## PREFACE

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V.K. BABU PRAKASH, SECRETARY,
KERALA LEGISLATURE.

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# Draft Wildlife Action Plan - National Laws and International Obligations 


#### Abstract

Neema Pathak Broome This analysis of the draft wildlife action plan says that it takes note of the injustices historically carried out upon the local communities and addresses such injustice to be able to create local support for conservation. It also examines the extent to which the draft has explored complementarities between national laws and international obligations.


The draft wildlife action plan (hereafter DWAP) is a vision document meant for guiding the direction of wildlife conservation in the country. The Government of India (GOI) is currently revising its wildlife action plan for the period 2017 to 2031. No wildlife policy or action plan in India would have much relevance without emphasising the human-wildlife interface. Over 300 million people are directly or indirectly dependent on the forest ecosystem alone (Ministry of Environment and Forests 2009). If the dependence data on inland wetlands and marine ecosystems is added to this it will be many scores more. These forest-dependent communities include a tribal population of 67.7 million representing 461 tribes with distinct linguistic and cultural traditions (IAITPTF 1998), particularly dependent on produce from forests such as fuel wood and non-timber forest products (NTFPS) (Prasad 1999). Livelihood and cultural security for such ecosystem- dependent communities is critically

linked to both ecological security and the security of access and control over natural resources (Kocherry 2001).

The DWAP acknowledges this fact and clearly "underscores people's support for conservation" as an important requirement for wildlife conservation. It also recognises that the exclusionary nature of wildlife policies thus far has led to a lack of tenure security for local communities, including large-scale relocation of local communities residing in and around protected areas to create "human free" spaces for wildlife. Comprehensive figures for displacement from protected areas are not available but some estimates suggest this figure to be around 3,00,000 families over the last three to four decades (Lasgorceix and Kothari 2009). Much more than physical displacement, however, there has been heavy restriction on access to forestland and resources, resulting in local communities dependent on ecosystems within protected areas becoming amongst the most marginalised groups in the country (Wani and Kothari 2007). A constant state of conflict with the wildlife conservation laws and authority has led to lack of local people's support for wildlife conservation. Thus by setting two of the most voiceless groups (ecosystem-dependent communities and wildlife) against each other, the wildlife policies work for the disadvantage of both (Kothari 1996).

This article attempts to analyse how the DWAP having taken note of the injustices historically carried out upon the local communities addresses them to be able to create local support for conservation. Also in doing so, to what extent it has explored complementarities between national laws and international obligations. Indeed there are a few good suggestions in the DWAP towards creating a more participatory approach to conservation. For example,

taking into account a diversity of protected area categories as suggested by the International Union for Conservation of Nature (IUCN) instead of looking at a highly restrictive protected area regime; promoting declaration of conservation reserves and community reserves rather than wildlife sanctuaries and national parks (the latter two being more restrictive for the local communities); expressing a need to look at "other effective conservation measures" rather than solely focusing on protected areas as a model of wildlife conservation; reviewing past relocations from there and working on newer strategies for relocation in future; and stressing on the need for people's support for conservation. However, when it comes to suggesting concrete action points to achieve these, the DWAP still falls way short of the goal. This is an account of how the DWAP 2017-31 once again seems to have missed an opportunity to address the issue of alienation of local communities from the concerns for wildlife.

Any wildlife or forest policy in India today must consider two important acts passed by Parliament in the last two decades, namely, the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) and the Forest Rights Act, 2006 (FRA). The latter in particular is applicable to all forests in India (excluding $\mathrm{J} \& \mathrm{~K}$ ), includ ing the 78.92 million ha of forests under the forest-department (GOl 2014) and all protected areas and more importantly, supersedes other laws in the same subject domain. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 provides for legal recognition of a number of forest rights thus far denied to the tribal and other forest-dependent communities by the very exclusionary wildlife and forest laws and policies mentioned in the DWAP. These rights include (among others) recognition of individual land rights under traditional or long-term occupation of Scheduled Tribes and other traditional forest dwellers; community rights over forest resources; and very importantly "right to protect, regenerate

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or conserve or manage" community forest resources CFRS). The CFRs are defined as "customary common forestland within the traditional and customary boundaries of the village ...," including protected areas. As per the Ministry of Tribal Affairs data, till January 2016 about 873236.04 ha (approximately 1\%) of the existing forestland under the forest department has been claimed and recognised under this provision as CFRs (not including the data from some of the states). A recent study by the Rights and Resources Institute (RR1) has estimated that CFR rights can be recognised over a minimum of 40 million hectares of forestlands (which, they state, is still a very conservative estimate).

