and consequent amendments effected in the IPC and the Code," reads a paragraph in the judgement.

The relevance of ancient Indian jurisprudence in the post-independence era can be established by its continuous citation and reference by the Supreme Court of India.

In **Justice K.S. Puttaswamy (Retd.) and Another v. Union of India and Others ([2017] 10 SCC 1)** recognising the right to privacy as a fundamental right, Justice SA Bobde noted that “the spirit of privacy is visible in the ancient and religious texts of India.” He cited the Kautilya’s *Arthashastra* which prohibited entry into one’s house without the permission of the others living to establish that the privacy concerns were duly considered in the ancient Indian legal landscape.

In the case of **Mana v. State of Rajasthan ([1976] SCC (2) 827)** the Rajasthan High Court in deciding the issue on the right of private defence elaborately discussed the presence of this right in the ancient India. The court cited the authorities of *Smiritis*, *Dharma Shastra*, *Brahma Shastra* and others to prove the point that the Chapter IV of the Indian Penal Code, 1860 is nothing but re-enactment of the then existing Indian law on private defence. The court observed, “The above short survey of the old ancient Indian Laws which were known as “*Dharsmshastras*” and “*Smiritis*” would show that the English people, while enacting the provisions of right of private defence of person and property under the exceptions of Indian Penal Code (Sections 96 to 106) have virtually adopted or re-enacted the laws which were prevalent here. It goes without saying that the English law and the Roman law on the subject of the private defence is in no way different from the Indian law as mentioned above.”

In **Rattan Lal v. Vardesh Chander ([1976] 2 SCC 103)** deciding the matter relating to the Transfer of Property Act, 1882 and the applicability of the natural law principles of equity, Justice Krishna Iyer in para 21 made a very sharp observation that the Indian jurisprudence must break off from the shackles of the borrowed law of England as the need of the developing country like India are very different from those of England. The court has very aptly captured the essence of consciousness of law holding that it emerges from the ethos and will of the common natives. “Unfortunately, even after liberation, many former colonies, including India, did not shake off this neo-colonial jurisprudence. This is the genesis of the idea that Indian “good conscience” is English common law during the reign of Empress Victoria. The imperatives of Independence and the jural postulates based on the new value system of a developing country must break off from the borrowed law of England received sweetly as “justice, equity and good conscience”. We have to part company with the precedents of the British-Indian period tying our non-statutory area of law to vintage English Law christening it “justice, equity and good conscience”. After all, conscience is the finer texture of norms woven from the ethos and lifestyle of a community and since British and Indian ways of life

vary so much that the validity of an anglo-philic bias in Bharat's justice, equity and good conscience is questionable today," the court observed.

Justice Krishna Iyer invoked Justice Cardozo's observation wherein he urges free India to find the conscience in the realities of Indian life and not in the alien legal thought. The hallmark of innovation in law and life is liberation from subliminal foreign enslavement; it is neither a silent spring nor a hothouse flower. Justice Benjamin N Cardozo wrote in *Nature of the Judicial Process*, "Life casts the mould of conduct which will some-day become fixed as law. Free India has to find its conscience in our rugged realities and no more in alien legal thought. In a larger sense, the insignia of creativity in law, as in life, is freedom from subtle alien bondage, not a silent spring nor hothouse flower."

In dealing with the question on the lawmaking power of the judges the court in **Ajanta Traders v. State of Bihar ([1996] SCC OnLine Pat 131)** in Para 19 of the judgment referred to the ancient Indian literature along with the treatises of Dias, Allen, Halsbury and Wade, noting that it would not be inappropriate to make reference to a few pertinent Sanskrit-written works from ancient India. Ancient India had a highly developed system of reasoning, jurisprudence, and statutory interpretation which existed for thousands of years B.C. They demonstrate the depth of our Sanskrit-written ancient Indian law. Using the analogy of Devtas and his attempts to find nectar, the court observed that a judge must try his level best to use reasoning to reach a just and correct decision in a situation where there is no readily available statutory or other very satisfactory statement of the law. The judges must not decide in haste. The relevant paras of the judgment are reproduced below:

"19. It would not be inapt to refer to certain relevant matters in ancient India, written in Sanskrit Literature. Thousand years B.C. much advanced system of reasons jurisprudence and interpretation of statutes existed pointed out. They indicate how rich our Ancient Indian Jurisprudence written in Sanskrit has been. In the matters of arriving at a correct decision and to reach justice even when very satisfactory statement of law either statutory or otherwise is not available it has been stated that in such matter a Judge has to proceed and go on making efforts by parity of reasoning, just like when churning of Great Ocean was being made to find our Nectar but in fact it was poison which came out nevertheless Devtas etc. did not feel nervous or frustrated but they went on making efforts and ultimately Nectar came out. The relevant Sanskrit Shlok is as follows:

The court in Para 20 cited Shlok *Brihaspati Smiriti* which provides that strict interpretation of black letters of law might at times not serve the cause of

justice. Brihaspati cautions that the failure to dispense this duty to do justice results in deterioration of religious as well as the judicial system:

“20. Again it has been stated that in so many cases where satisfactory law on the subject is not available—Covering the problem faced by the Court, in that event if a Judge tries to solve the problem by referring to the letters of the statute in that event he would not do justice with the case rather there would be deterioration of religious and judicial system.”

The Indian courts have in interpreting the law simultaneously emphasising the relevance of ancient Indian jurisprudence, consciously distanced themselves and disregarded the archaic practises and traditions of the ancient Indian law. The Indian Supreme Court’s stand in the **Indian Young Lawyers’ Association v. State of Kerala** ([2019] 11 SCC 1) (Sabarimala Temple Entry Case) case testifies this. Referring to *Manu Smriti*, the court noted that “in ancient religious texts and traditions women during menstruation were considered polluting the surrounding environment.” However, the court held that these practices restricted the freedom of menstruating women to move about, education and access to places of worship and public places. It declared unconstitutional the Sabarimala Temple's custom of prohibiting women in their 'menstruating years' from entering

Similarly, in the case of **Joseph Shine v. Union of India** ([2019] 3 SCC 39) Justice RF Nariman has dealt with the jurisprudential aspects of adultery and traced the criminality in the ancient Indian, Roman as well as religious laws. However, he notes that the reasons furthered by these laws for criminalising adultery do not satisfy him and hence, he held that these arguments have not satisfied us that adultery ought to be made punishable by law. He observed, “We cannot admit that a Penal Code is by any means to be considered as a body of ethics, that the legislature ought to punish acts merely because those acts are immoral, or that because an act is not punished at all it follows that the legislature considers that act as innocent.”

CONCLUSION

In the past few years, India has made conscious efforts to ‘decolonise’ the Indian legal system and simultaneously promote the Indianisation of the Indian law and legal education. At the centre of the Indianisation debate has been the long-harboured desire to get rid of the colonial vestiges. The journey of *Amrit Kaal* (The Era of Elixir) which ensued after the *Azadi ka Amrut Mahotsav* (Celebration of India’s 75 years of Independence) has witnessed many vociferous attempts towards decolonialisation—the new building of

the central law-making body i.e. the Parliament of India, repeal of obsolete laws and enactment of the three new criminal law bills. Although, the legal reforms were propelled by the genuine need, however, the recent ones are barely transformative let alone systemic. Moreover, the recent enactments fail to engage on the discourse on decolonisation in spirit. Instead, a holistic reassessment of the colonial laws, power structures, institutions and the offices created by the colonial laws would have been more effective. A major breakthrough would be identification of the colonial impact on our understanding of law and justice.

Decolonization is primarily the process of dismantling all those aspects of the colonial legal structure which perpetuate inaccessibility, oppression, caste system, patriarchy amongst others. As a nation, we need to realise that decolonisation is a process which requires participation of the subalterns who have over the years faced the brunt of the procedural complexities, penal institutions, criminal laws. In a way, decolonialisation calls for radical reimagination of the law from the subaltern point of view.

Indianization as largely misunderstood does not imply that certain things or ideologies shall be imposed over the countrymen. It simply means bringing back to the mainstream the practices, culture, philosophy, and customs of India. Further, it does not mean blinding importing the culture, philosophy, customs, or traditions of ancient India but rather means replenishing only that part which is relevant to contemporary India.

(Gandhi, 1921) aptly describes the goal behind India's endeavours to strip its legal landscape of colonialism as, "I do not want my house to be walled in on all sides and my windows to be stuffed. I want the cultures of all the lands to be blown about my house as freely as possible. But I refuse to be blown off my feet by any."

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Hydropolitics in South Asia: Unravelling Afghanistan's Hydro-Political Challenges and Regional Cooperation

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ABSTRACT

Afghanistan possesses significant hydro resources that have the potential to revolutionize its economy. Rivers and water basins in the area, as well as other water resources, have a significant impact on regional linkages, development potential, and geopolitical dynamics. However, the country encounters substantial obstacles in effectively utilizing these resources. These obstacles include a variety of factors such as military conflicts and boundary disagreements, inadequate water infrastructure, and a dearth of institutional resources for effective water governance. Hydropolitics, denoting the contestation for control and jurisdiction over water reserves, assumes a paramount significance in delineating the socio-political and economic terrain of the geographical domain. Despite these obstacles, there are chances for regional collaboration to handle South Asia's complicated hydro-political issues. Working together with Afghanistan's neighbours may promote communication, collaborative management projects, and the fair sharing of water resources. Platforms for discussion and collaboration are offered by regional frameworks like the Kabul River Basin Initiative and the Indus Waters Treaty. The paper offers a comprehensive overview of Afghanistan's hydro resources, the challenges involved in their utilization, and an analysis of the political dynamics surrounding water resources in the area. Additionally, it explores the case of hydro politics in the Indus Basin and its implications for the relations between India, Afghanistan, and Pakistan. Ultimately, the paper concludes by emphasizing the necessity of regional cooperation to address the challenges associated with hydro resources and to foster stability in the South Asian region.

Keywords: *Hydro-politics, Afghanistan, India, Pakistan, The Indus Basin*

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INTRODUCTION

Hydropolitics is the intricate interplay between water resources and political dynamics, encompassing the management, allocation, and utilization of water bodies, often within a geopolitical framework. This interdisciplinary field scrutinizes the multifaceted relationships between states or regions over shared water resources, accentuating the role of power, diplomacy, and governance in shaping water-related policies and practices. The principal actors involved in hydropolitics are diverse, encompassing nation-states, regional bodies, international organizations, non-governmental entities, and local communities. Nation-states hold a central position, as they navigate the complexities of water governance negotiating agreements and resolving disputes over transboundary water sources. Moreover, regional bodies and international organizations such as, Permanent Indus Commission (PIC) between India and Pakistan and the United Nations facilitate dialogue, cooperation, and conflict resolution among states sharing water resources.

The interplay between hydro resources and politics in South Asia has long been a topic of scholarly interest. The politics of allocating and managing hydro resources, particularly between countries, is “the systematic analysis of interstate conflict and cooperation regarding transboundary water resources” (Elhance, 1999). The role of hydro-politics in South Asia has been a crucial determinant in shaping the region's dynamics and inter-state relationships. The hydro-political landscape of the region has been marked by both instances of water-related conflicts and cooperation, with Pakistan and India emerging as significant actors in the realm of hydro-diplomacy (Aslam, 2022; Javed, Muhammad, Israr Rasool, and Dr. Ghulam Mustafa, 2021; Lu, H., Du, D., Gui, Q., and Duan, D., 2020). According to Lu et al. (2020), their research indicates that South Asia has emerged as a region of significant interest in terms of water-related conflicts and collaborations, characterised by intricate hydro-political interconnections. Naz delves deeper into the realms and extent of hydropolitics in the South Asian region. With the presence of major transboundary river basins such as the Indus, Ganges, and Brahmaputra, the availability and distribution of water resources have significant socio-economic and geopolitical ramifications (Naz, 2013). The ramifications of hydro-politics have transcended ecological apprehensions, with potential effects on territorial harmony and amalgamation in the South Asian region (Aslam, 2022). The interplay between hydro-politics and regional politics has exerted a noteworthy influence, with implications for matters such as migration and the illicit crossing of borders (Thamban & Humayun, 2022). Comprehending the

hydro-political dynamics is of paramount importance in tackling the obstacles and fostering collaboration within the region.

The history of hydropolitics in South Asia is intertwined with the colonial legacy and subsequent partitioning of the region. The Indus Waters Treaty (IWT) between India and Pakistan in 1960 is a prime example of attempts to resolve water disputes through diplomatic negotiations. However, hydro-political conflicts have the potential to destabilize the region and hinder prospects for regional cooperation. Hydro tensions between India and Pakistan, as well as Pakistan and Afghanistan, have strained bilateral relations, leading to diplomatic standoffs and occasional skirmishes. The historical grievances and contemporary challenges continue to impact water resource management in the region. The sharing of transboundary river systems poses significant challenges for South Asian countries. Disputes often arise over issues such as water quantity, quality, infrastructure development, and the ecological impact of upstream interventions. The construction of dams and diversions by upper riparian states can lead to downstream water scarcity affecting agriculture, livelihoods, and the environment. These disputes reflect the complex dynamics of power, sovereignty, and asymmetrical resource distribution in the region. Consequently, effective governance and institutional frameworks are essential for addressing hydropolitical challenges in South Asia. However, existing mechanisms for water resource management and dispute resolution remain inadequate. The lack of coordination between states hinders cooperation and exacerbates conflicts. Strengthening institutional capacities and fostering transparency are crucial steps toward sustainable water governance.

In South Asia, the hydropolitics of India, Pakistan, and Afghanistan is a complex web of historical disputes, geopolitical rivalries, and shared water resources. Geostrategic considerations often underpin hydropolitical dynamics, as water resources possess intrinsic geopolitical significance due to their vital role in sustaining life, agriculture, industry, and ecosystems. Competing territorial claims, historical grievances, and asymmetries in power contribute to the geopolitical manoeuvring surrounding water resources. Afghanistan's hydro-political landscape has been significantly impacted by geopolitical shifts and external interventions, notably the withdrawal of international troops, the resurgence of Taliban, and the evolving regional dynamics. The geopolitical complexities surrounding Afghanistan, compounded by the strategic interests of neighbouring countries and regional powers, have influenced the country's hydro-political calculus, shaping its approach towards water diplomacy, infrastructure development, and transboundary cooperation. For instance, the Harirud River Basin, which spans across Afghanistan, Iran, and Turkmenistan, is subject to a geopolitical overlay that influences the dynamic hydro-

political interactions in the region (Nagheeby & Warner, 2018). Moreover, the strategic control of water bodies can confer political leverage, influence, and even dominance over neighbouring states, thereby shaping regional power dynamics.

State responses to hydropolitics vary depending on myriad factors, including geographical locations, hydrological conditions, socio-economic priorities, and political imperatives. States may adopt cooperative approaches, engaging in bilateral or multilateral agreements to foster fair distribution and enduring oversight of water reservoirs. Conversely, contentious disputes may arise leading to diplomatic tensions, negotiations, or even confrontations over water allocation, infrastructure development, or environmental impacts. For instance, India, as a middle-riparian state, holds significant control over the water resources originating within its borders. The construction of hydroelectric projects, particularly the Kishanganga and Ratle hydroelectric project have been sources of contention between India and Pakistan.

Moreover, Afghanistan, positioned as an upstream state for some Pakistan, is also a key player in the hydro-political landscape of South Asia. The proposed construction of dams, such as the Kajaki and Kamal Khan, has sparked concerns in Pakistan due to potential impacts on the flow of water entering its territory. Moreover, the Kabul River, shared between Afghanistan and Pakistan, presents another potential source of tension. The state is endowed with abundant water resources, including transboundary rivers, like the Indus and its tributaries, originating from the towering Hindu Kush mountains. These rivers not only sustain Afghanistan but also serve as lifelines for downstream countries, making Afghanistan an essential player in the water-sharing dynamics of South Asia.

SIGNIFICANCE OF STUDYING AFGHANISTAN'S HYDROPOLITICAL POTENTIAL

The examination of Afghanistan's capacity in hydropolitics holds great importance for multiple reasons. To begin with, it is worth noting that Afghanistan is a geographical area that encompasses multiple transboundary water basins. Comprehending the hydro-political dynamics within these river basins is of paramount importance in effectively managing water resources and fostering collaborative relationships among the countries that share the same watercourse.

The hydro-political significance of Afghanistan is further compounded by its potential to serve as a crucial source of vital resources, including lithium deposits (Mohr, S. H., Mudd, G. M., and Giurco, D.2012). The investigation

and responsible administration of these resources may have significant economic and geopolitical ramifications for the area. Moreover, the geopolitical intricacies of Afghanistan, such as its contiguous border with Pakistan and the existence of the Pashtun populace in both nations, augment the intricacy of hydropolitics in the area (Johnson & Mason, 2007). An examination of Afghanistan's hydro-political circumstances can facilitate comprehension of the wider regional dynamics and the likelihood of conflicts or collaborations.

An analysis of the hydro-political dimensions of Afghanistan can offer valuable insights for tackling regional predicaments and fostering stability. Conclusively, an imperative aspect of comprehending the intricate interplay of water resources, resources management, and geopolitical interactions in the region is to examine Afghanistan's potential in hydropolitics. This phenomenon has the potential to facilitate the advancement of collaboration, resolution of disputes, and cultivation of stability within the region.

AFGHANISTAN'S GEOGRAPHY AND WATER RESOURCES

The geography of Afghanistan, which spans from the Caspian shores to China and India, has played a stellar role in shaping its history, culture, and geopolitical position. Comprehending the social geography of Afghanistan during the 20th century is a crucial aspect of obtaining a comprehensive understanding of the nation (Noelle-Karimi, 2013). The difficulties associated with providing fundamental healthcare services in Afghanistan are exacerbated by its topography, weather patterns, and constraints in infrastructure (Palmer, N., Strong, L., Wali, A., and Sondorp, E. 2006). Rubin notes that historically, the term "Afghanistan" was employed to denote the geographical region that encompasses the contemporary Afghanistan-Pakistan border area (Rubin, 2020).

Afghanistan's geopolitical position positions it as a crucial connector between Central and South Asia, providing it with the potential to influence the hydro politics of the region significantly. Afghanistan's strategic location allows it to control and regulate the flow of water downstream, influencing water availability and quality for its neighbours. Geopolitics, the scholarly investigation concerning the impact of geographical variables on political dynamics and international interactions, exerts a profound influence on the formulation and execution of strategies pertaining to global resource allocation and management. Among these resources, water stands out as a critical element that intersects with geopolitical considerations. As an essential component for human survival and socioeconomic development, water resources have increasingly become a source of geopolitical tensions and cooperation. Water resources have historically been at the centre of geopolitical rivalries due

to their strategic value. Rivers, lakes, and aquifers are often shared across national borders, leading to disputes over control, access, and allocation. Access to reliable water sources influences agricultural productivity, industrial development, and energy production, all of which have significant geopolitical implications. Moreover, water resources impact the stability of regions and can become catalysts for conflict or cooperation.

Afghanistan possesses considerable water resources, comprising rivers, lakes, and underground aquifers. The primary river basins and their characteristics (See **Figure 1 and Table 1**) within Afghanistan encompass the Amu Darya, Kabul (Indus), Harirud-Murghab, and Helmand, which serve as crucial irrigation sources for agricultural activities and hydropower generation. Notably, “the Amu Darya stands as the lengthiest river in Central Asia. It originates at an elevation of 4,900 meters on the Wakhan glacier in Afghanistan and spans a distance of 2,540 kilometers, with 1,250 kilometers flowing through Afghanistan or along its borders. Following the confluence of its headwaters (the Wakhan River) with the Pamir River originating from Zor-Kul Lake, the river is known as the Panj; subsequently, after merging with the Vakhsh River, a right tributary, it adopts the name Amu Darya. Beyond the settlement of Khamaab, the river proceeds towards the Central Asian nations—Uzbekistan and Turkmenistan—and ultimately drains into an inland sea, the Aral Sea” (Ahmad & Wasiq, 2004).

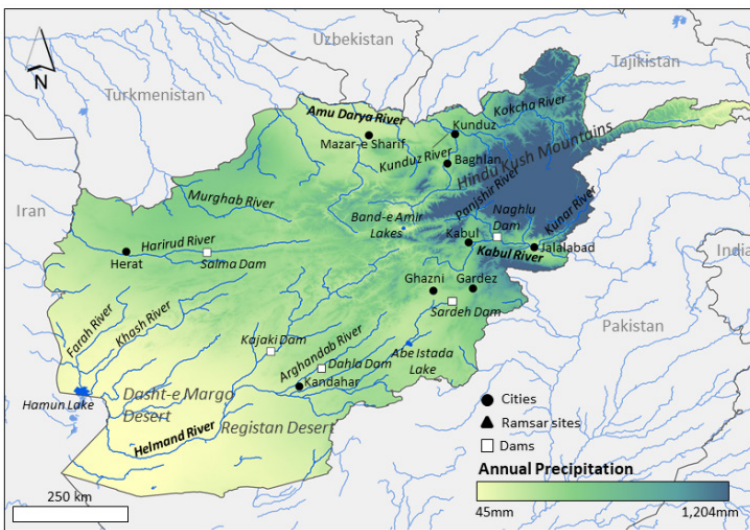


Fig. 1: Water Resources and Infrastructures in Afghanistan

Source: (USAID & Sustainable Water Partnership (SWP), 2021)

Furthermore, the Kabul River originates entirely within the confines of Afghanistan. Its basin area within the country covers 79,360 square kilometers, and the river exhibits an average annual flow of 24 billion cubic meters (BCM) (Ahmad & Wasiq, 2004). Similarly, the Helmand River also originates entirely within Afghanistan's borders. Its basin encompasses a total area of 386,000 square kilometers, with approximately 321,000 square kilometers lying within Afghanistan, accounting for around 78 percent of the total area. Iran occupies roughly 20 percent of the basin, while Pakistan covers the remaining 2 percent (Ahmad & Wasiq, 2004). Although this river basin constitutes the larger region within Afghanistan, "the average annual flow of the Helmand River amounts to only approximately 14 bcm" (Ahmad & Wasiq, 2004). Afghanistan houses several significant lakes, such as Lake Zareh and Band-e Amir, which serve as vital sources of potable water and provide essential habitats for wildlife.

