

# ODISHA REVIEW

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## Darubrahma Jagannath – An Embodiment of Moksha

*Prof. A.V.P.R. Rao*

Lord Shree Jagannath is only Kaliyuga Avatar of Lord Shree Vishnu who represents the link between unmanifested Brahman and manifested Brahman, knowing both of which together, but not in isolation is said to be moksha / salvation according to Upanishads. This is Upanishadic Jnanam. Nowhere in India rather in the world - the Vishnu temple has idols, carpentered out by Brahma himself in the guise of Viswakarma. Hence Lord Shree Jagannath, according to Skanda Puranam, is famously known as Darubrahma Jagannath. Before explaining how is Lord Shree Jagannath an embodiment of Moksha, it is necessary to know what Upanishads explain about the concept of salvation.



Moksha is not at all alien to the man. Man is always liberated, but creates bondage for himself due to Avidya (ignorance). It is paradox that he thinks how to get liberated, as if somebody is preventing him from being liberated. He thinks of salvation only when he is in thick soup and hence in dense sorrow. “Prasuti Vyragyam” is one of such situations at the time of birth pangs when salvation is sought instantaneously until the delivery ends in happy note. The life goes on and on. Slowly Moksha becomes a word in the dictionary to such people.

Another category of people who lack objective study of Vedas, cannot distinguish ‘Atma’ from the gross body. Such people do penances and perform Agnihotras to please various Devatas, Pancha (five) bhutas and even evil spirits for getting spiritual powers and also sensual pleasures. Thus they do Karma, reflecting Avidya (ignorance) which does not fetch salvation. Mentioning such people, Isavasya Upanished says :

‘Andham tamah pravisanti ye’  
vidyam upasati” — Mantra - 9

(Those who are devoted to ‘Avidya’ or pure rituals only enter into blinding darkness).

Isa Upanishad further states that Moksha is not achieved when one does worship the

unmanifested Brahman only or worships only manifested Brahman". Thus Isa Upanishad says :

“Andham tamah pravisanti ye’ sambhutim upasate  
tato bhuya iva te tamo ya u sambhutyam ratah”  
(Mantra 12)

(Those who worship unmanifested Brahman (Asambhuti) enter into blinding darkness. Also those who are devoted to manifested Brahman (Sambhuti) (Hiranyagarbha) enter into greater darkness).

According to Sri Adi Sankaracharya, Asambhuti means “Prakriti” or “Maya” which is non - intelligent first cause of the universe in a state of equilibrium before creation. It is the seed of desire and work. Asambhuti or unmanifested also means ‘Nirguna Brahman’ It is negation of everything belonging to this Jagat. It is absolute silence where nothing moves and nothing changes. It is changeness from which ever changing Jagat evolves It is sudha (pure) chaitanya shakti, It is like sugar which is essential ingredient of any sweetmeat. If asked whether you relish ‘Sugar’ or sweetmeat, like “Podopitha”, Rasagola” or “ladu”, your choice would be for the latter.

Contrary to “Asambhuti” is “Sambhuti” / manifested. It means the quality of being born. It signifies “Hiranyagarbha”, the first manifestation of Brahman. By worshipping “Sambhuti”, you may attain eight fold yogic powers, but you will be subjected to births and deaths, thus moving endlessly in the wheel of creation. “Therefore you do not get Moksha even by worshipping ‘Sambhuti’”. So what is Moksha? The same Isa Upanishad says :

“Sambhutism Ca vinasam Ca yas ted ved obhayam Saha  
vinasena mrtyum tirtva sambhutyam mtam as nute  
(14 Mantra)

(He who understands these two, viz., unmanifested and manifested (Hiranyagarbha) both together, but not understanding separately attains immortality through unmanifested by crossing the death through destruction or Hiranyagarbha).

It leads to the conclusion that Moksha is Jnanam, possessing of which you know about manifested (Sambhuti) and unmanifested (Asambhuti) in continuation, but not separately. It is continuous, but not discrete. Jnani is Chaitanya Shakti. He does not require support. He is pure bliss — Chinmayananda Swarupam. He has full independence. He does what he thinks Jnanam. This is Moksham or liberation. A man, who attains this stage, will be in “Nirvikalpa Samadhi” even if he is in mundane world. Shree Ramana Maharishi said that Jnanam is like sruti (note) in musical consort where different musical instruments continue to play, changing their notes. But “Sruti” does not change and also not audible in the midst of sounds of other instruments. Like sruti jnani remains composed, not being perturbed or worried, though everything in this Jagat changes.

With this background of Upanishadic version of Moksha, we shall discuss how Lord Shree Jagannath of Puri is an embodiment of Moksha.

It is described in the Utkal Khanda of Skanda Puranam that the origin of Lord Shree Jagannath is Daru Brahman which represents Asambhuti or unmanifested. The story runs like this. One by name, Vidyapati was deputed by the King, Indradyumna to bring the idols of god, Shree Neela Madhav from the village, Kantilo to install at Puri. When Viswbasu, the ardent devotee of Neelamadhav did not allow, Vidyapati to see the location, he went to the extent of wooing

the daughter of Viswabasu by marrying her. After twists and turns of events, he could tract the location of Neelamadhav, but the god disappears from the place. Asheravani (voice from the heavens) said that he would appear in the form of Daru Brahman at the shores of Puri. Accordingly it appears with its roots, extending to the skies only to indicate that its origin is infinite and hence its name, Daru Brahman, it was brought from the sea with the help of Viswabasu. Brahma himself in the guise of aged Viswakarma approached Indradyumna for carpentering Daru Brahman into Lord Shree Jagannath, for the act of which twenty one days were granted. On the instruction of Viswakarma himself the working place would be locked until the end of the stipulated period when he would finish his work. But when no sounds of carpentry were heard before the stipulated time and no response was noticed, the queen ordered to break open the doors to rescue the carpenter. But to the surprise of all, Viswakarma was not found alive or dead, but found only unfinished idols of Lord Shree Jagannath, Shree Subhadra and Shree Balabhadra in the form of which we are now witnessing in the sanctum sanctorum of Lord Shree Jagannath temple.

It is evident that Viswakarma is none other than Brahma himself. The shape of idols which convey philosophical message is the consequence of "Prajnana Brahma" transforming unmanifested Daru Brahman into Purushottam Jagannath. So Jagannath is Prajnana Brahman. Jagannath is not a God, confined to sanctum sanctorum only. He is Jnana Purusha. He is Yoga Purusha, present in all. It is continuous Chaitanya Shakti from Daru Brahman to Jagannath and to you and everybody with Swarupbhada. This Jnanam is reflected in Jagannth culture in the form of rituals of the temple.

The unique ritual is "Pahundi Yatra" in car festival. The original idols of Lord Shree Jagannath, Shree Balabhadra and Shree Subhadra are brought in Pahandi Yatra to be seated in the respective chariots, waiting outside the temple (Badadanda). It is not out of context that nowhere in other Vaishnava temples, the original idols are taken out in car festival for a ride in chariots. A devotee, who participate in Pahundi yatra reminds himself that he is continuation of the same Chaitanya Shakti, but in different forms.

Another unique privilege for a devotee of Lord Shree Jagannath is to touch him and even embrace him. While doing so, the devotee realises that he is 'Dhrasta' ('Seer') and he is no more 'darshak' (viewer) or "Drusya" (scene). At that time Dwaitam disappears. You feel the same Chaitanya Shakti which is present in you, is also present in Jagannath. This is object less Jnanam. He sheds ego/ I-ness. He feels that the whole Viswam is in him, but not vice versa.

Therefore, Lord Shree Jagannath and various rituals of the temple enables you to understand that Moksha is not identifying yourself with unmanifested or manifested, but knowing both entities. Realise Jnana Parusha in you by practising yoga. Moksha is not after death. Jump into water and then learn swimming. How do you learn swimming without being in water ?

Jai Jagannath !



# GOOD GOVERNANCE



## Achievements of Water Resources Department

The Department of Water Resources has the mandate to plan, develop, utilize and manage the State's water resources. The Department formulates Water Policy & State Water Plan so also undertakes execution, operation and maintenance of irrigation projects, exploration and regulation of ground water, flood control and drainage development works, command area development activities and allocation of water for various uses. The functions of the Department are carried out through the organizations/ Public Sector Undertakings like -

- Major and Medium irrigation.
- Minor irrigation (flow)
- Command Area Development (CAD)
- Ground Water Survey and Investigation (GWS & I)
- Odisha Lift Irrigation Corporation (OLIC)
- Water and Land Management Institute (WALMI)
- Odisha Construction Corporation Limited (OCCL)

### Activities proposed for 12th Five Year Plan (2012-17):

- 9.36 lakh hectares of cultivated land to be brought under irrigation coverage.
- 75000 deep bore wells, 9704 Lift Irrigation Projects, 15000 Check Dams, 174 Mega Lift Projects to be constructed.
- 15 ongoing major and medium irrigation projects to be completed.
- 38 distressed dams to be rehabilitated through World Bank assistance.
- Field channel covering 214.75 thousand hectare and field drain covering 115.57 thousand hectare in command areas of selected major and medium irrigation projects to be constructed.
- Flood Control and Drainage development activities to be expedited.
- 342.00 thousand hectare of irrigation potential to be revived / stabilized to enhance potential utilization.
- Investment to the extent of Rs. 22000 crore required to undertake these activities.

### Programme for 2012-13:

- Additional irrigation potential of 102.28 thousand hectares to be created.
- 3000 Check Dams to be constructed. An outlay of Rs. 216.14 crore has been proposed under this scheme.



- 1190 Lift Irrigation Projects under BKVY & Hirakud Command Area Development programme to be taken up. An outlay of Rs. 162.00 crore has been proposed.
- Field channel covering 36638 hectares and Field drain covering 15835 hectares to be taken up in command areas of selected major and medium irrigation projects. An outlay of Rs. 86.00 crores has been proposed under CAD&WM programme.
- 68 Mega lift projects in 5 clusters to be taken up. An outlay of Rs. 150.00 crores has been proposed under this scheme.
- 7000 Deep Bore Wells to be taken up through Odisha Lift Irrigation Corporation. Fund allocation has been proposed in the budget of Agriculture Department.
- Periphery development works of selected reservoirs to be taken up to promote tourism. An outlay of Rs. 10.00 crore has been proposed.
- For execution of flood control and drainage projects, an outlay of Rs. 284.00 crore (RIDF : Rs. 131.00 crore, State Plan - 120.00 crore & FMP - 33.00 crore) has been proposed.
- For execution of major, medium & minor flow projects under AIBP, an outlay of Rs. 1078.00 crore has been proposed in the budget.

#### **Achievement of programmes/schemes:**

- Check Dam scheme launched during 2010-11. By end of January 2012, 1207 Check dams completed and 2199 in progress.
- Deep Bore Well scheme launched during 2010-11. By end of 25th February 2012, drilling of 5090 bore well successfully completed. Out of the above, 810 borewells handed over to beneficiaries after energisation.
- Repair, Renovation & Restoration (RR&R) of 1761 MIPs / Water Bodies sanctioned by GOI during 2009-10. Out of which, renovation and de-silting work taken up in 1321 MIPs. By end of January 2012, renovation works of 414 Water Bodies have been completed.
- During 2011-12, 707 Lift Irrigation Projects (BKVY- 641 nos, Others-66 nos) completed up to end of December 2011.
- During 2011-12, field channel covering 18324 hectares and field drain covering 4384 hectares have been completed up to end of December 2011.
- During 2011-12, additional irrigation potential of 20.88 thousand hectares has been created (minor lift – 15.82 thousand hectares, minor flow – 2.69 thousand hectares, major & medium – 2.37 thousand hectares) up to end of December 2011.

#### **ACTIVITIES**

##### **A. Irrigation:**

The state has 61.65 lakh hectares of cultivated land. By end of March 2011, net irrigation potential of 24.19 lakh hectares has been created through major, medium and minor irrigation projects executed by



Department of Water Resources. Besides, 5.96 lakh hectares of net irrigation potential has been created through other sources like dugwell, water harvesting structures, small check dams etc (Odisha Agricultural Statistics 2010).

During 2011-12, there is a target to create additional irrigation potential of 112.86 thousand hectares. Out of which, 20.88 thousand hectares has been created up to end of December 2011.

### **Major & Medium Irrigation :**

Irrigation projects with command area more than 2000 hectares are executed under major and medium irrigation sector. By end of March 2011, additional irrigation potential of 1349.50 thousand hectares has been created under this sector. At present 8 major, 12 medium, 7 creek and 7 ERM projects are in progress.

#### **i. Accelerated Irrigation Benefit Programme (AIBP):**

The AIBP scheme is being implemented with the assistance of Government of India since 1996. The primary objectives of AIBP are:

- To realize bulk benefit by completing the incomplete irrigation projects.
- To accelerate implementation of ongoing irrigation projects.

During 2012-13, an outlay of Rs. 1050.00 crore has been proposed in budget with a target to create additional irrigation potential of 37.03 thousand hectares.

#### **ii. Rural Infrastructure Development Fund (RIDF):**

The RIDF scheme has been launched by NABARD since 1995 with the objective to provide financial assistance for development of rural infrastructure. 86 major & medium irrigation projects have been taken up under RIDF-I to RIDF-XVII to create additional irrigation potential of 109.63 thousand hectares. By end of March 2011, 39 projects have been completed and additional irrigation potential of 69.18 thousand hectares has been created. During 2011-12 out of the budget provision of Rs.95.00 crore to create additional irrigation potential of 9.46 thousand hectares, an amount of Rs.48.75 crore has been spent and additional irrigation potential of 2.318 thousand hectares has been created upto end of December 2011.

During 2012-13, an outlay of Rs.90.00 crore has been proposed with a target to create additional irrigation potential of 7.70 thousand hectares.

#### **iii. Externally Aided Projects**

##### **1. Rengali Left Bank Canal:**

The Rengali Left Bank Canal is 141 Km long and designed to provide irrigation to 114300 hectares in Angul, Dhenkanal & Jajpur districts.

##### **2. Odisha Integrated Irrigated Agriculture & Water Management Project (OIIAWMP)**

The project envisages extension, renovation & modernization work of 15 major & medium projects viz. Taladanda, MCII, Machhagaon Canal, Pattamundai Canal, HLC Range-I, Jajpur Canal, Gohira,

Remal, Sunei, Kansabahal, Ramial, Kanjhari, Bankbahal, Khadkhai, Nesa and 1400 lift irrigation projects with a target to stabilize 2.18 lakh hectares of irrigation potential and to create additional irrigation potential of 0.06 lakh hectares.

### **3. Hydrology Project:**

Hydrological Information System is required for long term planning, design and sustainable management of water resources. Considering its importance, Hydrology Project was started at the National level under World Bank assistance. Odisha is one of the implementing states in this project. The main objective of hydrology project is development of design support system for early flood warning, drought monitoring as well as conjunctive use of surface and ground water.

### **4. Dam Rehabilitation and Improvement Project (DRIP) :**

Dam Rehabilitation & Improvement Project (DRIP) for rehabilitation of distressed dams will be implemented at national level through World Bank assistance. Odisha is one of the participating states. 38 dams of Odisha with an estimated cost of Rs. 147.75 crores have been included under the project.

### **Minor Irrigation (Flow):**

Irrigation projects within command area 40 to 2000 hectares are executed under Minor irrigation organisation. It has been assessed that about 970.00 thousand hectares of cultivable land can be irrigated through MI (flow) projects. By end of March 2011, irrigation potential of 561.81 thousand hectares has been created.

#### **1. Check Dam Scheme:**

State Government launched this scheme during 2010-11. The objective is to conserve water at the end of monsoon for drinking purpose, ground water recharge and incidental irrigation. Preference has been given to blocks having less than 35% irrigation coverage, areas where farmers are using traditional irrigation by constructing temporary cross *bunds* on streams and where farmers are willing to take up operation & maintenance of the project.

#### **2. Accelerated Irrigation Benefit Programme(AIBP):**

Eighty one (81) minor irrigation projects with latest estimated cost of Rs.218.70 crore to create additional irrigation potential of 23.959 thousand hectares have been taken up under this scheme. By end of December 2011, an amount of Rs.174.22 crore has been spent and additional irrigation potential of 16.530 thousand hectares has been created. 43 projects have since been completed.

#### **3. Rural Infrastructure Development Fund (RIDF):**

527 projects have been sanctioned under this scheme to create additional irrigation potential of 128.78 thousand hectare. By end of December 2011, additional irrigation potential of 81.85 thousand hectares has been created and 181 projects have been completed.

During 2012-13, an outlay of Rs.42.00 crore has been proposed with a target to create additional irrigation potential of 12.00 thousand hectares.

#### **4. Odisha Community Tank Management Project(OCTMP):**

This scheme is being implemented with the loan assistance from World Bank. Rehabilitation work in 900 tank systems covering a command area of nearly 1.20 lakh hectares, supported with an institutional framework for participatory irrigation management and livelihood development activities are proposed under this scheme.