## Vague and Confused

However in dealing with laws of such bearing the DWAP appears vague and confused variously mentioning their enactment to be harmful for wildlife at times and something that is a fait accompli about which nothing can be done at other times! Rarely, if at all, does the DWAP attempt to meaningfully integrate the provisions of these laws to fundamentally change the manner in which people's participation in wildlife conservation has been viewed or sought so far. On the contrary, when talking about specific action points on strengthening people's participation the DWAP still takes shelter behind conventional forest department dominated institutions such as eco-development committees (EDCS), joint forest management (JFM) and village forests committees (VFCS). For example on page three, paragraph 1, it "underscores the increasing need for people's support for conservation of wildlife" and recommends strengthening "core buffer multiple use surrounds" through higher inputs for eco-development, education, etc. It does this without any review of the extent to which these conventional schemes and institutions have been able to create an environment for effective people's participation in wildlife conservation till now! The DWAP talks about giving legal backing to these

institutions instead of acknowledging newer legally backed local institutions that already exist under FRA and PESA. The entire document in fact completely ignores the community forest resource management committees (CFRMCS) to be constituted under the FRA. Such committees have already been constituted in hundreds of villages across the country" Interestingly, the DWAP does mention Section 5 of the FRA (under which these committees are constituted) although cursorily and without any consequence for the suggested actions.

If the DWAP was to internalise the fact that the FRA is the law of the land and is not an option, a number of provisions would be written differently, two of which are mentioned below.

## Redefining Settlement of Rights

The DWAP appears confused when dealing with the rights of the local communities. There is a welcome suggestion and a realistic assessment of ground situation when it talks about creating more conservation reserves and community reserves (which are meant to not affect the rights of the local communities) rather than wildlife sanctuaries and national parks. The point to note here, however, is that the FRA allows for recognition and continuation of rights even inside the protected areas, including national parks and wildlife sanctuaries. Only in case of critical wildlife habitats to be established under the FRA can the rights be modified but that too only with the consent of the concerned gram sabha. It is therefore important, in light of the PESA and FRA, to acknowledge in all action points related to the rights of the local communities that "settlement of rights" cannot be seen as they have been envisaged in the Wildlife Protection Act (WLPA). However, they need to be recognised as envisaged and elaborated in the FRA. The DWAP mentions

that determination of rights should be done in accordance with the FRA (page 15, point 2.4) but the two points ( 2.2 and 2.3 ) describe the rights and how they should be dealt with as per the WLPA saying:

Undertake, in collaboration with suitable NGOs and scientific institutes, a review of the management of the PAS, with a view to accommodate genuine needs of the local people in accordance with the provisions of the WPA1972 and principles of scientific management and make appropriate provisions in the management plan.

As per the FRA, the rights of the local communities are already recognised and any change or alteration can only be done after they have been recorded and with the consent of the local communities.

## Strategies, Plans and Coexistence

While reviewing the management strategies of the protected areas as envisaged in the DWAP it is important to take into account Section 5 of the FRA (which empowers the local gram sabhas to protect and conserve wildlife and biodiversity); Rule 4(e) (mandates gram sabhas to constitute CFRMC); and Rule 4(f) (empowers the gram sabhas to prepare a conservation and management plan for their CFR). The FRA also provides for the integration of these village conservation plans with conservation and. management plans of the forest department. On page 71 (point l(iii) of the DWAP), Section 5 of the FRA is mentioned but there are no action points related to this anywhere in the document, no elaboration on how this is to be done. This is also of significance as all the financial resources meant for management and conservation of forests and wildlife are (by implication) to be provided to the

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forest department-established JFM committees or eco-development committees. The action points have completely ignored the local CFRMCS from its strategies and action plans.

Linked to this, the DWAP (page 68, point 2) recognises that exclusionary models of conservation have resulted in a lack of people's support to wildlife conservation. Disappointingly however, the only suggested action point towards garnering support for wildlife conservation is "strengthening ecodevelopment." This is in disregard of not only the FRA as mentioned earlier but also Section 38(v)ii of the Wildlife Protection (Amendment) Act 2006. This significant provision (which remains unimplemented) provides for developing coexistence strategies in the buffer zone of tiger reserves.' This is one of the most crucial steps if local support for tiger conservation is an identified need.

The draft would have done well to suggest actions related to developing coexistence plans for tiger reserves integrating Section 38(v)ii with FRA. This has often been suggested to the government by civil society groups, including a draft set of guidelines towards coexistence." Such integration, however, would involve implementing the FRA to recognise and establish the forest rights of the local communities; recognising the CFRMCs as important institutions for forest governance, management and conservations; and using Section 38(v)ii of the WLPA to draft co-existence plans. Indeed there are already examples which the DWAP needs to take into consideration. The Soliga tribe residing in the Biligiri Rangaswamy Temple (BRT) Sanctuary have already shown that it is possible to carry out a tiger conservation plan with the local communities (Desor et al 2011). Similar planning for tiger conservation has been done in the Similipal Tiger Reserve in Odisha, where the district administration and civil society organisations have helped the villages located within the reserve to file for the CFR rights. Of the 43 villages which have

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received titles to their CFR rights, 21 have prepared and submitted management and conservation plans, which will now be needed to be integrated into the tiger conservation plan of the forest departrnent.