Table 1: River Basins of Afghanistan

<i>River Basin</i>	<i>Catchment Area (Km²)</i>	<i>Storage Capacity (Billion m3)</i>
Amu Darya basin	302, 000	24
Helmund river basin	218, 600	6.5
Western rivers basin	85, 300	2.5
Kabul (Indus) basin	72, 000	22
Total		55

Source: (Qureshi, 2002)

The river networks of the nation serve a crucial function in providing water resources and facilitating power production. A comprehensive grasp of Afghanistan's history, culture, and societal dynamics necessitates a thorough understanding of its geography. Consequently, the geography and water resources of Afghanistan play a pivotal role in its environment, development, and geopolitical standing.

HYDROPOWER POTENTIAL AND IRRIGATION SYSTEMS IN AFGHANISTAN

Hydropower, as a renewable energy source, holds significant potential to address the energy needs of nations while promoting sustainable development. Afghanistan, endowed with abundant water resources, stands to benefit from

harnessing hydropower as a means to secure a reliable and clean energy supply. Hydropower generation offers a promising pathway for Afghanistan's sustainable development, providing reliable electricity, stimulating economic growth, and reducing greenhouse gas emissions. While challenges exist, international cooperation, community engagement, and environmental considerations can pave the way for responsible and inclusive hydropower development in Afghanistan. By harnessing its abundant water resources and capitalizing on the potential of hydropower, Afghanistan can enhance its energy security, drive socioeconomic progress, and contribute to a greener and more sustainable future.

Afghanistan exhibits a considerable capacity for the production of hydropower (See **Table 2**) and the implementation of irrigation infrastructure. Currently, Afghanistan has 461 MW installed capacity in terms of hydropower generation (International Hydropower Association, 2021). The Karez irrigation systems in Afghanistan presently facilitate the cultivation of more than 170,000 hectares of agricultural land. These systems have the capacity for additional expansion and the provision of a consistent water supply, thereby promoting sustainability (Azami A., Sagin, J., Sadat, S. H., and Hejran, H., 2020).

Table 2: Hydroelectric Dams in Afghanistan

Name of Dam	River	Major Basin
Chak E Wardak	Logar	Indus
Grishk	Helmand	Helmand-Sistan
Dahla	Arghandab	Helmand-Sistan
Kajaki	Upper Helmand	Helmand-Sistan
Surubi	Kabul	Indus
Darunta	Kabul	Indus
Naghlu	Kabul	Indus
Salma	Hari Rod (Tedzhen)	Hari Rod (Tedzhen)

Source: FAO Aquastat, 2012

Over the course of the last 25 years, there has been a growing utilisation of micro-hydropower units in canal systems located in Afghanistan (Thomas V., Osmani, A., and Wegerich, K., 2011). The maintenance of agricultural production in Afghanistan necessitates the implementation of enhanced irrigation techniques and administration (Walters and Jha, 2016). However,

the nation encounters obstacles in its tertiary education framework as a result of protracted conflict and political instability, which could potentially affect the advancement and execution of irrigation and hydropower initiatives (Noori A. Q., Said, H., Nor, F. M., and Ghani, F. A., 2020).

HYDROPOLITICAL CHALLENGES IN AFGHANISTAN: HISTORICAL CONFLICTS AND THEIR IMPACT ON WATER GOVERNANCE

Afghanistan possesses significant untapped hydropower potential, which can contribute to the energy security of both Afghanistan itself and its neighbouring countries. However, the hydropolitical predicaments in Afghanistan have been significantly shaped by past hostilities and their ramifications on water management. Over the course of the last four decades, the nation has encountered difficulties pertaining to the management of hydro resources, leading to a dearth of comprehensive approaches to integrated water resources management (Nori, 2020; Shams and Muhammad, 2021). The challenges associated with harnessing water resources in Afghanistan are a matter of considerable concern. The nation of Afghanistan possesses a significant quantity of water resources; however, “the implementation of integrated water resources management (IWRM) practises has been insufficient due to the protracted war and conflict within the region, thereby impeding the efficacy of water resource management” (Shams & Muhammad, 2021). The nation confronts diverse predicaments, among them the immoderate withdrawal of water for farming, which in conjunction with persistent aridity, has resulted in significant reductions in water reserves (Habib, 2014). The anticipated rise in population, industrialization, urbanisation, and climate change is projected to result in a surge in the need for irrigation and multifaceted water usage in the forthcoming decades (Huseynov & Salik, 2018).

Moreover, Afghanistan encounters the challenge of transboundary water governance, which entails the requirement to navigate principles of equitable and reasonable utilisation in shared watercourses (Kamil, 2021). Effective management of flood risks is crucial, as evidenced in the Kabul River Basin, where transboundary collaboration is imperative (Taraky Y. M., Liu, Y., McBean, E., Daggupati, P., and Gharabaghi, B., 2021). Some scholars have demonstrated that the implementation of multi-stakeholder partnerships holds the potential in addressing the intricate obstacles associated with water resource management in Afghanistan (Pathak S. R., Shrestha Pradhan, N., Guragai, S., Baksi, B., Azizi, F., and Shrestha, A. B., 2022). In order to

ensure the future development and livelihoods of the Afghan people, it is imperative to prioritise sustainable water resource management and address the challenges currently facing this endeavour. In general, Afghanistan necessitates a comprehensive strategy for hydro development in order to fulfil the requirements of hydroelectric energy production, urban water supply, and irrigation for agriculture (Afghanistan Water Constraint Overview Analysis, 2000).

Furthermore, the adjacent areas such as Khyber Pakhtunkhwa located in Pakistan have encountered a lack of progress, destitution, and inadequate education as a result of the ongoing conflict in Afghanistan (Mahmood Q. K., Jafree, S. R., and Qureshi, W. A., 2020). The hostilities in Afghanistan have engendered a highly arduous milieu for carrying out investigations and executing remedies (Blair G., Imai, K., and Lyall, J., 2014). In addition, the presence of geopolitical considerations, such as the acknowledgement of Afghanistan's autonomy by its neighbouring nations, including Iran, has contributed to the intricate water-related issues that exist between the two countries (Saeedi, 2022). The ramifications of the conflicts in Afghanistan extend to the realm of global politics, as evidenced by the discourse surrounding Afghanistan's participation in the United Nations (Mairajuddin, 2023) and the insights gained from the privatisation of military operations (Patel, 2022). The examination of the historical connections between Turkey and Afghanistan, which are founded on their mutual Islamic culture, has been scrutinised within the framework of the ongoing conflicts (Machitidze, 2023). The recent events in Afghanistan, including the withdrawal of US military forces and the subsequent takeover of power by the Taliban, have underscored the imperative for international jurisdiction and investigation of crimes perpetrated in the region (Radmanović, 2023). During the course of the conflict, medical networks have been instrumental in delivering surgical care to wounded personnel in Afghanistan (Pilgrim and Brennan, 2022).

REGIONAL COOPERATION IN SOUTH ASIA: EXISTING FRAMEWORKS AND INSTITUTIONS FOR WATER COOPERATION

Water scarcity, population growth, climate change, and increasing demand for water resources have intensified the need for regional cooperation in managing shared water bodies. South Asia faces significant water-related challenges. To address these challenges, various frameworks and institutions have been established for water cooperation, with a specific focus on hydro

cooperation. South Asia boasts several frameworks aimed at promoting regional hydro cooperation. The IWT is one of the most prominent examples. It provides a framework for water allocation, dispute resolution, and information exchange on Indus River Basin. Another notable framework is the Mahakali Treaty between India and Nepal, signed in 1996, which regulates the utilization of the Mahakali River. Similarly, the Ganges River Basin Commission (GRBC) was established to facilitate cooperation among Bangladesh, Bhutan, China, India, and Nepal in managing the Ganges river system. These frameworks demonstrate the commitment of South Asian countries to address water-related issues through cooperation.

The frameworks and institutions currently in place for water cooperation in South Asia have been influenced by a range of factors, such as regional dynamics, geopolitical relations, and the imperative for sustainable development. The South Asian Association for Regional Cooperation (SAARC) has been instrumental in promoting collaboration among its member nations in various domains, including water distribution and administration (Pratap, 2017; Uddin M. N., Parvez, S. M., Ali, H. M. S., Samsuddin, M., and Karim, A. R., 2022). The SAARC functions as an intergovernmental organisation and geopolitical union, with the primary objective of fostering peace and prosperity through cooperation and conflict resolution (Uddin et al., 2022; Siddiqui, 2017). Furthermore, it has been acknowledged that regional energy collaboration is crucial in ensuring the provision of sufficient and reasonably priced energy, while also having the potential to foster sustainable development in the South Asian region (Allison, 2021). There have been endeavours to establish power trading mechanisms and collaboration in the region, based on prosperous regional energy trading agreements in other global regions (Chauhan, 2021). In South Asia, regional cooperation frameworks, such as SAARC, have played a crucial role in tackling water and energy challenges, promoting economic growth, and fostering peace (Rahman, 2019; Singh, 2019).

Despite the existence of frameworks and institutions, several challenges hinder effective regional hydro cooperation in South Asia. Political tensions, inadequate data sharing, lack of trust, and differing national priorities pose significant obstacles. While challenges exist, there are also opportunities for strengthening regional hydro cooperation in South Asia. First, there is a need for enhanced dialogue and trust-building measures among countries to foster a cooperative atmosphere. Second, improving data sharing and information exchange is crucial for informed decision-making. Third, investing in research and technological innovations can provide valuable insights into sustainable

water management practices. Fourth, exploring the potential for joint infrastructure projects, such as multipurpose dams, can lead to shared benefits and cooperation. Consequently, regional hydro cooperation is crucial for addressing water-related challenges in South Asia. The existing frameworks and institutions, such as legal agreements, regional organizations, and research institutes, provide a foundation for collaboration. However, challenges related to politics, data sharing, and climate change must be overcome to achieve sustainable and equitable

AFGHANISTAN'S ROLE IN REGIONAL HYDROPOLITICS AND IMPLICATIONS FOR NEIGHBOURING COUNTRIES AND REGIONAL DYNAMICS

Afghanistan's hydro-political landscape has undergone notable transformations influenced by internal dynamics, external interventions, and evolving regional dynamics. One significant continuity in Afghanistan's hydro-political policies is its reliance on transboundary water resources, primarily originating from the Amu Darya and Helmand rivers. Afghanistan's historical dependence on these rivers has engendered a consistent emphasis on water diplomacy, bilateral agreements, and regional cooperation to address shared water challenges and mitigate potential conflicts.

Afghanistan has witnessed notable changes in its hydro-political policies, particularly in the post-2001 era following the ousting of the Taliban regime and the subsequent establishment of a democratic government. The hydro-politics in Afghanistan is hindered by the transboundary water management issue, despite the country's potential in this area (Ahmadzai and Mckinna., 2018). Transboundary water governance remains constrained, leading to a restricted scope for significant investments in critical infrastructure. The sole transboundary water management treaty that Afghanistan has in place is the Helmand River Treaty with Iran, which has been in effect for half a century. Regrettably, due to instability and conflicts after resurgence of Taliban in 2021, “the implementation of this treaty has been impeded, and disagreements persist regarding the allocation of water resources” (USAID and Sustainable Water Partnership (SWP), 2021). The Transboundary character of Afghanistan's river systems mandates diplomatic engagements with adjacent nations to ensure proficient administration and fair allocation of shared water reservoirs.

The involvement of Afghanistan in the realm of hydro-politics within the region bears noteworthy ramifications for the overall regional landscape of South Asia. As an upstream country, Afghanistan holds the power to

control water resources that flow into downstream nations like Pakistan. Pakistan holds reservations regarding the establishment of hydroelectric power facilities within the Kabul River basin. The primary reason for this concern stems from the absence of a formal agreement between Pakistan and Afghanistan, compounded by India's involvement and endorsement of Afghanistan's developmental initiatives, which encompass the construction or restoration of dams (Ramachandran, 2018). Pakistan promptly voices its apprehensions whenever India extends support for Afghanistan's development endeavours, perceiving it as a source of rivalry rather than collaboration. To illustrate, Pakistan expressed concern over the agreement reached between the governments of Delhi and Kabul pertaining to the establishment of the Shahtoot Dam along the Kabul River. Islamabad contends that the construction of this dam, alongside other analogous developmental initiatives along the Kabul River or its affluents, will encroach upon the water allocation directed towards Pakistan. It is pertinent to observe, however, that Pakistan has undertaken hydrological projects on the Chitral River without duly informing Afghanistan. Consequently, this has had repercussions on the equitable utilization of water resources in the downstream Kunar province situated in eastern Afghanistan.

It has been revealed that Indian experts have concluded the feasibility studies and detailed engineering assessments for twelve projects to be erected along the Kabul River. Once the tendering process is finalized, the authorities in Kabul, in collaboration with international assistance, will commence the construction of multipurpose water projects on the tributaries of the Kabul River. India intends to support Afghanistan in this endeavour, which is anticipated to have adverse repercussions on Pakistan. The aforementioned document further indicates that the World Bank has committed to funding these twelve dams, with a projected cost of \$7.079 billion (Mustafa, 2016). Pakistan is concerned that the completion of these twelve projects would result in the storage of "approximately 4.7 million acre-feet of water", thereby diminishing the water flow towards Pakistan (Ibid.).

Afghanistan and Pakistan lack specific water treaties because Afghanistan believes that the signing of a treaty with Pakistan may endanger their hydro development on the Kabul River (Chaudhury, 2018). But they have engaged in discussions and negotiations regarding the management of transboundary water resources in the past. The principles of international law, particularly the 'UN Convention on the Law of Non-Navigational Uses of International Watercourses', govern the management of such resources between these two nations. Both countries have also taken part in regional water initiatives, such

as ‘the Central Asia Regional Economic Cooperation (CAREC)’ Program and the Afghanistan-Pakistan Joint Ministerial Commission on Water and Energy, aimed at fostering cooperation and dialogue on transboundary water concerns (Pakistan Institute of International Affairs, 2004). Despite these endeavours, effectively managing transboundary water resources between Afghanistan and Pakistan remains a complex challenge, marked by ongoing issues of water scarcity, deterioration of water quality, and the downstream impact of upstream activities on local communities. The control over hydro resources, as an upstream country, grants Afghanistan leverage in negotiations and can be utilized to ensure its own water security. The utilization of its water resources for irrigation, hydropower generation, and other purposes can have a direct impact on downstream countries and its water availability and livelihoods. Managing this power responsibly becomes crucial to avoid tensions and conflicts over water-sharing arrangements. To tackle these challenges, continuous dialogue and cooperation between the two countries are imperative to ensure the sustainable and fair management of transboundary water resources.

Afghanistan is heavily dependent on its water reservoirs to sustain its agricultural industry, thereby upholding the nation's food security imperatives. Agriculture constitutes a pivotal component of Afghanistan's economic framework, engaging a substantial segment of its populace and furnishing indispensable sustenance to its inhabitants. However, the country faces various challenges related to water scarcity and inadequate irrigation infrastructure, which significantly hinder its agricultural development.

Water scarcity is a pressing issue in Afghanistan, particularly due to factors such as climate variations, increased water demand, and inefficient water management practices. The country experiences irregular precipitation patterns, with some regions facing prolonged droughts, while others endure intense floods. These fluctuations in water availability pose significant challenges to agricultural activities, making it difficult for farmers to plan and manage their crops effectively. Afghanistan's irrigation infrastructure is inadequate and outdated, further exacerbating the water scarcity issue. The lack of proper irrigation systems leads to inefficient water use, with a significant amount of water getting lost through seepage, evaporation, and inefficient distribution networks. Insufficient access to reliable irrigation hampers agricultural productivity, limits crop yields, and perpetuates food insecurity in the country.

The impact of Afghanistan's food security challenges extends beyond its borders and could potentially affect the stability of the entire region,

including India. Afghanistan shares close geographical proximity and cultural ties with neighbouring countries, and any disruption in food production and availability within Afghanistan can have spillover effects on regional stability. Afghanistan's dependence on imports to meet its food demands further underscores the potential implications for regional food security.

India, as a neighbouring country, is particularly sensitive to developments in Afghanistan's agricultural sector and food security. India has provided assistance to Afghanistan in several significant endeavours, exemplified by initiatives such as the Shahtoot Dam construction and the provision of potable water infrastructure for Kabul, with additional benefits extending to the augmentation of irrigation facilities (Ministry of External Affairs, 2017). Moreover, the prominent Indian company AIPL rendered assistance to Afghanistan in the facilitation of a Hydroelectric Power Project situated within the Hilmand Province (Ibid.).

Besides India and Pakistan, Afghanistan's hydropolitics also holds a significant ramification for Iran, Turkmenistan, and Uzbekistan. As Afghanistan navigates its internal strife and seeks to harness its water resources for development, its actions in water management inevitably impact the downstream nations. Any hydropolitical activity in Afghanistan not only holds the potential to bolster its agricultural productivity and energy generation but also alters the flow of water downstream, affecting the water availability for them. These countries heavily rely on the water from the Amu Darya and its tributaries for agriculture, industry, and domestic use. Afghanistan's hydro-politics intersect with its diplomatic relations with neighboring countries. Water sharing agreements, such as the 1973 Helmand River Treaty between Afghanistan and Iran, demonstrate attempts to manage transboundary water resources peacefully (International Water Law, n.d.). However, due to the resurgence of Taliban into power, the volatile security situation in Afghanistan and the absence of a comprehensive framework for regional water management pose challenges to effective cooperation. For instance, The Taliban stood accused of deliberately restricting the flow of water by shutting the gates of the Kajaki and Dahla Dams, ostensibly as a means to exert pressure on Iran (Nagheebay and Warner, 2022).

Moreover, the erection of two significant dams by the Helmand and Arghandab Valley Authority (HAVA) aimed at regulating water discharges provoked considerable discontent among downstream Iran. These constructions encompassed the Dahla Dam, "boasting a storage capacity of 478.6 million cubic meters, and the Kajaki Dam, possessing a storage capacity

of 1.7 billion cubic meters, both of which were ceremonially inaugurated in 1952 and 1953, respectively” (Ibid.). While the initiative aimed to furnish Afghanistan with hydroelectric energy and augment agricultural output, Iran expressed opposition to the HAVA undertaking, apprehensive of its adverse repercussions, notably the depletion of downstream river flow.

Any alteration in the flow of rivers due to upstream developments in Afghanistan can have profound consequences. Diminished water accessibility has the potential to escalate pre-existing disputes and incite confrontations concerning water entitlements, notably within arid locales where water represents a scarce and invaluable resource. Moreover, fluctuations in water flow can disrupt irrigation schedules, affecting crop yields and livelihoods in downstream communities.

Further, Uzbekistan and Turkmenistan currently grapple with acute water scarcity issues, a matter exacerbated by Kabul's proposed “Qosh Tapa canal project”, which threatens to compound water-related challenges across Central Asia. Both Uzbekistan and Turkmenistan heavily rely on agriculture for their economic sustenance, thus rendering the canal venture detrimental due to its anticipated ramifications, including heightened salinization and a pronounced decrease in water flow from the Amu Darya River. Uzbekistan, in particular, confronts a pressing water deficit for agricultural purposes, “a concern exacerbated by projections indicating a potential escalation to 7 bcm by 2030 and a doubling by 2050, as articulated by regional experts” (Fazl-e-Haider, 2024). Similarly, Ashgabat seeks enduring remedies for its water predicaments, with both Turkmenistan and Uzbekistan ranked among the seventeen nations grappling with “extremely high” levels of baseline water stress. Situated adjacent to Afghanistan, both nations anticipate heightened water-related adversities consequent to the impending construction of an irrigation canal within Afghanistan's precincts.

During the September 2023 Council of Heads of the Founder States of the International Fund for Saving the Aral Sea, “Uzbekistan's President Shavkat Mirziyoyev voiced apprehensions regarding this canal project, underscoring its potential to significantly alter the water dynamics and equilibrium within Central Asia” (Ibid.). Conversely, the Taliban has championed the canal initiative as a vital lifeline for Afghanistan, “particularly in mitigating the impacts of drought. Spanning a length of 285 kilometers and with a depth of 100 meters, the canal is envisioned to transform approximately 550,000 hectares of arid terrain in Afghanistan's northern provinces of Kaldar, Balkh, Jowzjan, and Faryab into cultivable farmland” (Ibid). Notably, projections by

certain experts suggest that both nations could potentially witness a reduction of up to 15 percent in the irrigation water sourced from the river upon the canal's completion (Ibid.). Consequently, a significant portion of the Amu Darya's waters is anticipated to be diverted inland towards Afghanistan. This diversion is poised to precipitate a marked decrease in the volume of accessible water across various regions of Uzbekistan and Turkmenistan, exacerbating existing water scarcity concerns within the two nations.

To address these challenges, it is crucial for Afghanistan to prioritize investments in water infrastructure, including the development of efficient irrigation systems, water storage facilities, and watershed management programs. Implementing sustainable water management practices, such as water conservation techniques and improved irrigation technologies, can help maximize the productivity of available water resources. Moreover, fostering regional cooperation and dialogue among Afghanistan and its neighbouring countries, including India, is essential to address shared water challenges and promote sustainable water management practices.

Consequently, the scarcity and mismanagement of water resources, especially transboundary water resources, can escalate tensions and trigger conflicts among nations. Afghanistan's water resources, if not managed wisely, have the potential to become a source of contention with its neighbours. Water-related disputes can further exacerbate existing geopolitical challenges in the region, impacting peace, stability, and development. Afghanistan must navigate these complexities and actively engage in water diplomacy to mitigate the risks of conflicts and ensure sustainable water security.