#### **5. Repair, Renovation & Restoration of Water Bodies (RR&R):**

1761 Water Bodies/MIPs have been approved by Government of India under RR&R scheme during 2009-10. Out of the above, 1321 Water Bodies/MIPs with an estimated cost of Rs.254.41 crores have been taken up to revive 62.04 thousand hectares of irrigation potential.

During 2012-13, an out lay of Rs.75.00 crores has been proposed under this scheme for clearance of dues and for taking up new projects.

#### **Mega Lift Scheme:**

The scheme has been launched during 2011-12 for providing irrigation to the farmers in the upland areas by lifting water from rivers. Projects having irrigation command area within 500 to 2000 hectares will be taken up under this scheme. 174 sites in 15 clusters to provide irrigation to 214270 hectares have been identified in the Vansadhara, Indravati, Tel, Mahanadi, Brahmani, Baitarani, Budhabalanga rivers etc. and in periphery of Hirakud & Rengali reservoirs. Consultant for coordinating power system feasibility engaged and 33 KV electricity system requirements finalized for each cluster in co-ordination with distribution companies. 68 sites in five clusters identified in 1st phase to be taken up during 2012-13 for which an outlay of Rs.150.00 crore has been proposed.

#### **Minor (Lift):**

Odisha Lift Irrigation Corporation was established in the year 1973 for execution of lift irrigation projects on a large scale by pooling funds from all sources. Restructuring of OLIC was done during 2002. After implementation of Pani Panchayat Act, 2002, OLIC is constructing LI Projects and handing over the same to Pani Panchayats for operation and maintenance and providing technical assistance to them. OLIC is no more collecting water rate from the cultivators. Budget provision of Rs.18.00 crore has been proposed under Non plan during 2012-13 towards water rate subsidy. The schemes implemented by OLIC are enumerated below.

#### **1. Biju Krushak Vikash Yojana (BKVY):**

This scheme was launched by State Government in the year 2001 with the objective to revive derelict projects and construction of new minor and lift irrigation projects through people's participation. The scheme envisages that the project selection should be done by the beneficiaries and brought to the notice of Government agencies for technical scrutiny and approval. For execution of the project, the users have to contribute 20% of the cost in terms of cash or labour and the balance 80% is borne by State Government. In case of tribal sub-plan areas and KBK districts, the assistance of Government is 90% of the project cost and balance 10% is to be borne by the beneficiaries. Odisha Lift Irrigation Corporation (OLIC) & Odisha Agro Industries Corporation (OAIC) have been involved in the implementation of BKVY.

By end of March 2011, 5855 LIPs and 84 MIPs have been completed and additional irrigation potential of 130.25 thousand hectares (LIPs-125.60 thousand hectares, MIPs- 4.65 thousand hectares) have been created. During 2011-12, 641 LIPs have been completed up to end of December 2011 against the target of 1175 LIPs.

During 2012-13, an outlay of Rs.160.00 crore (RIDF- Rs.150.00 crore, SCA –Rs.10.00 crore) has been proposed to take up 1175 LIPs with a target to create additional irrigation potential of 23.50 thousand hectares.

## **2. Hirakud Command Area Development Work:**

For development of lift irrigation in Hirakud command area, total 52 projects to create irrigation potential of 1354 hectare have been sanctioned up to March 2011. Out of which 42 projects have been completed and irrigation potential of 1122 hectares has been created.

During 2011-12, 12 more LIPs with irrigation potential of 280 hectare has been created up to end of December 2011. An outlay of Rs.2.00 crore has been proposed to take up 15 LIPs during 2012-13.

## **3. Deep Bore Well Scheme :**

The scheme has been launched during 2010-11. The main objective is to provide irrigation to small and marginal farmers by exploiting ground water through deep bore wells covering 2 hectares in blocks having less than 35% irrigation coverage. The scheme is being implemented through OLIC.

## **B. Flood Control & Drainage:**

### **a. Flood Control:**

Some parts of the state or other is affected by the flood almost every year. State Government is taking various measures to mitigate flood and over the period of time, 7137.75 km of flood protective embankment (Capital Embankment-1591.31 km, Other Agricultural embankment-2443.97 km, Test Relief Embankment-1534.91 km, Saline Embankment - 1567.56 km) 1952 spurs and 233 kms of stone packing have been completed.

Flood control works are being done through FMP, RIDF and State fund. During 2012-13, an outlay of Rs.195.00 crore (RIDF-Rs.74.00 crore, FMP-Rs.29.00 crore, State fund- Rs.92.00 crore) has been proposed. Scheme wise details are given below.

### **1. Flood Management Programme (FMP):**

This scheme is being implemented with 75% central assistance from Government of India. 29 Flood control projects with estimated cost of Rs.123.27 crore have been taken up under this scheme. By end of December 2011, an amount of Rs.83.61 crore has been spent and 28 projects were completed. 1 project is in progress. An outlay of Rs.29.00 crore has been proposed in the budget 2012-13 ongoing projects as well as for taking of new projects.

### **2. Rural Infrastructure Development Fund (RIDF):**

Total 80 flood control and 19 road projects with an estimated cost of Rs.377.42 crore has been taken up under this programme. By end of December 2011, 22 flood control projects and 6 road projects

have been completed. An amount of Rs.154.49 crore has been spent. An outlay of Rs.74.00 crore has been proposed in the budget for 2012-13 for execution of ongoing and new projects.

### **3. State Fund:**

During 2012-13, an outlay of Rs.92.00 crore has been proposed for raising and strengthening of embankments at critical and vulnerable stretches and for taking up critical anti-erosion works.

### **b. Drainage:**

The coastal areas in the state suffer from poor drainage and water logging problem. As per assessment, the total water logged area is 2.17 lakh ha. out of which 1.91 lakh ha. can be retrieved. A Master Plan for drainage development costing Rs.856.46 crore has been submitted to CWC for scrutiny and technical clearance. Drainage works are being taken up through FMP, RIDF and State fund.

#### **1. Flood Management Programme (FMP):**

This scheme is being implemented with 75% central assistance from Government of India. 41 drainage projects with estimated cost of Rs.103.08 crore have been taken up under this scheme. By end of December 2011, an amount of Rs.70.42 crore has been spent and 20 projects were completed. 21 projects are in progress. An outlay of Rs.4.00 crore has been proposed in the budget 2012-13 for these works.

#### **2. Rural Infrastructure Development Fund (RIDF):**

83 drainage works with an estimated cost of Rs.324.52 crore has been taken up under this programme. By end of December 2011, 39 drainage projects have been completed. An amount of Rs.152.89 crore has been spent. An outlay of Rs.57.00 crore has been proposed in the budget for 2012-13 for execution of ongoing and new projects.

### **3. State Fund:**

An outlay of Rs.28.00 crore has been proposed for clearance of critical drainage congestion works during 2012-13.

### **C. Ground Water Survey and Investigation (GWS&I):**

The Directorate of GWS&I conducts survey and investigation work relating to ground water resources both in terms of quantity and quality. For quantitative study of ground water potential, water table monitoring is being done four times in a year at 1035 locations. Similarly, water quality monitoring is being done annually in 1035 locations. In addition to the above rain water harvesting, ground water recharge, remote sensing studies, feasibility of borewell works are being done by this organization.

For the financial year 2012-13, budget provision of Rs.0.60 crore has been proposed for these activities.

### **D. Command Area Development & Water Management (CAD&WM):**

Command Area Development Programme is being implemented as a Centrally Sponsored Plan Scheme in the State since 1976-77 with an aim of optimum use of water to enhance agricultural production and productivity. The main activities under CAD&WM are construction of field channels & field drain.



Besides, topographical survey and investigation, reclamation of water logged areas, farmers' training, crop demonstration & formation of Pani Panchayats (WUAs) etc are also being taken up by Command Area Development Organisation.

21 Major & Medium irrigation Projects have been included under this programme, out of which 8 projects have been completed. At present the programme is being implemented in 13 projects (10 Major, 3 Medium). By end of March 2011, 526.427 thousand hectares of field channel and 157.35 thousand hectares of field drain have been completed.

During 2011-12, it has been programmed to construct field channel in 33000 hectares and field drain in 17671 hectares. Out of which, field channel covering an area of 18324 hectares and field drain covering an area of 4384 hectares have been constructed up to end of December 2011.

An out lay of Rs.86.00 crore has been proposed during 2012-13 with a target to construct field channel in 36638 hectares and field drain in 15835 hectares.

#### **E. Pani Panchayat :**

Participatory Irrigation Management (PIM) was introduced in the State during 1995 on a pilot basis in four projects. During 2000, the programme was named "Pani Panchayat" and was extended to all commands of Major, Medium, Minor & Lift Irrigation Projects. In the mean time, legal status has been provided to Pani Panchayats through Odisha Pani Panchayat Act 2002 & the Odisha Pani Panchayat Rule 2003.

It has been programmed to hand over 17.97 lakh hectares to Pani Panchayats for operation and maintenance. By end of December 2011, 14.28 lakh hectare has been handed over to Pani Panchayats for operation and maintenance.

#### **F. Water & Land Management Institute (WALMI):**

WALMI was established in our state during the year 1984 and was registered as an autonomous organization to impart advanced training in the area of Water and Land Management and undertake action and adaptive research pertaining to irrigation and agriculture. Besides, this organization is actively associated with capacity building of Pani Panchayats.

The institute has conducted 1937 training programmes upto March 2011 in which 17737 Govt. officers and 50852 farmers have participated. During 2011-12, 62 training programmes have been conducted upto end of December 2011 in which 306 Officers and 1451 farmers have successfully participated.

During financial year 2012-13, an outlay of Rs.2.00 crore has been proposed for activities under taken by WALMI.

#### **G. Odisha Construction Corporation Limited:**

The Odisha Construction Corporation Ltd. was established in the year 1962 as a wholly owned Government of Odisha Undertaking to take up quality construction work in the State. The Corporation is now engaged not only in construction activities but also in training /consultancy and IT services. During the last 49 years of its existence it has successfully executed a number of works awarded by the State Government, the Central Government and Central and State Public Sector Undertakings.

Major activities under DOWR include Spillway and Canal works of Lower Indra, Dam & spillway of Telengiri, Spillway & gate works of Manjore, Spillway & gate works of Baghalati, Sagada Aqueduct, Rengali Left Bank Canal, Rengali Right Bank Canal, Modernization of gate works of Bidyadharpur Barrage, Spillway of Ret, Spillway and gate works of Kanupur.



## **H. OTHER ACTIVITIES:**

### **1. Survey & Investigation:**

Survey & investigation form an integral part of water resources development.

The Project Planning & Formulation Wing has been entrusted with the tasks of undertaking survey and investigation of new Major and Medium Irrigation Projects, preparing feasibility report, Detailed Project Report, co-coordinating technical and other statutory clearances from different Ministries of Government of India.

### **2 . 35% Irrigation Master Plan:**

To rationalize irrigation development in the State, the Government has decided to provide irrigation facilities to at least 35% of the cultivable land in each block by 2013-14. Out of 314 blocks in the state, 198 blocks were identified as deficit blocks. One Master plan has been prepared to cover 198 deficit blocks for the purpose. Existing scheme viz. BKVY, AIBP, RIDF, JBIC and new schemes viz. Check Dam, Deep Borewell, Mega lift are under implementation to achieve the target.

By the end of March 2011, out of 198 deficit blocks, 41 blocks namely Jatni, Tangi, Kusumi, Saraskana, Baripada, Badasahi, Kaptipada, Kuliana, Morada, Sulipada, Betnoti, Odapada, Kamakhyanagar, Odagaon, Lephripada, Gumma, Kanas, Muniguda, Aul, Telkoi, Baliapal, Jaleswar, Basta, Borigumma, Laxmipur, Baramba, Kantamal, Chandbali, Rasulpur, Gopa Bandhu Nagar, Bisam Katak, Gudari, Kolnara, Chandrapur, Koraput, Gondia, Golamunda, Chakapada, Korukunda, Khariar & Chandahandi have achieved 35% irrigation coverage.

# Child Rights and Situation of Children in Odisha

*Dr. Dharmendra Kumar Mishra*

## **Introduction:-**

Children are the hands by which we take hold of heaven. But instead of using these hands to hold the heaven, we are engaging them to toil at hell. In the name of learning the family craft in our occupation-based caste system, we are taking away their childhood, happiness, joy, play, education, affection, independence, emotion and most important is their child rights. It is the first and foremost duty of welfare state like India to look after the interests of different segments of populations like, geriatric people, women, children, physically challenged etc. They have got every right to lead a decent life. Since independence, India through different constitutional provisions and statutory enactments protecting its children against exploitation, providing welfare, education and assuring their child rights. Children's rights are the perceived human rights of children with particular attention to the rights of special protection and care afforded to the young.

## **UN Convention on the Rights of the Child:-**

The UN Convention on the Rights of the Child (UNCRC) 1989 is one of the historical declarations made by the international community

to best protect the rights of the child. The convention document urges the state/parties to think for comprehensive legal intervention strategies to fulfill the provisions of UNCRC in the system of governance, i.e. legislative, judiciary and executive. The fourth pillar of democracy, i.e. press must act as a watchdog on the activities of legislative, judiciary and executive. It is the duty of civil society to sensitize public so that, rights concerning the basic needs of children could be asserted for protection as and when required. UNCRC encourages and provides opportunity to the civil society organization to submit an alternative report in every five years revealing the status of the rights of the children in their respective state/countries. UNCRC set forth international standards of child rights and cast an obligation on the nations/states/parties to make laws/legislations as per the social and economic conditions prevailing in their countries.

Survival, protection, development and participation are the four columns of child rights which need to be strengthened by enacting appropriate laws as deemed suitable. Countries which have ratified UNCRC are required to report periodically on the progress of its implementation to United Nations and so as states to nations at country level.

Government of India has ratified the UNCRC in 1992 and thereby obliged to follow this international mandate. Earlier the World Summit for Children at New York in 1990 was the platform for India and many other countries who took a pledge to accord priority to the needs of children. At the UN General Assembly Special Session (UNGASS) on children on 08-10, May, 2002, this commitment was reaffirmed when India ratified the agenda titled '*World Fit for Children*'. The Millennium Development Goals (MDGs) too have been adopted by India, which sets goals for the development of children. All children under the age of 18 are entitled to the standards and rights guaranteed by the Indian laws and the international legal instruments, we have accepted by ratifying them. United Nation International Children's Emergency Funds (UNICEF) also advocates for the protection of children's rights to help to meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided in doing this by the provisions and principles of the Convention on the Rights of the Child (CRC). Its main objectives are:

- (a) To promote compulsory primary education as the fundamental strategies for the elimination and prevention of child labour.
- (b) To advocate revision and enforcement of child labour legislations and to strengthen monitoring system.
- (c) To assist central and state governments to develop and implement programmes and an action plan for the withdrawal and rehabilitation of child labour.
- (d) To promote convergence of all the developmental programme on '*at risk*' families.

### **Institutions for Protections of Child Rights:-**

To act in accordance with the CRC, Indian government has enacted Commission for Protection of Child Right Act, 2005 on 20/01/2006, which was again amended on 02/01/2007. This Act empowers government to constitute National Commission for Protection of Child Right (NCPCR), thus in March 2007, NCPCR was set up to protect, promote and defend child rights in the country. States are also advised to constitute State Commission for Protection of Child Right in their respective sphere. Thus on 25/11/2009, Government of Odisha enacted Orissa State Commissions for Protection of Child Right Rule, 2009, which has facilitated the formation of State Commission for Protection of Child Right, which will meet at least once in each four month to address the child right issue in the state. The Commission will observe eradication of child labour, juvenile justice act and child rights in the state. However, this state commission is ill equipped and poorly staffed to provide infrastructural support for different child protection and welfare schemes as evident from the answer of Smt. Saraswati Hembram, Chairman of the commission on 12/06/2011, telecast by Odisha Television (OTV). However, in a workshop on '*Role of Civil Society in the Implementation and Monitoring of Integrated Child Protection Scheme (ICPS)*' organized by Orissa Alliance on Convention on Rights of the Child, she is hopeful that above scheme can minimize the abuse of child right in Odisha.

### **Situation of Children in Odisha:-**

More than one third of the state population, around one crore is below 18 years. Therefore, the future and strength of the state lies in a healthy, protected, educated and well developed child population. To neglect of child

protection issues not only violates the rights of the children but also increases their vulnerability to abuse, neglect and exploitation. Government of Odisha is allocating 91% of child budgetary resource to children's education and only 9% to child development, child health and child in difficult circumstances all combined. Moreover, it has a greater tilt towards non-plan expenditure. The state spends on an average 16% of their total plan budget and 8% of non-plan budget on children. The need of the hour is to change the direction of the child budgetary resource allocation towards development to see a better future for the children in the state.

Children of Odisha work in different occupations such as agriculture and allied works, collection and processing of minor forest produce, domestic work/help, hotels/motels/road side Dhabas etc. Apart from these occupations, children are also engaged as apprentice, which is taken as '*normal process of growing*' by their parents and communities. Mute acceptance towards this '*normal process of growing*' in the name of child-help has encouraged child labour in our society, which needs to be discouraged.