## Convention on Biological Diversity

Very significantly, using the IUCN definition of protected areas which says that "a protected area is a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values" the DWAP makes a claim (page 11, point 3) that in addition to the nearly 5\% area under the protected areas in the country, the $20 \%$ area under the forest department can also be considered to be area under "other effective means to achieve long-term conservation." This is towards fulfilling the AlCHl 11 target under CBD (which sets a target for each country to bring $17 \%$ of the terrestrial area under effective wildlife conservation). This is in stark contradiction to another claim of the Ministry of Environment, Forest, and Climate Change (MOEFCC) Here, in order to justify that forest areas be leased to industry for plantations, the MOEFCC has claimed that $40 \%$ of the forest (of the $20 \%$ ) is severely degraded and is under "open forest" category needing improvement in "productivity." Leasing out $40 \%$ of the forest area to industry for commercial plantations .can definitely not be an "effective means for long term conservation goals." In the 30 years, between 1981 and 2011, 11,98,676 ha of this area was diverted for non-forestry purposes, including for mines, dams and roads (CSE PUBLIC WATCH-07 Forest Clearance 2011) and currently 20,000 to 25,000 ha of forestland is diverted annually for non-forestry purposes (Business Standard 2016). Neither of this conveys the seriousness of wildlife conservation in these forests. In fact much more of this area would have been under industrial use but for the resistance of local

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communities against government ranting forest clearance for industrial use over these lands (also part of their customary lands)(Kohli et a12012; Bera 2013).

Yet part of this $20 \%$ forest area could definitely be considered to be under "other effective means for wildlife conservation" if local people's efforts towards conservation were to be taken into consideration. These would include hundreds of community forestry initiatives in Odisha (Conroy et al 2002), Community Conserved Areas (CCAS) like Khonoma village in Nagaland for Blyth's tragopan, villages adjoining the Ganga and Kosi Rivers in Bihar for protecting the greater adjutant stork, Rushikulya in Odisha for Olive ridley turtles (Pathak 2009). These would also include traditional sacred groves (Malhotra et a12001) and newly constituted CFRMCs across the country (as mentioned above), among others. All of these, however, remain invisible, unmentioned and unrecognised in wildlife conservation strategies and plans including in the DWAP.

It would be important to mention here that the Programme of Work on Protected Areas (POWPA), which the parties to the Convention on Biological Diversity (CBD) agreed to in 2004 (and which is legally binding on India), has four major elements with 16 time-bound goals." Of these Element 2 is of particular importance to achieve the goals mentioned under Paras relating to people's participation (4, 4.5, 5, 6, 6.1, 6.2, 6.3, 6-4, 6.5)lf the DWAP. Element 2 (together with actions committed by parties in deci-sions of the 9th and the 10th Conference of Parties (COP) specifically deals with goals and targets for achieving "Governance, Equity, Participation, and Benefit sharing?" These include goals to. "promote equity and benefit-sharing by establishing mechanisms for the equitable sharing of both costs and benefits arising from the establishment and management of protected areas" and "to enhance and

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secure involvement of indigenous and local communities and relevant stakeholders by full and effective participation of indigenous and local communities, in full respect of their rights and recognition of their responsibilities, consistent with national law and applicable international obligations, and the participation of relevant stakeholders, in the management of existing, and the establishment and management of new, protected areas."

In keeping with the above commitments to CBD, the DWAP needs to. identify and acknowledge the conservation efforts made by the local communities. This could be done by recognising their knowledge, practices and institutions and encouraging and supporting them through need-based technical, financial, legal, and policy support where it does not exist. In case of forest ecosystems as mentioned above it can be done by incorporating the provisions and institutions under FRA squarely into. wildlife planning, instead of promoting, and hence co-opting local institutions into JFMCS or Ecodevelopment committees. Another strategy in favour of long-term wildlife conservation would be to. support the communities resisting takeover of their lands for giving away to. the industry, as is currently being envisaged under various forest policies.

## Expanding PA Categories

In fact, one of the useful ways to fulfil AICHI target 11 mentioned above,would be to effectively develop and implement Paint 3.1 on page 15. Although mentioned just in one line this single action point could have huge positive implications for inclusive conservation policy in India. This also. directly relates to the POWPA actions mentioned below:


By 2006, conduct, with the full and effective participation of indigenous and local communities and relevant stakeholders, national-level reviews of existing and potential forms of conservation, and their suitability for achieving biodiversity conservation goals, including innovative types of governance for protected areas that need to be recognised and promoted through legal, policy, financial institutional and community mechanisms, such as protected areas run by Government agencies at various levels, co-managed protected areas, private protected areas, indigenous and local community conserved areas.

Until recently the IUCN protected area definition and management categories have been "neutral" about types of ownership or governance authority of protected areas. In ather wards, although the system of categories talks about for what objectives and "how" protected areas are to be "managed," it did not talk about "who." should own, manage or govern them. It is now being recognised that protected areas (within its broad definition) can be managed far a range of primary objectives by a variety of actors including governmental agencies, NGOS, local communities, indigenous peoples, and private parties-alone or in cornbination (Borrini-Feyerabend et al 2013)(i) Governance of protected areas by government.(ii) Shared governance (various actors collectively govern protected areas).(iii) Private governance (privatelyowned lands as protected areas with full authority and consent of the owners). (iv) Governance of protected areas by indigenous peoples and local communities.