POTENTIAL FOR AFGHANISTAN TO BECOME A KEY PLAYER IN WATER DIPLOMACY

Afghanistan's role in the hydropolitics of South Asia goes beyond upstream-downstream dynamics. The country has been actively engaging in water cooperation and diplomacy to foster regional stability and development. Given the importance of its water resources and the imperative for cross-border collaboration, Afghanistan possesses the capacity to emerge as a pivotal participant in the realm of water diplomacy. The Kabul River Basin, which is a transboundary river basin that has been plagued by conflicts, has been the subject of environmental diplomacy workshops between Afghanistan and Pakistan (Panikkar B., Zia, A., Sgorbati, S., Cohen, M., Abid, M., Fayyaz, M., Hashimi, N., Ali, S., Ahmad, M., Aman, Z., Halasah, S., Rice, D., Del Rossi, G., Ryan, B., Hameed, K., Hussain, M., and Salimee, N., 2019). Afghanistan

possesses a significant water potential that is uniformly distributed. Notwithstanding the potential benefits of water resource development for the Afghan economy, various obstacles have impeded progress in this area (Habib, 2014). These include prolonged civil conflict, issues of corruption, inadequate infrastructure, and severe water scarcity (Hale and Ali, 2023). Afghanistan's strategic location and potential for peace negotiations have garnered significant attention, with Indonesia expressing interest in serving as a peace mediator (Pratama and Ferdiyan, 2021). The proper management of hydro resources is of utmost importance for the Afghan government in the post-war period (Lashkaripour and Hussaini, 2007). The accomplishment of sustainable water management mandates the engagement of diverse stakeholders, including civil society, academia, research institutions, media entities, and private enterprises, in the discourse concerning national and regional water resource management (Nori, 2020). By means of persistent endeavours and deliberate partnerships, Afghanistan has the potential to augment its involvement in water diplomacy within the vicinity.

CONCLUSION

Afghanistan possesses considerable hydro resources that hold the potential to transform its economy. The rivers, water basins, and other water sources in the region exert a substantial influence on regional connections, developmental possibilities, and geopolitical dynamics. Geopolitics and water resources are inherently interconnected, as the availability, access, and distribution of water shape political dynamics at local, regional, and global levels. However, the effective utilization of hydro resources faces formidable challenges. These challenges encompass various factors, including armed conflicts and territorial disputes, inadequate water infrastructure, and insufficient institutional capacity for proficient water governance. Hydro-politics, denoting the competition for control over water resources, assume a critical role in shaping the hydro-political landscape of the region.

Despite these obstacles, there exist opportunities for regional collaboration aimed at addressing the complex hydro-political issues in South Asia. Engaging with Afghanistan's neighbouring countries can facilitate communication, collaborative management initiatives, and equitable sharing of hydro resources. Regional frameworks such as the Kabul River Basin Initiative and the Indus Waters Treaty provide platforms for discussion and cooperative efforts.

Consequently, water scarcity, hydro-political interactions, and climate change contribute to the complex geopolitical landscape, demanding

cooperative and sustainable management practices. By understanding and addressing these challenges through diplomacy, international agreements, and effective water governance, nations can navigate the geopolitical complexities of water resources, foster cooperation, and mitigate the risks of conflicts. The sustainable management of water resources is crucial for fostering stability, enhancing socioeconomic development, and promoting peace in an increasingly water-stressed world.

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Indigenous Knowledge, Insights and Strategies of Disaster Risk Reduction and Resilience of Coastal Blocks of Purba Medinipur District, West Bengal: The Paradigm Shift from Vulnerability to Strength

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ABSTRACT

'Indigenous knowledge' of disaster risk management means the traditional skill and techniques practiced by the local rural folks. Such knowledge is undocumented and transferred orally through generations. Purba Medinipur district is the southernmost severe tropical cyclone prone coastal district of West Bengal bounded by Bay of Bengal. People of this district fight against this natural disaster almost every year, so that they have to adapt their own coping strategies for disaster risk reduction and resilience to their livelihoods. This paper mainly aims to scout the vulnerability and risk of the coastal inhabitants and their indigenous knowledge on disaster awareness, preparedness and adaptation strategies. This research also tries to prescribe some possible policies to exhibit local knowledge in disaster management in a scientific way. Simple snow ball sampling technique has been used with the help of 15 key informants of 10 villages among 450 target respondents selected on the basis of fragile ecosystem situation and poor economic base. Information has been collected through personal interview, interactive group discussion through open ended semi-structured questionnaire schedule. Various statistical techniques, mapping techniques, charts, models and indexes have been used for analysis. The outcome

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shows that the cyclonic vulnerability is transformed from disaster to risk, great relevance of indigenous knowledge and practices and unparalleled importance of their own coping strategies particularly for resilience of assets and sustainable livelihoods. An effective pathway of resilient management planning for disaster risk reduction for these severe cyclones prone areas is also recommended.

Keywords: *Indigenous knowledge, coping strategies, disaster risk reduction, resilience, snow ball sampling technique, vulnerability.*

INTRODUCTION

In recent times, coastal Bengal has been severely affected by the occurrences of multiple cyclones. High storm surge, coastal floods, coastal erosion, water logging and salinity left a tremendous footprint on the lives and livelihoods of the rural folks who lived in the coastal areas. People who reside in the disaster-prone areas of coastal Bengal are extremely vulnerable. Back-to-back cyclones in the last two decades have badly impacted the infrastructure, household assets and livelihood opportunities in the area. It is true that the occurrence of natural disaster is somehow unavoidable but the impact of the disaster could be minimized when there will be an active participation of local people, their culture, traditional knowledge and practices in disaster management. The survival capacity could be enhanced by giving importance to the traditional knowledge of the native inhabitants. The increasing adaptive capacity of the local people of cyclone prone areas helps in moving forward the resilience capacity and reducing the level of vulnerability.

The traditional knowledge is also termed as ‘local knowledge’ or ‘indigenous knowledge’. Traditional knowledge can be outlined as the unique local knowledge that have been traditionally practiced and developed by men and women from a specific geographical area (Grenier,1998). The word traditional knowledge or indigenous knowledge has been used on the basis of the knowledge of the local inhabitants about their locality-based history of disaster management. Indigenous knowledge is the synonymous of traditional knowledge or local knowledge that has originated from local communities (Kelman et al., 2012). Generally, indigenous knowledge is transferred from generation to generation, enriched from environmental inferences through their basic instincts, fantasy and imagination (Agrawal, 1995).

Indigenous or traditional knowledge is a set of cumulative knowledge, practice and belief which has been resulted through adaptive process of the local communities and culturally transmitted through generations (Berkes, 2007). Traditional knowledge described by UNESCO (2002) as accumulated knowledge that has been practiced, maintained and engineered by the people

with a history of the correspondence with their environment. Indigenous knowledge is termed as local or traditional knowledge which has been developed beyond the conventional education system (World Bank report, 2005). It is unique in terms of location and society as well. Indigenous knowledge acts as an important part of the lives and livelihoods of the impecunious people in village areas and help in decision making regarding human and animal health, food security and managing natural resource. Indigenous knowledge was identified by Flavier et.al. (1995) as the information base of the society which accelerates the decision of a community during disaster events. He also found that such knowledge is very much dynamic in nature and is continuously shaping past experiences. Indigenous knowledge is informal, locally bounded, orally transmitted across the generation and culturally specific in nature (Shaw et.al., 2008). As per the International Institute of Rural Reconstruction (1996), indigenous knowledge is the set of knowledge which has been developed over time and continuously developing through experience.

The indigenous people gather the perception and knowledge about disaster from their experience through monitoring of various biological events and observations of sky. Their beliefs, social and cultural taboos, customs, economic needs, adaptation capabilities, environmental situations actually motivate them to act as per (fig 1).

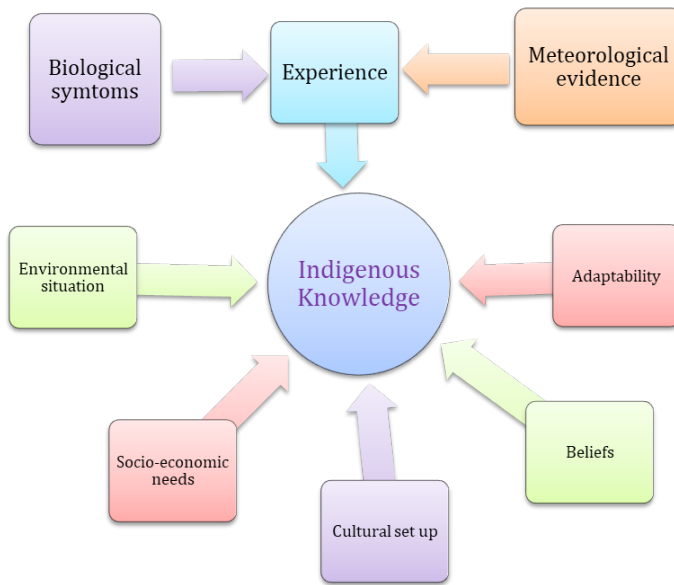


Fig 1: Sources and motivations of indigenous knowledge

Indigenous knowledge can be termed as the functional knowledge of rural inhabitants of a specific ethno-cultural condition. Such knowledge matured through sharing of experience and generally passes through generational orally and is an important part of the rural folks usually found in unwritten forms (Haque, 2013). It is usually said that undocumented or unwritten knowledge is at risk of being lost. Local wisdom of the rural inhabitants is generally restricted to the villages, markets and old towns where people continuously practice such techniques. Indigenous knowledge is holistic system of knowledge which includes beliefs, concepts, values and perception of the people usually practiced in a rural environment (Warner 1991; Sillitoe et al., 1998). In the opinion of Walker et al. (1991) indigenous knowledge is the accumulated knowledge of a rural community.

Sillitoe (2000), identify indigenous knowledge as the result of ‘grass root’ participation by the rural folks rather than ‘top-down’ imposition of interventions. He differentiates indigenous knowledge from the scientific or modern knowledge of disaster management. Scientific knowledge is more formal and found in written form where indigenous knowledge is informal, socially and culturally more specific, generally developed by the experimental practice of the local dwellers in the case of survival and coping strategies for natural disaster.

Indigenous knowledge and practices are now considered as an important contributor for better understanding and disaster preparedness (Shaw et al., 2009; Mercer et al., 2010; Howitt et al., 2012; Lambert, 2014; Athayde et al., 2015). In parallel times, indigenous knowledge is acknowledged and valued. Such knowledge is under perpetual risk of being eroded or lost (Mead, 1994; Drahos, 2014).

Several scholars of disaster risk reduction acknowledge that traditional knowledge of local inhabitants is significant towards saving human and animal lives and prevent property from the negative effect of natural disaster (McAadoo et al., 2006; Hiwasaki et al., 2014). Scholars further argue that local authorities should give priority to local or indigenous knowledge from the grass root level because it is more influential to prepare, prevent, mitigate and recover from the hazardous impact (G’Nece, 2012). Shaw et al. (2009) opined that indigenous knowledge builds the capacity among the local people over the centuries to combat with natural disaster and tested over time and proven as a sustainable tool of disaster risk mitigation. Taking a look in the history of disaster

management in different countries, number of evidence suggested that those countries became successful in disaster management by giving importance to indigenous knowledge of the local inhabitants as basic tactics of disaster risk reduction (Iloka, 2016; Rahman et al., 2016; Sethi et al. 2011). The successful implementation of indigenous knowledge in disaster management has been experienced in Zimbabwe and also examined in Africa's Sahel region where survival of local people lies truly on the traditional knowledge to cope with climate change (Nyong et al, 2007).

Indigenous knowledge on disaster management is in practice since 1970s and shaped by the interaction of the people with their local environment while in 1990s, it gained acceptance and valued in the sphere of disaster risk mitigation (Dekens, 2007; Hiwasaki et al., 2014). However, it is very unfortunate that indigenous knowledge has not promoted in the policy and science of disaster management even after the recognition of the value of such knowledge in enhancing adaptation of the rural folks in climate change (Adger et al., 2011).

Few scientists are still in dilemma regarding the acceptability and effectiveness of indigenous knowledge. According to their opinion this knowledge has no such scientific base. These are mostly abstract, crude, narrow and emotional (Mitchel, 1995; Herbert, 2000). Many researchers couldn't rely this knowledge because of lack of faith and confidence (Shizha, 2006; Mawere, 2010; Ngulube et al., 2011). It is not at all proved that this type of knowledge is only means of survival in a balanced way and appropriate measures for risk reduction management of devastating tropical cyclone (Naidoo, 2007).

Value of local or indigenous knowledge is significant and cannot be ignored. Although, in modern time's technology opened up new dimensions of disaster management but that does not mean the exercise of indigenous knowledge by the rural folk could be tagged as unscientific, primitive or constraints to development. Rural community acquired such knowledge through many generations and they proudly followed their indigenous knowledge even after greater exposure to modern technologies. There is no doubt that local knowledge of disaster management is eroding rapidly and many of it has been already lost by the introduction and flying spread of modern foreign technologies of disaster management. There is a clear call to document such knowledge and practices before they extinct from the rural societies. This research has the scope to reinforce local coping strategy that could be effective for the people and community for better disaster preparedness in future. Thus,

this paper mainly aims to mine the indigenous knowledge of the immediate inhabitants of coastal Bengal on disaster awareness, disaster prediction, disaster preparedness, disaster adaptation and disaster risk.

Keeping in mind of all the above discussion few specific objectives have been set for the smooth analysis of this research. These objectives are:

Identification of the practices of indigenous knowledge regarding disaster mitigation.

- Documentation of coping strategies adopted by indigenous people.
- Assessment of the risk and vulnerability of the coastal villagers.
- Evaluation of the effectiveness of the indigenous resilience strategies of coastal villagers in disaster risk reduction.
- Scaling up the validation and replication of indigenous practices.
- Recommendation of few measures for the betterment and sustainable livelihood of indigenous people.

STUDY AREA

Purba Medinipur district is recognized as the southernmost coastal district of West Bengal. Tamluk is the head quarter of the district. The district is bordered by Bay of Bengal in the south. Geographically, Purba Medinipur district is the part of the Eastern Coastal Plain and lower Indo-Gangetic plain. Being a coastal district, maximum elevation of the district is only 10 meters from mean sea level and with a coastline of 65.5 km (Purba Medinipur, 2022). Total geographical area of the district is 4736 sq.km with a sum population of 5095875. Population density of the district is 1100 per sq.km. This district is also known for the highest literacy rate (87.66 percent) in West Bengal (Census of India, 2011).

Deshopran, Khejuri II, Contai I, Ramnagar I and Ramnagar II are the most disaster-prone blocks of the district because the blocks are immediately located at the coast (fig 2). Coastal floods and high tides are quite frequent in those blocks. Villages of those blocks which are located near the shoreline are extremely vulnerable due to high population density, poverty, frequent cyclonic events and floods. Local inhabitants are continuously struggling against such extreme events.

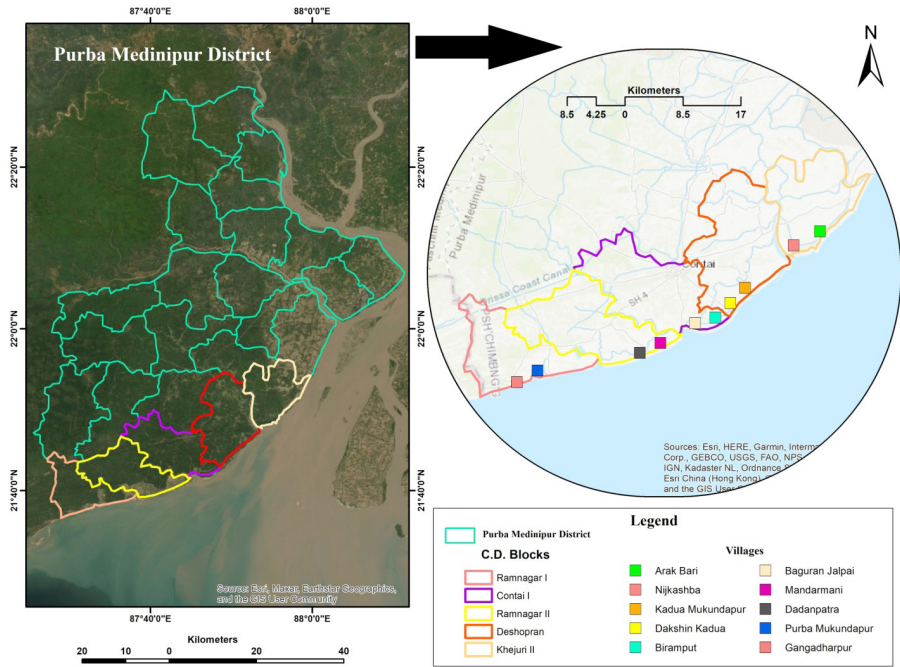


Fig 2: Location map of the study area

Source: Prepared by authors by using Google image 2022 and Arc GIS 10.7 (licensed version).

Table 1: Village profile and target respondents

Name of the block	Name of the village	Jl.no	Total Area (sq. km)	Total population	Total literacy	Total main workers	Total marginal workers	Total non-workers	No of respondents
Ramnagar- I	Purba-Mukandapur	346990	3.565	2766	2193	804	183	1779	83
	Gangadharpur	346982	0.702	359	287	104	NA	255	10
Ramnagar-II	Dadapatra	347131	2.667	1391	1095	528	41	822	41
	Mandarmani	347093	1.70	507	347	142	61	304	15
Contai-I	Baguran-Jalpai	346249	3.03	1573	1218	432	124	1017	47
	Birampur	346261	1.663	2370	1335	517	343	1510	71
Deshopran-I	Dakshin-Kandua	346383	1.568	1131	905	80	275	776	34
	Kadua-Mukundapur	346415	1.43	1116	829	298	232	586	34
Khejuri-II	Nijkashba	346036	1.357	2435	1674	611	186	1638	73
	Arak-Bari	346016	2.094	1389	919	138	235	1016	42
Total									450

Source: Census of India, 2011

One specific fact has to be pointed out that the working status of all the villages under study is very poor. Majority of people have either no work or engaged in unorganized sectors (table 1). The poor economic status actually throws them into the dangerous disaster like tropical cyclone in these areas.

MATERIALS AND METHODS

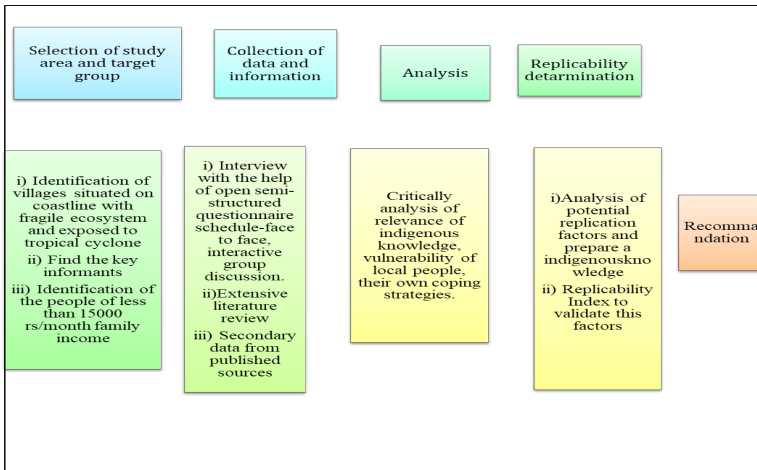
People resides in the disaster leaning areas generation after generation have accumulated knowledge of their local environment. Such knowledge helps to identify some unique techniques to minimize or mitigate hazardous impact. Such techniques which are purely practiced in the local level are referred as “Indigenous knowledge” in this research. Indigenous knowledge is one of the valuable sources of information which is also significantly effective to minimize disaster risk in the local areas. The traditional techniques and skill to combat with the natural disaster is the result of man environment interaction through the generations. People of the coastal areas of West Bengal gained practical knowledge or indigenous knowledge to cope with natural disasters through their enormous struggle with natural calamities.

On the basis of above discussion, the following methodological framework has been selected to gather the knowledge of the local people

The primary data bases obtained from door-to-door perception survey have been used in this research. The main source of secondary data of this research is the census handbook. Personal interviews, Interactive Group Discussion (IGD) are used to know the indigenous knowledge, practice, beliefs regarding cyclonic activities and their own coping strategies. Ten villages are selected on the basis of coastline situation and direct exposure to sea. Total number of sample respondents are 450 (3% people in each village) on the basis of poor economy and fragile ecosystem.

Simple snowball technique has been applied to search the target population because majority of the study villages were not familiar to the researches.

The study framework is essential for fanning it in a scientific way (fig 3). It has been discussed below-Fig 3: Study framework



The survey has been executed in three phases such as 25th March to 5th April-2021, 29th July to 5th August -2021 and 5th October to 13th October-2021. Three sets of Interactive Group Discussion (IGD) sessions had been arranged during field visits to cross examine the personal interviews.

Mean, Standard Deviation (SD) are used for statistical analysis to validate the collected data.

Indigenous Knowledge Explicability Index (IKRI) is calculated to quantify the qualitative perception of the coping strategies adapted by the target respondents. To assess the impact of disaster risk reduction issues adapted by the indigenous people for the quick resilience of their livelihood, Likert scale (Likert, 1932) has been adapted.

Various models have been constructed to show the interaction between different dependent variables over independent ones. The vulnerability of progression: Wisner's Pressure and Release model (PAR) (Wisner et al, 2004) has been adapted to assess the vulnerable situation of local people in the study area for the regular insurgences of tropical cyclones.

The modified version of the Sendai Framework for Disaster Risk Reduction 2015-2030 which has been already adopted in the Third United Nations Conference on Disaster Risk Reduction in Sendai, Japan, held on March 18, 2015 to investigate the knowledge, awareness, readiness, adaptation, perception and insecurity of the local residents.

Generally, there is no written record of indigenous knowledge anywhere in formal language. Mostly it continues to exist in verbal form and forwarded orally from one generation to another generation. Indigenous knowledge

includes perception, concepts, values and faiths of a native community that is locally significant in disaster management. It is a multifaceted knowledge system with different expressions.

RESULT AND DISCUSSION

This section has been dividing into three sub-systems, firstly, assessment of vulnerabilities, secondly, evaluation present relevance of the indigenous knowledge and lastly, investigate the coping strategies to overcome their vulnerabilities. Actually, their coping strategies are the strength for resilience their economy, society and livelihood their strategies are experiences-based knowledge which was transmitted through generations.

4.1 VULNERABILITY ANALYSIS

Vulnerability is a situation created by a set of factors which enhances the susceptibility of a person, community and society to the harmful impacts of a hazard or disaster physically, economically, environmentally or mentally. Physiographical location of this study area is itself in a vulnerable situation. Every year these areas face the awful face of disastrous tropical cyclones. In this sub-section, the vulnerable situation of this place as well as of the residents has been discussed thoroughly.