In 2009, state has approved a 'State Plan of Action for Children (SPAC: 2009-2012)', which commits to ensure all right to children up to the age of 18, as per article-1 of the CRC. It is in accordance with the National Plan of Action for Children-2005. Study by different NGOs claims that 15% of Odisha's child population within the age group of 5-14, works as child labours including those who work on their family's farm. In Odisha, there is a preference among employers for girl child as part-time domestic workers, as studied by Department of Applied Economics, Utkal University in 1997. The study found that nearly 90% of girl children started work before they completed 12 years of age. More

than 75% belonged to the age group of 12-14 years. In addition, a study carried out by Campaign Against Child Labour (CACL) in 2001 on child domestic workers of Odisha, reveals that lack of regular income by the head of the family (mostly daily-wage earners or small cultivators and fathers addicted to liquor) was a major reason for the incidence of child domestic labour. Intense poverty in backward areas where alternative avenues for earning are non-existent is responsible for the practice of child domestic workers.

However, the status of primary education in Odisha is at alarming situation as per the Annual Status of Education Report-2008 (ASER-2008) published by a prominent NGO of India, named *Pratham*. The report says in Odisha approximately 25% children (06-14) are out of school, 32% children in class one cannot identify letters, 32% children in class five able to do division, 56% children in class five are able to read text book of class two and 66% children in class five able to tell time from clock. Only 4.5% students going to private schools are doing better from those in state government schools. This research conducted from 2005-2006 to 2007-2008 in 30 districts, 883 villages, 17588 houses and 30,996 children of 03-16 years. School dropout percentage in Malkanagiri is 21.9 %, Rayagada is 17.7%, Koraput is 17%, Nabrangpur is 16.3% and Mayurbhanj is 14.9%.

Following instances put a light on situation of children in Odisha and violation of their rights:-

1. **Incidence of Kalinganagar:** - During the last one decade the state has witnessed a massive protest against displacement due to industrialization. Development of major industrial corridors like *Rourkela-Sundergarh, Sambalpur-Jharsuguda, Angul-Dhenkanal-Talcher, Keonjhar-*



*Barbil-Jajpur* have displaced the people and taken their livelihoods. The children are the worst victims of such displacement. The death of 12 tribal people in protest against displacement in Kalinga Nagar had put an adverse implication on the minds of their children. The children who lost their father suffered in many ways i.e, livelihood, health, education and social security. It is reported that a boy was also shot dead while coming back home from the school.

2. **Recruitment of Children by Naxals:-** On 28/04/2008, The Samaja, the Odia daily in its Bhubaneswar edition reported recruitment of children (8-10 year old) by the *Naxals* in the Malkangiri district. This has created a great concern among people of Odisha and a gross violation of child right.
3. **Protest against POSCO:-** Domestic and global media reported instances of violations of child rights and mis-use of children in the anti-POSCO movements by the agitators in the project area of Jagatsinghpur district of Odisha. Based on a complaint by Delhi Odia Student Association (DOSA) and All India Student Federation (AISF), a team headed by Dr. Yogesh Dube, Member of NCPCR visited POSCO project area and found that, blockade against land acquisition for POSCO consist of two layer of human shield. In the front layer 70-80 children in between 6-7 to 12-14 years old are sitting. Women constitute second layer are behind the children. Some women appeared to be more than 50 years old. They were sitting in blockade since 10/06/2011 to 05/07/2011 irrespective of heavy rain, followed by some male persons. Children participating in blockade are not attending schools. Their schools are also occupied by 150 armed police personnel,
- which have created a sense of fear in the minds of these tender petals. As most of the families are residing in the transit camps opened at village Badagabapur under Dhinkia Panchayat since 2008, study of 35 children including adolescent girls are adversely affected. Some girls even left their study. Facilities under ICDS programme are not available in the transit camp.
4. **Kandhamal Violence of 2008:-** Communal conflict of Kandhamal in 2008 badly affected children. Houses were burnt down, people were killed, women were raped and molested, children were thrown out of the houses, their belongings like dresses, books, toys, school bags etc were burnt. Total 24675 people, including more than 5000 children take shelter in 11 relief camps opened by district administration in nearby schools affecting thereby the course curriculum of children.
5. **Labour Migration of Bolangir:-** Bolangir is the epicenter of Migration. Migration to different brick kilns of Hyderabad, Raipur and Surat from drought-prone Bolangir, Kalahandi, Nuapada districts is a regular and annual phenomenon. The migration process starts with the festival of *Nua-Khai*, the largest mass festival of Western Orissa, when farmers eat the first grain from their newly harvested crops and ends at Durgapuja. Thousand of labourers who were already taken advances from agents/middlemen are found to be travelling along with their families and households to Surat, Hyderabad, Bangalore, Madras and Raipur in search of work. Children are the main victims of migration process. They do not enroll in any school, if enrolled, left their schooling when their families migrates. They work as child labour in the family labour segment at the cost

of schooling. Some parent also migrate after keeping their children in custody of their relatives in the village. Suffering of such children is painful and cannot be tolerated. Once the author has an opportunity to visit a village named 'Kutingpadar' in Narla block of Kalahandi district. All the children in this village used to call their father by a common name that is 'Suratia' means people who live in Surat (Gujarat). People from this village travelled to Surat few years ago and they never came back or come once or twice in a year and they become 'Suratia'

- 6. Children affected by Natural Disaster:** - Natural disaster like flood, tidal waves, cyclone, drought, has become a regular phenomenon in the state. Every year thousands of children continue to suffer from such natural calamities. The children in such circumstances do not get opportunity for education and health care services. The families losing out their livelihoods do not hesitate to engage the children as child labour to substantiate the family income. Following the 1999 super cyclone, Odisha experienced an unprecedented drought in four consecutive years from 2000 to 2004 thereby affecting the people and children.
- 7. Refugee Children:** - Though data on child refugee is not available, but their magnitude in the state is quite visible. Thousands of Bangladeshis/refugees are reported to be settled in the districts of Balasore, Kendrapara, Nuapada, Malkangiri, Jagatsinghpur and Puri and Tibetans in Chandragiri. Most of the children of refugee

are engaged in rag picking in the cities and towns while children in coastal area are engaged in prawn seed collection and allied fishery activities. The children living in the urban slums and working as child labourers are deprived of health, education, good habitat and occupational safety measures. They are living in temporary makeshift rooms and in unhygienic conditions. The girl child suffers the most in terms of reproductive health and sexual abuse. There is no special programme for those children and their families.

There are hundreds of instances of tortures, exploitations and assaults on child labour in the state going unreported. In some parts, it is very painful to watch a small child picking up the used plates in a hotel and then cleaning it, but the government officials and the police officers have not taken any necessary steps to eradicate this heartless practice. None of the government officials dares to take a step forward, then what about the local public. Mass awareness among public along with effective enforcement of different laws for the protection, welfare and care of children must be put in place. Child Labour (Prohibition & Regulation) Act-1986 and Commission for Protection of Child Right Act-2005 are two such laws.

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# Socio-Legal Profile of Working Girl Child in Odisha

*Susanta Kumar Shadangi*

## **Introduction**

Child is the father of man. A child in this sense is an important living component of the human society. Children are like mirrors of the society. They are the future custodians of the sovereignty of the nation. They are the potential embodiment of the ideals, aspirations and ambitions of the nation. They are the messengers of our ideologies, philosophies and cultural heritage. Children are the future leaders of the nation.

Hence, children are considered as the most important assets of our nation. The future of our nation is largely determined by how its children grow and develop themselves in the society. It is shameful to note that today millions of children are forced to work in dirty spheres for nominal wages to support the income of their families. They also work in non-domestic areas for very small wages, exposed to myriad risks in their lives. Sometimes they work as bonded laborers because of the follies of their parents. Such practices are mostly prevalent in rural areas.

## **BORN INEQUALITIES**

The expression 'children' here includes both male and girl children. Girl children are exposed to more horrendous exploitations than their male counterparts in our society. In many cases, such things happen with the knowledge of their parents in Adivashi and Harijan dominated

areas. India has a male dominated population. A male child is considered as an asset of the family whereas his girl counterpart is despised as an unwanted member of the society. Girls suffer gender inequality in every sphere of life. Our experience shows that girl children in India emerge and grow from a scenario of discrimination, negligence and all types of social torture. In matters of education, they are shorn-of proper attention. They are also less cared for by their parents in this regard. In matters of general upbringing, they are awfully discriminated, abused and exploited and even get much less from their parents in their food requirements compared to the male children in the family. This, for them, gives rise to a state of low self-esteem and for this reason; they opt for submissiveness and live a life of differential treatment. The life of a girl child is thus one of morbid exploitation and acute oppression. This situation is very common to every state in our country. We have the practice of girl child workers in our society despite stringent laws in this regard.

## **Multi abuses and multi neglect of girl child**

Thus, exploitation is the way of life of almost all girl children in our society. Most girls in urban areas work as domestic servants and in that way, they are subjected to different forms of abuse in their normal living conditions. Their sufferings in general may be summarized as below in the order of general social exploitation as prevalent in our country.

TABLE 1

- **Years- Before birth and upto 1 year**

**Problems Faced**

1. Foeticide and infanticide
2. Infant mortality
3. Discrimination in breast feeding and infant food
4. Neglect of health (immunization)

- **In the age group of 1 to 11 years**

**Problems faced**

1. Discrimination in access to health care
2. Malnutrition and anemia
3. Health problems like Polio and Diarrhoea
4. Iodine, vitamin A and micronutrient deficiency
5. Low school enrolment and school drop outs
6. Vulnerable to child labour and child marriage
7. Abuse, exploitation and violence
8. Domestic chores
9. Looking after siblings
10. Restriction on mobility and play
11. Discrimination in overall treatment and care

- **11 to 18 years old (Adolescent)**

**Problems faced**

1. Poor health

2. Low literacy level
3. Restriction on mobility and play
4. Frequent illness due to malnutrition, anemia and micronutrient
5. Child marriage
6. Early child bearing mobility and mortality
7. Poor access/Denial to information services
8. Early and frequent pregnancy coupled with abortion
9. Marital and domestic violence
10. Dowry harassment, desertion, polygamy, divorce
11. Child labours, trafficking
12. STD and HIV/AIDS
13. Heavy domestic work including community long destination to collect fire wood/drinking water
14. Unpaid and unrecognized work and drudgery
15. No violence either in home or society

**Source:** *Working Group on Development of children for the Eleventh Plan (2007-12) A Report.*

All these are, in general the problems of girl children in India. These conditions are mostly common to all impoverished families both in the urban and the rural areas. During the last two years, things have however improved to some extent after introduction of Right to Education Act. The various social educational programmes given to students have in general improved the ratio of

admission in primary and upper primary schools checking the unhealthy practice of child labour to a large extent. However the quality of elementary education is still far behind as the schools do not have the required number of teachers.

As per a mapping of the progress under the RTE Act, it is revealed that over 81.5 lakh of children of our country including mostly girl children are still out of school verandah. A massive enrollment has still got to be made to bring them under the educational programme of the nation. The situation is however better in Odisha although we have not reached the desired goal on this score. It is quite heartening to know that Odisha is the second state in our country to implement the RTE Act having the state rules in this behalf. Recently, the National Review Mission Team of Government of India has observed that the innovative interventions initiated by our State Government in the primary education wing are quite commendable after introduction of the RTE Act in the state. Around 95% of the total children in the age group of 6-14 years have been enrolled in the state. But the state has performed a low gender parity index in the process of overall admission. In Malkangiri district, the index of 'out of school children' rate is 21.9% against the state average on this is 7.2%. What is driven out in this connection is that although over the period of time, we have made great achievements in this regard; we are still far away from our target in the matter of female education.

### **Origin and growth of child labour in Odisha**

The origin of child labour in Odisha dates back to the period of Company Rule as it existed prior to 1<sup>st</sup> April 1936 when it was formed as a separate state. As the situation prevailed then, portions of Odisha had been tagged to the erstwhile Indian provinces of Madras, Central

Provinces Bengal and Bihar according to the administrative convenience of the East India Company and the Crown. A number of princely states had merged with the newly created Odisha in 1948. The origin of child labour problem was deep rooted in the socio-economic and the historical factors that prevailed during the 19th century and the early part of 20th century Odisha. The exploitative land revenue policy of the British government, inter alia caused untold sufferings to the poor peasants of Odisha under the princely states. The exploitation of the Zamindars and the autocratic system of the Zamindari system led to a system of steady impoverishment in the socio-economic fabric of the state. The cultivators sank deeper and deeper into debts in the hands of money lenders, merchants, rich peasants and the other moneyed class people. It was but natural that, following this awful situation, the tenants were losing their tenancy rights and were being ejected from their lands on flimsy grounds. They were thus becoming sub tenants under their money lenders. During the period of drought and famine the Odia peasants had hardly any savings for their rainy days. Whenever crops failed, they fell back upon money lenders not only to pay the land revenue but also to feed their families. Under this exploitative background the problem of child labour including that of girl children became a sequel to this socio-economic scenario infested with poverty, and indebtedness. This situation reached its climax during the period from 1866 to 1947.

This situation had become very acute during the British rule in Odisha. It was actually this inchoate economic situation in the rural areas that had intensified perpetration of agricultural labourers and child labourers. The male children under these forced circumstances had no other go than to be engaged as farm labourers under



the rich landlords. Their sole purpose was to add to the income of their respective families. The girl children for the same reason were also forced to work as domestic servants in the houses of big landlords and moneylenders. The parents were even selling their girl children to old widowers in the name of marriage for paltry sums of money. Thus the order of the socio-economic situation as it had prevailed then had a terrible economic impact on the living conditions of the poor people. This has also led to the growth of Dadan Labourers. During non-agricultural seasons, the farm labourers were moving out from their villages to distant places and even abroad to work as daily labourers to supplement their family income. We have many instances to show that they were being engaged in difficult jobs under the most unhealthy conditions to which they had no previous access. These are the several factors that had led to the origin and growth of child labour including girl child labour in our country. This is also the reason why the tenants in Odisha were going outside to work as Dadan labourers under hazardous working conditions while girl children were working in other places to supplement the family income. This situation is massively rampant in the rural areas of Odisha even today. The central and the state governments have introduced several employment programmes to provide employment to jobless people during the non agricultural seasons. Even then migration of tenants to other places as Dadan labourers has not been checked.

### **FATE OF GIRL CHILD LABOUR IN ODISHA**

Girl child labour in Odisha is a socio - economic problem. This has accrued due to the attitudinal make-up of the parents. Actually the parents are responsible for this social anomaly. In the rural areas, a good number of girl children are engaged in contributing to the family purse by

selling their labour. This feature is very common among the girl children of the migrant indebted families in big towns of Odisha. In rural areas, the schooling of the girl children is impeded by some intricate factors like caste, religion, early marriage, size of the families and such other factors.. Thus girls are the worst victims of both class and caste hierarchies and gender discrimination. There is a strong belief even today that a girl child however qualified she is, has to finally compromise with the pots and pans of the kitchen in her mother-in-law's house and therefore her education is ultimately a great waste . At present, the problem of girl child labour has become the burning issue of the society. There are extreme forms of girl child labour like slavery, compulsory labour due to debt bondage, prostitution and such other social evils.

In Odisha, a thorough survey was made on the score in different districts in 2007. The table below lists out this alarming situation.

**TABLE-II**

Position of Male and Female child labour in Odisha.

Sl No.	District	Male	Female	Total
1	ANGUL	3641	3472	7113
2	BALANGIR	8153	6697	14850
3	BALASORE	9873	7664	17537
4	BHADRAK	3603	3842	7445
5	BOUDH	2887	3055	5942
6	BARGARH	10947	9075	20022
7	CUTTACK	7798	6711	14509
8	DEOGARH	4915	5026	9941

9	DHENKANAL	5327	4960	10287
10	GAJAPATI	11327	12336	23663
11	GANJAM	33463	25498	58961
12	JAGATSINGPUR	2453	453	2906
13	JAJPUR	5755	4395	10150
14	JHARSUGUDA	4110	3935	8045
15	KALAHANDI	20093	21558	41651
16	KANDHAMAL	1020	520	1540
17	KENDRAPADA	5678	3015	8693
18	KEONJHAR	6155	2487	8642
19	KHURDHA	5772	2925	8697
20	KORAPUT	16789	15002	31791
21	MALKANGIRI	8810	9587	18397
22	MAYURBHANJ	16849	15905	32754
23	NAYAGARH	5076	3327	8403
24	NOWRANGPUR	8873	8221	17094
25	NUAPADA	8239	8781	17020
26	PURI	3163	1524	4687
27	RAYAGADA	18730	17792	36522
28	SAMBALPUR	8560	8811	17371
29	SONEPUR	6521	5777	12298
30	SUNDERGARH	5825	2845	8670
<b>TOTAL</b>		<b>260405</b>	<b>225196</b>	<b>485601</b>

*Source:* Labour Statistics in Orissa (2010)

### Why Girl Child labour is preferred?

Various attempts have been made from time to time to identify the volume of girl child labour in our state. Despite all efforts, it has become very difficult to be accurate in regard to detailed statistics about perpetration of girl child labour in different sectors. Our experience shows that we have one great hazard on this score. This is mainly the non-cooperation of our own people. However as things stand now, there are some common factors that have encouraged this problem in our society. These common factors may be summed up as below.