If the above is done in a fair and effective manner (with free, prior, informed consent), the country could achieve the goal of inclusive wildlife conservation by recognising all the above-mentioned community conservation efforts in category D protected areas. Taking the above into consideration would then mean a change in the language and spirit of pt 3.6 on pg 16 of the DWAP, which talks about FD and NGOs identifying areas of importance outside of FD lands for declaration as conservation reserves and biodiversity

heritage sites. The sacred groves or other CCAS are an integral art of local cultures and local gram sabhas. The gram sabhas therefore should be the primary bodies involved in processes of identification of areas important for biodiversity censervation whether inside or outside demands under FD.

## Conclusions

This indeed would be yet another lost opportunity if the various provisions of the above-mentioned laws, internatianal obligations, and conservation efforts of the local communities (as yet unrecognised and those recognised under FRA) are not integrated into the DWAP. It is noteworthy that several important provisions of the previous National Wildlife Action Plan relating to. people's participation, important amendments of existing legal provisions such as Section 38 (v)ii, of WLPA acts such as PESA and FRA, and even the relevant constitutional provisions have been hardly implemented. It would therefore be a folly to imagine that simply incorporating all the above suggestions into. the DWAP would make a difference in bringing about a democratic, fair and effectively inclusive wildlife conservation strategy in the next 15 years. Maximum change on the ground can only be achieved if the attitude of those implementing the laws and policies changes.

Economic and Political Weekly
October 1, 2016.


## Family Matters

## The country needs "parental leave" legislation that will take into account the diverse ways in which families are built and support them.

## Kalpana Purushothaman and Sangitha Krishnamurthi

"I HAD to give up my job as a senior manager and go on leave without pay for three months because my company did not have a policy of giving any maternity leave to adoptive mothers. When I returned to work three months later, it became clear to me that I could not cope with the demands of my job and my new baby (who was eight months old when we adopted her) who was sufferingfrom severe separation anxiety every time I got ready to go to work. I quit," said Ananya (name changed), who worked at an IT company in Bengaluru.

The Maternity Benefit (Amendment) Bill, 2016, recently introduced in Parliament by the Ministry of Women and Child Development, would be good news for women like Ananya, who would be assured of 12 weeks of paid leave should this Bill become law. A progressive move in the right direction, the Bill aims to increase the maternity leave for women from 12 weeks to 26 weeks. It also seeks a mandatory provision of creches at establishments with 50 or more employees. The Bill has its heart in the right place, or so it seems at first glance. Is it really as progressive as it claims to be? Does it guarantee all women maternity leave of 26 weeks? Biological mothers get 26 weeks of maternity leave, while adoptive mothers get only 12 weeks.


## ADOPTIVE MOTHERS

The Bill discriminates between biological and adopted children with differences in the duration of "maternity benefit leave" granted to biological and adoptive mothers. The Juvenile Justice (Care and Protection of Children) Act of 2015 states that through the process of adoption, the child becomes the lawful child of his/her adoptive parents with all the rights, privileges and responsibilities that are extended to a biological child. So then, does this not imply that the adopted child has the same right to his/her parents' time that a biological child has?

All children have physical, emotional, psychological and social needs, regardless of whether they have been born into their families or adopted. All children need parents to spend time caring for them. All parents need time to bond with their children, to understand their multiple and complex needs and respond to them accordingly. To say that some parents need 26 weeks while others need only 12 weeks is legally discriminatory as well as against the principles of child development.

Megha, an academic, says: "The lack of parity in maternity leave is not justified. Are adopted mothers halfmums? Will I give my adopted child lunch but not dinner? When a child comes home, everything changes. The amount of effort or time that goes into raising a child is independent of how he/she arrived. From an emotional standpoint, I would argue that adoptive mothers need time to bond with their child, and if they are stressed about going back to work, this is not going to go smoothly. It's almost as if an adoptive mother has to pay a penalty for not procreating. Denying equal leave to an adoptive

mother reinforces the prejudice that adoption is an unusual route to having a family."

While biological parents have the advantage of a lead time of nine months of pregnancy to prepare physically, emotionally, financially for the birth of their child, adoptive parents have to be prepared to deal with uncertainties relating to very fundamental aspects such as the child's age, gender, health history and needs and previous history of trauma of institutionalisation.

As Dr Shobha Srinath, Senior Professor, Department of Child and Adolescent Psychiatry, National Institute of Mental Health and Neurosciences (NIMHANS), Bengaluru, puts it: "Bonding, which is the close relationship between the parent and the child, is a complex process and develops over time and shared experiences.In the case of a biological parent, this process starts to occur soon after the mother discovers that she is pregnant. But there is so much uncertainty associated with adoption that the adoptive parent can start bonding with the child only after certain adoption procedures are complete and the child is given to the parents. The Maternity Benefit(Amendment) Bill, 2016, allows only 12 weeks of maternity leave for adoptive mothers. The process of bonding requires more time and proximity when the child is adopted, and hence, it is vital that no differentiation be made while according maternity benefits."

Birth parents may also have inbuilt advantages accorded by biological processes such as breast-feeding and family acceptance and social support, while adoptive parents have to invest time to create the psychosocial bonding with the child while battling stereotypes and prejudices in their families and in society. As Dr.Shobha Srinath says: "When a woman is pregnant, generally family and friends help her prepare for a new born. In the case of adoption,

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uncertainties remain regarding the age of the child that will be given to the couple, and most families do not get much time for preparation."