4.1.1 FACTORS OF VULNERABILITY

The factors which are responsible for increasing the vulnerability of the residents of these areas are depicted in the figure 4.

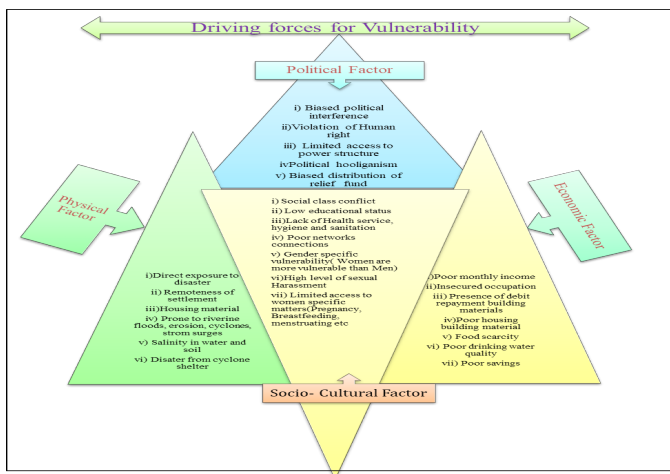


Fig 4: Factors of vulnerability

Actually, nature only cannot make people vulnerable. Along with nature, other several factors such as economy, society, culture and above all the politics accelerated people's vulnerability at a greater extent. The identified major driving forces of vulnerability of the people of this study area are depicted in the figure 4 (Cannon, 2008; Chaudhury, 2017; Benson & Clay, 2003).

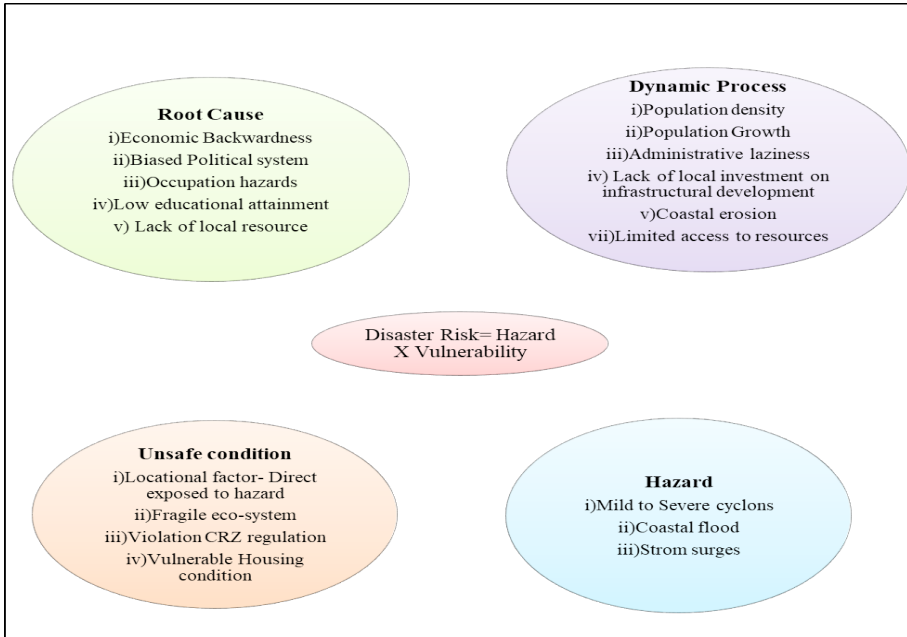


Fig 5: The vulnerability of progression: Pressure and Release model (PAR)

Source: Adapted from Wisner et al, 2004

Vulnerability is actually a human centric aspect of disaster. It is the outcome of various factors depicted in the above figure (Fig 5). It shows the progress of vulnerability which will ultimately turn as disaster. With the help of the hazard, this vulnerable situation is converted into risk through root cause, dynamic pressure and unsafe environmental situation (Wisner et al, 2004; Alexander, 1993).

4.1.2 FREQUENCY OF SEVERE CYCLONES

Table 2: Occurrences of severe Tropical Cyclones

<i>Serial no</i>	<i>Year</i>	<i>Name of the severe cyclone</i>	<i>Landfall (month)</i>
1	2011		
2	2012		
3	2013	Phailin	May
4	2014	Hudhud	October
5	2015		
6	2016		
7	2017		
8	2018	Titli	October
9	2019	Phani/Fani	May
		Bulbul	November
10	2020	Amphan	May
11	2021	Yash	May
		Jawad	December

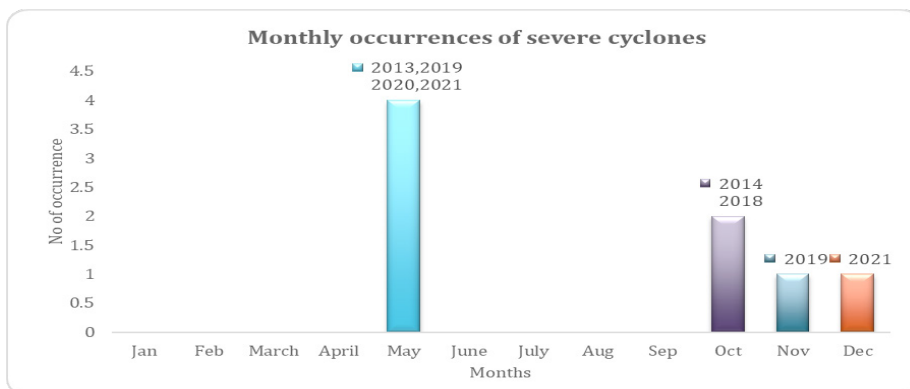


Fig 6: Monthly occurrences of severe cyclones

Source: imdkolkata.gov.in, 2022

In last ten years between 2011 to 2021, frequencies of tropical cyclone over coastal Bengal have been phenomenal and impacted hardly on the lives and livelihoods of the coastal villagers. Situation gets more intense when three cyclones made their landfall in the study area just within three years of span

(between 2018 to 2021) (table 2). It has been observed that May, October, November and December are the riskiest months in the study area (fig 6). Disaster management preparedness has been started by the coastal dwellers from the month of April every year.

4.1.3 POPULATION DENSITY

Higher population density means higher demands of resources per unit of area, hunger, unhygienic environment, increasing number of death toll etc. due to disaster.

Table 3: Village wise population density

Name of the block	Village code	Village name	Area (sq. km)	Population	Population density/ sq.km
Contai I	346249	Baguran-Jalpai	3.03	1573	519
	346261	Birampur	1.663	2370	1425
Deshopran I	346383	Dakshin-Kadua	1.568	1131	721
	346415	Kandua-Mukundapur	1.43	1116	780
Ramnagar I	346990	Purba-Mukandapur	3.565	2766	776
	346982	Gangadharpur	0.702	359	511
Ramnagar II	347131	Dadanpatra	2.667	1391	522
	347093	Mandarmani	1.7	507	298
Khejuri I	346036	Nijkashba	1.357	2435	1794
	346016	Arak-Bari	2.094	1389	663

Source: Field survey, 2021

It has been observed that all studied villages are densely populated (table 3). High population density puts them in serious threat and makes them vulnerable because the devastation caused by the cyclones is higher in high populated areas.

4.1.4 INCOME STATUS

Table 4: Monthly income status of the respondents

<i>Monthly income (Rupees)</i>	<i>No of respondents (%)</i>
<2000	9
2000-4000	11
4000-6000	18
6000-8000	27
8000-10000	21
10000-12000	6
12000-15000	5
>15000	3

Source: Field survey, 2021

Actually, the people become vulnerable due to their poor economy (table 4). The respondents are mainly engaged as small & marginal farmers, auto, toto, van driver, wage laborers and small fishermen of subsistence type. They don't have such capacity to make a cyclone resistant house. Natural environment creates a barrier for their livelihood earning. Soil is salt encrusted and water clogged crop cultivation is not so easy. Few of these have small fishery boats but they could not compete with these big boats' fishermen with large fishing trawler. Moreover, they do not have much alternative occupational facilities.

4.1.5 POOR HOUSING CONDITION

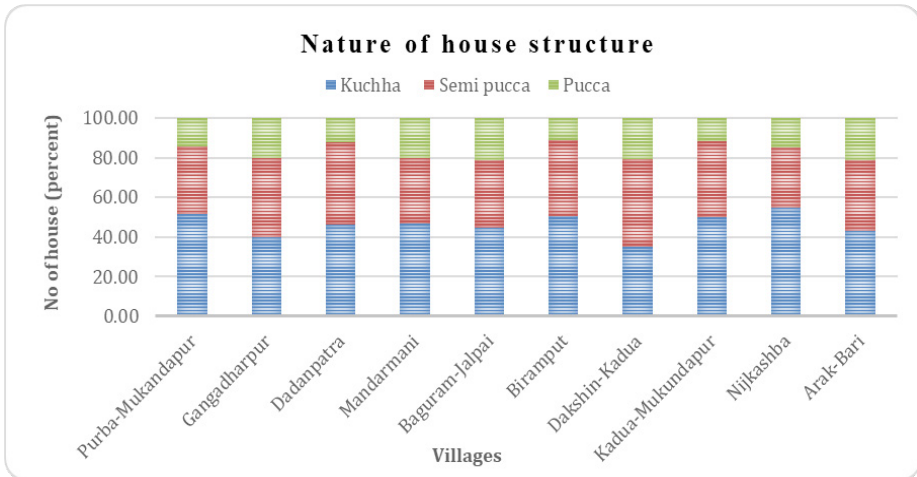


Fig 7: Nature of house structure

Source: Field survey, 2021

Unsafe permanent shelter is the serious threat to the people who live in disaster prone areas. People living in kuccha houses are mostly vulnerable. It has been experienced that most of the people of the studied villages are under great risk as they mostly lived in kuccha houses or to some extent semi pucca houses. Existence of pucca houses is proportionately low (fig 8). This is extremely unfortunate because pucca houses considered as the safest living condition from all around the corner. This is very shocking to witness that almost half or even more than half of the houses in coastal villages are kuccha in nature and always severely damaged in any catastrophic events particularly in cyclonic events (fig 7). Poor economic base and lack of all season job opportunity accelerate them towards risk and vulnerability. Thus, such uncertainty regarding living condition always put them in serious trouble and makes them vulnerable in disastrous events.



Fig 8: Housing condition

Source: Field survey, 2021

4.2 STRENGTH ANALYSIS

Although the local residents are living in a naturally vulnerable situations but they could not give up or shift to another places. They are still now living here. One of the most important aims of this paper is to analyze their strength which can reduce this type of natural disasters.

4.2.1 RELEVANCE OF INDIGENOUS KNOWLEDGE

Any disaster risk can be reduced with the spontaneous participation of common people and administrations (Alam & Collins, 2010). Without recognition of the local risk reduction strategies, any type of risk reduction

planning cannot be fruitful or sustainable. Coping capacity of local people can help in the reduction of vulnerability (Shaw & Krishnamurthy, 2009). Accounting the local knowledge is beneficial to administration for better planning. These measures are cost-effective and deep rooted and what is better for a particular area can be identified through indigenous knowledge system. This knowledge is also relevant in social aspects for building social trust, self confidence and acceptability (Thomalla & Schumuck, 2004).

The local people observe various biological symptoms and monitor meteorological phenomena for preparedness of the disaster (fig 9). The following figure shows the weather forecasting system of indigenous people by observing the various symptoms, both biological and meteorological.

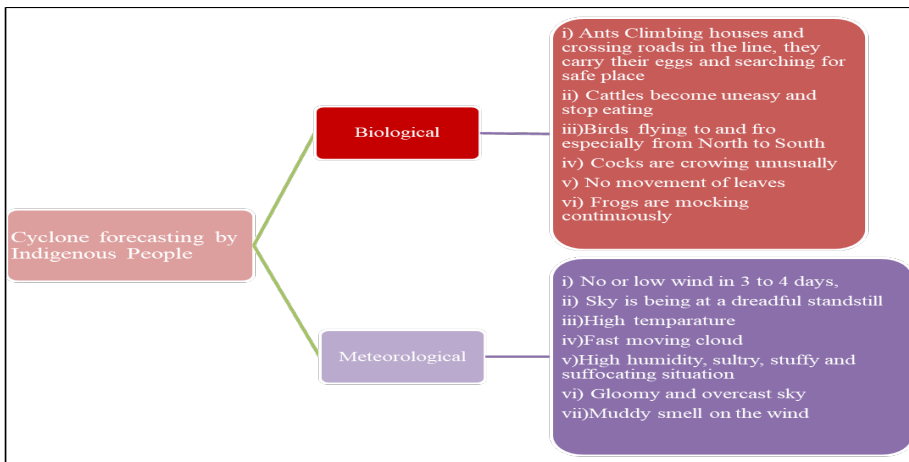


Fig 9: Cyclone forecasting symptoms by indigenous people.

The people of these areas are living with natural hazards. They have prepared their own measures to protect their assets and livelihoods. They gather their perception from biological, meteorological evidences and symptoms. Their beliefs, cultural set ups, myths, literatures etc. construct their knowledge. This indigenous knowledge is related to significant dimensions such as surveillance through experience, prediction, identifying and monitoring the symptoms, adaptation through trial-and-error processes, and communication among community members through generations (fig 10). This understanding can ultimately regulate their efforts towards sustainable management and resilience disaster risk. All these aspects of disaster risk reduction preparedness are depicted in this following figure.

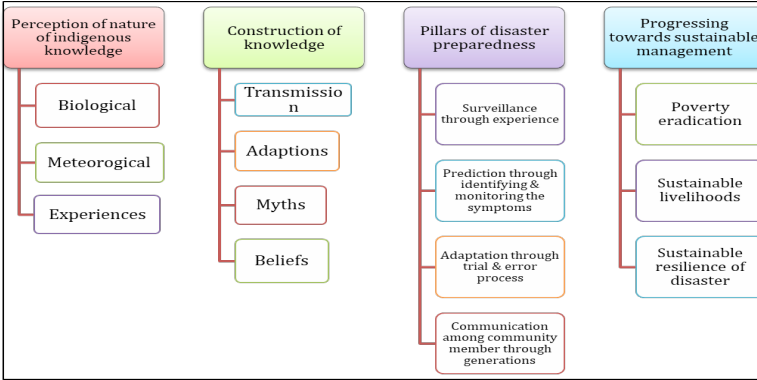


Fig 10: Disaster preparedness processes of indigenous people

4.3 ANALYSIS OF KEY DISASTER RISK REDUCTION ISSUES ADAPTED BY INDIGENOUS PEOPLE FOLLOWING SPACE-PEOPLE FRAMEWORK:

It has been found that the disaster mitigation measures are space and peoples specific, therefore it is required to analyze the responses of people about key Disaster Risk Reduction (DRR) issues like knowledge, awareness, readiness, adaptation, perception and insecurity. The output of each issue has been explained in the following sub sections

4.3.1 KNOWLEDGE OF PEOPLE

Table 5: DRR issue: knowledge

Name of the villages	Perception of the respondents (%)				
	Strongly understood	Understood	Not clear	Confusion	No idea
Purba-Mukandapur	34	28	11	7	3
Gangadharpur	3	4	3	0	0
Dadanpatra	11	17	8	4	1
Mandarmani	6	8	0	1	0
Baguram-Jalpai	19	22	4	2	0
Birampur	29	32	3	6	1
Dakshin-Kadua	14	16	1	2	1
Kadua-Mukundapur	18	14	2	0	0
Nijkashba	26	33	8	4	2
Arak-Bari	17	20	2	2	1
Mean	17.7	19.4	4.2	2.8	0.9
SD	9.86632	9.65171	3.58391	2.39443	0.99442

Source: Field survey, 2021

Knowledge means how much the local people have the knowledge about cyclone related matters. Only 79 respondents (17.56%) among 450 have no such clear idea. More than 80% of them have the knowledge about the severity, landfall, preparedness, risk, risk reduction processes etc. (table 5). Every year they have faced these cyclones. So, they are very well familiar to this incidence.

4.3.2 AWARENESS OF PEOPLE

Table 6: DRR issue: awareness

<i>Name of the villages</i>	<i>Perception of the respondents (%)</i>				
	<i>Strongly aware</i>	<i>Aware</i>	<i>Not aware</i>	<i>Confusing</i>	<i>No idea</i>
Purba-Mukandapur	27	33	9	11	3
Gangadharpur	4	6	0	0	0
Dadanpatra	14	19	3	4	1
Mandarmani	5	9	1	0	0
Baguram-Jalpai	19	23	3	1	1
Biramput	27	34	4	4	2
Dakshin-Kadua	17	16	1	0	0
Kadua-Mukundapur	12	20	1	0	1
Nijkashba	27	36	7	2	1
Arak-Bari	18	21	2	1	0
Mean	17	21.7	3.1	2.3	0.9
SD	8.07465	9.67522	2.73678	3.25729	0.94339

Source: Field survey, 2021

Only 63 (14%) people are not aware about cyclone related activities. Most of the people show positive response which indicates their capability to fight against these natural calamities. Few people do not know about the modern DRR issues (table 6).

4.3.3 READINESS OF PEOPLE

Table 7: DRR issue: readiness

<i>Name of the villages</i>	<i>Perception of the respondents (%)</i>				
	<i>Very well</i>	<i>Well</i>	<i>Not ready</i>	<i>Confusing</i>	<i>No idea</i>
Purba-Mukandapur	21	33	18	7	4
Gangadharpur	2	5	2	1	0
Dadanpatra	11	13	11	4	2
Mandarmani	4	7	2	1	1
Baguram-Jalpai	19	17	6	3	2
Birampur	16	37	12	3	3
Dakshin-Kadua	9	12	7	4	2
Kadua-Mukundapur	7	13	11	3	0
Nijkashba	21	27	21	2	2
Arak-Bari	8	14	10	6	4
Mean	11.8	17.8	10	3.4	2
SD	7.00476	10.85049	6.18241	1.95505	1.41421

Source: Field survey, 2021

This is to the preparedness capacity of the people. About 136 (30.22%) people are not ready to take preventive measures (table 7). This is because of their poverty, poor housing condition, living in hazardous habitat. They don't have such access to resource which can provide the tools to their hands to take preparedness measures which indicate their vulnerability. Another fact is also there, this is the belief in their fate so, that they could not be motivated.

4.3.4 ADAPTATION OF PEOPLE

Table 8: DRR issue: adaptation

<i>Name of the villages</i>	<i>Perception of the respondents (%)</i>				
	<i>Very well</i>	<i>Well</i>	<i>Not adapted</i>	<i>Confusing</i>	<i>No idea</i>
Purba-Mukandapur	28	30	14	7	4
Gangadharpur	2	4	1	1	2
Dadanpatra	12	14	8	3	4
Mandarmani	6	4	2	1	2
Baguram-Jalpai	11	14	8	8	6
Birampur	19	23	10	13	6
Dakshin-Kadua	7	11	4	8	4
Kadua-Mukundapur	5	15	4	7	3
Nijkashba	21	26	16	6	4
Arak-Bari	9	18	7	5	3
Mean	12	15.9	7.4	5.9	3.5
SD	8.20568	8.63391	4.92612	3.63470	1.398412

Source: Field survey, 2021

Only this capacity is means of their way of living in this geo-environmental situation. The study shows that about 165 (37.33%) people are assured negatively which indicates that there are also such people who are not in adapt state of disaster in this community (table 8). So, there is a necessity to implement more DRR programs & campaigns.

4.3.5 PERCEPTION OF PEOPLE

Table 9: DRR issue: perception

<i>Name of the villages</i>	<i>Perception of the respondents (%)</i>				
	<i>Strongly perceived</i>	<i>Perceived</i>	<i>Not perceived</i>	<i>Confusing</i>	<i>No idea</i>
Purba-Mukandapur	14	8	35	19	7
Gangadharpur	2	3	3	1	1
Dadanpatra	9	12	14	4	2
Mandarmani	3	7	2	2	1
Baguram-Jalpai	11	16	8	4	2
Birampur	15	21	17	12	6
Dakshin-Kadua	6	12	4	7	5
Kadua-Mukundapur	9	14	7	2	2
Nijkashba	14	19	14	17	9
Arak-Bari	9	12	7	8	4
Mean	9.2	12.4	11.1	7.6	3.9
SD	4.51663	5.48128	9.80306	6.41525	2.76686

Source: field survey, 2021

It is the thinking variability of the victims of cyclonic hazards. About 207 (46%) people's perception vary on various issues (table 9). Actually, these local people who believe in their own risk reduction processes are not accustomed with the new technologies of DRR.

4.3.6 INSECURITY OF PEOPLE

Table 10: DRR issue: insecurity

<i>Name of the villages</i>	<i>Perception of the respondents (%)</i>				
	<i>Strongly insecure</i>	<i>Insecure</i>	<i>Not insecure</i>	<i>Confusing</i>	<i>No idea</i>
Purba-Mukandapur	20	34	9	12	8
Gangadharpur	6	3	1	0	0
Dadanpatra	18	17	2	3	1
Mandarmani	9	5	0	1	0
Baguram-Jalpai	19	23	3	1	1
Birampur	22	37	6	4	2
Dakshin-Kadua	14	14	2	3	1
Kadua-Mukundapur	11	16	2	4	1
Nijkashba	23	27	10	9	4
Arak-Bari	15	18	4	3	2
Mean	15.7	19.4	3.9	4	2
SD	5.69697	11.14749	3.38132	3.74165	2.40370

Source: Field survey, 2021

Although the local people have faith on their DRR measures but they feel insecure in front of the severity of the disaster. Only 39 (8.67%) people feel secured about cyclonic devastations (table 10). This is because of their well economic condition and protective infrastructure particularly housing.

4.4 COPING STRATEGY

People living with natural hazard have their own coping strategy to combat their vulnerabilities. These coping strategies in pre hazard, within hazard and post hazard phases are discussed in the following.

4.4.1 PRE HAZARD PHASE

Based on the previous experiences, people usually cultivate their own hazard preparedness strategies to save lives and properties as they can (Jha & Jha, 2011; Shaw et al., 2008, Howell, 2003). The problem is that there is no such documentation of their traditional knowledge, wisdom & mechanism. The following table shows the adaptive measures taken in pre hazard phase.