In the first place girl children by nature are very calm and docile and they do not mind accepting lower wages compared to their male counterparts. In some occupations like Bidi rolling, Agarbati rolling, Papad rolling etc., girl children are found more suitable than male children workers. Generally they have a knack to receive their training in their professions more seriously and more carefully than the male children workers. Girl child workers are very serious to their professional activities as domestic helps. They render better services than male child workers as they are considered more stable, disciplined and obedient in their behavioural dispensation. In addition to this, the employers also prefer girl child labour as girl children are not associated with Trade Union activities like strikes and so on.

The above facts are neither comprehensive nor universal. They only sell out the general idea that female child labour is more in demand in certain industries due to the disciplined behaviour of the girl child labourers.

### THE WOES OF GIRL CHILD LABOUR

The woes of a girl child worker belonging to a low caste family are best known to one and

all in the society. In low class families a girl child is considered as a great liability. She is considered as a bad omen soon after her birth in the family. In that way she is associated with myriad social problems. In the first place she is considered a liability as she is tethered to the problem of dowry. This is a problem which generally gives a lot of headache to the parents before the marriage of their daughter.

Even after marriage, the problem of the girl child is not actually over for the parents. The parents pass through sleepless nights in musing over the post- marriage conditions of their daughter in her mother-in-law's house. Most unfortunately a girl child after she comes up to age is exposed to the cornel's eyes of their own kith and kin in her family. From her very birth, in some families, she is subjected to domestic violence as if she is an unwanted member of the family. For any offence befalling her before and after her marriage, the girl child alone is held responsible for all subsequent eventualities although she is innocent of the happenings.

#### **Terms of employment:**

In case of her employment, the terms and conditions of the employment are most excruciating in a lot many cases. The terms and conditions of her employment are settled between

her parents and their employer not to the knowledge of the girl child labourer. Peculiarity enough, her wages go to the pecuniary benefit of the parents, Her wages are also settled by her parents. The parents do not bother about her working conditions and other factors leading to her safety. After marriage she is unfortunately exposed to the erratic control of her husband and other members of her husband's family. In either case, she has no independence in her life.

#### **Working Conditions:**

Girl child workers are not given proper facilities at their workplace. They work under hazardous conditions. As stated above, they are underpaid as they generally get low wages in their profession. Most girl child workers do not get extra payment for any extra work they do at their workplace. Despite stringent labour laws, they are mostly bereft of weekly holidays, shorn of general medical and health facilities. Sexual abuses are very common among their masters. At the parents' level they often suffer beating and starvation. They do not have any sort of freedom. They generally work in adverse surroundings sprawled over ill-ventilated premises exposed to occupational risks. The table below would reveal an account of most pathetic general health hazards in different sectors of their service.

**TABLE –III**

<b>OCCUPATIONS</b>	<b>DISEASE/DISABILITY</b>
<b>Pottery</b>	Asthma, Bronchitis, TB,
<b>Bidi Industry</b>	Nicotine poisoning, headache, anemia, bronchitis, nausea, TB,
<b>Zari Industry</b>	Eye disease, Spinal problem
<b>Domestic Workers</b>	Over-work, physical and sexual abuse, drug-addiction

**Brick kiln Industrial labour**

Polluted environment due to hot ash, physical retardation and deformities, baldness etc.

**Construction Workers**

Malnutrition and anemia, severe bodyache, physical injuries, TB.

**Beggary**

Malnutrition, anemia etc

**Stone-breaking**

Breathing trouble, malnutrition, physical weakness.

**Kendu-leaf collection**

Frequent attacks of wild animals, stone stokers the edges prick their eyes etc.

**Rag picking**

Cuts and wounds from metal scraps, sometime even tetanus, diarrhoea.

**Agriculture/Cultivation**

Malnutrition, various diseases due to pesticides and insecticides

**Constitutional Commitment :-**

Our Constitution has been conceived with a great vision to avert injurious conditions pertaining to working conditions of women workers in the society. In spirit it also serves as an instrument of emancipation seeking to erase the conditions of socio-economic deprivation that are in general the root cause of child employment in the society. Our Constitution for that purpose provides for the protection of child workers mainly girl child workers by imposing restrictions on the minimum age limit in this behalf so that children including girl children are not exploited at the workplaces by their respective employers with profit motives in view. Article 23 and 24 of the Constitution prohibit exploitation of children in all types of services. Article 23 of the Constitution prohibits forced labour. No person because of this provision can encourage supply of child labour under any sort of forced or compulsory circumstances even due to economic reasons. This provision covertly imposes a ban on deployment of child labour which is a case of forced labour within the meaning of Article 23.

Add to this, Article 24 strictly prohibits employment of children below 14 years in any hazardous service. The provisions contained in Articles 39(e) and (f) of the Constitution provide for strict restrictions on the abuse and exploitation of child labour with a wider impact in their social content. Article 45 of the Constitution has specific relevance in providing protection measures in safeguarding the interests of children in the society. It provides for free and compulsory education for all children up to the age limit of 14 years.

**Judicial Ruling**

In a landmark judgment on 10<sup>th</sup> December 1996, the Hon'ble Supreme Court of India has given specific directions regarding the manner in which the children working in hazardous occupations have to be immediately withdrawn and rehabilitated. The Apex court has also given directions to state governments to regulate and improve the working conditions of workers in hazardous occupation. Several measures have been proposed in this verdict to solve the

problems of child labour of this country. Some of these measures include imparting free and compulsory education to children below 14 years of age, followed by payment of compensation of Rs 20,000 per child in case of release from the offending employer along with a matching grant of Rs 5,000 from the state to compensate the family of the child against loss of any sort of income in this behalf. This amount is to be deposited in a Fund named "Child Labour Rehabilitation cum Welfare Fund". As per the direction of the Supreme Court, the Fund they generated shall be utilized only for the welfare of the concerned child.

### CONCLUSION AND SUGGESTION

India is a tradition bound society. Here, girl children and women are treated as mere commodities. The girl child labour has come up in the society as a consequence borne out of various causes of poverty. It is most unfortunate that the labour laws of our state that deal with children in general are not stringently followed in our society. In India the major concentration of girl child labour is found in unorganized sectors where the children are exploited in different ways. This leads to mental disorder of innocent children. This also impedes their physical development affecting their education, health and general well-being. We have myriad provisions of law to check this social anomaly. But the problem is that we don't have a many fold approach for implementation of the existing laws, we do not have a positive approach on this score. For this reason we need to have the following positive steps for prevention of the girl child labour in our country.

The first approach is involvement of dedicated officers who can best subserve the interest of the state by implementing the existing laws with utmost sincerity by appreciating the seriousness of the problem. The second approach is effective implementation of employment guarantee schemes in the rural areas so that the poor families instead of migrating to other places can be economically rehabilitated in their own villages. Besides, government should augment proper financial assistance to the poor and needy families during crisis periods like flood, drought, cyclone etc. The right of children to compulsory education should be effectively implemented by proper budget provisions at the levels of Central Government and State Government. The Mid-day Meal scheme which is now implemented in Government schools, Aided schools and schools run by Local Bodies should be extended to all private schools as the later are also coming under the purview of the RTE Act. NGOs and Government mechaneries should initiate projects with proper plans to augment the income of the impoverished rural families by virtue of which child labour including girl child labour can be effectively checked. Parents of the girl children should be covered under various awareness programmes so that they can be motivated to send their children to schools. Education is the main panacea for eradication of all these evils in our society.

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## Satyavadi School and Nationalism

*Jayanta Kumar Das*

In the early part of the twentieth century where a number of organisations and notable personalities have started the movement against political and socio-economic ills of Odisha, a small open air school played a vital role in shaping the history of this region. It had come to the mind of a few intellectuals and educated class that much of the evil which has been eating into the vitals of our society could be eradicated through proper development, education and training and inculcation of moral values among the young. Their thoughts ultimately took the shape of a school where the students would be taught the values and essence of life which would make them fullerman, courageous, confident and ready to work for the upliftment of their brethren. Gopabandhu Das was the main brain behind establishment of this school who was influenced by Acharya Harihar Das, Poet Madhusudan and Pandit Nilakantha Das. They had recommended this new type of education i.e open air learning which would act as panacea for all types of ills of society.

Nilakantha writes 'one day we drove up to Satyavadi in an ox cart, took out our measuring tapes and set to work. The place was completely covered with scrubs. It was impossible to hold the measuring tape straight. There was no place to stack the bricks we had brought. But we could

not be bothered with obstacles. There was no time to waste. We got going'. That, he concludes, 'was the beginning of the great Satyavadi institution of learning'.

The Satyavadi School set up in the Gurukul pattern on the day of Kumar Purnima in the year 1909 reflected the lofty ideals and the spirit. Relief work and social reformation activities formed part of its mode of education. The scenic beauty and Churiana trees around Satyavadi was quite motivating and refreshing for the students. Initially Satyavadi School started with Upper-Primary classes and within two years time the School got the status of a High School. In reality, it was much more than just a school.

The method of education was mixture of Indian tradition and Western progressive ideas. It taught the students the importance of discipline, high moral value, simplicity and austerity and held as sacred the relationship between students and teachers. Apart from studies, physical training, social service and literary discussions were held among the students regularly. The teachers and students worked together and their work ranged from gardening to cremation of dead bodies during natural calamities. The dedication, missionary zeal and selfless sacrifice of the teachers was an example for others to emulate. The five

close associates of Satyavadi famous as Pancha Sakha were Gopabandhu Das, Nilakantha Das, Acharya Harihara Das, Godabaris Mishra and Krupasindhu Mishra. Under their supervision and guidance, Satyavadi School acted as beacon of light. Apart from these five eminent personalities, there were also other teachers whose commitment and devotion was exemplary. Among them, the names of Basudev Mohapatra, Ramachandra Rath, Haladhara Mohapatra, Madhusudan Mishra, Arttatrana Das and Dhaneswar Moharana were noteworthy whose contributions were also no less. A number of vocational subjects were included in the curriculum along with conventional academic courses. The basic philosophy was that the students were members of the society first and hence they should learn the various aspects of life in society. It is a fact that anyone who had breathed the air of Satyavadi in his younger days became somebody in the political life of Odisha in later years. By setting up of Satyavadi Bana Vidyalaya, Gopabandhu's aim was to produce heroes, patriots and dedicated workers from this school to free the nation and serve the suffering masses. Gopabandhu believed in an ideal system of education in the line of ancient Gurukul. In 1919 he remarked, 'Education is the means of building the hearts of the people.' By education, I do not mean the teaching in School, education is what was imparted in the ancient institutions and centres of religion throughout the province. There are three underlying reasons for setting up of Open Air Schooling by Gopabandhu. Firstly, he wanted that education should reach the poor masses. Secondly, he wanted to reduce the expenditure of the cost of education and thirdly, Open air natural atmosphere is conducive for the spontaneous growth and development of an individual's personality. Gopabandhu rightly remarked, 'Closed buildings are unsuitable for mental and physical development of the

students.....India is a land of villages and every village has groves of coconut and mango trees. In ancient times, old Gurukuls or perceptor's houses were located in natural settings and I see no reason why the same old practice should not be revived today.'

Satyavadi School drew nation-wide attention because of its uniqueness. It was visited by Chancellors, Vice-Chancellors, Scholars from different universities and great men like Mahatma Gandhi, Asutosh Mukharjee and many others.

Sir Edward Gait, the then Lieutenant Governor of Bihar and Odisha visited the School and wrote 'I was also greatly impressed by the system of teaching in the open air instead of crowded classrooms. In March 1921, Mahatma Gandhi visited the School and on 13<sup>th</sup> April he wrote about it in his journal 'Young India' declaring that with workers as selfless as Gopabandhu Das and his associates, it would not be surprising if the country achieved Swaraj within the year. He went on to say that the School was well worth a visit. Gandhiji passed entire day in the company of the students and teachers. Surendra Nath Banerjee on his Odisha visit in the year 1912 was all praise for this School. In its own way, Satyavadi School contributed a great deal to the cause of nationalism. It became an active centre of Non-Cooperation Movement rather than a model educational institution. Satyabadi School played important role in the life of the nation. The School became an institution and its fragrance spread all over the nation.

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## "Health Care for All" - Is it a Distant Dream ?

*Dr. P.K.Rana  
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### INTRODUCTION

Health is a vital indicator of human development and human development is the basic ingredient of economic and social development. Health is highly influenced by the health care facilities available in a country to its population. The non-provision of health care facilities is considered as the violation of basic human right i.e. the right to life. 'Health Services', therefore, is not a mere charity or the privilege of a few but a right to be enjoyed by all. Worldwide, nations are seeking viable answers to the question of how to offer a healthcare system which leads to improvements in the health status of their citizens. It is a crying need throughout the world that man has the right to ask for proper health care but when man is denied this right, we rarely think that it is a human rights violation. The health of a nation is the sum total of the health of its citizens. Thus, the survival of any human society is inextricably related with the health of its population. Likewise, developmental parameter also involves both economic development, which includes national income and per capita income, and human development which covers health indices, Infant Mortality Rate (IMR), nutritional standard, life expectancy and literacy.

The term health, implies more than an absence of sickness. Medical area and health

facilities not only protect against sickness, but also ensure stable manpower for economic development. Facilities of health and medical care generate devotion and dedication, to give the worker's best, physically as well as mentally, in productivity. It enables the worker to enjoy the fruits of his labour, to keep him physically fit and mentally alert for leading a successful, economic, social and cultural life<sup>1</sup>. The medical facilities are, therefore, part of social security, and like gilt-edged security, would yield immediate returns in the increased production, or at any rate reduce absenteeism on grounds of sickness, etc. Health is thus, defined by World Health Organisation as "*a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity*". From the definition itself clearly indicates, that conditions of life of the individual, which incorporate physical, mental and social well being and devoid of disease and infirmity. Thus, this pioneering institution (WHO) has played the best supportive role for more than fifty years in guiding health policy development and action at the global and national levels, with an overall objective of ensuring and attaining the highest standards of health care to all the people around the world.

The goal of extending the benefits of sustainable health over an expanding life span, to

all members of the human family, is the cardinal tenet of public health. Since ancient times human beings and societies have tried to formulate rules and protocols that would enhance chances of sustained good health<sup>2</sup>. Health is considered as a fundamental human right indispensable for the exercise of other human rights<sup>3</sup>. The right to health is recognized by numerous international and regional institutions. This paper concentrates on the international covenants as well as national momentum that guaranteed under the Constitution for the growth on right to health by the Courts in India.

### **International Momentum on Right to Health and India's Stand**

The health of every individual counts for the economic development of a country. The health service is a vital part of every modern society and the general health of an individual is equally significant. As the health of an individual greatly affects the economic growth and social welfare of the country, it is indicated that health and human rights are interdependent. The goal of extending the benefits of sustainable health over an expanding life span, to all members of the human family, is the cardinal tenet of public health. The declaration of Human Rights eloquently upholds the right to life as an inalienable entitlement of all human rights.

Article 25 of the Universal declaration of Human Rights states that :

*“Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, and medical care, and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”.*

Article 12 of the International Covenant on Economic, Social, and Cultural Rights 1966, *inter alia*, states that:

*“The State parties to the present Convention recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”* The International Covenant on Civil and Political Rights 1966, the UN Declaration on Elimination of All Forms of Discrimination Against Women 1979 and the Convention on the Rights of the Child provide, *inter alia*, for the protection of health care rights of persons including women, children and other disadvantaged sections of society.

Apart from the above, a number of international agencies have lent support to public participation in health care. To this end the World Health Organisation, Alma Ata Declaration,<sup>4</sup> clearly states that:

The people have the right and duty to participate individually and collectively in the planning and implementation of their health care.

According to the World Development Report,<sup>5</sup> public-private deliberation is not just desirable but in fact critical to the success of reforming the health system. Community participation is the key element of the international action plan, (known as Agenda 21) designed to bring about sustainable development for the 21<sup>st</sup> century. This plan has been endorsed by over 150 nations at the Earth Summit held at Rio in 1992. Further the fourth International Conference on Health Promotion, held in 1997, in Jakarta reaffirmed the importance of community participation as a key element of health for all.

From the above it is evident that the World Health Organisation has not only given a wider definition to ‘health’ but also brought the ‘vision

of health care for all by 2000' articulated by the World Health Assembly and the Alma Ata Declaration. Further, all the resolutions/declarations adopted by the UN and other agencies together constitute the global health policy.