In many ways, for biological parents, the process of parenting in terms of actual interaction and bonding with the child starts at birth or even earlier. For adoptive parents, the parenting process actually begins when the child is placed with them. Therefore, for adoptive parents, 26 weeks of leave from the date of placement with the family would just about be the start of a life-long process of secure attachment. Also, it is required to offset the life-long impact of early institutionalisation and separation from biological parents.

## INSTITUTIONAL CARE

Dr Preeti Jacob, Assistant Professor, Department of Child and Adolescent Psychiatry, NIMHANS, highlights another crucial factor that cannot be overlooked-the psychological background and circumstances of adoption. "Children who are adopted often come from deprived psychosocial environments and may have experienced institutionalisation. Given these risk factors, one can argue that adoptive mothers need more, not less, time with their children." It is important to remember that the longer a child is in institutional care, the greater is the time and parenting attention that a child needs to meet his/her development milestones. The older the child is at the time of adoption, the greater is the parents'need for time to nurture the child. The three months provided by the Bill are not enough. The Bill only covers women in the organised sector. This means that while women like Ananya, who worked in the IT industry, would have benefited, many others would not.

Even the "organised sector" does not recognise the needs of women such as Rinku Naren, a successful IT professional who married a colleague

who had a four-year old biological daughter. She was not granted maternity leave because she was not pregnant. Having to cope with the demands of a new marriage, a new home and new motherhood have not been easy. So what would this legislation mean for women who become mothers when they marry men who have children? The justification for introducing the amendment has been, rightly, that it is time to acknowledge that maternal care during early childhood is crucial for the growth and development of the child. Curiously, however, the proposed legislation seems to provide less than the adoption leave already granted by the Central government .Current adoption leave rules for Central government employees provide 180 days of maternity leave for mothers' who adopt babies under one. While the assumption that a child who is adopted after the age of one has less or no need for maternal care points to a constrictive mindset, the current government rules provide more leave than what the Maternity Benefits (Amendment) Act does.

## WHAT ABOUT FATHERS?

The Bill also refuses to acknowledge that fathers have a role to play in the lives of their children. Minister for Women and Child Development Maneka Gandhi reportedly said of paternity leave: "I will be happy to give it, but for a man, it will be just a holiday, he won't do anything."

Sudhindra Subbarao, an adoptive father, said: "I was on an assignment in France and had to leave things midway and travel back for the adoption procedures and custody. I left my apartment, my client engagement and had to trade off the role I was playing in France to be back in India and take care of my child. While I didn't quit my job, the long break I took will impact my future role, salary and position for sure. The Minister commenting that men

## Focus


would use paternity leave for holidays is absolutely disrespectful of all those fathers doing their parental duty."

Sukumar Puvvala, a prospective adoptive parent, said: "As a first-time parent in my 40s, I will not be able to rely on anyone, other than my wife, to bring up our kid, especially in the first six to 12 months. As a software professional, I'm aware that my peers in India are often forced to work late hours. Often, they are forced to work late and leave home early in the morning just to avoid a terrible commute."

He added: "I can only talk about experiences that other adoptive 'parents have shared with us. Depending on the circumstances of the adopted child, bonding may take a long time. Most parents mention that the first six months are crucial to earn the trust of the child. Some parents have even cautioned us not to surround ourselves with other family members during those first six months."

In modern, nuclear families, it is the couple that does most of the parenting work. Fathers are not just another pair of hands, they play a crucial role in the lives of their children.

Some other questions also remain unanswered. Mothers who already have two children but want to add to their family through adoption are also given only 12 weeks of leave, provided the baby is under three months. Does it not seem logical that parents with more children would need more time to care for their children? Are not the older children entitled to receive care and attention from their parents as much as the newer additions to the family? The logic behind a family with more than two children requiring less time to settle in a new addition (through adoption or pregnancy) is tenuous.

Children without families or anyone to care for them (defined as children in

need of care and protection, under the Juvenile Justice Act) are the responsibility of the state. Families who adopt should be encouraged and motivated to partner with the state in taking on this huge responsibility of caring for its children. Should not the state be promoting, facilitating and incentivising adoption instead of discouraging people who are willing to adopt by providing maternity leave of just 12 weeks?

It is important to remember here that care in a family is the best possible option for a child. The impact of institutionalisation on young children separated from their biological parents has been studied and researched extensively. Many studies have shown that children who have been through institutional care have to deal with a range of physical, emotional, social and behavioural difficulties through various developmental stages, sometimes for life. However, studies have shown that love, care and safety provided by positive parenting in a nurturing family significantly mitigates these effects. Children with institutionalisation in their histories do go on to lead happy and fulfilling lives. This kind of nurturing starts with the time to bond and build trust. Twelve weeks is too short a time to build such a foundation.

## TO ENCOURAGE ADOPTION

An average of around 3,500 babies are adopted every year in India. A telling fact that shows how deep our social prejudices run and how cumbersome our child adoption procedures are, despite there being it population of over 11 million children on the streets without families. Even if the Bill were to actually grant the same provisions of maternity and paternity benefits and parental leave to adoptive parents, not more than 5,000 to 7,000 people would benefit. Was that really such a hard thing to do?