Table 11: Measures taken by indigenous people in pre-hazard phase.

<i>Measures</i>	<i>Perception of the respondents (%)</i>		
	<i>Yes</i>	<i>No</i>	<i>Confusing</i>
Harvesting of crops	89.25	10.75	00
Keep domestic animals in safe places	86.31	12.27	1.42
Arrangement of the safe shelter	71.54	19.20	2.26
Gathering sufficient food & storage of safe drinking water	52.13	35.44	12.43
Plant herbal medicines in the homestead & arrange necessary medicine	51.37	29.22	19.41
Bury the available seeds, crops underground at the time to go safe places	68.39	25.92	5.69
Wrap with polythene of all essential documents and valuable materials & bury it underground	78.42	20.00	1.58
Plant banana trees for food & fodder	58.59	33.18	8.23
Submerge boats for safety	71.23	26.71	2.06
Hanging weight from corner of the roof & tying roofs to wall	85.69	12.57	1.74

Source: Field survey, 2021

Local people know very well that if they do not take any preventive measures to protect their lives, assets, livestock etc. then the result will be devastating. So that they take preventive measures as much as possible (fig 11, 12 and 13). Table 11 shows their measures which are truly very effective. In their own way they take their measures without any help of others. They protect their houses, arrange food, water and medicine, save their valuable assets as much as they can.



Fig 11: Covering ponds by net to protect out flow of the fishes.

Source: Field survey, 2021



Fig 12: Protective measures for kuccha houses

Source: Field survey, 2021



Fig 13: Preventive measures for fodder and fuel wood and other assets

Source: Field survey, 2021

4.4.2 IN HAZARD PHASE

Table 12: Measures taken by local people during hazard.

Measures	Perception of the respondents (%)		
	Yes	No	Confusing
Stay together at one corner of house or shelter homes	63.58	30.20	6.22
Cut off electricity supply	91.67	7.02	1.31
Keep extra floats for saving fishing boats & lives	82.32	13.33	4.35
Untying live stocks	65.21	29.34	5.45
Submerge household items into the pond	58.92	22.56	18.52
Keep in touch with neighbors	71.11	20.65	8.24
Take updates from media	75.62	17.00	7.38

Source: Field survey, 2021

People become absolutely lonely during the hazard period. At that time nobody can stand before the severity of the cyclone. The local victims then make sure to protect their families, livestock, assets and even their houses. Table 12 represents the measures taken by the victims during hazard period.

4.4.3 POST HAZARD PHASE

Table 13: Measures taken by indigenous people in post hazard resilience.

<i>Measures</i>	<i>Perception of the respondents (%)</i>		
	<i>Yes</i>	<i>No</i>	<i>Confusing</i>
Reconstruct the houses	95.67	3.31	1.02
Gather survived domestic animals	100	00	00
Clear the broken trees	78.53	19.06	2.41
Rescue all submerged & buried materials	100	00	00
Repair the banks of pond or drains	83.76	11.11	5.13
Treatment of minor injuries by herbal medicines	68.23	18.48	13.29

Source: Field survey, 2021

Without waiting for any administrative help, the local people try their best to recover their assets. Even they try to clear the roads which got blocked due to fallen trees. They also help their relatively more distressed neighbor by giving shelter, food, water etc. Basically, these poor people seek to back to their work for survival of other livelihoods (table 13). Many people get involved in fishing in post disaster phase by using traditional methods (fig 14). Running water, over flow of ponds and lakes open up an opportunity to them to collect fishes and sustain their livelihood for the instant time phrase.



Fig 14: Traditional fishing traps

Source: Field survey, 2021

4.5 VALIDITY ANALYSIS OF THE INDIGENOUS KNOWLEDGE AND PRACTICES

The researchers have presented various forms of knowledge and practices of local people regarding the preparedness of pre hazard, in hazard and post hazard phases of cyclones and flooding of coastal Purba-Midnapur Blocks. Now it is very much necessary to validate those practices, so that these will be helpful for wider community to improve their coping strategies. For this a set of tactics were applied to judge the feasibility of these replication.

4.5.1 VALIDATION FACTORS

The following five parameters have been selected for analysis of validity of the local knowledge and practices.

Preparedness: To evaluate the extent of readiness of these practices which are not dependent on any type of special situation.

Acceptability: To examine the extent of acceptance of these beliefs to the society.

Fund: To investigate the necessity of any fund or material or skill to fulfill these practices.

Threat: To judge the risk factor of application as well as rescue of these beliefs

Profit: To estimate the effectiveness of these practice in other location and community.

The average score of 65.50 clearly indicates that the measures adapted by the indigenous people are effective not only for these specific study areas but also applicable in other areas where people used to face such disasters (table 14). Their risk reduction measures are financially beneficial, profitable and have low risk.

RECOMMENDATIONS FOR SUSTAINABLE RISK REDUCTION PLANNING AND MANAGEMENT

Recently the trend of occurrences of severe cyclonic storm with heavy rainfall causes severe disruption of livelihood of people particularly in the coastal poverty ridden people of West Bengal. This natural hazard is usually converted into disaster due to land use change, faulty planning & administrative negligence. These will be avoided if policy implementation worked with due recognition of the disaster risk reduction activities of local people, their knowledge, practices, culture and overall, their adaptive capacity. Linking between governmental effects and the indigenous knowledge can only reduce the vulnerability and risk of hazard and bring back to their resilient livelihood (UNISDR, 2009).

The respondents were asked about the risk reduction planning and management. Their spontaneous responses have been reflected in the following table.

Table 15: Perception of local people about risk reduction planning.

<i>Issues</i>	<i>Perception of the respondents (%)</i>
i) Recognition of the opinion of local people about cyclone	70.27
ii) Collaborating local people in the early warning system	67.38
iii) Emphasis given on the opinion of local people about infrastructural development in hazard prone areas	77.67
iv) Give chance to the local people to participate in hazard preparedness	68.98
v) Encouraging local people for participating in post hazard mitigation process	81.28

Source: Field survey, 2021

More than 60% of people have agreed on all the issues presented in Table 15. They actually want to be a part of hazard mitigation planning. It is true that a majority of the researchers are advocating for engagement of local people in the disaster risk reduction process. Local people are those people who have actual knowledge about natural catastrophes. Authorities cannot stay away from these in all situations. Local people would have to combat these calamities in their own way for surviving.

The Sendai Framework for Disaster Risk Reduction, 2015-2030 recommended the inclusion of indigenous knowledge with the scientific process of DRR (UNISDR, 2015). The disaster risk reduction paradigm has already shifted (Fig. 15). The old thinking of various parameters of DRR has wider implications. The Sendai Framework also presented this new thinking. This paradigm shift is presented below.

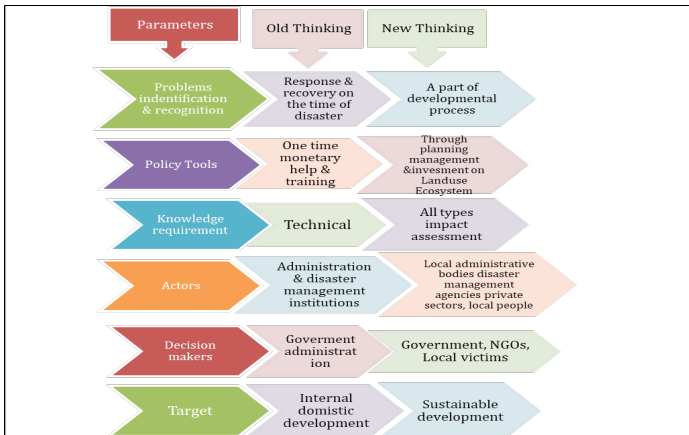


Fig 15: Paradigm shift of disaster risk reduction

Source: Adapted from UNISDI, 2014 TABLE 1, p.p. xv

After thorough analysis of this research, the authors recommend little specific necessary suggestions which will be helpful in sustainable planning of disaster risk reduction for this study area.

Indigenous knowledge is precious as an immediate alternative of disaster management that have traditionally practiced since the time in memorial, but unfortunately such knowledge is not documented yet. Therefore, it is strongly recommended that such knowledge should be formally documented before it has been lost.

It would be more beneficial if there is an inclusion of such knowledge in disaster management policy by the local and state administration in an integrated way.

Information center at community level is to be set up to reduce the gap between weather forecasting by personal instincts and forecasting through modern technologies. All other information related disaster events should be available and highly accessible in those centers.

To building up awareness among the villagers, courtyard session between villagers and local administration through videos, charts and posters is highly recommended.

Employing persons or NGOs for reformatting the indigenous practices to reduce disaster risk and demonstrating the processes with explanation is importance.

Need to upgrade land use planning in collaborations with local dwellers so that vulnerability and risk of the coastal villagers could be minimized.

Some beliefs in traditional disaster management practice are based on prejudice. That orthodoxy should be axed in the very initial stage of the transmission across a generation. In this regard, scientific awareness and training programs at school level should be implemented without a delay.

Respect should be given to this opinion of local people for building the alliance between administration and local communities (Lambert & Scott, 2019).

Allot a budget to promote the indigenous methods of DRR.

The protection of natural barriers such as mangroves, natural levees to prevent storm surge and flood.

The scope should be given to indigenous people to raise their voice against unnecessary administrative delay.

CONCLUSION

Since the time immemorial, the local people usually have practiced their own indigenous knowledge for preparing the coping strategies and sustain their lives and livelihoods from the evil hands of these devastating disasters. Every year more than one or two times they have to face this cyclone which has disastrous impact on the society, local and national economy as well.

This research properly identified, analyzed and documented the vulnerability of disaster generated from severe tropical cyclones, relevance of indigenous knowledge and practices and measures adopted for coping in pre-hazard, in-hazard and post-hazard phases. Although their knowledge has not so much strong scientific base but these are generated from experience through generations. All the practices are not always working but these are helpful to reduce the risk. People believe in this trial and error-based effectiveness of practices. These practices are interwoven with their beliefs, customs and taboos, so that these have not so much replicable use.

Most frequently the policy makers disregard this indigenous knowledge for the making of disaster risk reduction policies. They usually used scientific and technology-based methods. Many researchers already started to advocate for merging both the indigenous knowledge and modern methods for understanding the impact of cyclone and strategy formulation to combat these disasters. Usually planning designs and implementations of policies

are made by the non-indigenous authorities under national and regional level administrations where local people have no chance to participate.

If the decision makers ignore the indigenous knowledge in disaster prevention and mitigation planning then all the developmental efforts will be turned as developmental disasters. For better disaster risk management, it is now utmost necessary to blend this local knowledge into state or national DRR planning strategies by reducing Local-State or State-Nation conflicts. If all stakeholders take part and perform accordingly then this vulnerable situation and disaster risk can be eliminated. So, the indigenous knowledge is a crucial tool for empowering the capability of local people.

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DECLARATION OF INTERESTS

We the authors declaring that there is no conflict of interest regarding the data, images used in this research. There is no conflict of interest in terms of financial assistance as well.

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Quadrilateral Security Dialogue; the Great Democratic Wall to Siege the Great Firewall

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ABSTRACT

In the post-pandemic era, amid the Ukraine-Russia conflict, nations are reassessing security arrangements, with democratic values pitted against authoritarianism, led by the U.S. and China. This analysis delves into the significance of the Quadrilateral Security Dialogue (QUAD) in the contemporary global order, focusing on Indo-Pacific strategic interests. Employing a historical analytical approach, it traces QUAD's evolution since 2006, detailing strategic partnerships and joint military exercises. The assessment includes challenges in maintaining QUAD cohesion amidst divergent stakeholder interests and regional dynamics, alongside opportunities for enhanced collaboration. The analysis also engages in debates concerning India's role in QUAD, making comparisons to NATO and historical foreign policy perspectives. It discusses potential trajectories for QUAD's future, its impact on regional security, and broader implications for the Indo-Pacific strategic landscape. Contextualizing QUAD's significance against China's assertive actions, the analysis underscores the necessity for a collective strategy among like-minded countries to counter Beijing's illegitimate moves in the region.

Key Words: *QUAD, China, Geopolitics, Indo-Pacific, Democracy, Authoritarianism.*

INTRODUCTION

The May 2022 gathering of QUAD leaders in Tokyo marks a notable change in the global landscape following the pandemic (GOI, 2022). Comprising the USA, Australia, India, and Japan, the Quadrilateral Security Dialogue (QUAD) showcased a stronger dedication to their strategic concerns in the Indo-Pacific area. The significance of the QUAD summit is heightened by China's assertive actions in the South China Sea, such as building artificial islands, deploying nuclear submarines, and militarizing the area (Chellaney, 2007). China's rejection of globally recognized international maritime laws and rulings from international courts threatens to disrupt the established rules-

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based global order (Phillips, Holmes, & Bowcott, 2016). These developments have alerted the QUAD nations to strengthen their strategic cooperation, to safeguard free navigation in the Indo-Pacific region. This paper assesses the significance of the QUAD in the context of the post-pandemic global order, focusing on Indo-Pacific strategic interests. Using a historical analytical methodology, it traces the origins and development of the QUAD from 2006, including strategic partnerships and joint military exercises. Additionally, it evaluates challenges in maintaining QUAD cohesion and navigating regional dynamics, highlighting opportunities for enhanced collaboration. The paper also examines QUAD's commitment to securing a free and independent Indo-Pacific against Chinese aggression, emphasizing military coordination and capabilities. Furthermore, it delves into the debates surrounding India's role in QUAD, considering comparisons to NATO and historical foreign policy perspectives (Jain, 2021). Finally, the paper discusses potential trajectories for QUAD's future, its impact on regional security, and broader implications for the Indo-Pacific strategic landscape.

QUAD EVOLUTION

The origins of QUAD can be traced back to Japanese PM Shinzo Abe's proposal for regional maritime security cooperation among major democracies in the Indo-Pacific. In his famous book 'Utsukushii Kunihe' published in 2006, Abe proposed a beautiful world based on democratic values and the notion that '*Democracies do not go to war*' (Langel, 2022). This initiative was a response to China's aggressive tactics in the region, prompting Australia, Japan, and the USA to initiate the Trilateral Strategic Dialogue (TSD) to address common threats. India's inclusion in QUAD further solidified the group's purpose of safeguarding shared interests and responding collectively to regional challenges (Medcalf, 2009). The first QUAD meeting was organized in the Philippines in 2007 on May 25th during the assemblage of the 'Asian Regional Forum' (Buchan & Rimland, 2020). However, the secrecy of the meeting was maintained by member states to avoid the annoyance of China, and they declared it an informal group to address issues of conjunctive interest like terrorism and disaster management.

The QUAD's evolution culminated in joint military exercises like the Malabar naval exercise, demonstrating a commitment to maritime security and free navigation in areas of strategic importance (Cherian, 2007). Despite political pressures and Chinese objections, QUAD members have demonstrated a willingness to strengthen their cooperation, highlighting the

group's strategic significance in shaping the Indo-Pacific strategic environment (Samachar,2007).

THE RESISTANCE OF CHINA AND QUAD'S HIBERNATION

The democratic armour in the shape of QUAD very soon seemed to be rusted as the over-sensitive Dragon began to feel uncomfortable. China moves heaven and earth to voice its concern for QUAD and spare no effort to stop the countries from such grouping aiming at China. China blamed the USA for rushing to create a new struggle zone and instability in the Indo-Pacific region in the name of the dialectical superiority of democracies over communist kind of true democracies. China officially registered its protest with QUAD countries for the Malabar exercise and any collective dialogue initiative. Banting upon China's growing pressure, the QUAD member states started to distance themselves from further intensifying the dialogue process. The Left parties in India harshly criticized the UPA government for Malabar Exercise and its tilt toward America. The CPI (M) blamed the Manmohan Singh government for drowning India in US subordination through the various defence, nuclear agreements, and military exercises like Malabar. They also warned that India's growing closeness with the US is in dissonance with its long-term strategic interests. The mounting protests of Left parties (whose support was crucial for the survival of the then UPA government) forced the Prime Minister of India, Manmohan Singh, to clarify that the security implications were not the plan of QUAD (Cherian, 2007). During his state visit to China, he stated that a warm relationship with China is his biggest priority, and QUAD was not a grouping to bind China.

In July 2007, Australia's Defence Minister Brendan Nelson expressed hesitance during a state visit to India, indicating a preference to limit the QUAD to trade and cultural aspects. This early indication of reluctance marked a potential limitation on QUAD's scope. The grouping faced a significant setback with the resignation of Japan's Prime Minister Shinzo Abe, a key figure in QUAD's inception and design. His successor, Prime Minister Yasuo Fukuda, adopted a more conciliatory approach towards China, tempering QUAD's initial assertiveness. The dynamics shifted further in December 2007 with the appointment of Australia's new Prime Minister Kevin Rudd, known for his pro-China stance. PM Rudd's administration dealt a significant blow to QUAD by distancing itself from the dialogue. This was evidenced by Australia's refusal to participate in the upcoming QUAD meeting proposed for January 2008. PM Rudd's justification for this decision, citing that QUAD

did not align with Australia's long-term interests, underscored a strategic shift away from QUAD's objectives (Flitton, 2020). The latter events made it evident that despite their willingness to create a containment zone to resist China's aggressive proliferation, the QUAD nations did not have the same understanding and clarity for goals. Even years since its first confidential meeting in Manila, QUAD could not decide on its formal objectives and common agenda. Instead, it allowed its critics to symbolise it with a 'sea-foam' (TOI, 2020). China kept its wary eyes on the QUAD and held an intense drive against the grouping, which resulted in the pause of strategic and security discussions in the group, and ultimately the spirit of QUAD crumbled.

REJUVENATION OF QUAD

The idea of an Indo-Pacific gathering seemed to be halted until Shinzo Abe's return to the supreme office in 2012. In his second tenure, Abe tried to set the stage for the return of QUAD. He rejuvenated the QUAD concept and pushed hard for a multilateral dialogue of democracies. In another significant event in 2013, Tony Abbot of the Labor Party took the prime minister's office, and Australia made a significant policy shift. In September 2014, Australia accepted the Uranium trade deal with India and supported the QUAD concept. However, these small efforts could not rejuvenate the QUAD consciousness and could be restored only after a long gap of 10 years.

In July 2016, an important international event awakened the QUAD from its deep sleep. After a long three years wait, a five-judge bench of the Permanent Court of Arbitration (PCA) in the Hague delivered its judgement in the much-awaited Philippines v/s China case. The Philippines approached PCA in January 2013, under the 1982 UN Convention on the Law of the Sea (UNCLOS), to challenge Beijing's South China Sea claims. In its unanimous judgement, PCA firmly rejected China's so-called historical nine-dash-line claims as '*having no basis in international law*' (Jibiki, 2020). As expected, China furiously reacted to the ruling. 'Xinhua', the Chinese news agency, called it an "*ill-founded*" verdict that was "*naturally null and void*". The People's Daily, the official voice of the Communist Party of China, declared, "*The Chinese government and the Chinese people firmly oppose [the ruling] and will neither acknowledge it nor accept it*" (Ministry of Foreign Affairs of the People's Republic of China, 2016). China tried to discredit the ruling through different interpretations of international law, state-controlled media and its effective propaganda machinery.

The verdict seriously blew the legitimacy of Chinese claims in the South China Sea. But, even though the unilateral Chinese denial to respect the decision gave a stern message to the international community that the communist Authoritarian regime can snub rules-based international order and even international laws at any time in its favour and to defend its aggressive policies, it can go to any extent. This incident served as a wake-up call for democratic partners to recognize the Quadrilateral Security Dialogue (QUAD) as an essential alliance to counter China's escalating assertiveness in the convergence of the two seas. The gathering of QUAD leaders at the 30th ASEAN Summit in 2017, including Australian PM Malcolm Turnbull, Japanese PM Shinzo Abe, Indian PM Narendra Modi, and US President Donald Trump, provided a rare opportunity for these nations to come together on a common platform. In June 2018, QUAD member states convened another informal meeting in Singapore, albeit on the sidelines of ASEAN's official proceedings (Panda, 2018). Despite differing approaches, there was a sense of unity among QUAD members for the first time, acknowledging the imperative for the region's democracies to collectively uphold a "free and open Indo-Pacific".

However, despite recognizing China's aggressive rise as a shared challenge to the rules-based international order, each country exhibited hesitancy in fully committing to a formal QUAD structure. Instead of issuing a joint manifesto, they released separate statements reaffirming their support for a secure and independent Indo-Pacific region. Notably, India's statement cautiously mentioned "maritime cooperation," a term omitted from its 2017 consultative QUAD meeting statement. While Japan, Australia, and the US emphasized "*freedom of navigation and overflight*" and "*connectivity freedom*," they avoided explicitly referring to themselves as a "*Quadrilateral Grouping*." Nonetheless, there was a notable commitment among QUAD counterparts to sustain the QUAD spirit and establish mechanisms for more frequent and regular meetings, leading to the inaugural Ministerial-Level gathering in September 2019 in New York. This meeting aimed to bolster "*collective efforts to advance a free, open, and inclusive Indo-Pacific*," (Panda, 2018) although it, too, occurred on the sidelines of the UN General Assembly meeting.

The gathering's success made QUAD a step forward by agreeing to a formal QUAD meeting in Bangkok in November 2019. QUAD's Bangkok summit emphasized increasing cooperation on cyber-security, disaster management, tackling terrorism, and humanitarian aid (Panda, 2019). In their statements, India and the US especially underlined the importance of ASEAN in the view

of suspicion raised by some ASEAN countries that QUAD might be an effort to belittle the ASEAN grouping. All the member states cited the need for a rules-based international order and an open, accessible, and prosperous Indo-Pacific region in their separate statements.