The Millennium Development declaration was a visionary document, which sought partnership between rich and poor nations to make globalization a force for good. Its signatories agreed to explicit goals on a specific timeline. The Millennium Development Goals (MDGs) set ambitious targets for reducing hunger, poverty, infant and maternal mortality, for reversing the spread of AIDS, Tuberculosis and Malaria and giving children basic education by 2015. These also included gender equality environmental sustainability and multi-sectoral and international partnerships. The 10<sup>th</sup> anniversary of the declaration was used to review progress and suggest course corrections to meet the 2015 deadline. The glittering banquets, the power lunches and the rhetoric at the formal meetings, attended by many celebrities, ambassadors of different nations, international charities and the media, in New York belied the stark reality in many poor countries. While the declaration and the MDGs were a clarion call and mobilized many governments into concerted action, a review of the achievements to date and projections for 2015 suggest some success and much failure. Most rich nations failed to meet the targets on promised aid. While progress has been made, much more needs to be done.<sup>6</sup>

In India, it is generally accepted fact that even though science and technology contributed much to the field of medicine, health care services did not reach rural areas which are mainly covered by Primary Health Care Systems. A health care system has two components, namely public health

care and private health care. In the public health care system the responsibility is on the government to protect the public from both communicable and non-communicable diseases. Public health is the art and science of preventing disease, promoting health and prolonging quality life<sup>7</sup>. Public health is one of the most important areas of human development but sadly it is one of the most neglected in Modern India. The health services in rural areas are very meager and even the meager health services which are available do not percolate to remote corners of the rural areas.<sup>8</sup> It is also observed that the health care facilities available in rural areas are not enough to meet the growing demand of the people. It is not enough that high rate of absenteeism of health providers are found in primary health centres.

While the public health is in such a bad shape, in cities the growth of five star health care centres with facilities that match some of the best in the world, is very high. Importance is given to the maintenance and strengthening of private health care service at the expense of the public health care system. So private health care is expanding rapidly in compare to other European and Latin-American countries. While public health facilities are highly inefficient, private health services are virtually unregularised. Fraud, other medication, unnecessary surgery and enormous fees are the bread and butter of the private health sector. Many private practitioners are prescribing irrationally and giving patients a long list of totally unnecessary and expensive medicines for fairly routine problems. In Mumbai alone, about 65 percent of deliveries performed in the private sector end up with a caesarean, compared with only 9 percent in public sector<sup>9</sup>. Thus, it is due to these reasons patients are either forced to borrow money to pay the medical expenses in the private hospitals or kept away from treatment. Because of all their, India is not in a position to fulfill the

Health For All (HFA) promise given in the Alma Ata Conference even in 2005 and is considered the most in health care in the world.

### **Legal Framework for protection of Health Care**

In India, the right to health care and protection has been recognized since early times. Independent India approached the public as the right holder and the state as the duty-bound primary provider of health for all. As our country is a founder member of the United Nations, it has ratified various International Conventions promising to secure health care rights of individuals in society. In this content, Art-51 of the constitution of India provides for promotion of international peace and security<sup>10</sup>. The preamble to the Constitution of India, which strive to provide for a welfare state with socialistic patterns of society under Article 21 of the Constitution, guarantees the right to life and personal liberty. Though it does not expressly contain the provision of right to health but it has settled by the apex court in good number cases. Further, arts-38<sup>11</sup>, 42<sup>12</sup>, 43<sup>13</sup> and 47<sup>14</sup> of our Constitution provide for the promotion and protection of health of the individual members in the society.

In addition to the International and constitutional provisions, the Parliament in India have enacted a good number of laws that protect the health interests of the people in general. These include the Indian Penal Code, 1860, the Fatal Accidents Act, 1855, the Indian Medical Degrees Act, 1916, Dangerous Drugs Act, 1930, Drugs and Cosmetics Act, 1940, the Dentists Act, 1948, Drugs (Control) Act, 1950, Pharmacy Council of India Regulations, 1952, Prevention of Food Adulteration Act, 1954, Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, the Indian Medical Council Rules, 1957, the Medical Termination of Pregnancy Act, 1975,

the Dentists Code of Ethics and Regulations, 1976, the Consumer Protection Act, 1986, the Consumer Protection Rules, 1987, the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, the Transplantation of Human Organs Act, 1994 etc.

It is pertinent to discuss here that although the Parliament has enacted the Indian Medical Council Act in 1956 and other corresponding legislations governing various branches of medicine such as the Indian System of Medicine, Dentists, Homoeopaths etc., they only provided for the registration and regulations of the conduct of doctors, hospitals and nursing homes, and have failed to protect the interests of persons who have suffered on account of negligence or deficiency on the part of medical professionals. This field left untouched by the Medical Council Acts(s) is covered by the law of tort in general, and now by the Consumer Protection Act 1986. It is worthwhile to remember that the existence on the statute book of the Indian Medical Council Act has not stood in the way of such grievances being agitated before the ordinary civil courts, by the institution of civil suits claiming damages for negligence as against the concerned hospital or medical doctors. Prior to the enactment of the Consumer Protection Act 1986, the field of medical negligence is perhaps not possible, rather it would remain a somewhat slippery word.

Despite Constitutional and statutory provisions safeguarding the patient against medical negligence the growing incidence of medical negligence is disturbing. Although reliable official statistics on medical negligence has not available in our country, it has been observed that many a times the victims of such are not financially well off by which they are forced to avail the medical aid from the government run hospitals/dispensaries or charitable hospitals. However, these hospitals

have been kept out under the purview of the Consumer Protection Act, 1986.

Health providers in India may be broadly classified into five categories:

- (i) Government run hospitals and dispensaries, clinics, primary health care centres and sub-centres;
- (ii) Private hospitals and nursing homes;
- (iii) Charitable hospitals;
- (iv) Hospitals run by or under the authority of or connected with medical institutes or medical colleges; and
- (v) Hospitals or dispensaries run under the miscellaneous statutes such as the Employees' State Insurance Act 1948, the Plantation Labour Act 1951, and hospitals or dispensaries run by the employer such as CGHS dispensaries, Railways hospitals and health centres; and Army, Navy or Air Force hospitals.

Apart from the above mentioned recognized categories of health providers, in our country, there are private practitioners without any formal qualifications<sup>15</sup> such as, *hakims*, *vaidyas*, *quacks*, *tantriks* and others are very much popular in rural and semi-urban sectors and people, who are living in those areas, fall an easy prey.

All said, we have to raise some questions that should make all socially committed people react positively and creatively when there is an instance of health related human right violation and when a poor man becomes the victim:

- Do our poor people know that they have the right to health care ?
- Do they know that they can demand a Government doctor to treat them ?

- Does the common man know that a mentally ill person cannot be illegally confined without his consent ?
- Does he know that he can demand that basic facilities should be there in a Primary Health Centre ?

If the common man can answer all these questions, the poor man will get a better deal in health sector.

### **Judicial Response Towards Right to Health**

The Indian judiciary played a very active role by entertaining Public Interest Litigation (PIL) which provides an opportunity to the judiciary to examine the socio-economic and environmental conditions of the oppressed, poor and the downtrodden people through PIL. Under Article 32 of the Constitution, the Supreme Court has directed the government to implement the fundamental right to life and liberty and execute protection measures in the public interest. Likewise the Court also pointed out that fundamental rights are intended to foster the ideal of political democracy and to prevent the establishment of authoritarian rule but they are of no value unless they can be enforced by resort to courts. But it does not mean that directive principles are less important than fundamental rights or they are not binding on the various organs of the state.<sup>16</sup> The Supreme Court, while widening the scope of Article 21 of the Constitution in *Paschim Banga Khet Mazdoor Samity & others v. State of West Bengal & another*<sup>17</sup> held that in a welfare state, primary duty of the government is to secure the welfare of the people and more over it is the obligation of the government to provide adequate medical facilities for its people. The government discharges this obligation by providing medical care to the persons seeking to avail of those facilities. Article 21 imposes an obligation on the state to safeguard the right to

life of every person, preservation of human life is thus of paramount importance. The government hospitals run by the state are duty bound to extend medical assistance for preserving human life. Failure on the part of a government hospital to provide timely medical treatment to a person in need of such treatment, results in violation of his right to life guaranteed under article 21. The petitioner should, therefore, be suitably compensated for the breach of his right guaranteed under article. 21 of the Constitution.

It is true that no state or country can have unlimited resources to spend any amounts on or its projects. Similarly providing medical facilities to an employee by the state cannot be unlimited and this point has arisen in the case of *State of Punjab v. Ram Lubhaya Bagga*<sup>18</sup>, where medical services under a policy continue to be given to an employee, to get treatment in any private hospital in India, but the amount of reimbursement may be limited. Such a policy does not leave this limitation to the free will of the director, but it is done by a committee of Technical Experts. The Supreme Court held that if no scale or rate is fixed then in case of private clinics or hospitals increase their rate to exorbitant scales, the state would be bound to reimburse the same. The principle of fixing of rate and scale under such a policy is justified, and cannot be held to violate article 21 or article 47 of the Constitution. The Court further held that the State can neither urge nor say that it has no obligation to provide medical facilities. If that were so, it would be *ex facie in violation of article 21*.

It is for the state of secure health to its citizens as its primary duty. No doubt the government is rendering this obligation by opening government hospitals and health centres, but to be meaningful, they must be within the reach of its people, and of sufficient liquid quality. Since it

is one of the most sacrosanct and valuable rights of a citizen, and an equally sacrosanct and sacred obligation of the state, every citizen of this welfare state looks towards the state to perform this obligation with top priority including by way of allocation of sufficient funds. This in turn will not only secure the rights of its citizens to their satisfaction, but will benefit the state in achieving its social, political and economic goals. This sacred obligation shall be carried out by the health professionals whenever they are attending the life of the accident victims with due care and diligence. In light of the above, statement, the Supreme Court, in its landmark judgment in *Pt. Parmanand Katara v. Union of India & others*<sup>19</sup> ruled that every doctor whether at a Government hospital or otherwise has the professional obligation to extend his services with due expertise for protecting life. No law or state action can intervene to avoid/delay the discharge of the paramount obligation cast upon members of the medical profession. The obligation being total, absolute, and paramount laws of procedure whether in statutes or otherwise which would interfere with the discharge of this obligation cannot be sustained, and must, therefore, give way. Similarly again the Supreme Court in *State of Karnataka v. Manjanna*<sup>20</sup> deprecated the tendency of refusal to conduct medical examination of rape victims by doctors in rural government hospitals unless referred by the police. The Court observed: We wish to put on record out disapproval of the refusal of some government doctors, particularly in rural areas, where hospitals are few and far between to conduct any medical examination of a rape victim unless the case of rape is referred to them by the police. The Court added that such a refusal to conduct the medical examination necessarily results in a delay in the ultimate examination of the victim by which the evidence of rape may have been washed away

by the complainant herself or be otherwise lost. The Court, therefore, directed that the state must ensure that such a situation does not recur in the future.

A three Judge bench of the Supreme Court in *Consumer Education and Research Centre & Others v. Union of India*<sup>21</sup> ruled that right to health and medical care, to protect health and vigour while in service or post-retirement, is a fundamental right of a worker under article 21, read with articles 39(e), 41, 43 48-A. All related articles and fundamental human rights are intended to make the life of the workman meaningful and purposeful. Lack of health denudes him of his livelihood. Compelling economic necessity to work in an industry exposed to health hazards due to indigence to bread-winning for himself and his dependants should not be at the cost of the health and vigour of the workman.<sup>22</sup> The court further ruled that the jurisprudence of personhood or philosophy of the right to life envisaged in article 21 of the Constitution enlarges its sweep to encompass human personality in full bloom to sustain the dignity of a person and to live a life with dignity and equality. The expression 'life' assured in art. 21 does not connote mere animal existence or continued drudgery through life. It has a much wider meaning, which includes right to livelihood, better standard of living, hygienic conditions in the work place, leisure facilities and opportunities to eliminate sickness and physical disability of the workmen. The health of the worker is an integral facet of the right to life. In that case health insurance while in service or after retirement was held to be a fundamental right and even private industries are enjoined to provide health insurance to the workman.

Though the Supreme Court of India in series of judgments has declared the right to health care to be a fundamental right and it has not given

due recognition by the state. This is also quite unfortunate that in a country, where poverty and marginalized are more in numbers and these people cannot afford paid services in any government and private hospitals, the state should develop a novel health insurance policies at a nominal rate.

### **Conclusion and Suggestions**

Even after six decades of independence no effective steps have been taken to implement the constitutional obligation upon the state to secure the health and strength of people: It has rightly been said that nutrition, health and education are the three inputs accepted as significant for the development of human resources. But these sectors get adequate attention only when community becomes affluent to meet the heavy expenditure involved in each.

The focus on improvement in health continues to employ perspectives of curative medicine rather than concentrate on public health approaches clean water sanitation, nutrition, housing education, employment and social determinants seem to receive a lower priority despite their known impact on the health of population. Feudal social structures continue to oppress millions of people. Patriarchal society places much burden on girls and women, especially in rural India. Without changes in social structures, improvements in health and economic status will remain a distant dream for the many millions who live in the margins of a resurgent India.<sup>23</sup>

For achieving the Constitutional obligations and also objective of "health Care for All" there is lot of need on the part of the Government to mobilize non-governmental organizations (NGOs) and the general public towards their participation for monitoring and



implementation of health care facilities. To this end the Government should formulate legislations and health policies facilitating the participation of the public in health care.

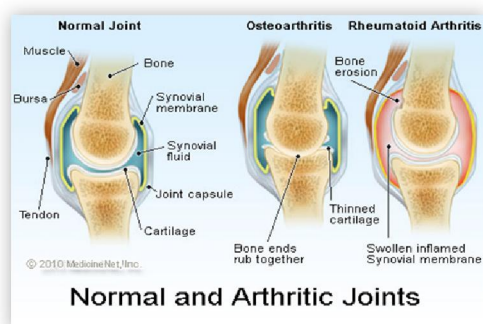
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10. See Article 51(c) of the Constitution of India.
11. For the promotion of the Welfare of the people, the State shall strive to secure a social order in which justice, social, economic and political shall inform all the institutions of the national life.
12. The State shall make provision for securing just and humane conditions of work and for maternity relief.
13. Social security just and humane conditions of work and leisure to workman are part of his meaningful right to life and to achieve self-expression of his personality and enjoy the life with dignity, see more in details *Air India Statutory Corporation v. United Labour union*, AIR 1997 SC 645.
14. It is the primary duties of the State to raise the level of nutrition and the standard of living and to improve public health.
15. *D.K. Joshi v. State of U.P. & Others.* (2000) 5 SCC 80. In this case, the Apex Court directed the district Magistrate and Chief Medical officers of all the districts in Uttar Pradesh to identify and take appropriate action against all the persons practising medicines without recognized qualifications. The Medical Council of India may give wide publicity to the judgments so that the states may also follow the procedure for preventing the entry of quacks in practising the life and health of the individuals.
16. *Akhila Bharatiya Soshit Karmachari Sangh v. Union of India* (1981) 1 SCC 246.
17. (1996)4 SCC 37.
18. (1998)4 SCC 117.
19. AIR 1989 SC 2039.
20. AIR 2000 SC 2231.
21. (1995)3 SCC 42.
22. *Ibid.*
23. *Supra Note.6.*

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## Natural Remedies of Osteoarthritis

*Sanjay Kumar Panda*

Arthritis is the inflammation of the synovial joints of the body and is one of the most common of all disabling diseases. It is a crippling degenerative process which can eventually lead to irascible destruction of the joint.

Osteoarthritis is an extremely common disorder usually of one chronic degenerative arthritis generally seen in middle and old age, especially afflicting those who are overweight, have a heavy or toxic diet and have avoided exercises. It frequently develops in a joint which suffered injury earlier in life, the injury causing pranic and structural derangement which was not fully corrected at the time. It may also be associated with an excess of calcium in the body, either due to high dietary intake, or to imbalance of the parathyroid glands on the neck.

Naturopathic treatment always begins with an evaluation of and changes to diet and lifestyle, and then can include many therapeutic approaches such as supplements, herbs, allergy tests, homeopathy and cell salts, aromatherapy, acupuncture, reflexology, Reiki, Ayurveda, traditional Chinese medicine, and emotional healing techniques. Healing with gemstone, music, creative visualization, biofeedback, hypnosis, yoga, and meditation may all form part of a naturopath's "tool-kit."

Osteoarthritis has two parts.

a. Primary osteoarthritis is mostly related to aging, whereas,

b. secondary osteoarthritis is caused by another disease or condition.

### What causes osteoarthritis?

#### PRIMARY OSTEOARTHRITIS

Osteoarthritis (OA), also known as degenerative joint disease (DJD), is a process of progressive deterioration of articular cartilage and formation of new bone (osteophytes) at the joint surface. Primary osteoarthritis is age related and associated with repetitive and/or high mechanical stress on a normal joint. Secondary osteoarthritis is due to an underlying cause such as trauma, inflammatory, metabolic, developmental, or connective tissue diseases.