To start with, the Bill needs to include a few more "amendments" for it to be truly progressive and make a difference in the lives of people (men, women and transgenders) who wish to take on the responsibilities of parenting.

Can we hope for a parental benefits legislation that is more inclusive, nondiscriminatory and truly progressive? We could start by calling it "parental leave" and not "maternity leave" and recognise men as parents. This new law could get in line with other Acts and rules that already exist and grant all kinds of parents the same legal rights that are given to biological parents. We need legislation that seeks to equalise, help change regressive mindsets and are aimed at ensuring the best interests of all children. Above all, we need legislation that provides support to make parenting the joyful and fulfilling process that it can be.

Frontline,
October 28, 2016


Book Review
A review of the book ‘The Vernaculrization of Labour Politics’ by Sabyasachi Bhattacharya and Rana P. Behal

## Micro politics,Micro gains

Identity politics is by nature fissiparous, and whether it dons the form of an association, a club or a vernacular entity, it is inimical to proletarian
internationalism.

T.K. Rajalakshmi

ARE trade unions and conventional trade unionism still relevant? That is one of the dominant questions preoccupying labour theorists or those involved in labour politics. There is a section that believes that traditional trade unions are losing relevance, becoming ineffective and ceding ground to informal groupings that may take the form of associations on the basis of categories other than class. Concerns have been expressed about the declining membership in trade unions, and the phenomenon is attributed to globalisation, a flexible service sector, the contractual form of employment, the growth of the informal sector and the large presence of "foot-loose" labour, a term used by Jan Breman.
Some of the posers in the book under review are as follows: have unions ceased to be relevant or have they been replaced by new collectives based on multiple identities or is there sufficient potential for mobilisation and classbased action even within these new formations?

The articles in the collection have been selected from the papers presented at the ninth and tenth International Conference on Labour History organised

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by the Association of Indian Labour Historians and the V.V. Giri National Labour Institute. The introduction by Sabyasachi Bhattacharya, former Chairperson of the Indian Council of Historical Research, offers the hypothesis that there has been a shift from the classical paradigm of labour politics derived from the European historical experience to a vernacular discourse insurrogate organisations; social and cultural associtions; non-governmental organisations; activities nucleating around primordial identities, including ethnicity; and so on. Does class struggle end such vernacularisation or does it just change form, or does it mean the end of universalism, in the sense of crafting proletarian internationalism? Characteristic of the classical . paradigm are some of the other issues that Bhattacharya raises in the introduction. Evidence from the 13 contributions suggests that vernacular forms of resistance and organisation may have coexisted with classical forms of class mobilisation.

The introduction is particularly interesting as it does not exclude pessimism as far as trade unionism is concerned. Bhattacharya disagrees with the cynical approach of organisations such as the International Labour Organisation to "political trade-unionism" as being harmful and less compatible with the globalised economy. "The consequent prescription for trade unions is that they should discard 'political unionism'. This judgment may be questioned because it is doubtful if there is any scope for trade unionism that is nonpolitical," writes Bhattacharya.

The volume is divided into three sections; the first section has five essays under the broad title "Vernacular Alternatives to Trade Unions" where Indian, Brazilian and Chinese experiences of associational organisations are discussed. The essays are by Aardra Surendran, Meera Velayudhan, Paulo Fontes,Santosh Kumar Rai and Eric Florence. The second section on "State and Social Regulation in the Vernacular Mode" also has five essays: Prasannan

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Parthasarthi's "The Poonamallee Insurrection of 1796"; Robert W. Slenes' "Peasants into Precarious Masters: Hard Bargaining and Frequent Manumission in Brazilian Small Slave Holdings circa 1750-1850"; Vidhya Raveendra - nathan's "Scavenger and the Raj: State, Caste and Labour in Colonial Madras"; Bidhisha Dhar's "Mapping Artisan Labour in Lucknow, 1860s-1940"; and Cassandra Mark- Theisen's "The Dual Meaning of Debt: Political considerations for the Mobilisation of Mining Labour in Southwest Ghana, 1877-1911". The last section, on "Ideologies of Power and Resistance in the Vernacular Idiom", includes essays by Maya John, Leon Fink and Shivangi Jaiswal.

## CLASS \& IDENTITY

The papers in the selection cover varied forms of social organisation and mobilisation. For instance, Aardra Surendran's ethnographic study looks at the workers' associations and trade unions in a public sector undertaking in Mumbai where informal organisations get together around major cultural festivals and forge a bond that has the potential of taking up what are inherently class issues but not necessarilyin the form of union action. Although this way of forming associations should be looked at from an academic point of view, the dangers of over emphasising such formations as alternatives to basic class identities have also been pointed out. Her essay suggests that the presence of a particular kind of an idiom, the "Hindu" idiom, behind these cultural associations of workers poses an altogether different challenge, which may have the potential to cause fissures in basic class solidarities that cut across cultural and other identities.