THE POST-PANDEMIC WORLD ORDER AND THE NEED FOR QUAD

The year 2020 started with grim dawn. The Corona disease broke out in the Wuhan province of China and converted into pandemic Covid-19 very soon, with China's suspicious role proliferating it worldwide. However, QUAD found new relevancy in the post-pandemic world, and on March 20th 2020, the members of QUAD met at a virtual conference to discuss the corrective action to contain the disease. The participation of South Korea, New Zealand, and Vietnam and all the four members of QUAD in the Video Conference meet indicated the growing acceptance and the importance of the QUAD-like grouping in the emerging post-pandemic world order (Nair,2020). The grouping received global attention in the first week of October 2020, with its second ministerial meeting being held in Tokyo, giving a stern message to China (The Hindu, 2020). It focused on building a "*true security framework*" to ensure freedom on the Indo-Pacific region's high-sea. QUAD seemed to mature with a more precise objective and structural framework during the second ministerial meeting. Though, the Indian side was still cautious in issuing the statement, despite the ongoing deadlock on LAC and June 15th, Galwan face-off with China and stressed that like-minded countries' cooperation is focused on Covid-19 challenges, infrastructure building, and increasing connectivity chain. During this period, the US Secretary of State emphasized QUAD as a democratic alliance to counter China's coercive behavior. Japan's Foreign Minister reiterated support for a free Indo-Pacific, reflecting QUAD's strategic goals. The successor to Japan's PM showed enthusiasm for QUAD, akin to his predecessor. Australia's Foreign Minister's presence, despite quarantine requirements, underscored QUAD's significance in addressing regional challenges.

COMMON GROUNDS FOR COMMON STRATEGY

The QUAD countries find themselves on the familiar ground due to '*a common adversary*' against China (Pant, 2020). For example, America, which has been enjoying superpower status till very recently, sees China as the only peer competitor, adamant about taking centre stage of world politics. Chinese

claim on international waters, especially on the entire South China Sea (SCS) (Phillips, et, al. 2016), trade war, its "six nos" strategy on the Taiwan issue, violations of international rules, and China's abysmal human rights track record are the main friction points between US and China. SCS is a busy sea route accountable for almost \$ 5 trillion in annual global trade and vibrant oil and gas blocks. Chinese claims on SCS are sketched through its nine-dash line, a virtual semi-circle-shaped line on the map of the region that covers 85% of the area (Kondapalli,2021). The nine-dash lines include *Paracel* and *Spratly* islands, which have rival claims by the Philippines, Vietnam, Taiwan, Malaysia and Brunei. Even China unilaterally denied respecting the decision of the Hague-based Permanent Court of Arbitration (PCA), which rejected the historical claims of China on the SCS on July 16th. While the United States has no claims in SCS, it has strongly criticised the Chinese move as a threat to free global navigation and rules-based international order. The implementation of the 'Uyghur Forced Labor Prevention Act' (UFLPA) by the USA from June 21st 2022, signals another rubbing point for both nations. The UFLPA provisions for an import ban of products made in Xinjiang province of China on the pretext of forced Uyghur labour (Ropes & Gray, 2022). With the recent Nancy Pelosi visit to Taiwan and fierce reaction by China, the bilateral relations of both nations are now going down a slippery slope (The Interpreter, 2022).

However, the main reason behind the increasing volatility of relationships lies in a direct threat from unruly authoritarian China to rules-based international order and liberal democratic values. August 2013, guidelines issued by the Communist Party of China known as 'Document No: 9' provides enough space for this argument. This prescriptive document mentions seven "incorrect ways of thinking", which are: admiring liberal democracy to negate the communist party rule, supporting "universal values" to undermine socialism, encouraging "new liberalism" to dismantle the basic Chinese economy; questioning the Party's control of press and freedom of expression and, denying the *history of the People's Republic of China and the history of CCP*, including the "guiding role of Mao Zedong Thought" (Ranade, 2013). It proposes that these "incorrect thoughts and views" are trying to infiltrate the Chinese ideological base via the west-dominated internet and fake news machinery. It also adds that western liberal ideologues have always treated authoritarian systems like Russia and China as the enemy of open societies.

Concerning Australia, the bitter relationship of Canberra with Beijing is the factor pushing it towards QUAD. Chinese meddling in Australian domestic politics through its soft power tactics has created a gorge of mistrust

between the two nations. In 2018, the Australian Ban on Huawei, the Chinese technical giant, for security reasons and adopting of not-so-favourable policies for various other Chinese companies angered China. Later, Australia's bold initiatives for tracing the COVID-19 origin made China furious (Mu, 2022). China openly threatened Australia with dire consequences and retaliated in late 2020 by unofficially banning imports from Australia like coking coal, lobsters, wine, beef, etc. However, these aggressive Chinese steps have backed fire and aroused deep anti-China feelings among Australians. According to a recent survey by Australia-China Relations Institute (ACRI), in Sydney, majority of Australians believed that China is trying to weaponise trade to silence the critics of its mischievous activities, and 73 percent of people had no trust in China Government (Collinson, 2022). The strong anti-China public sentiments and fear of emerging super bully nation is the leading cause for sailing Australia towards Quad. Simply put due to a lack of nuclear deterrence, Australia finds itself in a very vulnerable situation; thus, to contain growing Chinese ambitions and to overcome its security concerns, Australian willingness for QUAD, like a common security strategy, is very likely.

Regarding Japan, Sino-Japan relations have been a victim of historic hostility. The first Sino-Japanese war (January 1895) and the 1937 imperialist Japanese attack are part of the Chinese historical narration of humiliation. In addition, the close Asian neighbours bordered by the East China Sea have been facing antagonist relationships due to various issues. Among them, the most prominent is the Senkaku Islands dispute (five tiny unpopulated islands situated in the east China sea) claimed by China, Japan and Taiwan). While China alleges that the refusal of Japan to acknowledge and apologise to China for its war crimes is the main reason for these restrained relations, Japan asserts that the expansionist and assertive actions of the People's Liberation Army are responsible for this situation (He, 2022). In addition, the controversy over Yasukuni Shrine, situated in Tokyo, which glorifies the Japanese war heroes, some of whom were convicted for war crimes in China and Korea, is another friction point. However, this is interesting to note that the recent electoral victory of Japan's ruling coalition LDP-Komeito is being interpreted as a mandate for crucial amendments in the 'Peace Constitutional' of 1950 to increase Japan's defence budget to 2 percent or more of GDP and aim for 'Self-Defense Forces' to boost Japan's defence potentiality (The Hindu, 2020, July 11). These reforms were strongly advocated by the late Shinzo Abe, the architect of QUAD, in the context of China's enlarged assertiveness in the Indo-Pacific and North Korea's threatening nuclear and missile development programme. Japan's Prime Minister Fumio Kishida stressed that viewing the

PLA's aggressive ambitions for Taiwan and Senkaku Islands, this is imperative for Japan to "*fundamentally reinforce*" its defence and counterstrike capacity. Moreover, he warned, "*Ukraine today may be East Asia tomorrow*," and thus fortifying the response capabilities of the Japan-U.S. alliance is necessary for deterrence and rules-based international order being under threat by countries such as China and Russia (Bikhchandani, 2022).

As far as India is concerned, its continuous border clashes with China oblige it enough to join QUAD. China's unprovoked attack on unprepared India in 1962 resulted in the illegal encroachment of approximately 38,000 square km of Indian territory by China. The 1962 Chinese attack is deeply embedded in Sino-India relations, and the national memoir of India considers it a real stab in the back, which killed the spirit of '*Hindi-Chinee Bhai-Bhai*'. The worrisome factor is China is still on its mission of land grab of border areas. According to The Telegraph, "*China is estimated to have taken over close to 1,000 sqkm of India-claimed territory in eastern Ladakh since May 2020*" (The Wire, 2022). The Galwan Valley vicious brawl in June 2020, and the failure of 16 border peace talks over the past 26 months, have stretched the relations of both countries to a breaking point. Despite the Indian resistance, China is still on its land grab mission. Following the same South China Sea strategy pattern, where it has created artificial islands and used them as military bases, China has established 624 new villages with military equipment in bordering areas or on no-man's-land in the Himalayan frontier. To cement its illegal claims Peoples Liberation Army (PLA) is employing typical Chinese tactics, the building of roads, bridges, and military bases on bordering territories belonging to India, Bhutan and Nepal, to throw India off balance (Chellaney, 2022).

The nexus of China and Pakistan, which has reached levels of colonisation of the latter, is another serious security threat to India, posing the risk of two front wars for India. Under the so-called China-Pakistan' Boundary Agreement' of 1963, Pakistan illegally ceded 5,180 sq km territory of Pakistan occupied Kashmir to China. With its notorious '*string of pearl strategic trap*', building of 'China Pakistan Economic Corridor' on Indian territory occupied by Pakistan and occupying the strategic Hambantota port of Sri Lanka through debt trap China has provided enough proof of the '*Chinese encirclement of India*' thesis. Chinese bullying tactics are writings on the wall, which dictates the nations to accept the new geopolitical map redrawn by China suddenly, deceitfully, and mischievously and left no option for its opponents except to use force with fears of war to bring back the status quo. From the South China Sea to the Indian subcontinent, the Neo-imperial expansionism of China is a real threat to

rules-based international order. However, India has limited options despite its willingness to restore the status quo. Thus, a collective strategy of like-minded countries to contain Chinese expansionism may be fruitful if the pledge of QUAD is not an empty declaration.

INDIAN FOREIGN POLICY AUTONOMY AND QUAD

QUAD's recent activities are enough to confirm the strategic reshaping of the equations of the Indo-Pacific region. The post-pandemic challenges of geopolitics have compelled Indian foreign policy to make a pivotal shift in its involvement with the nations, especially China. The deadly skirmishes at LAC and China's adventurism in the Indo-Pacific region have pushed New Delhi to explore options for safeguarding its territorial integrity and sovereignty. Unfortunately, India's external policy postures, particularly regarding China, have reflected a lack of confidence in the past. India's antipathy for some specific foreign policy choices, mainly for alliances, is well known (Pant, 2021). In India's diplomatic dictionary, 'Military Alliance' is a forbidden word treated as a perverted means and a dangerous threat to the nation's sovereign and independent foreign policy. As a founding father of 'NAM', it has been challenging to come out of the shadow of the past idealism, though it has hindered India's rise. The word alliance has been charted against India's foreign policy autonomy. The opponents, viewing QUAD as the Indo-Pacific wing of NATO, argue that Australia and Japan are subordinate allies of the USA and part of its militaristic treaties. In contrast, India had a great history of independent policy choices. Thus, they find it unwise to shift from a strategic partner's previous prided position to being the USA's ally.

The previous regimes in India have not been very vocal in supporting such a grouping that could be openly viewed as anti-China. Despite keeping the idea of democratic collaboration to secure peace and stability, Indian decision-makers have shown indecisiveness in taking any course of action that could incite China in any way. India is proud of its foreign policy autonomy, even though, after the first QUAD meeting, due to mounting pressure from China, PM Manmohan Singh stated that he had '*explained to the President of China, Hu Jintao that the QUAD was neither a 'Ganging Up' against China nor an 'Axis of Democracies'*' (Chellaney, 2007). Surprisingly, a democratic regime with prided strategic autonomy 'explains' its course of action to an autocratic one. That too, the country, which has spared no effort in moving against Indian interests and never care to justify its act of bullying its neighbours, either in the Himalayan region or in the South China Sea.

It is notable that, in the past, India has accepted partnership treaties and the 1971 treaty with the USSR, known as the '*Treaty of Peace, Friendship and Cooperation*,' is a fine example of realism of Indian foreign policy. Even India enthusiastically participates in the 'Shanghai Cooperation Organisation' (SCO) with Russia and China, which openly declares its objective to maintain a balance of power against western hegemonic powers. India joined it with observer status and acquired a full membership position in 2017 (Haidar, 2020). Despite the Doklam standoff with China, India joined SCO, and it has been justified on the ground of its multilateral engagement approach and strategic autonomy principle. Thus, there is no point in hesitating to come up with QUAD. Undoubtedly, nations can better manage the threats to rule-based world order in collective capacities, so opting for alliances to enhance security and peace should be open. However, acceptance or rejection of partnerships should be based on the nation's strategic needs and not on idealism.

CHALLENGES AND FUTURE PROSPECTS

The rejuvenated "Quadrilateral Security Dialogue" has become more relevant in the post-pandemic scenario. Even though institutionalizing the group and unity among like-minded countries are the most significant challenges before the nations. The difference of opinion within the corners over the QUAD strategy has hindered its rise until very recently. Viewing China's hyper-activism in the region, one cannot deny QUAD's dire need and grouping of democracies to work as an alliance to safeguard their high sea interests. Some other countries like France, Germany and Canada, have also shown their interest in QUAD, for future engagement in the Indo-Pacific region to ensure navigational freedom. It indicates the growing significance of the QUAD on the one hand, but at the same time, it has increased the anger of China on the other. The warnings to Australia by 'Global Times' (the mouthpiece of China) to face dire consequences for participating in a joint naval exercise and asking India to distance itself from America indicate the Dragon's restlessness (Kondapalli, 2021). China has fiercely criticised QUAD's real motives without admitting that it was PLA's audacious territorial encroachments and irredentism at the root of QUAD nations rethinking collective efforts to contain China.

Dragon's omnipresence in both the Indian and Pacific oceans has been a matter of great concern for the countries in the region. Since 2013, when Xi Jinping took the baton of power, China has embarked on a mission to place the middle kingdom at the centre stage of the globe. During the ongoing war between Ukraine and Russia, China has become a saviour to western sections

torn Russian economy. The friendship between China and Russia' *with no limits*, is an indicator of a new Sino-Russia axis in the chaotic world order. A 'common strategy of like-minded countries is the need of the hour to counter Beijing's ill-legitimate moves in the region. As a vital geopolitical strategy, QUAD is driven by the goal of containing China's adventurism in the resource-rich Indo-Pacific region. Increasing maritime cooperation among the major democratic powers of the area is another significant objective. The recent enthusiasm for QUAD indicates that these nations seem to have woken up to the Chinese brewing agenda of neo-expansionism and its geopolitical ambitions. The increasing apprehension of China toward QUAD is enough evidence to prove that QUAD can shift the regional power balance (Datta, 2006). Despite the uncertain plans, the present-day QUAD seems to be a promising strategic grouping in Asia-Pacific for upcoming years. However, despite some minor success, this strategic group have a rambling road ahead; the main hurdle lies in the divergent interests of stakeholders and their failure to architect a solid geopolitical and geo-economic strategy to deal with China. China's second rank in the global economic index is the primary catalyst of its aggressive behaviour, its trade surplus marked US \$ 676.4 billion in 2021, and the most wondering is that all the QUAD members are contributing to the Chinese economic engine with their growing and large trade deficit or bilateral trade relations (Chellaney, 2022). In the single financial year of 2021 Indian trade deficit with China touched US\$77 billion. This development is noted at a time when the Indian government is continuously vowing to cut short its economic relations with China and taking symbolic steps to ban Chinese apps or some of its mobile companies to pacify the growing anti-China sentiments in the country, especially after Galwan incident.

The American contribution to the Chinese economy is also noted, whose trade deficit with China recorded US\$396.6 billion in 2021 (Reuters, 2022). This sole factor is enough to hamper China's potential to bear comfortably the cost of its military manoeuvres in the South China Sea, Southeast Asia, South Asia and beyond. Australia too significantly depends on Chinese trade. China shares almost a third of Australia's total international trade, which is why China weaponises trade to blackmail Australia if it seems to be acting against Chinese interests. For example, one may recall Chinese warnings to Australia when it participated in the Malabar 2020 exercise or Chinese threats to economically boycott Australia when it demanded a probe into the origin of Covid-19. Despite these tensions, Australia willingly accepted the membership of the 15-member China-dominated trade group Regional Comprehensive Economic Partnership (RCEP), which became effective in 2021(GOA,2021).

Japan, too is not behind in obliging China with economic ties with an eye to the larger Chinese market. Even QUAD's architect, Mr Abe, took no time to join the RCEP. Abe also showed his interest in Belt and Road Initiative by offering to invest \$100 billion in the "quality infrastructure" route (Kondapalli, 2022).

No doubt, QUAD members are still deluding that good conciliation is the only way to peace-building and that resistance will lead to confrontation. Rather than looking for serious alternatives to discontinue China's economic empowerment and appeasement, QUAD members' activities seem contradictory to their strategic objectives. For example, America, the largest global economy, is still hesitant to open its market for its Indo-Pacific partners to undercut Chinese economic influence by boosting relations among QUAD members. Furthermore, Quad's recent summit discussed topics like the Covid-19 vaccine delivery system and climate change that brushed aside the group's core objectives. The ongoing Russia-Ukraine war may further cause a dent in QUAD by spurring the USA to take a more compromising policy on China to prevent it from neutralizing the economic sanctions imposed on Russia. Quad seems at a roundabout, still confused about its geopolitical objectives and contradiction of its strategic action plan to create a democratic wall to seize the great firewall of aggressive Chinese expansionism. The July 16th PCA decision (Jakhar, 2021) which aroused a stronger hope to check illegal Chinese actions, has made no difference to Chinese behaviour or its militarization of the disputed sea; in essence, the landmark decision has been belittled as just a moral triumph for the Philippines. In the way China rebuked the UN maritime convention law and its arbitration procedures, All Quad members must understand the writing on the wall to ensure a 'free and open Indo-Pacific' and rules-based international order; this strategic grouping needs not only determination but action too.

The QUAD has emerged as a crucial response to the post-pandemic challenges in the Indo-Pacific region, particularly in light of China's assertive actions. Despite its renewed relevance, QUAD faces significant hurdles, including divergent stakeholder interests and a lack of cohesive geopolitical and economic strategies to counter China effectively. China's aggressive stance, evident in its criticism and warnings to QUAD members like Australia and India, underscores the urgency of strengthening this alliance. The growing interest from countries such as France, Germany, and Canada in QUAD reflects a broader recognition of the need to ensure navigational freedom in high seas and deter Chinese expansionism. Economically, QUAD members exhibit varying

degrees of dependence on China, with significant trade deficits contributing to China's economic leverage. However, QUAD's reluctance to confront China economically and its diversion from core objectives like maritime cooperation and security pose challenges to its effectiveness. Thus, it's time for QUAD members to move beyond rhetoric and take tangible steps to fortify the alliance by addressing economic vulnerabilities, enhancing coordination on strategic issues, and reaffirming a commitment to a free and open Indo-Pacific region to effectively counter China's aggressive expansionism and uphold regional stability.

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Gender Mainstreaming in International Relations: A Case of Swedish Feminist Foreign Policy

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ABSTRACT

In 2014, Sweden initiated a new approach to foreign policy based on feminist ideals and called it Feminist Foreign Policy. Through this approach, Sweden aimed to prioritise the gender equality and human rights of women and girls in all levels of its external action. This new experiment created immense interest among policy practitioners and academicians. After Sweden, at least six countries have adopted the feminist approach to their foreign policies. The present study aims to explore how gender is mainstreamed in Swedish Feminist Foreign Policy by examining the strategies and main thrust areas of the policy. The study makes use of the qualitative method of analysis through qualitative content analysis of both primary and secondary sources. In the primary source, the article analyses Swedish policy documents, and in the secondary source, the study makes use of various studies conducted by scholars on this new policy. The study finds that Sweden has systematically mainstreamed gender issues through the strategies of rights, representation, resources and, research, and reality checks mainly in foreign aid, trade, diplomacy, and defence, but the policy is not all-inclusive as it does not include the gendered minorities like LGBTQ+ communities in its scope. The present study encourages prioritising the issues of women, girls, and gendered minorities in international relations.

Keywords: *Feminist Foreign Policy, International Relations, Gender mainstreaming, Human Rights*

INTRODUCTION

Feminism is a socio-political movement and ideology that advocates for the social, political, economic, and cultural equality of the genders (Mohajan, 2022). It seeks to address the gender-based oppression, discrimination, and stereotypes that disadvantage women and other marginalized gender identities

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by achieving ideals like gender equality, human rights, and social justice. These feminist ideals have emerged as responses to systemic injustices and inequalities perpetuated by patriarchal structures throughout history. These ideals gained momentum through waves of feminist activism. From the suffragette movements of the late 19th and early 20th centuries to the contemporary intersectional approach of third- and fourth-wave feminism, these ideals have advocated for equality and justice for all, regardless of gender, race, or class. Foreign policy refers to a national government's strategy, principles, and actions concerning its interactions with other countries and international organizations. It encompasses the diplomatic, economic, military, and cultural action of a nation, aimed at promoting national interests, security, and influence on the global stage (Holsti, 1970).

Feminism and foreign policy are two distinct streams that have developed with little interaction with each other. Feminist voices have argued that traditional foreign policy is male-dominated, and by challenging this, feminist scholars advocated for a more inclusive and gender sensitive approach to foreign policy. The interaction between these streams has increased in recent times. Especially since the 1980s, feminist approaches have been increasingly applied to foreign policy (Tickner, 1997). These approaches highlight the crucial link between gender equality and international relations. They recognise that the empowerment of women has profound implications for international peace, security, the protection of human rights, and the development of the world. Gender issues have come into mainstream international relations in a prominent way since the adoption of the Women Peace and Security (WPS) Agenda by the United Nations Security Council (UNSC) in 2000. The agenda set by the world's highest body, having the responsibility to maintain world peace and security, called for the protection of women and girls in armed conflicts and involvement of women representatives in peace processes to resolve these conflicts (Shepherd, 2016). The next prominent experiment is the advent of Feminist Foreign Policy which started mainstreaming gender issues in international relations on a greater scale. The world's first Feminist Foreign Policy was adopted by Sweden in 2014 (Aggestam & Bergman Rosamond, 2019).