#### (A) As per Yogic Science

1. Metabolic and Pranic malfunction.
2. Blockage of prana in the joint for a long time.

#### (B) As per Modern Science

1. Systemic infection
2. Metabolic.
3. Degenerative.
4. Traumatic.
5. Bone disease.
6. Blood disorders.
7. Neuropathic.

#### (C) Other Factors Leading to Arthritis.

1. Overeating and excessively rich diet.

2. Lack of exercise.
3. Mental factors like tension, suppression of emotion, fear and Hypersensitivity.

**Yoga is a complementary self-management technique that has been found to be useful -**

- o Physiological paradigm: Union of organ systems in the body (homeostasis)
- o Psychological paradigm : Union of consciousness in the mind (balance)
- o Scientific paradigm: Union of body and mind (psychosomatic equilibrium) in the environment

**How Yoga Helps in Arthritis?**

- Stretching of the muscles relieves strain on the joints thereby relieving pain, tenderness, stiffness, and improving the range of motion (Physical)
- Stress exacerbates the symptoms of arthritis — Yoga relieves stress (Mental)
- Improving perspective towards life (Spiritual)

**Yogic approach of Management of Arthritis.**

Yoga will never advocate drug management of symptoms in isolation, while neglecting to correct the underlying deficiencies of diet, exercise, lifestyle and so on. Karma Yoga is as much a part of the *sadhana* of the arthritic individual as *asana* and *pranayama*, A well - rounded program of yogic therapy includes the following elements.

**1.Asana :** The major series of *asana* for prevention and management of arthritic conditions is the anti - rheumatic group of *pawanmuktasana* which puts the body through its full range of movements and fully relaxes and massages all the joints. Before commencing *pawanmuktasana*, the patient should soak the limbs in cold and /or warm salty water to encourage blood circulation.

Major *asana* include.

1. Shashankasana.
2. Marjari Asana.
3. Shashank Bhujangasana.
4. Akarna Dhanurasana.
5. Vajrasana

All these *asanas* should be practised before meals if possible. Ultimately, *Surya Namaskara* should be adopted to capacity. Six to twelve round each morning should prove sufficient to prevent further arthritic degeneration throughout life.

**2.Shatkarma:** *Poorna* and *Laghoo shankhaprakshalana*, *Kunjil* and *neti* are very important in alleviating constipation and elimination any metabolic acids and other wastes which accumulate in joints, bloodstream and tissues. Arthritis will never be fully cured while constipation remains.

**3.Pranayama :** Including abdominal breath, *nadi shodhana* and *bhastrika* bluster the digestive and eliminative capacities.

**4.Meditation :** Release pent-up mental and emotional tensions, Anatar mouna stage 2, where thoughts are observed. And it is especially useful in recognition of self-limiting and fixed attitudes and behavior patterns. Then in stage 3 he is encouraged to create mental scenes in which he is expressing deep-felt anger and aggression, thus releasing suppressed emotional conflicts which contribute to arthritic rigidity, while at the same time remaining a detached witness. Deep relaxation and meditation will develop a positive state of mind in the sufferer.

**Natural Management of OA**

**1. Diet :** The following simple diet will reduce pain and allow the eliminative and regenerative processes to work at optimum efficiency. A strong clean digestive system readily absorbs all necessary nutrients from the following diet.

Cooked light grains and cereals in the form of whole meal bread, *chapatis*, rice, millet, barley, etc.

Boiled pulses (dal) especially the lighter types such as mung are a sufficient source of protein. Boiled or baked vegetables, especially greens but not onions.

Salads using greens leafy vegetable, tomato, beet root, carrot, cucumber, sprouted pulses, seeds and so on.

Fruits (except bananas), both fresh and dried and nuts in small quantities, instead of sugar, a little honey can be taken.

Reduce intake of milk and dairy product such as cheese and ghee; avoid highly refined processed and synthetic foods, including white flour (maida).

Meal should be eaten between 10 a.m. to 12 noon and 5 to 7 p.m. The evening meal should be lighter. This ensures that food is in the stomach when digestive energies are high and digestion is well underway at sleeping time. Missing a meal or fasting one day per week will ease pain, especially during acute phases and accelerates relief and recovery of health. Do not take snacks in between meals.

**2. Amaroli :** Drinking one to three glasses of fresh urine per day massaging with old or boiled urine keeping packs soaked in urine can all have a place in arthritic therapy especially in long standing cases which have outlasted analgesic or steroid therapy.

**3. Rest :** During the acute inflammatory stage, rest is essential and subsequently periods of activity must be alternated with periods of rest.

**4. Exercise :** It is very important to maintain a determined and positive attitude towards activity and exercise, even to the extent of pushing oneself in order to maintain a self-sufficient active lifestyle (walking, swimming, gardening and other gentle forms of exercise help to keep the muscles strong and the joints limber and can be integrated

into the daily routine in conjunction with simple *asana*.

**5. Heat and massage :** Total immersion in a hot bath and the local application of moist or dry heat, especially in winter relaxes muscles and loosens painful contractions. Heat also reduces pain and inflammation, increases the metabolism, aids elimination of poisons, speeds the production of natural lubricants, reduces swelling and aids in the reabsorption of endurable calcium deposits, bone formations and fibroblastic infiltrations in and around stiff muscle, ligaments and joints. After heat therapy general massage of joints and limbs towards the heart invigorates and relaxes the sensory and motor nerve, promotes circulation and irrigation of blood and lymph, and has an overall relaxing effect.

**6. Mental attitude :** Above all, the technique must strive for patience and positivity and try not to be discouraged by the pain and discomfort which will have to be endured at first. Yoga *nidra* is most beneficial here and should be mastered as a form of pain relief and mental transformation which reduce drug dependency and pain sensitivity. The strength of mind gained and the joy which is experienced when the diseased process is controlled and revised is something that all sufferers with arthritis can earnestly aim towards.

## Conclusion

Osteoarthritis is a very life long disease. According to medical science it is incurable disease. But patient can take some preventive steps through naturopathy for reduce pain or improvement of joints' flexibility. All above practices or treatment will do by the proper guidance.

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## Higher Education : New Challenges and Emerging Roles

*H.P. Misra*

Education is a process by which a person's body, mind and character are formed and strengthened. It is bringing of head, heart and mind together and thus enabling a person to develop an all round personality identifying the best in him or her. It is a humanizing process. Education is for transformation, to be able to think by oneself, to be able to relate to others meaningfully and to understand the world and society clearly. A nation advances in proportion to education and intelligence spread among masses. Development of any country depends 20% on natural resources, 16% on infrastructure and 64% on human resources and social factors. This calls for a high quality and well trained human resources from our education systems.

Without education one cannot discern what is **good or bad** ? What is **right or wrong** ? What is **true or false** ? What is **lovely or ugly** ? The purpose of education is, therefore, to make human beings capable, competent and wise to meet the challenges of life. Jawaharlal Nehru declared that if all were well with our educational institutions, all would be well with the nation. Educational institutions are intimately linked with society at large. They are the **temples of knowledge**. They are the agents of social change and transformation. Therefore, the general condition of our schools, colleges and universities is a matter of great concern to the nation. The Kothari Commission has beautifully said: "The

destiny of India is now being shaped in her classrooms. This we believe is no mere rhetoric. In a world based on science and technology it is education that determines the level of prosperity, welfare and security of people. On the quality and number of persons coming out of our schools and colleges will depend our success in the great enterprise of national construction whose principal objective is to raise the standard of living of our people".

### **The Drawbacks in our Educational System:**

1. The educational system has acquired a dualist character. It operates with a strong class bias. There is a wide disparity in quality. While 75 per cent of our Indian children go through an educational programme of poor even rock-bottom quality provided mostly by government schools and colleges, 25 per cent benefit from a small number of quality institutions run by private organizations. The former hail from the lower strata of society while the latter come from the elite class.
2. The resources are inadequate. So the facilities offered in our schools and colleges are below the level of qualitative viability. In the 1<sup>st</sup> Plan the Government of India allocated Rs 153 crores for education (0.7 per cent of GDP). In the 9<sup>th</sup> Plan, the allocation was to the tune of 20,381.6 crores (3.7 per cent of GDP). The proportion is much less in comparison with many countries.

3. Academic and administrative problems faced by our educational institutions are further compounded by government control and council or university regulations.

4. One of the greatest difficulties is that teachers and students feel a tremendous academic pressure on them. Our school councils and universities produce curriculum as bundles of good or package of values. It has been the practice of the educationists to burden the students with heavy load of study materials. The workload is still heavier in professional courses.

5. Government policies and programmes are not effectively implemented. There are administrative, operational and financial problems. Reforms within the system or structure are slow.

6. Political interference especially in government schools and colleges is rampant. Politicized teacher and student unions interfere with the normal functioning of the institutions. They use the institutions to gain credibility with their political bosses and to climb the political ladder.

7. The syllabi of many universities reveal the extent of academic backwardness. They spell out subjects which are neither job-oriented nor life oriented. When students enter the world, they are surprised that there is hardly any job for the course they have studied. For a young ambitious man hailing from a middle class family, it is sheer waste of time, energy and money to have spent three or five years in a college. It is not uncommon to see swarms of students finding no job eventually through the abode of unemployed.

8. The authoritarian system and the rigid and undemocratic structure in many of our schools, colleges and universities still continue without much change. People who are active participants namely teachers and students do not have a proper say.

9. Our educational institutions in general and those imparting higher education in particular have

become “**knowledge industries**” manufacturing graduates and postgraduates unfit for our society. Education, of late has become a commodity, which is being sold and bought in our schools and colleges. It is a fact that higher education has become costly like other commodities because of a steep increase in demand.

10. The traditional “banking” method of education, which sees people as adaptable, manageable beings, still continues in many institutions. Concentrating on accumulating deposits of knowledge, students do not develop the critical consciousness that would lead them to involve with the social process and change it.

11. The frustration of parents to admit their wards in particular institutions so that they can gain some social status. It has been the routine business of the parents and their wards to make a beeline for the offices of schools and colleges for admissions.

12. India lives in villages. Majority of the villagers belong to SC/STs. They are, by and large illiterate. The SC and ST literacy rates are 20% and 33%, respectively. Women literacy rate is poor, just 50 per cent. They lack employment opportunities and are often discriminated against. Provisions for educational opportunities for SCs/STs and women have not been effectively implemented in our country.

What Mr. M.S. Adishesia, an educationist, observed some thirty years ago still holds true. “The real ills of the present educational system are its elitist nature, its heavy push out and dropout rate, its scandalously poor school environment, growing unemployed and unemployable product outcome, its indifference to the illiterates, its minimal learning and evaluation system, and its widening gap between the overt (prescribed) curriculum and the hidden (real) curriculum”.

Since we have got independence we are facing challenges to establish a great and strong

education system. Various governments came and gone. Off course they tried to establish new education policies in the system but, this is very sad to dictate that they were not sufficient for our country. Still we are facing lot of problems and challenges in our Education System.

If we look in the past history since our independence we have taken the concept of British to develop our education system. At that time this is good to implement that we have no other choice and started contributing to our education system at three major presidencies developed in Kolkata, Mumbai and Chennai. Indian National Congress tried to moderate the pace of education in India and laid emphasis on technical and vocational training programmes which are still running. After that, Nehru came to emphasize with his schemes like “**Education for All**” and for industrial development plotted a significant step to develop the education system. There were needed lots of changes in that education system led by Nehru and now the turn was of Rajiv Gandhi who has contributed a lot to establish a good education system. Rajiv came with a new policy as “**National policy on Education**” which emphasizes on “**Rural Education**” and tried to provide schools within the area reachable to students easily. The policy has given priority to develop students which are strong in Science and Mathematics. This policy was found to be stronger and raised our education standards and increased the access to education.

The existing higher education system in India needs thorough information to deliver goods facing new challenges in today’s competitive world. Several commissions have been constituted by the Government of India like the **Radhakrishnan Commission** (1945), the **Kothari Commission** (1966) and the most recent, the **National Knowledge Commission** (2007). Several of the recommendations have been implemented. But, the fact remains that positive outcomes are yet to come.

### **New Challenges:**

India is the largest democracy with remarkable diversity among its population of around 1.2 billion which makes up about 17% of the world’s population. Almost 70% of Indian population is rural. The adult literacy rate stands at about 60% and this is significantly lower in women and minorities. Education in India comprises of government, government aided and private institutions of which nearly 40% are government. With the population growth rate of around 1.5%, there is tremendous pressure on the education system to provide quality education at affordable price and improve the literacy rate.

There were major changes done in the education scheme with the help of UNESCO and they developed non formal education system which contributed a lot in the education of women. Time to time the education system was influenced with new challenges and government has taken a major role to build the system. But, higher education in India always faces certain primary challenges such as:

#### **1. Improving access and quality of education at all levels**

Having infrastructural constraints and social issues, it becomes harder to make education accessible to all segments of the society (women, minorities, poor). Maintaining standard of education in more than a million schools nationwide, offering training programmes to teachers, and keeping good balance with education system worldwide are big challenges. Schools vary in size and resources and are forced to compromise in the all round development opportunities they must provide to students.

#### **2. Increasing Funding for higher level of education**

According to our Constitution it is the responsibility of Central and State governments to build good education system. For that we need



to have funds. But, despite a large expenditure of funds every year on Education, our system remains in tact. The cost of education is very high even for the people and places where it is accessible. The competitive pressure on students and parents forces them to opt for private tuitions and trainings to supplement the school education.

### **3. Increasing the Literacy rate**

Education in India is a joint responsibility of the State Governments and the Central Government. Many educational programmes have been launched. But, it is an embarrassing situation to note that only 62 per cent of the population are literate (male 73% and female 50%). About 480 million people are illiterates even now. The standard education facilities are higher in the states which are much rich and in poor states the literacy rate is very low. Government has to rethink its plan on those states which has less literacy rate. In today's generation there is need of IT education. But, we have IT more in IT cities and have great facilities in different private Colleges which provide better education than a government College. There are few colleges led by government which serve the IT education and only deal in just their old subject and course.

### **4. Removing secularism from education**

The ethnic diversity in India poses challenges to implement consistent education nationwide. There are more than 300 languages spoken in the country which makes it difficult to offer education tailored to specific social segment. Educating women in some societies is a big issue. Children of poor families are forced to work and miss out the learning opportunities. Illiterate adults have very limited opportunities to get educated at later age in their lives.

### **5. Modernization of Education System**

The time now is to modernize our education system so that our country can get much more technically graduated people which can help

our country to become a developed state. Today's youth always try to go abroad for their higher education, as they have much better facilities and quality of educational system. Can't we get that quality here itself? We have to stop this brain drainage so as to avoid students to run away from our country. Our government is trying for various challenges faced, but no one is doing well for that. Many Governments came but system remains in tact.

### **Emerging Roles:**

If we really want to compete globally, then both the Central Government and State Governments should come up with novel programmes, the teachers and student should wholeheartedly work for the best of nation's improvement and the parents and public should co-operate in the implementation of such programmes. At present united focus should be on two aspects such as 'Quality Assessment' and 'Quality Assurance', which are like two sides of a coin. In response to quality aspects, the institutions have adopted various quality management system initiatives like ISO 9001 Certification, Six Sigma, National Assessment and Accreditation Council (NAAC), National Board of Accreditation (NBA) and more importantly have started applying Total Quality Management (TQM) concept in education. The objective of TQM is to build an institution that produces products or services, which fulfill customer's requirements and thereby delighting them.

As a matter of fact, education should be focused on the learner and in real sense emphasis should be laid on 'Student-Centre Learning' as it aims at all round development of the student's total personality. The following suggestions are offered for qualitative up-gradation of higher education system.

1. To develop world class higher education, feeder stages of education are required to be developed.

2. Central government should allocate substantially higher funds to state Universities and colleges in order to achieve GRE rate of 15% in higher education by the end of 11<sup>th</sup> Plan. The Universities and Colleges situated in backward areas should get more annual grants to attract more students for quality education at their doorstep which will check brain drain.
  3. There is need of judicious mix of accountability and autonomy in institutions.
  4. Institutions should have proper missions, resources and purposes.
  5. Introduction of effective administration and managerial reforms are a prerequisite for better command and control.
  6. Only merit should be the basis of all selections and transparent promotion policies for the academic staff and similar merit based selection of students should be enforced.
  7. Teaching of skill development courses by practicing professionals and continuous up-gradation of curricula with latest development in technologies are required.
  8. Teaching-learning should be learner-centre and institution must recognize sovereignty of learners. Teaching-learning resources are to be networked for collaborative development of the teachers.
  9. There should be extensive and optimal use of audio visuals, information technology and Internet networks. The courses should be so designed that the use of these technologies is made an integral part of the teaching programmes and classroom activities.
  10. Internship should be made compulsory in all professional courses.
  11. Curricula must contribute towards development of soft skills together with logical and analytical mind.
  12. Education has to be tailor-made to the requirements of the private sector which is the major employer today.
  13. Both private and Government, institutions be brought under the umbrella of an Apex Regulatory Authority as far as quality assurance is concerned.
  14. The primary focus should be on making education affordable either through making available scholarships or soft loans to economically weaker students or every needy student in accredited institutions.
  15. Curricula must contribute towards development of character and overall development of student's personality.
  16. New market driven professional courses should be developed.
  17. To attract proficient faculty, liberal salary / perks should be introduced.
  18. In order to enrich higher education a substantial number of potentially great academicians and scientists might be invited from abroad to work with our students and teachers instead of importing mediocre foreign Universities to set up shops in the country. The Universities should rethink over the reason behind a negligible percentage of their students qualifying the UGC NET and SLET examinations.
- These reforms will not only bring in desired change in the quality of our passouts who would man various positions in teaching, research and extension in public sectors as well as in private sectors in future but are also necessary for other sectors in bringing about required change in quality of education.