Meera Velayudhan focusses on Kuttanad in Kerala. She analyses the kind of groups that emerged there in the 1940s: pre-existing local forms of resistance got an impetus from Communist parties and the unions affiliated to

them. Meera Velayudhan's essay, based on an ongoing study, emphasises that forms of resistance, as in the case of Kuttanad in the 1940s and in the 1980s, can have vernacular antecedents, but ultimately it is organised union and classbased action supported by political parties that have some concrete outcomes.
"Trade Unions, Neighborhood Associations and Working Class Politics in Sao Paulo, Brazil" by Paulo Fontes also explores the role of associations. The writer looks at the decade following the Second World War when Sao Paulo experienced a new and intense wave of industrialisation and urbanisation. Fontes looks at how residents' associations played a decisive role, especially in working-class neighbourhoods, during the municipal government of a popular leader, Janio Quadros, a politician who got elected with the support of these associations.

These associations, known as the Comites Democraticos e Populares in Sao Paulo were assisted by the Brazilian Communist Party. The "right to city" by the poorer sections was therefore effectively put forward, argues Fontes. The paper shows the manner in which the popular Brazilian leader Quadros was able to capture the popular resentment and appear as a kind of a heroic knight for the residents Sao Paulo. From Mayor of Sao Paulo city, he went on to become Governor of Sao Paulo state and then President of Brazil.

The story of Quadros illustrates how an association called Societies of Friends of Neighbourhood helped in establishing reciprocal relations between workers and populist political leaders without any intermediary unions. These associations were also able to forge larger ties with trade unions in general strikes in the subsequent decade. Brazil seems to have carried forward this tradition of electing persons to the highest positions from working-class

backgrounds. Contemporary examples include former President Luiz Inacio Lula da Silva and his successor and the currently ousted President Dilma Rousseff of the Workers’ Party. Lula had a distinct trade union background.

Santosh Kumar Rai's essay looks at how the weaving community in parts of northern India were able to organise and charter a course of political mobilisation in local and community contexts in the early 20th century.

It can be argued that the impact of such interventions as posited by Rai in his ethnographic study may have been local and transient given the provincial character of the organisations concerned. The Muslim Julaha weavers were organised around a distinct occupational and caste identity and their politics had local meanings forged in local circumstances. Whether it was emancipating or exclusionary is not clear. After Independence, they joined the Communist Party of India. They later became part of other political formations. Rai argues that they managed to challenge socio-economic hierarchies and in doing so created an autonomous political space for themselves. Whether this autonomous space was able to withstand the onslaught of macro-level policies is not clear.

Eric Florence's essay "The Cultural Politics of Labour in Post-Socialist China" explores an altogether different experience. He looks at the angst of the rural migrant worker in post-socialist China,who represents a section that has been most exposed to the violence of global capitalism and did not benefit from entitlements linked to the socialist era. He argues that the party state has been able to initiate and encourage a politics of emancipation through inviting workers to narrate their experience of labour called "dagong".


Most of the papers in the second section explore the role of precolonial forms of social organisation such as caste or ethnicity in recruiting labour and in organising protests. Prasannan looks at how caste affiliations played a role in the 1796 peasant unrest in the Poonamallee pargana near Madras city. Parayars, the caste group that was in the vanguard of the unrest, managed to get support from outside Poonamallee. Slenes' essay takes a close view at manumission (slave owners freeing slaves) in Brazilian slave society as a form 'of social regulation (of welfare and social control) where the state was weak and there was no prohibition of manumission by law. Vidhya Raveendranathan's work on scavengers in colonial Madras explains how caste affiliations using the idioms of class struggle such as better wages and dearness allowance resulted in a better deal for the scavengers, incorporating mechanisation of their work. Bidisha Dhar's essay concentrates on how the regulation of artisans' organisations was not aimed at emancipating the artisan; nor did it mitigate class antagonisms. Her paper looks at the politics of documentation of archives between the mid 19th and the mid 20th centuries.

She argues that the state in trying to build a trade network used the definition of "utility" and "practicality" vis-a-vis artisanal products for its own objectives, not necessarily in the interests of the artisans themselves. She wonders whether this was emancipating. She also looks at modern associations of artisans, the Anjuman-e-Zardozan, a community of artisans and factory owners where the common binding factor is religious identity. But, as she explains, community bonding did not overcome class antagonisms. Her study exposes the contradictions and limitations of identity-based associations and organisations.

The last section, on "Ideologies of power and resistance in the vernacular idiom", explores a range of issues, the central one being, in the editor's words, whether caste functions as a surrogate of class in the ideologisation of a vernacular approach to labour politics. Sabyasachi Bhattacharya in his essay "The Vernacularization of Labour Politics" says that community-centric politics

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may mean the＂majoritarianism＂of the hegemonic section of the community， which in India can be translated as religious communalism，casteism and ethnic chauvinism．In fact，Bhattacharya points to the dangers of glamorising identity politics at the cost of class politics，which is more encompassing and inclusive， containing as it does a singular basis for solidarity．

He also says that replacing the traditional agency，the trade union，might lead to forms of patron－client relationships that lend themselves to populist dictatorship and dictatorial regimes，as has been seen in some countries of Latin America．This could also lead to labour playing a diminutive role in politics，he cautions．