LITERATURE REVIEW

Feminist Foreign Policy is a new approach to foreign policy. Since the adoption of this radical turn to the country's external action by the Swedish government, many scholars have shown interest in it. Gardell, Wagnsson, &

Wallenius (2022) studied Swedish people's perceptions of security arising from the adoption of feminism into public policies and found people were more sceptical about the use of feminist perspectives in security. In a master level thesis, Berg & Valentina (2021) compared Swedish Feminist Policy with France and Spain and found that all these countries have used liberal feminist perspectives to devise their foreign policies, and there are not many differences in these policies. Sundström, Zhukova & Elgström (2021) compared the norm translation in Sweden and other countries and found the Swedish government has socialist welfare policies. Petersen (2020) in her master level thesis studies norm institutionalisation in Swedish foreign policy and argues that UNSC resolution 1325 on the WPS agenda has influenced institutionalisation of norms like gender equality in the Swedish case. Gashi (2020) investigated Swedish Feminist Foreign Policy using Feminist International Theory and concluded that Swedish policy is not completely in accordance with Feminist International Theory as its arms export policy to non-democratic countries like Saudi Arabia has violated the feminist ideals. Aggestam and Bergman-Rosamond (2019) in a case study, analysed gender security-nexus and its politicisation in Swedish Feminist Foreign Policy and found that the de-politicisation and re-politicisation have created contradictions in policy making and implementation. Isaksson (2018) studied Swedish Feminist Foreign Policy in relation to its security and foreign policies and found that both policies were not compatible with each other and have created many issues and flaws in its practical implementation. In a Bachelor thesis, Apelgren (2018) using right based and instrumentalist perspectives analysed Swedish Feminist Foreign Policy, and found that Sweden uses both perspectives to promote rights of women and girls at the international level. Möllerop (2016) in her case study, tried to construct a framework to assess the foreign policy of Sweden, and by using the first National Action Plan of Sweden 2015-18, she concluded that it is possible to construct a tool to assess the action plan.

RESEARCH GAP AND OBJECTIVES OF THE STUDY

From the above literature review it is evident that the research and studies conducted on the topic confined to the Swedish Feminist Foreign Policy and its relation to feminist theory, peace and security concerns and challenges may arise at the implementation stage. Little attention was paid on the gender mainstreaming in the Swedish Feminist Foreign Policy. Promotion of gender equality is one of the important objectives of the Feminist Foreign Policy (Swedish Ministry for Foreign Affairs, 2015) and there arises a need to study the issue of gender mainstreaming in this new Swedish experiment. The present

study aims to explore how gender is mainstreamed in the policy by examining the strategies used to implement gender equality and the main thrust areas in which these strategies are implemented to mainstream gender issues.

METHOD AND MATERIALS

The article uses a qualitative method of study. For the purpose of analysis, qualitative content analysis has been undertaken. The study relies on both primary and secondary data sources. In the primary data, the study analyses Swedish Feminist Foreign policy documents released by the government of Sweden from time to time. In these documents, the Handbook Swedish Feminist Foreign Policy is an important document released in 2018. The handbook displays the objectives and strategies of the policy. Sweden has developed two National Action Plans to implement the policy. National Action Plan documents are also important sources for this study. In secondary data, the official interviews of the Swedish officials, especially the inputs provided by its then Foreign Minister Margot Wallstrom are valuable. Apart from these, study uses various press releases by the governments, research articles published by the scholars, and the studies and research conducted by the institutions. Especially, the study made use of the publications of the ICRW (International Centre for Research on Women) located in Washington D. C. (USA), which is a pioneer in the research on Feminist Foreign Policy.

SWEDISH FEMINIST FOREIGN POLICY

A new coalition government formed after the 2014 elections in Sweden declared itself a champion of women's rights. Minister of Foreign Affairs, Margot Wallstrom, was a former UN special representative on sexual violence. Wallstrom declared her government a feminist government, and immediately after assuming office announced the radical shift to Swedish foreign policy with a feminist approach and called it Feminist Foreign Policy. Initially, it created scepticism among the scholars, and many expressed their concern about the applicability of the feminist ideals to practical world affairs as they still consider realism rules the world (Aggestam & Bergman-Rosamond, 2016). Some experts even expressed their apprehension about what Wallstrom means exactly by this new turn to foreign policy. Wallstrom tried to clear the doubts of both scholars and policy practitioners through a series of interviews with the media. The policy was studied by many scholars, and papers were published. Soon, the new policy created interest among governments in many countries, and it created a ripple effect on policy making processes throughout

the world (Kouvo, 2019). After Sweden, at least, six more countries have adopted Feminist Foreign Policies till date. Those are Canada in 2017 with Feminist International Assistance policy (FIAP), France in 2018 with a focus on Feminist Diplomacy, Luxemburg in the same year, 2018, with the approach of 3Ds-Diplomacy, Defence, and Development, Mexico in 2020 with its comprehensive and intersectional approach, Spain in 2021 by focussing on the economic prosperity of women and girls, and Europe's largest economy, Germany in 2021, which bases its approach on Sweden. Apart from this, some more countries expressed the desire to adopt one, for example, New Zealand, Libya, Norway, and Malaysia (Standfield, 2020).

Sweden is considered a humanitarian superpower (Aggestam & Bergman-Rosamond, 2016), and it has had gender sensitive policies and laws for centuries now. The laws to protect women date back to 13th century Sweden, and it has one of the most progressive legal mechanisms to protect women from violence. A law of 1734 criminalised rape, and Sweden was one of the earliest countries to give women the right to inherit property in 1845 (Dribe & Lundh, 2005). The Act of 1974, which criminalised rape within marriage, and the Gender Equality Act of 1979 are some instances where Sweden leads the world towards equal rights for women. In the international field, Sweden also actively promoted rights of women and girls. Sweden played a crucial role in adopting the WPS agenda by UNSC in 2000, and it was one of the first countries to adopt National Action Plan in 2006 to implement it. Continuing its commitment, it showed another way for the empowerment of women around the world in 2014 through its Feminist Foreign Policy.

Feminist Foreign Policy is the application of feminist ideals to every external action of a country to promote the rights of women and girls throughout the world (International Center for Research on Women, 2023). Swedish Feminist Foreign Policy bases its argument on the idea that women's rights are human rights and promotes their rights throughout the world. It strives to end the subordination of women by providing them equal opportunities in every aspect of social action (Nordberg, 2015). Further on the line of the WPS agenda of United Nations Security Council resolution 1325 and other resolutions, the Swedish policy aims to protect women and girls from violence in both conflict and normal situations, including domestic violence. The policy asserts that for world peace and security, gender equality is a necessary condition, and so the policy pushes the link between gender and peace (Aggestam & Bergman Rosamond, 2019). Through this policy, Sweden aspires to become a gender

cosmopolitan state by voicing the gender equality and rights of women and girls at the global stage (Swedish Ministry for Foreign Affairs, 2015).

GENDER MAINSTREAMING

Gender refers to the socially constructed roles, behaviours, and expectations that a particular society attributes to individuals based on their perceived sex (Francis, 2006). There is historic inequality between genders that marginalizes women and other genders by limiting their access to rights, resources, and opportunities. Gender mainstreaming is an important approach of promoting gender equality and addressing the historical marginalisation of women by incorporating this approach at the centre of public policies. The concept mainly emerged in the last decade of the 20th century through some international instruments. The 1993 Vienna World Conference on Human Rights declared women's rights as human rights and paved the way for a gender mainstreaming approach (Boyle, 1995). The Beijing Declaration and Platform for Action adopted in 1995 at the fourth World Conference on Women which acknowledged the role of women in Peace and Development and re-enforced gender mainstreaming (Abedin, 1996). Gender mainstreaming aims to make women the agents of peace and development rather than just objects or beneficiaries.

Raunaq Jahan, who is a Professor at Colombia University, first coined the term gender mainstreaming. Jahan identifies two strategies to mainstream gender in public policies and practices: first one is the traditional add and stir approach, where gender issues are incorporated into existing policy frameworks, and second one is the agenda setting approach where women are made agents of change and not only objects of change. Gender mainstreaming aims to dilute the traditional power structures like patriarchy, which perpetuate existing gender inequalities (Valenius, 2007). Gender mainstreaming bases its arguments on the concept of gender essentialism. Gender essentialism proposes that women have innate qualities, and putting them at the centre of action can bring novelty to the process. Essentially, gender essentialism stresses the need for women's participation in the implementation of public policies as agents of change. Gender mainstreaming is one of the features that Feminist Foreign Policy brought to practise and is making the issues of gender equality at the centre of the policy making and implementation. In the next section the present article analyses how gender is mainstreamed in Swedish Feminist Foreign Policy, what strategies have been used and in what action areas these strategies are implemented.

GENDER MAINSTREAMING IN SWEDISH FOREIGN POLICY

Swedish Feminist Foreign Policy aims to introduce gender mainstreaming in its approach (Government of Sweden, 2018). Gender mainstreaming has been the main guide to planning and monitoring the implementation of Feminist Foreign Policy. The Swedish government has initiated a programme of gender mainstreaming of government agencies under the GMGA (Gender Mainstreaming in Government Agencies) programme (Chakraborty, 2019). The initiative covers around 60 agencies of the Swedish government. In 2018, the government established a separate agency to look into the gender mainstreaming efforts in these Swedish agencies.

The Swedish Ministry of Foreign Affairs is continuously working for gender mainstreaming in Swedish Foreign Service and allocating budgets for this purpose. Gender mainstreaming budgeting covers international humanitarian and development cooperation. The Swedish International Development Cooperation Agency (SIDA), a nodal agency to implement Swedish international assistance, has developed a gender mainstreaming plan for the period 2016-18, focussing mainly on gender equality. The agency also continuously reviews the implementation. The Ministry of Foreign Affairs is conducting training programmes to train its staff to implement the gender mainstreaming programmes effectively. The ministry also stresses gender mainstreaming in European Union Foreign and Security Policy. The ministry has played a prominent role in the European Union Action Plan for gender equality and women's empowerment 2021-25. The Swedish government extends gender mainstreaming to achieve world peace and security, including disarmament and non-proliferation. At the same time, the Swedish Feminist Foreign Policy aims at positive economic impacts of gender mainstreaming. In the backdrop of this, the article explores gender mainstreaming in implementation strategies and main working areas.

IMPLEMENTATION STRATEGIES

The Government of Sweden has devised an innovative strategy to implement gender mainstreaming in its Feminist Foreign Policy. The government calls it the 'Strategy of 3Rs', which is based on the 'Fourth R'. In this strategy, 3Rs stand for Rights, Representation, and Resources (Thompson & Clement, 2019). The rights of women and girls, the representation of women, and the allocation of resources to achieve the goals of the policy, the fourth R on which the first 3Rs are based, stand for the 'Research and Reality Check.' This

includes a review of the policy based on authentic data to improve the planning and implantation of the policy.

Rights: Sweden's Feminist Foreign Policy aims to protect the rights of women and girls all over the world. The policy bases its argument on the view that women's rights are human rights. By giving normative reorientation (Aggestam & Bergman-Rosamond, 2016) to Swedish external action, the policy started a gender sensitive approach in the international relations. The policy aims at removing both cultural and structural constraints that are preventing women and girls from enjoying their basic rights. Sweden also stresses the reproductive and health rights of women. It advocates for the full rights of women over their bodies and reproductive choices, which is controversial in many countries (Government of Sweden, 2018). The policy aims to protect women and girls from all forms of violence. This includes domestic violence, sexual and gender-based violence, and also the protection from violence during armed conflicts. Based on the Women and Peace Agenda (WPS) of the United Security Council, the policy stresses the participation of women in conflict resolution along with their protection in such situations. The women should also be involved in post-conflict reconstruction and development. The Swedish Action Plan 2015-18 to implement the policy also covers the violence caused against women and girls by extra state groups like terrorist groups, human trafficking networks, organised crime syndicates, etc. Sweden as a non-permanent member of the United Nations Security (2017-18) Council succeeded in including sexual and gender-based violence as the basis for UN sanctions.

Representation: Swedish Feminist Foreign Policy strives to promote representation of women in all decision-making areas all across the world. Women's representation in national parliaments and their representation in conflict resolution and peace building is promoted. Women's representation in the peace process can lead to long lasting peace and development (Apelgren, 2018). Women are under-represented in these areas, in 2017 only 17 heads of state were women, only nine percent of women were represented in the 31 peace processes between 1992 to 2011 and only four percent signed the peace accords (Government of Sweden, 2018). Sweden wants to change this position and promote women's representation all over the world through its external action.

Sweden created a group of women negotiators called 'Mediation Networks' in 2015. The network consisted of 15 women who are experts in mediation talks. The network intends to fill the gender gap in diplomacy in

general and peace negotiation in particular. The network assists the women to lead peace processes in Sweden's neighbouring countries (Andersson, 2020). These networks are instrumental in ending stereotypes regarding the women's participation in peace and security issues which traditionally excluded women from these areas. After the adoption of Feminist Foreign Policy Sweden has increased the number of women officers in its departments and agencies especially in the Ministry of External Affairs (Niklasson & Robertson, 2018).

Resources: Resources play an important role in achieving any goal. Swedish Feminist Foreign Policy believes in allocating resources to promote the rights and representation of women globally. The policy also promotes the ownership of resources by women. As for the ownership of resources, women lag far behind men. Many countries don't even think women are eligible to own property legally. Data shows more than 80 percent of the world's land resources are owned by men (Villa, 2017). Around 30 crore more men own mobile phones than women. Less mobile phones hinder the women from accessing the information (GSMA Connected Women Commitment Initiative, 2013). Sweden believes in investing in women empowerment. It is one of the leading donors among OECD countries².

Sweden promotes the economic empowerment of women for the realisation of their rights. Equal distribution of economic resources will have a gendered impact (Kirby & Shepherd, 2016). Owning resources could have a positive impact on women's access to health and education facilities. Swedish policy promotes women's participation in the labour market, which will allow women to become economically independent which in turn improves the overall wellbeing of women. SIDA promotes women entrepreneurship by providing easy credits to women and women-led business organisations. Sweden succeeded in promoting gender equality through the World Trade Organisation's declaration in 2017 (Hannah, Scott, & Wilkinson, 2018). The declaration, signed by over 120 countries, also known as Buenos Aires Declaration, called for inclusion of more women in trade and making gender responsive trade and development policies. Sweden is instrumental in collecting information regarding discriminatory legislation against women across the world. The report is called the Women, Business, and the Law' report.

Research and Reality Check: Research plays a very important role in the planning, formulation, and implementation of a policy. Reality on the ground will be known from the data collected and analysed through systematic research, which will be useful to promote rights, representation and providing resources needed without any wastage. Swedish Feminist Foreign Policy added

a 'fourth R' to its implementation strategy as Research and Reality Check in 2018. This strategy aims to support the first 3Rs. This makes the policy more practice oriented. To improve the lives of women the policy believes in meaningful change on the ground. Through the fourth R it intends to evaluate the progress made by the policy. Sweden has used this strategy to address the violence in armed conflict situations and to plan the humanitarian response in such situations (Shi, 2021).

Sweden's strategy of 3Rs+R has helped Sweden systematically implement its foreign policy goals based on feminist ideals. The strategy has strengthened Sweden's commitment towards women and girls all across the continents. The strategy provided a meaningful framework and scope to implement the policy both in and outside Swedish borders. These strategies are implemented in four action areas, namely aid, trade, diplomacy, and defence. These action areas cover majority of the areas of Sweden's external influence and promote gender mainstreaming to empower women in both the developed and developing world.

ACTION AREAS

Sweden's Feminist Foreign Policy aims to apply the strategy of gender mainstreaming to all levers of external influence of Sweden. The strategy of 3R+R has identified mainly four action areas to execute gender mainstreaming. The gender mainstreaming has been executed in Aid, Trade, Diplomacy and Defence (Thompson & Clement, 2019). Gender mainstreaming is not just a matter of justice for women but also achieving sustainable peace, security, and development. By applying gender perspective to these areas, Sweden aims to foster an inclusive, peaceful, secure, and sustainable world for women and girls. With the comprehensive understanding of the intersectional identities among the women girls like ethnicity, class, race, etc., the Swedish policy undertakes systematic efforts and it ensures that the gender perspective is mainstreamed all across its foreign policy actions areas (Aggestam & Bergman-Rosamond, 2016).

Aid: Sweden has a long history of providing international humanitarian aid. The Swedish Red Cross has a name in providing medical assistance in wars and conflicts. Swedish Feminist Foreign Policy aims to provide aid to promote rights of women and girls all across the world. SIDA is a nodal agency to provide international assistance. Gender perspective was added to the scope of SIDA in 2016 through an ordinance (Verezhak, 2022). SIDA has also developed an action plan to provide gender assistance with a 'Gender Tool

Box' to provide technical assistance to the Swedish departments and agencies working promoting empowering women all across the world. Sweden has developed a gender equality strategy for the years 2018 to 2022 through which women and civil society organisations working in the cause of women are funded (Mazurana & Maxwell, 2018). The Folke Bernadotte Academy (FBA) is another Swedish public agency which works in protection of rights of women and girls during the armed conflicts and assists other agencies working in the field of peace and security of women and girls (Verezhak, 2022). Sweden is also working in multilateral spaces to mainstream gender issues in the working of the international organisations. Sweden is a pioneer in providing financial assistance to international organisations working in the promotion of women's rights. It is the second biggest donor to UN Women, a United Nations entity promoting gender equality and women's empowerment (UN Women, 2019).

Trade: Swedish Feminist Foreign Policy aims to promote gender rights through its trade relations with the outside world. Sweden believes traditional trade policies are gender neutral and motivated by only national interests and profit-making. Sweden strives to develop an international system that is gender-friendly. In 2017, Sweden amended its arms export policy so that arms could not be given to non-democratic regimes and countries that violate the human rights of women and girls (Thompson & Clement, 2019). Sweden did not renew its arms deal with Saudi Arabia, which has a poor record of promoting the rights of women. Further, Sweden is empowering women in international trade and finance through an export credit agency and also promoting women entrepreneurs through the 'We-Fi initiative'—the Women Entrepreneurs Finance Initiative. Swedish Feminist Foreign Policy is promoting gender equality laws in trade relations throughout the world. Sweden also promotes women's rights in multilateral forums like the European Union. Sweden ensured the gender equality clause in the free trade agreement of the European Union with Canada in 2017.

Diplomacy: Diplomacy is an important part of any foreign policy. Traditionally, diplomacy is gender-blind and dominated by men (Aggestam & Towns, 2018). Swedish feminist foreign policy promotes the participation of women in diplomatic practices. Margot Walstrom intended to lead Sweden through feminist diplomacy. The gender mainstreaming in diplomacy started with the appointment of women staff to foreign offices in Sweden. The number of women in diplomatic positions outside has also increased, and it reached up to 40 percent in 2018 (Niklasson & Robertson, 2018). Sweden is conducting training programmes for foreign office staff to make them sensitive to gender

issues. It can be seen as a concrete effort towards gender mainstreaming. The Swedish policy also aims to promote ‘Peace Diplomacy’ for a peaceful and secure world. Studies have shown peace is more enduring when women participate in the peace process. Sweden pushed the participation of women in the Colombian peace process of 2016 (Kjelsaek & Tryggstad, 2020), and on the insistence of Sweden, a gender clause was added to the peace accord. Sweden is one of the major countries that pushed for UNSC Resolution 1325 of 2000 to protect women in armed conflict situations.

Defence: Defence sector is traditionally considered masculine in nature, and women and their views are neglected. Swedish Feminist Foreign Policy wants to change this scenario. The policy intends to mainstream gender in the defence sector. Sweden aims to gender sensitise the defence forces. Major violations of the human rights of women and girls have happened during the armed conflicts (Smulovitz, 2013). Defence forces need to be sensitised on gender issues. Even post conflict reconstruction needs a gendered touch. Sweden has developed a policy to train military, police, and peacekeeping forces on gender sensitivity. The essence of these training programmes is to make soldiers and officers working in peace and security gender sensitive and convince them that conflict affects women and girls disproportionately. Sweden has devised a training module for this purpose which includes issues like gender violence and the need to counter it during armed conflicts.

Sweden Feminist Foreign Policy strives to improve the participation of women soldiers in defence forces. There was 5 percent increase in the number of women soldiers in Swedish army between 2017 and 2021 (Statista Research Department, 2022). The Swedish policy also proposes gender perspectives for ‘Nordic Battlegroup’- a multinational military unit formed by several Nordic and Baltic countries, including Sweden. It is designed for rapid deployment in crisis management operations, peacekeeping missions, and humanitarian interventions. which will ensure gender equality in these 18 battle groups of Europe (Valenius J., 2020). Sweden is also working with multilateral agencies like UNO to promote the participation of women in UN peacekeeping missions. Sweden is one of the largest donors to these peacekeepers, and it has sent 15 percent of women to its peace mission in Mali- Multinational Integrated Stabilisation Mission in 2018 and it has sent all women helicopter crew to this mission (Dahl, 2021).

From the above findings, it is evident that Swedish Feminist Foreign Policy mainstreams the gender issues in foreign policy with a systematic implementation strategy of Rights, Representation, Resources, and Research

and Reality Check. These strategies were implemented in all levers of Swedish foreign policy, in that aid, trade, diplomacy and defence are major thrust areas. By mainstreaming gender perspectives in these major areas of foreign policy Sweden seeks to challenge the traditional gender norms, address gender inequalities, and promote an inclusive environment for women and girls both within and outside Swedish borders. The Swedish case of gender streaming stands testament to its commitment to the empowerment of women all over the world. This effort may foster an environment that benefits to harness the potential and talent of half of the world's population. Further from the above findings it is also evident that even though Swedish policy mentions gender mainstreaming in its policy documents but only focuses on women and girls. The Swedish Feminist Foreign Policy Handbook, a major document of the Swedish experiment, lacks significant focus on gendered minorities such as LGBTQ+³ communities, except for a few mentions. Swedish Foreign Policy would become more inclusive and entirely gender-sensitive if the concerns of gendered minorities were also significantly addressed.

CONCLUSION

Sweden's Feminist Foreign Policy has succeeded in bringing gender issues to the international field. It has become a role model for the rest of the world, and many countries have shown interest in this new approach and some have followed the Swedish path. Scholars have also shown interest in this new Swedish experiment and studied it from many angles. Present article explores how gender is mainstreamed in Swedish Feminist Foreign Policy. The study finds that gender is mainstreamed in Swedish policy systematically with the strategy of 3R+R and it has been applied to four major areas of foreign policy namely aid, trade, diplomacy and defence effectively but the policy is not all-inclusive as it neglects the other gendered minorities (LGBTQ+). The study recommends the inclusion of the needs of the gendered minorities in the Feminist Foreign Policies. Future studies may focus on the ground level impact of gender mainstreaming by the Swedish policy. The study made use of some of the primary and secondary documents which are mechanically translated from Swedish language to English. Future research may use human translation as some minute details may be missed out in machine translation. As the world continues to grapple with multifaceted challenges for women, girls and gendered minorities, this Swedish perspective offers a road map for gender equality and empowerment of women.