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## Ethnic Conflict and Sri Lanka-US Relations

*Chandramani Pradhan*

Sri Lanka, an island nation in the Indian Ocean, is a constitutional democracy with a relatively high level of development. Political, social, and economic development has, however, been seriously constrained by ethnic conflict between the majority Sinhalese and minority Tamil ethnic groups. Since 1983, a separatist war costing at least 70,000 lives has been waged against government forces by the Liberation Tigers of Tamil Eelam (LTTE), a rebel group that sought to establish a separate state or internal self-rule in the Tamil-dominated areas of the North and East.

The United States designated the LTTE as a Foreign Terrorist Organization in 1997. Open fighting in this conflict came to a close with the defeat of LTTE field forces and the combat death of their leader Velupillai Prabhakaran in May 2009. The government now faces the challenges of consolidating peace with the Tamil community now that LTTE forces have been defeated. Sri Lanka also suffered a huge natural disaster in December 2004. A massive tidal wave killed up to 35,000 citizens in Sri Lanka's worst-ever natural disaster.

The ethnic violence of mid-2006 was followed by a major government military offensive in 2007 and Colombo's formal withdrawal from the ceasefire agreement in January 2008, which

culminated in the military defeat of the LTTE in May 2009. U.S. policy supports peaceful efforts to reform Sri Lanka's democratic political system in a way that provides for full political participation of all communities; it does not endorse the establishment of another independent state on the island. Since Sri Lankan independence in 1948, the United States has provided more than \$3.6 billion in assistance funds, about two-thirds of this in the form of food aid. Direct nonfood aid for FY2007 is estimated at \$9.4 million. Serious human rights problems in Sri Lanka are blamed on all major parties to the ethnic conflict and have led to some limited U.S. and international aid sanctions.

### **Most Recent Developments**

A "growing and grave humanitarian crisis" developed during the last phase of the civil war between Sri Lankan government forces and the LTTE (Susan Rice, 2009). Large numbers of civilians became trapped with the remnants of the LTTE forces in a shrinking pocket that ended along a coastal strip of land in northeastern Sri Lanka. President Obama pointed out on May 13, 2009, that these people have "little access to food, water, shelter and medicine. This has led to widespread suffering and the loss of hundreds if not thousands of lives (President's statement,

2009). These civilians were finally freed when LTTE resistance collapsed in May 2009. Government forces reportedly shelled the LTTE position on April 21, 2009, leading to the mass exodus of some 100,000 civilians that had reportedly been forced to remain as “human shields” with the LTTE forces. Reports suggest that 6,500 to 7,000 died from January to May 2009, but the government barred journalists and aid workers from the area, so estimates are difficult to confirm (Krishnan Francis, 2009). Renewed shelling of the LTTE-held position on May 9 and 10 killed hundreds to over a thousand civilians, including many children, and wounded over one thousand civilians. There was little medical attention available for those wounded in the rebel-held area. On May 12 it was reported that the only medical facility available in the LTTE enclave was shelled, killing 49 and wounding over 50 people (Ravi Nessman, 2009). Continued shelling on May 12 and 13 prevented a Red Cross ferry from delivering food and evacuating the wounded (Associated Press, 2009). The military denied that it was shelling the LTTE position despite credible reports that it was responsible. The government and the LTTE both accused each other of being responsible for the shelling (Economist Intelligence Unit, 2009).

How the government of Sri Lanka handles the post-conflict humanitarian crisis with the Tamil minority that constitute 12.6% of Sri Lanka’s population will likely have a great impact on its ability to heal the wounds caused by the civil war and bring the Tamil and Sinhalese communities together. United Nations (U.N.) Chief Ban Ki-moon reportedly believes that a full and fair integration of the Tamil minority into Sri Lanka is key to a process of national reconciliation. Should the government fail to convince Sri Lankan Tamils that it is making a sincere effort to aid the estimated 300,000 Internally Displaced Persons

(IDPs), many of whom are in need of food, water, and sanitation, it will likely find it harder to truly bring peace to the nation (Gerard Aziakou, 2009).

### **The United States and Sri Lanka**

In the lead up to the defeat of the LTTE, U.S. policy called for an end to hostilities and a pause to the fighting on humanitarian grounds. It had also sought to urge the Government of Sri Lanka to allow international observers into the area of conflict (US Department of State, 2009). In addition, the United States supported the U.N. Secretary General’s call for U.N. staff to be allowed into the conflict zone and to allow the United Nations and International Committee of the Red Cross staff to access sites where IDPs were being processed and where they were coming across the front lines of the fighting (US Fed News, 2009). It was reported in February that the Tokyo Co-Chairs (a donor group consisting of Norway, Japan, the United States, and the European Union) jointly expressed their concern over the plight of civilians caught in the conflict (US Embassy Colombo, 2009). The United States had urged the LTTE, which is listed by the United States as a terrorist group, to surrender to a third party and has stated that “the international community should be prepared to play a role to end the fighting” (Voice of America, 2009). It was reported that the U.S. sought to delay a \$1.9 billion International Monetary Fund loan to Sri Lanka to apply pressure on Colombo to increase aid to civilians caught in the conflict. It was also reported that the U.S. Embassy in Colombo rejected such assertions (Agence France Presse, 2009). The United States also believes that “addressing good governance, decentralization, and poverty in the south, as well as key democratic and economic opportunities for Tamils and Muslims, especially in the east, is necessary to solidify support for peace and

eliminate the rhetoric of extreme elements” (State Department, 2008).

### **Recent Congressional Interest**

In March 2009, several Members of Congress wrote a letter to Secretary of State Hillary Clinton to express their concern over the situation in Sri Lanka. The group “strongly encourages active U.S. leadership to bring about a long-delayed political settlement to the conflict that will guarantee Tamils full political rights and participation in their governance, and an end to the longstanding ethnic discrimination.... Until the ethnic conflict is substantively addressed, there will not be an enduring end to the conflict” (Hons James Moran, 2009). Other Members were reportedly more supportive of the Sri Lankan government’s position that the war against the LTTE should be brought to a conclusion reportedly out of concern that the LTTE could regroup and/or escape if pressure on it was lifted (Colombo Times, 2009). On May 19, 2009, several Senators joined Senators John Kerry and Richard Lugar in stating that the government of Sri Lanka “has a chance to forge a long-term political solution, one that acknowledges the legitimate aspirations of all Sri Lankans, including Sinhalese, Tamils, and other groups. This means taking steps towards reconciliation and justice, including the devolution of power to Local Bodies as provided for by the constitution of Sri Lanka” (Kerry et al, 2009).

### **Ethnic Conflict and Civil War**

A combination of communal politics (as practiced by both Sinhalese and Tamil political leaders) and deteriorating economic conditions created deep schisms in Sri Lankan society through the early decades of independence. By the 1970s, the government was facing Tamil unrest in the North and East, while the Sinhalese Marxist JVP waged a terrorist campaign against Tamils in

the central and southern regions. Periodic rioting against Tamils in the late 1970s and early 1980s, culminating in the devastating communal riots of 1983, spawned the creation of several militant Tamil groups that sought to establish by force a Tamil homeland to include the Northern and Eastern provinces. The Liberation Tigers of Tamil Eelam, led by its charismatic founder and chief strategist Velupillai Prabhakaran, was established in 1976 and emerged as the strongest and best organized of these groups. A full-scale separatist war broke out in the North following July 1983 riots in which several thousand Tamils were killed in retaliation for the slaying of 13 Sinhalese soldiers by separatist Tamil militants. More than two decades of ensuing war have claimed some 70,000 lives and displaced hundreds of thousands of people. Each of four major attempts at a peaceful settlement ended in failure and further violence. A ceasefire agreement (CFA) brokered by the Norwegian government in February 2002 was formally abrogated by the Colombo government in January 2008. The government then sought a military solution that proved successful with the defeat of LTTE forces in May 2009.

### **Current Challenges and Imperatives**

With the field forces of the LTTE defeated, the government of Sri Lanka faces the immediate challenges of rounding up remaining LTTE cadres and dealing with the humanitarian situation concerning the plight of the internally displaced persons in the area of conflict. It also faces a longer-term challenge that may hold the key to resolving tensions between the majority Sinhalese and minority Tamil communities. This challenge is how to address Tamil concerns and achieve the effective reintegration of the Tamil people into the Sri Lankan nation. To achieve this, Sri Lanka will reportedly focus on relief, rehabilitation,

resettlement, and reconciliation (States News Service, 2009).

### **IDPs**

A key concern for the international community in the closing phase of the war and in the immediate post conflict phase has been how to obtain unfettered access to provide assistance to the estimated 300,000 IDPs in government run camps in war torn Tamil areas. The government of Sri Lanka allowed Secretary General Ban Ki-moon and a number of journalists some access during the Secretary's visit in May 2009. Secretary General Ban Ki-moon called on the international community to fund the Common Humanitarian Action Plan which will seek to address the needs of those affected by the war. Providing adequate care for these IDPs and effectively returning them to their home areas is a key concern.

### **Reintegration**

The issue of whether or not alleged war crimes will be pursued is a potential area of friction between the government of Sri Lanka and elements in the international community. The Office of the U.N. High Commissioner for Human Rights, Navi Pillay, called for a war crimes inquiry in Sri Lanka. Many in the international community were appalled by reports of both the use of civilians as human shields by the LTTE and the indiscriminate shelling of civilians in LTTE held areas by government forces in the closing phase of the war. Ms. Pillay stated "independent and credible international investigation into recent events should be dispatched to ascertain the occurrence, nature and scale of violations of international human rights and international humanitarian law" (States News Service, 2009). The U.N Human Rights Council passed a resolution on May 27 that was in the view of Human Rights Watch "deeply flawed" because it

ignored calls for an international inquiry into alleged abuses of human rights. Human Rights Watch Advocacy Director Juliette de Rivero stated "The Human Rights Council did not even express its concern for the hundreds of thousands of people facing indefinite detention in government camps" (Human Rights Watch, 2009).

### **Economic Issues**

The civil war in Sri Lanka has hindered Sri Lanka's economic as well as its political development. Real GDP growth is expected to decline to 2.5% in 2009. Projections are predicting increased growth in 2010 of up to 5.7%. Much of this increase is expected to come from an improved security situation (The Economist Intelligence Unit, 2009). Inflation fell to a five-year low in April 2009. Sri Lanka has a significant fiscal deficit which is thought to be more than 8% of GDP in 2008. Balance of payments is under stress and the country had, as of May 2009, foreign exchange reserves of approximately six weeks of imports. The government has been in negotiations with the IMF for an emergency loan of \$1.9 billion to avert default on debt service obligations (Claire Innes, 2009). It is reported that Sri Lanka's debt service will total \$900 million in 2009 (Ibid). Sri Lanka's poor economic situation may give the international donor community some leverage over Sri Lankan post-conflict policies towards the Tamil minority. This leverage is in the view of some offset to a large extent by the popularity of the Rajapaksa government's persecution of the war against the LTTE within the Sinhalese community and by support from other segments of the international community. The Sri Lankan shares market rose 2.54% on May 28, 2009, to reach its highest close since September 2008 on the news that U.N. Human Rights Council passed a resolution which was viewed as marking international acceptance

of Sri Lanka's war against the LTTE (Reuters, 2009). Formerly a colonial economy based on plantation crops (tea, rubber, coconut, sugar, and rice), modern Sri Lanka's manufactured products now account for about four-fifths of the country's exports, including garments, textiles, gems, as well as agricultural goods. Tourism and repatriated earnings of Sri Lankans employed abroad are important foreign exchange earners. The first country in South Asia to liberalize its economy, Sri Lanka began an ongoing process of market reform and privatization of state-owned industries in 1977. Many observers attribute the ability of the national economy to thrive even in the midst of civil war to these successful reforms. Privatization efforts have slowed in recent years, however. Since 2001, both tourism and investor confidence, previously on the rebound, were negatively affected by major LTTE terrorist attacks and renewed political instability. Sri Lanka's entire economy has also suffered as a result of a recent prolonged drought (the worst in two decades), related hydroelectric power shortages, and the worldwide economic downturn around the turn of the century. In November 2006, the Colombo government issued a discussion draft of its 10-year development framework, *Mahinda Chintana [Mahinda's Thoughts]: Vision for a New Sri Lanka*. According to a January 2007 World Bank report, The vision sets out ambitious growth targets (over 8% by 2010) aimed at reducing poverty incidence to 12% of the population by 2015 (from 23% in 2002). The rapid growth scenario assumes the continuation of a favorable external environment and implies improved security conditions. A key target is to raise total investment from 28-30% of GDP in 2006 to 34% in 2010, with the largest contribution coming from the public sector. Public sector savings (currently negative) are expected to contribute 5 percentage points of GDP to gross

domestic savings by 2010. FDI is projected at around 2% of GDP (compared to less than 1% in the past decade).

The war negatively impacted the economy, especially by reducing investor confidence and by damaging the vital tourism sector. The civil war placed a heavy burden on the country's economy, as well as hindering its future potential. Defense expenditures as a percentage of GDP have doubled since 1980. Aside from defense spending, other costs of the war include damage to infrastructure and expenditures for humanitarian relief. Several analyses have asserted that annual growth rates over the past 24 years could have been 2-3 percentage points higher in the absence of protracted ethnic conflict. International donors say the Mahinda plan for poverty reduction is dependent upon peace (Global Insight, 2003). With its location on major sea-lanes, excellent harbors, and high educational standards, Sri Lanka has long been viewed as a potential regional center for financial and export-oriented services. For decades, Sri Lanka has invested heavily in education, health, and social welfare, maintaining high living standards compared to much of South Asia. The U.N. Development Program ranked Sri Lanka 99th out of 177 countries on its 2007/2008 human development index (between Azerbaijan and Maldives), down from 93rd the previous year, but still higher than any other South Asian country.

### **U.S. Relations and Policy Concerns**

The White House issued a statement on April 24, 2009, that expressed "deep concern" for the plight of civilians caught in the final stages of the conflict between the LTTE and Sri Lankan military forces. The statement also called on the government of Sri Lanka to stop shelling civilians in the "safe zone" and to allow international aid

workers and the media access to civilians that had escaped the area of fighting. The statement further made the observation that “it would compound the current tragedy if the military end of the conflict only breeds further enmity and ends hopes for reconciliation” ( Press Secretary, US,2009). American policy toward Sri Lanka has focused on U.N. and international efforts to address humanitarian needs, has urged the government of Sri Lanka to allow access to both the ICRC and U.N. representatives to the former conflict area, and has observed that the end of the conflict represents an opportunity to seek reconciliation and build a democratic and tolerant Sri Lanka (State Department, 2009). According to the U.S. State Department, a history of cordial U.S.-Sri Lanka relations has been based in large part on shared democratic traditions. U.S. policy supports efforts to reform Sri Lanka’s democratic political system in a way that provides for full political participation of all communities; it does not endorse the establishment of another independent state on the island. The United States and Sri Lanka signed a new Trade and Investment Framework Agreement (TIFA) in 2002. However, the political instability of subsequent years set back the time frame for any possible Free Trade Agreement (FTA), and relevant negotiations were put on hold pending positive developments in peace negotiations. The United States also maintains a limited military-to- military relationship with the Sri Lanka defense establishment. During a May 2007 visit to Colombo, the lead U.S. diplomat for the region, Assistant Secretary of State for South and Central Asia Richard Boucher, outlined key U.S. concerns about “the way things have been heading” in Sri Lanka. First among these was the negative impact that armed ethnic conflict was having on the people, both directly through terrorism and human rights abuses, and indirectly

by harming the country’s economy. In the area of human rights, Secretary Boucher placed special emphasis on the increased incidence of abductions and unlawful killings, as well as on widespread reports of government attempts to intimidate the Press. He acknowledged that the government of President Rajapaksa had voiced a commitment to upholding human rights, but said “a lot more needs to be done” both in dealing with the behavior of government security forces and in controlling “paramilitaries” (often a euphemism for the Karuna faction, which broke away from the LTTE in 2004). He conveyed to Sri Lankan political leaders of all stripes the U.S. position that consensus through the All Parties Representative Committee—”a consensus that identifies for the Tamil community their role in the island, their place, their control over various levels of government and their own lives”—represented the best basis for future progress toward conflict resolution. In August 2007 testimony before the House Foreign Affairs Committee, a State Department official offered that Sri Lanka’s long-standing ethnic conflict, fragile peace process, and deteriorating human rights conditions continue to cause concern for the United States and the international community.... Our top policy priorities for Sri Lanka remain restoration of good governance and respect for human rights leading to an eventual negotiated settlement. We believe that finalizing a credible devolution of power proposal, together with ending human rights violations and improving government accountability, are essential steps toward a lasting peace (Steven Mann, 2007).