There is little doubt that the global crisis that began in 2007 and its upward spiral of joblessness created new challenges in its wake for the organised working class movement．It is also a fact that over the last two decades， unions have been advised by various well－wishers to modify their modus operandi in terms of the methods theyhave used for collective bargaining and agitation．It is another matter that deindustrialisation on a large scale has opened up new avenues for organising workers，especially in what now constitutes the unorganised sector．

The Vernacularization of Labour Politics makes for interesting reading．It does a great service by pointing out the limitations of a vernacular discourse of labour politics．All the essays suggest that politics based on a microlevel community or an identity can only achieve micro gains．Identity politics is by nature fissiparous，and whether it dons the form of an association，a club or a vernacular entity，it is inimical to proletarian internationalism．Its objectives to that extent can only be short term．

Frontline，
October 28， 2016


## Resume of Business- Tenth \& Emergency Session of 7th Mizoram Legislative Assembly.

The tenth and emergency session of the seventh Missoram Legislative Assembly commenced at 10.30 am on $30^{\text {th }}$ August 2016 and adjourned Sine Die on $31^{\text {st }}$ August, 2016. The House sat for 2 (two) days covering 4 (four) hours 31(thirty one) minutes.

At first the Hon'ble Speaker explained the need to have $10^{\text {th }} \&$ Emergency Session to the House. He also stated that as it was anemergency Session no questions were taken.

## LAYING-OF PAPERS

The following papers were laid on the Table of the House:
(i) The Mizoram Lotteries (Regulation) (Amendment)Rules, 2015.
(ii) The Mizoram Motor Vehicle Taxation (Amendment) Ordinance, 2016.
(iii)The Twenty Fourth Annual Report 2014-2015 of Mizoram Public Service Commission.
(iv) The Mizoram Entry Tax Rules, 2015.
(v) Report of the Comptroller and Auditor General of India on General, Social, Economic, Revenue and Economic (PSUs) Sectors for the year ended 31 March 2015.

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(vi)Annual Technical Inspection Report on Rural Local Bodies and Urban Local Body for the year ended 31 March 2015.
vii)Statement on Actions Taken by the Governmentagainst Committee on Public Undertakings further recommendations contained in the Fourth Report, 2016 relating to Zoram Industrial Development Corporation (ZIDCO) for the year 2007-2008 and 2008-2009 under Industries Department.

## PRESENTATION OF REPORTS

The following Committee Reports were presented to the House.
i) The Tenth Report of Business Advisory Committee.
ii) The Fifth Report of Subject Committee-Ill on Action taken by the Government on the recommendations_ contained in the Fourth Report of Subject Committee-Ill relating to River Valley Project/Flood Prone Rivers under soil and Water Conservation Department.
iii) The Fifth Report on Action Taken by the Government on the Recommendations contained in the Second Report of Committee on Public Undertakings on the Report of C\&AG of India for the year 2007-2008relating to Zoram Industrial Development Corporation (ZIDCO) under Commerce and Industries Department.
iv) The Sixth Report on Action Taken by the Government on the Recommendations contained in the Third Report of Committee on Public Undertakings on the Report of C\&AG of India for the year 20102011relating Zoram Industrial Development Corporation (ZIDCO) under Commerce and Industries Department.


## LEGISLATIVE BUSINESS

Two Government Bills were passed by the House during this Session.
i. The Mizoram Road Fund (Amendment) Bill, 2016.
ii.The Mizoram Motor Vehicles Taxation (Amendment) Bill, 2016.

## ELECTION TO FINANCIAL COMMITEES

The Hon'ble Speaker announced names of members elected uncontested to serve as members for three Financial Committees for a period of 30 months as follows :-

## 1. Public Account Committee

1 Pu N.K. Chakma
2 Pu T. Sangkunga
3 Pu Lalthanliana
4 Dr.Ngurdingliana
5 Dr. K. Beichhua
6 Pu R. Vanlalvena
$7 \quad$ Pu Lalruatkima
2. Estimates

1 Pu.J.H.Rothuama
2 Pu P.C.Zoram Sangliana
3 PuK.Sangthuama
4 Pu Lalrobiaka
5 Pu John Siamkunga
6 Pu Chalrosanga Ralte
7 Er.Lalrinawma


3．Committee on Public Undertakings
1 Pu Lalrinliana Sailo
2 PuR．L．Pianmawia
3 Pu Vanlal Zawma
4 Pu S．Laldingliana
5 Pi Vanlalawmpuii Chawngthu

## STATUTORY／OFFICIAL RESOLUTION

Pu Lalsawta，Minister moved and official resolution In the following form：
＂That this House ratifies the amendment of the Constitution of India falling within the purview of clauses（b）and（c）of the proviso to clause（2） of Article 368，proposed to be made by the Constitution（One Hundred Twenty－Second Amendment）Bill，2014，as passed by both the Houses of Parliament．＂

The Resolution was put to the vote of the House and was adopted unanimously．

Before adjourning the House Sine Die，the Hon＇ble Speaker highlighted a brief summary of the Business transacted during the Tenth Session．

The House was adjourned Sine Die on 31．8．2016 at 12： 15 Pm ．The Governor of Mizoram prorogued the House on the same day．