NOTES

1. Women, Peace and Security (WPS) Agenda refers to the path set by the ten United Nations Security Council resolutions. First and basic resolution 1325 adopted in 2000. Further nine resolutions called sister resolutions of 1325 are adopted between 2008 to 2019. These resolutions call for protection of women and girls in armed conflicts and equal participation of women formal peace processes.
2. OECD (Organisation of Economic Cooperation and Development) is an intergovernmental organisation of 39 industrialised countries which follow market oriented economic system for sustainable growth.
3. LGBTQ+ refers to gender non-conforming communities like Lesbian, Gay, Bisexual, Transgender, and Queer and Questioning. Here Queer has been added recently that means anyone who is non-cis-gender. Questioning refers to one who is not sure about their sexual orientation and plus denotes all other gendered minorities not covered in these categories.

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Book Review

**“Hindu Sociology” By Benoy Kumar Sarkar,
Rawat Publications, Indian Reprint, 2019
ISBN: 978-81-316-1096-1**

It has usually been a predominant understanding that Hindus are inferior in grappling with the positivistic and secular worldly elements because ancient Indian thought as apprehended by most of the Occidentals and Orientals is inherently prone to metaphysical and unpractical speculations. Benoy Kumar Sarkar regarded these presumptions as half-truths, which are whole errors, and attempted to rectify the false notions about Hindu scientific intellect through this book. Sarkar embraced the study of *Sukraniti* as an ancient text that represents chief landmarks and prominent developments in the cultural history of Hindus. *Sukraniti* for Sarkar was the preeminent ancient text of India that precisely represents non-transcendental and non-spiritual i.e., the secular worldly and ‘positive’ elements through the political and non-political aspects of ancient Hindu society. The book presents an astounding notion that it is through the positive, secular and materialistic understanding that transcendental and the metaphysical elements foregrounded the life scheme of Indian cultural history. It is argued by the author himself that Hindu transcendental literature of *Upanishads*, *Darsana*, *Gita* cannot be truly recognised and interpreted in true light unless the pursuit of socio-political, economic realities of the given time of the literature were emphasised and how these realities further governed and influenced the life-scheme of Hindus is encapsulated. In this regard Benoy Kumar Sarkar analytically traced the ideas of authors of *Sukra* cycle present in the *Sukraniti* and accentuated the socio-political development of the given time. The author adopted an historico-comparative methodology in studying the Indian facts and phenomenon to question the authenticity of the misapprehension of academicians with the sociology of Hindu society.

Kautilya’s *Arthashastra* discovered in early 20th century probed the interests amidst the academicians from diverse fields to understand the long-forgotten tradition of statecraft in ancient India more coherently. This discovery made a significant break by stipulating the role of ‘*artha*’ and the ‘secular laws’ in the

governing and functioning of ancient Indian polity. But before this significant work of Kautilya, was the text of Sukra. The '*Sukraniti*' bore such stature in ancient India that even Kautilya was influenced by the same. The *Sukraniti* is a study in the non-*moksha* or non—transcendental domains i.e., the positive elements of ancient India. "*Hindu Sociology*" of Benoy Kumar Sarkar is a part of extended series of '*The Positive Background of Hindu Sociology*' which is an analytical study of *Sukracharya's* code initiated by his English translation of *Sukraniti* published as Volume XIII of the '*Sacred Books of the Hindus*' series. *Sukraniti* is both the manual of guidance to the king/statesman; as well as regarded as the 'Bible of the demos' and a handbook of economic and ethico-political regulations. Sarkar traced the positive background and foundations of Hindu Sociology through the *Sukraniti* by analysing the nature of secular and worldly elements in constitution of Hindu national and cultural life. Benoy Kumar Sarkar's name is much footed in the list of early founders of Sociology in India. He initiated the social construction of India via positivistic background implicit in Indian tradition. Through his prolific writings, Sarkar offered an alternative reading to the dominant apprehension of Indian tradition. The present volume of '*Hindu Sociology*' is divided into two parts namely, non-political and political.

The first theme of the book, i.e., non-political, investigates the social and physical factors of the time of the *Sukraniti* and is based upon the study of the data furnished by the text itself. In doing so, the author primarily attempted to locate the relativity of the text. The first chapter traces the landmarks and milestones in the history of Hindu polity in lieu of the magnificent kingdoms and empires from 4th to 18th century A.D. in order to highlight the nature of political codes that king/statesman used to follow to meet the requirements of people living in the diverse geographical and topographical conditions. In next chapter, the author attempted to contextualise the study by exploring the geographical dimension of ancient India in which the text would have been written. An interesting depiction occurs in this chapter when the author assessed the varied atmospherical and climatological conditions of the country through the duties followed by both king and subjects and from the description of customs and rites during different periods of the year.

In the third chapter, Sarkar elucidated the sociological constitution of the ancient society by exploring and identifying the traditions of varying races or tribes mentioned in the text. It is not to lose the sight that Sarkar's analysis of variants of races assist the readers to comprehend how the caste or even race

was determined not just by the birth but also through virtues and functions. The fourth chapter depicts *Sukraniti* as the science of all sciences or dominant science as an epitome of perfect guide to king/statesmen in reference to the whole universe. Sarkar highlighted that authors of *Sukra* cycle followed the method of synthetic art of physical and human sciences in order to prescribe the duties to mankind. Consequently, Sarkar investigated the gems, metals, infrastructure, weaponry and their usage with findings of botanical, zoological, veterinary and agricultural sources in the *Nitisastra*. In the same chapter, Sarkar regarded the text as the work of moderners and compared it with Montesquieu's "Spirit of Laws" as both texts stand paramount in the study of physical forces and energies influencing mankind. Chapter Fifth and Sixth presents a determinant analysis of botanical and zoological history of India. The text regarded both flora and fauna as substances having direct implications upon the socio-political and economic aspects of mankind. The analysis of data on ancient Indian botany and zoology highlights the knowledge of Hindus in several branches of economic or applied botany. Therefore, part I of the book is a kind of historical assessment and reflects the achievements and limitations of Hindus in varying domains.

Book II, the political aspect of *Sukraniti* is divided into four major chapters. In the very first chapter, the author presented a preface to the idea of Hindu politics. Author interrogated the speculative scholasticism of academicians based upon the misapprehensions about traditional idea of India and asserted that recent development in Oriental archaeology and literary sources particularly *Arthasastra* of Kautilya laid down the foundations of realistic sociological research. By tracing the distinguished nature of *Vidyas* and *Kalas*, Sarkar highlighted that political learning as a theoretical branch of knowledge acquired an independent status in Hindu tradition. The author further discussed the fundamentals of *Niti* and highlighted that *Sukra* implicitly used the term '*Nitisastra*' for his text as the text aims to lead, govern, guide king and further investigates the idea of duty. The author assessed the idea of *Danda* and *Dharma* and their coalitional understanding with sovereignty in ancient India through comparative analysis between the *Nitisastra* of *Sukra* and work of Plato and Aristotle. Chapter one is a brief sketch of fundamental ideals of *Niti* entangled with the discussion about Hindu achievements in democracy by tracing the history of republics (*gana*), collectivism in form of guild and corporations. Chapter two encapsulates the two prominent elements of *Saptanga* theory of state i.e., *Rastra* (territory and people), *Kosa* (finance)

and their bearing upon man's corporate relations. The author argued that the Indian concept of state as a political association evolved from the idea of *desa*-country and not in terms of race-tribe. In this chapter, author highlighted that *Nitisastra* does not comprehend the idea of "One language, One State", rather it is harmonious in nature and endorses the heterogeneous nature of society. In the subsequent discussion about wealth and property, the author highlighted the importance of property, wealth, utilities and values through *Sukra's* social philosophy as implicated in two propositions i.e., importance of wealth because it is through wealth that duties, worldly enjoyments and salvation is assured and, emphasis on the economically self-sufficient state. In chapter three, the author traced the philosophical arrangements of times of authors of *Sukra* cycle and argued that given time was guided by the ideal of social services, *lokahita* or utilitarianism. Sarkar assessed that philosophical milieu of *Sukra* authors through tracing their affiliations to ideals of realists, orientations to *Nastika-matam*. Chapter four is a brief sketch of foreign policy in *Niti* philosophy. Author emphasised upon the organic theory of state and its bearing upon the international functions of *Rajya* with the further discussion about nature of public international law of Hindus and international jurists of *Sukra* cycle.

In both the themes of political and non-political, the author has prominently analysed the significant ideas and characteristics that appeared in the text of *Sukraniti*. It was this attempt of Benoy Kumar Sarkar that has significantly enriched the understanding of ancient India through the imperative assessment of non-political and political aspects amidst the times of authors of *Sukra* cycle. It is to signify here that the author has made a prominent attempt to analyse these key ideas of *Nitisastra* with deeper study of context or circumstantial understanding of given literature followed by the comparative assessment with the literature drawn from distant cultures. This historico-comparative methodology has been of great help in assessing and analysing the ideals of literature given with a comparative framework leading to a more enriched understanding of *Sukraniti*. Such detailed analysis of the text of '*Sankranti*' has indubitably renewed the understanding of ancient India and has presented a framework against the presumptions that have regarded ancient India and its ideals as primitive, inferior and mere spiritual in nature. The book promisingly highlights the positive background of the primitive and spiritualist India. Also, the methodology and analysis of the author of *Sukraniti* accorded that any visualisation or investigation of text must situate the text in the context in which the text was written and it further elevates that one must visualise

objectively both the eastern and western civilisations as they are to encapsulate the parallelism, analogies or synchronisms amidst both the cultures.

Each chapter of both the themes considerably analyses key ideals of the *Sukraniti* in length. But the comparative framework drawn by the author in most of the chapters without comprehending the meeting or common ground between the concepts or ideas of two cultures has affected the clarity of the book. Nonetheless, the work of Benoy Kumar Sarkar is of much significance for the understanding of the India of times of authors of *Sukra* cycle. The author has promisingly analysed the theoretical and positive background of ancient India from varying standpoints. The book stands paramount in the domains of both Sociology and Political Science in general and Indian Political Thought in particular and is significant for academicians, scholars and students interested in the field.

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Maya, Modi, Azad: Dalit Politics in the Time of Hindutva
by Sudha Pai and Sajjan Kumar
Harpercollins, 2023.

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There are only a few books which come out at the most appropriate time and engage with the complex, immediate and impending social-political questions of their times. *Maya, Modi, Azad* is one such book to be published in recent times.

Maya, Modi, Azad, at the initial instance, looks like a book about three different leaders at three different phases of their political journey. One who became the supreme icon of Dalit assertion and managed to achieve the feat of becoming the first Dalit Woman Chief Minister of Uttar Pradesh (UP) but is now purportedly at the end of her political career with no strong hold and influence over Dalit voters anymore. Quite dissimilar to this is *Azad*, a young energetic activist who has emerged from the streets as an aggressive and articulate leader willing to take the new generation of Dalits forward and in the process offer a challenge to the old guard and their brand of politics. The third leader in the title is *Modi* which seems to be an interesting case not just because he has become arguably the tallest leader of Hindu Nationalism but has also been able to attract sections of non-dominant Dalits and OBCs (Other Backward Classes) that have now turned to Hindutva in recent times. This is the central theme of the book. The Bharatiya Janata Party (BJP) under the leadership Modi has refuted many conventional wisdoms one of them being that a political formation based on a 'Brahmin-Bania' core will struggle to gain support from the Dalits and other marginalised castes. What is the reason behind the shift of these hitherto estranged groups towards Hindutva is the primary purpose that the book seeks to serve.

The book is divided into three parts and eight chapters. Part I is titled *Building a 'Rainbow' Party with a Dalit Core* and talks about the Bahujan Samaj Party (BSP), how it played out its Sarvajan experiment and the possible reasons behind the recent decline of the party. One of the questions that this part raises is whether the BSP is facing an existential crisis in today's time and has the Dalit movement entered a post-BSP phase? Part II, titled *Dalit Interface with Hindutva*, is about the inclusion tactics of Hindutva, how it tries to bring Dalits into its fold and whether it is really inclusionary in the real and significant sense of the word? A major question that crops up in this

section of the book is whether the recent shift of some of the Dalit and OBC communities is instrumental or ideological in nature? Can this shift be read as an instrumental and pragmatic decision to align with a political force that is in power and has a better chance of providing material goods owing to its control over the resources? Or is this shift deeper and goes beyond the dimension of resources and their distribution suggesting that the ideological tenets of Hindutva and Hindu Nationalism have become attractive and acceptable for the more marginalised castes? Finally, Part III looks at the new Ambedkarite organisations that are slowly developing and expanding and now operate in UP, fighting against caste atrocities and discrimination, the most prominent among these organisations being the Bhim Army led by Azad. This part is titled- *New Stirrings: Emerging Dalit Organisations*. This is the last section of the book and it deals with the question of fragmentation of the Dalit Movement in UP. Can the emergence of so many groups and factions be seen as a clear sign of a movement that is divided and fragmented? And what is the likely result of this fragmentation on the future success or non-success of the Dalit movement in UP?

One of the major theoretical arguments that comes out of this book is the distinction that the authors draw between the social and the political (also, electoral). Dalits facing violence and atrocities socially will assert and fight back and will also become politically visible and significant. But both these things need not happen through the same platforms or in the same manner. When atrocities against them take place, they might call upon someone like *Azad* but their vote loyalty is still for *Maya*. The book is seeking to put forward a claim that identity works differently in different realms in different times. Approaches to understand the Dalit identity and Hindutva politics should keep this in mind. The shift of some of the backward castes towards the BJP, what is referred to as Subaltern Hindutva, again raises this distinction between the social and the political. Two factors may be playing a role here- one is the *labharthee* model of welfarism that the BJP has adopted with direct cash transfers and the other is related to its successful outreach to some sections of the non-dominant Dalits and OBCs through the cultural realm. Even though the BJP has failed to stop caste atrocities and violence, it does not naturally mean that the party is seen as the only stakeholder failing. The evidence provided in the book suggests that for Dalits, caste violence is not a phenomenon that came after BJP came to power and that parties before had also failed to provide sufficient protection to them. With the added element of *labharthee* welfarism, BJP seems to be the better option for some of the marginalised castes. Thus, social discrimination does not naturally and immediately mean that these backward castes will not

back the BJP politically or electorally. Hence, there is divergence between social experience and political preference. Social and political behaviour can be different, at times perhaps, even contradictory to each other. That is the point that the book is making.

One of the prominent points that arrive from the book is that there can be multiple ways in which mobilisation can happen in a larger movement, such as the Dalit movement, which has been under progression for many decades. Movements are multi-dimensional and non-linear. While BSP could be one dimension of Dalit mobilization, Bhim Army and other similar Ambedkarite organisations could be another dimension and flirtations with Hindutva could be another. All in all, the book is a compendium which deals with several topics such as Dalit identity and its changing contours, social-political lives of Dalits, historical development of an independent Dalit politics and its current state, activism and assertion in civil society space, how to look at the debate between an apparent choice dignity and development, workings of Hindutva politics and the reasons for its stupendous rise, among others.

This is not to suggest that the book provides answers that should be taken as final. No text, however authoritative, can become unquestionable in intellectual pursuits. Even perfection has faults. And the main failure of this book is its inability to provide a theoretical framework and basis for drawing the distinction between the social and the political-electoral. Methodologically, the book could have become richer with ethnographic focus on the behaviour of Dalits during election times and how much variance or similarity there is when compared with non-election times. Lastly, some light could have been thrown at the distinct leadership style of the three leaders that constitute the title of the book- *Maya, Modi, Azad* and their significance as major players in the making of *past, present, future* of Dalit and Hindutva politics.

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**Ethnic Conflict and Civic Life:
Hindus and Muslims in India, Varshney, A. (2002)
New Haven and London: Yale University Press**

The book “Ethnic conflict and civic life” is an important work in the field of social science and which has appeared in recent decades. Ashutosh Varshney in his book which is almost a ten-year work hopes to provide some new insights on ethnic conflict and also a way to peace. Through this book he tries to ask questions such as why Hindus and Muslims had riots in some parts of India but they conducted their lives reasonably peacefully in other parts. Also, what kind of civic ties between different ethnic communities can contain or even prevent ethnic violence. To address these questions, this book draws on new research conducted by the author on the Hindu-Muslim conflict in India.

As the name of the book suggests “Ethnic Conflict and Civic Life, Hindus and Muslims in India” the author here seems to put forward or establish an integral link between civic life i.e. the structure of civil society on one hand and the ethnic or communal (he does not differentiate communal from ethnic) conflict on the other. So, this is a systematic attempt to connect these which have not been done by earlier scholars. It takes into consideration the phenomenon of civic life and ethnic conflict between Hindus and Muslims taken as two different categories. The focus here is on the intercommunal networks between Hindus and Muslims rather than intracommunal engagements. The civic networks are further divided into two parts that are associational form of civic engagements which include business associations, professional organizations, reading clubs, film clubs, sports clubs, festival organizations, trade unions and cadre-based political parties and everyday form of civic engagement which include routine interaction of lives as Hindu and Muslim families visiting each other, eating together jointly participating in festivals and allowing children to play together in their neighborhood etc. Where both these kinds of networks exist, conflicts are articulated and managed but, if they are missing or weak communal identities lead to violence.

The central argument of the book is that communal peace or violence is largely determined by the civic life of the communities involved. This argument is subject to certain conditions such as, first; if civic engagement is interethnic rather than intra ethnic, conflicts may occur, but they are

less likely to build up into widespread violence. Second, cross-community engagement provides a stronger bulwark against riots if it is associational rather than informal everyday engagement, particularly in urban settings. For example, intercommunal Business organizations survive by tying together the business interests of many Hindus and Muslims, thus, promoting peace between the communities. Ashutosh Varshney says that when politicians try to polarize ethnic communities (Hindus and Muslims on communal lines), these associational networks act as a serious constraint on the polarizing strategies adopted by them. Third, if engagement is only intraethnic, not interethnic, small events like unconfirmed rumors and small clashes can quickly transform into riots. A multiethnic society that does not have intercommunal engagement is very vulnerable to ethnic disorders and violence.

Varshney's new riot database or the large analysis of Hindu-Muslim riots is primarily based on a reading of the daily Times of India covering a span of 46 years (1950-95). Also, reports appearing in other journals were also checked and interviews were being conducted. This data provided the basis of selecting six cities for in-depth case studies. The newspaper was read interpretively, not literally as newspaper reports do not always distinguish between communal violence and sectarian violence, at other times, the term "communal" can cover a whole variety of clashes: Christian- Hindu, Christian-Muslim or Hindu Sikh, not simply Hindu-Muslim which the author is looking for. This makes interpretive reading of the reports necessary. This allows the author to systematically exclude all riots not concerning Hindus and Muslims.

Varshney's riot database, provides the basis for selecting six cities- three from the list of eight riot-prone cities and three peaceful and arranged them in three pairs. Each pair had a city where communal violence is endemic and a city where it is not. As according to Ashutosh Varshney until we study ethnic peace, we will not be able to have a good theory of ethnic conflict. Placing variance helps the author to have a better understanding of ethnicity and ethnic conflict. In each pair, the author asked whether similar stimuli led to different outcomes in two different outcomes in the two cities and then identified the mechanisms that transformed the same conditions into divergent outcomes. For this, similarity in demographic proportions i.e. roughly similar Hindu-Muslim percentages in city populations constituted the minimum control in each pair. The three pairs include – first, Aligarh and Calicut which was based on population percentages only. The second pair was Hyderabad and Lucknow which added two controls to population percentages: previous

Muslim rule and cultural similarities. The third pair Ahmedabad and Surat came from the Gujarat state and shared history, language and culture. These three pairs of cities have variance in political outcomes which is peace or violence. This variance depends upon the pre-existing local networks of civic engagements between two communities. For this, the history of each major civic association present in the cities was researched and it is found that the process of such detailed historical inquiry of associations was born between the 1920s and the 1940s. So, India's freedom movement is looked that created a whole range of associations and organizations and how the 1920s constituted a transformative moment – socially, culturally and politically. Pre-1920, civic engagement was basically an everyday and informal engagement. By creating cadre-based political parties, trade unions, new educational institutions, and new cultural and social organizations, the Gandhian shift in politics laid the foundation of India's associational civic order. The case materials that follow show that different parts and cities of India participated differently in the project of national reconstruction which leads to different outcomes whether peace or ethnic conflict prevails.

The striking findings that emerge are the rarity of rural riots and the concentration of Hindu-Muslim violence in certain urban areas. More importantly, he refers to the statistical fact that till date, almost 96 % of all deaths in communal riots in India took place in cities. These findings make the author to take "town or city" as the unit of analysis and to consider Hindu-Muslim riots as an Urban phenomenon. Within Urban India too, some cities are more prone to Hindu-Muslim riots than others. He provides a list of the eight most Riot-prone cities of India which include Bombay, Ahmedabad, Hyderabad, Meerut, Aligarh, Baroda, Delhi and Calcutta.

This book provides the most comprehensive data on communal riots in India and also through systematic, comparative analysis, Varshney developed an explanation of why Hindu-Muslim violence has occurred in some Indian cities and not in others. This book will decisively shape future scholarly research on this subject and in studies concerning ethnic conflict. However, Ashutosh Varshney's view about intercommunal engagements contradicts Paul R. Brass's view which says that even when there is an existence of interreligious association or interpersonal relations amongst members of different communities, elements of civic engagement cannot repel the power of political movements and forces that seek to produce intercommunal violence. He finds Ashutosh Varshney's view of giving critical importance to civic

engagement of little value and says that from a policy point of view, it is a pure diversion and waste of resources in promoting civic engagement when attention and resources should be addressed towards uncovering the system and process of riot production and the producers thereof. Also, Varshney's argument that Hindu-Muslim violence is an urban phenomenon, can have certain exceptions. For example, the riots in Muzaffarnagar and Shamli district of Uttar Pradesh in 2013 come under the category of rural riots. So, the phenomenon of communal violence is not limited to urban areas only. He also gives less importance to the state and national level politics and relies on town level civic organizations and networks as according to him, these networks do not let politicians having polarizing tendencies to succeed.

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