He went on to review the ways in which the United States is supporting peace efforts, including through the four-member Tokyo Conference mechanism, through USAID projects to promote inter-ethnic dialogue, and by helping to fund humanitarian relief programs overseen by



Save the Children, the U.N. Children's Fund, the World Food Program, and the International Committee of the Red Cross.

## **Trade, Investment and Aid**

### **U.S. Trade and Investment**

The United States is by far Sri Lanka's most important trade partner, accounting for more than one-quarter of the country's total exports. During Prime Minister Wickremasinghe's 2002 visit to Washington, the United States and Sri Lanka signed a new Trade and Investment Framework Agreement (TIFA) to establish "a forum for Sri Lanka and the United States to examine ways to expand bilateral trade and investment." The agreement creates a Joint Council to enable officials to consider a wide range of commercial issues, and sets out basic principles underlying the two nations' trade and investments relationship." The Council also will "establish a permanent dialogue with the expectation of expanding trade and investment between the United States and Sri Lanka. The U.S. government continues to urge Colombo to curb its large budget deficit, simplify the tax code, and expand the tax base. It further urges the removal of non-tariff barriers and restrictive, even discriminatory, import fees and levies to facilitate greater trade (Richard Boucher, 2006). The violent ethno-national conflict has precluded most major U.S.-Sri Lanka economic initiatives since 2006.

### **U.S. Assistance**

The State Department's FY2009 request for Sri Lanka included \$6.5 million in Development Assistance, \$4 million for the Economic Support Fund, \$900,000 for Foreign Military Financing, \$600,000 for International Military Education and Training, \$350,000 for International Narcotics Control and Law

Enforcement, and \$650,000 for Nonproliferation, Antiterrorism, Demining and Related Programs (State Department, 2008). U.S. assistance to Sri Lanka is currently focused on providing emergency relief assistance and assisting the potential return of IDPs to their homes. As of April 10, 2009, USAID and State Humanitarian Assistance, including the Bureau of Population, Migration and Refugees, had provided a total of \$58 million in assistance in FY2008 and FY2009 for the complex emergency in Sri Lanka. These programs were focused on humanitarian access and protection, health, shelter, water-sanitation-hygiene, food assistance, and emergency relief commodities (OFDA, 2009). There will likely be a need for demining assistance in areas that have witnessed fighting in addition to the need to provide shelter for IDPs and assist in their return home (Colombo Times, 2009). Direct U.S. non-food aid included more than \$14.5 million for FY2006 and an estimated \$9.4 million in FY2007. About half of this was aimed at supporting the peace process through democracy and governance programs. When funding for disaster relief, Food for Peace, and U.S. disbursements to the International Committee of the Red Cross and the U.N. High Commissioner for Refugees are included, total U.S. humanitarian assistance to Sri Lanka exceeded \$26 million in FY2007. Other U.S. aid to Sri Lanka has focused on increasing the country's economic competitiveness; creating and enhancing economic and social opportunities for disadvantaged groups; promoting human rights awareness and enforcement; providing psychological counseling to communities in the conflict zones; tsunami recovery efforts, and demining (the FY2006 total included a significantly boosted demining fund). From 2003 to 2005, USAID ran a two-year program intended to generate greater support for a negotiated peace settlement to end the long-

standing ethnic conflict. About three-quarters of the FY2007 aid was to be used to support democracy, economic growth, and humanitarian assistance in Sri Lanka. USAID works to “foster political reconciliation” and participates in “joint reconstruction programs [with the Colombo government] that foster economic reintegration as well as social reconciliation” (<http://www.state.gov/documents/organization/60655.pdf>). The administration’s FY2008 request also included a modest, but unprecedented INCLE program that would use \$350,000 in U.S. aid to support law enforcement reforms in Sri Lanka.

### **Security Relations**

The United States and Sri Lanka have maintained friendly military-to-military and defense relations. According to the U.S. State Department, senior Sri Lankan military officers continue to strongly support U.S. strategic goals and programs, and Sri Lanka continues to grant blanket over flight and landing clearance to U.S. military aircraft, and routinely grants access to ports by U.S. vessels. Modestly funded U.S. military training and defense assistance programs have in recent years assisted in professionalizing the Sri Lankan military and provided the country with basic infantry supplies such as boots, helmets, radios, flack vests, and night vision goggles, along with maritime surveillance and interdiction equipment for the navy and communications and mobility equipment to improve the army’s humanitarian and U.N. peacekeeping missions. The United States and Sri Lanka inked an Acquisition and Cross-Services Agreement in March 2007. The pact, which creates a framework for increased military interoperability, allows for the transfer and exchange of numerous logistics, support, and re-fueling services during joint operations or exercises. A U.S. official

visiting Sri Lanka during that month called it a “very routine” and “fairly modest” barter arrangement that the United States has with 89 other countries, and he emphasized that it has no wider applications beyond logistics (US Embassy Colombo Press Release). In November 2007, the United States provided Sri Lanka with a radar-based maritime surveillance system and several advanced inflatable boats under Section 1206 of the National Defense Authorization. The Commander of the U.S. Pacific Command, Adm. Robert Willard, visited Sri Lanka in mid-January to meet with his naval counterparts there and review ongoing maritime cooperation. Adm. Willard noted for Sri Lankan officials that improvements in human rights protection could lead to enhanced U.S.-Sri Lanka cooperation.

### **Geopolitical Context**

Some see the West’s ability to pressure the Sri Lankan government as limited due to China’s growing involvement in the country (Sujan Dutta, 2009). It has been reported that China’s aid to Sri Lanka has increased dramatically since 2005. In the view of some analysts and observers, China is seeking to gain influence with the Sri Lankan government as part of a “string of pearls” naval strategy to develop port access in the northern reaches of the Indian Ocean (Michael Richardson, 2009). Indian defense planners are reportedly particularly concerned with Chinese efforts to develop ports in the region. India is home to some 60 million Tamil people and it has raised concerns over the treatment of Tamils in Sri Lanka. China is reportedly investing significantly in the development of a port in Hambantota, Sri Lanka on the country’s southeastern coast. China is also reportedly helping to develop port facilities in Gwadar, Pakistan; Chittagong, Bangladesh; and Sittwe, Burma Asian News International, 2009). Colombo was also reportedly upset with

Western calls for a truce in the lead up to their defeat of the LTTE in May 2009. Rajapaksa stated “They are trying to preach to us about civilians. I tell them to go and see what they are doing in Iraq and Afghanistan” (Nicolas Revisé, 2009).

### **Human Rights Concerns**

#### **Internally Displaced Persons**

Large numbers of people were displaced, and many of them were wounded, during the closing phase of the civil war in 2009. These people were added to others who were already displaced from their homes as a result of previous fighting. Providing these people with basic needs until they can be returned to their homes will likely be a large challenge for the government and one with which the international community could help. As fighting in the Sri Lanka’s East and North intensified in 2006 and throughout 2007, several hundred thousand civilians were displaced from their homes. The great majority of these are Tamils and Muslims. One report had intense March 2007 battles in Batticaloa creating about 95,000 new internally displaced persons (IDPs) in just one week. Another report had fighting between government forces and the rebels forcing more than 20,000 Sri Lankans to flee their homes in the latter months of 2007 (BBC News, 2007). International human rights groups urged all parties to the conflict to protect civilians and allow access by humanitarian aid agencies, which are often blocked from entering conflict zones (Amnesty International Press Release, 2007). The United Nations counts more than 300,000 people as having remained in a state of “protracted displacement” for two decades (UNHCR). Human rights abuses in Sri Lanka largely have been associated with ethnic conflict and civil war. In the summer of 2007, tens of thousands of Sri Lankans took to the streets of Colombo in

antigovernment protests organized by the opposition UNP. The demonstrators called for new national elections, an end to rife corruption, and swift action against human rights violators (Associated Press, 2007). Some analysts see occasional large-scale and apparently arbitrary Sri Lankan government detentions—including a December 2007 sweep in and near the capital during which more than 2,500 Tamils were rounded up and questioned for links to the LTTE—doing great damage to its credibility (B.Muralidhar Reddy, 2008). Non-governmental Sri Lankan organizations regularly document the scope of the country’s humanitarian crisis (Center for Policy Alternatives, 2007).

International human rights groups have issued numerous reports echoing these concerns. On the issue of religious freedom in Sri Lanka, the State Department reported in September 2007 that, the constitution accords Buddhism the “foremost place,” but Buddhism is not recognized as the state religion. The constitution also provides for the right of members of other faiths to freely practice their religion. While the Government publicly endorses this right, in practice there were problems in some areas. Such perceived problems included proposed anti-conversion laws, and legal restrictions and sporadic attacks on Christian churches. The U.S. government found no change in the status of respect for religious freedom in Sri Lanka in 2007. With regard to human trafficking, the State Department’s latest annual report (issued in June 2007) determined that Colombo “does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so,” and it placed Sri Lanka on the “Tier 2 Watch List” for its “failure to provide evidence of increasing efforts to address trafficking over the previous year, especially in its efforts to punish trafficking for involuntary servitude.” During his August 2007

visit to Sri Lanka, a top U.N. humanitarian official noted that dozens of aid agency staff had been reportedly killed on the island since January 2006, and he identified Sri Lanka as one of the most dangerous countries in the world for humanitarian workers. Colombo condemned the remarks, calling them a contribution to forces devoted to discrediting the Sri Lankan government (BBC News, 2007). The worst such attack in recent years involved the August 2006 murder of 17 local aid workers employed by a French non-governmental organization operating near Trincomalee. Colombo vowed to pursue a full investigation of the massacre, but much suspicion fell upon government security forces themselves as being complicit, given that such an attack was seen to serve no tactical purpose for the Tigers. One year later, with no arrests made in the case and rights groups demanding swifter government action, a top Colombo official appeared to lay blame on the French NGO, itself, for sending its employees into a known combat zone (Janes Terrorism and Security Monitor, 2007). In August 2007, New York-based Human Rights Watch issued a sharp critique of Sri Lanka's worsening human rights situation, focusing particular attention on a "dramatic increase" in abuses by government forces since 2006 and on Colombo's alleged responsibility for "unlawful killings, enforced disappearances, and other serious human rights violations," most of them affecting members of the country's Tamil and Muslim minorities. The Sri Lankan government rejected most of the allegations as baseless and unsubstantiated, saying that its largely successful efforts to resolve issues such as disappearances and internal displacement had been ignored (Human Rights Watch, 2007). London based Amnesty International has called on the U.N. Human Rights Council (UNHRC) to address a growing number of reported human rights violations by all parties to the conflict,

including failures to protect civilians, attacks on journalists, and a "persistent climate of impunity" that it said required systematic monitoring and urgent investigations (Amnesty International, 2007).

### **Child Abductions**

Over the course of Sri Lanka's decades-long civil war, thousands of children have been abducted and forcefully recruited as soldiers. The U.N. Children's Fund had confirmed more than 6,400 child abductions in Sri Lanka's North and East provinces as of early 2007, the great majority of these perpetrated by the LTTE. The Karuna faction has come under especially harsh criticism for involvement in child abductions and forced recruitments. Elements of Sri Lankan military and police forces are accused of assisting in such abductions. Colombo has responded to criticisms from international human rights groups by flatly denying any government complicity or "willful blindness" toward forced recruitments (Human Rights Watch, 2007).

### **"Disappeared" Persons**

As in many ethnic conflicts, Sri Lanka's civil war has led to the "disappearance" of many thousands of people. According to one report, more than 1,000 people are believed to have been "disappeared" during the year ending June 2007 (Amnesty International, 2007).

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## Special Economic Zone : A New Arena of Development

*Santosh Kumar Pradhan*

Foreign Direct Investment or FDI is a measure of foreign ownership of domestic product assets such as factories, land and organizations. In India it has played an important role in the development of the Indian economy and also has in a lot of ways enabled India to achieve a certain degree of financial stability, growth and development. In 1998-99 the Indian national government announced a number of reforms designed to encourage and promote a favorable business environment for investors. FDIs are permitted through financial collaboration with private equity or preferential allotments by way of capital markets through euro issues and in joint ventures. FDI is not permitted in the arms, nuclear, railway, coal or mining industries. Considering the various issues in India related to FDI flow; physical infrastructure is one of the biggest hurdles that India currently faces to the extent that regional differences in infrastructure concentrates FDI to only a few specific regions. While many of the issues that plug in India in the aspects of telecommunications, highways and ports, the slow development and improvement of railways, water and sanitation continue to deter major investors. Federal legislation is another pervasive impediment for India. Local authorities in India are not part of the approval process and the large bureaucratic structure of the central government

is often perceived as a breeding ground for corruption. Foreign investment is seen as a slow and inefficient way of doing business especially in a paper work system that is shrouded in red tape.

Special economic zones is a new initiative to recognize the importance of facilitating international trade for sustained growth of economy and increased contribution to the GDP of the nation. Special economic zones consist of a particular area inside the state which acts as foreign territory for tariff and trade. It is more liberal than previous economic policy with the objective of rapid economic growth by using tax free and business incentives to attract foreign investment and advance scientific technology.

The SEZ policy was first introduced in India in April 2000 as part of the export import policy of India. To provide stable economic environment for the promotion of export import goods in a quick, efficient and hassle free manner, the government of India enacted the SEZ act, which received the assent of the president of India on June 23, 2005. The SEZ act and rules 2006 were notified on February 10, 2006. The SEZ act was expected to give a big thrust to exports and consequently to the foreign direct investment inflows into India and is considered to be one of the finest pieces of legislation that may well

represent the future of the industrial development strategy in India. The SEZ policy is probably one of the most controversial of all government policies in the post liberalization era. Political parties, senior government officials, ministers, economists, analysts and activists are hotly debating the policy and opinions are sharply divided.

### **SEZ in Odisha**

Central government has approved five SEZs in Odisha, which would attract investments of Rs. 12000 crore in manufacturing, IT and ITES sector and would create 28000 jobs in the state. Vedanta Alumina Ltd's proposal to set up an SEZ for aluminium and aluminium products including down stream industries, this SEZ is to come up in Jharsuguda.

Aluminium industry is to be developed by Hindalco Industries in Sambalpur and create 8000 jobs. The third one relates to beach sand mineral processing to be developed by Saraf Agencies Pvt. Ltd in Chhatrapur of Ganjam district. The fourth SEZ relates to a BPO SEZ to be developed by Genpact India Pvt. Ltd. in Bhubaneswar. Besides this the 2500 acres of land acquired at Gopalpur in Odisha to set up a steel plant several years ago will be used for setting up of a Special Economic Zone by the TATA Groups.

In spite of that IDCO has obtained approval of Govt. of India to develop SEZ for IT/ITES industries in Infocity, Bhubaneswar and SEZ for IT/ITES/BPO industries in Mancheswar Industrial Estate and Gandakashipur, Bhubaneswar.

### ***What SEZs Provide***

- Simplified procedures for development, operation, and maintenance of the Special Economic Zones and for setting up units and conducting business in SEZs;

- Single window clearance for setting up of an SEZ;
- Single window clearance for setting up a unit in a Special Economic Zone;
- Single Window clearance on matters relating to Central as well as State Governments;
- Simplified compliance procedures and documentation with an emphasis on self certification.

In global competitive market the 4th largest South Korean based steel giant company POSCO – INDIA Private Ltd. signed Memorandum of Understanding (MoU) with the Government of Odisha in June 25th 2005. The objectives of the Company are to set up integrated steel plant, mining and captive port in the Erasama Block of Jagatsinghpur district, Odisha. As per MoU, based on the requirement of plant, the Company will also develop and operate other infrastructure areas like mining facilities allocated by the govt. of Odisha, road, separate railway line from mines area to plant side, port, integrated township and water supply infrastructure. According to the information available in electronic and print media the Company is expected to have far reaching out from socioeconomic and environmental impact. Considering the whole scenario the 4000 acres land is one of the major issues. Apart from it the lands requirement for railway, road expansion and mines is not included in this. In other part the people of 11 revenue villages of three Gram Panchayat namely Dhinkia, Gadakujanga and Nuagaon will lose entire livelihood settlements. In the global context at present scarcity of water is one of the challenging issues, based on it bunch of upcoming problems would spoil the society which have been expected by the technical experts, intellectuals, thinkers, research activists, policy makers etc. Considering this the technical experts and civil society groups



have been repeatedly raised voice against use of water from the Mahanadi river because this would severely impact on drinking water and agricultural water supply to Cuttack and neighbour four major agricultural productivity districts.

In the signed MoU with POSCO- India Private Ltd it is clearly mentioned that the plant area must have to declared as special economic zone with subject to be providing all types of facilities as required based on SEZ act 2006. The project says that both the people and government will be benefited a lot in terms of financial, social, increase GDP rate, creating more employment opportunity and optimum utilization of available resources towards sustainable development whereas the people and other eminent groups are not in favour of this project which is clearly visible through the strong opposition continuing till today by local people and intellectuals.

Meanwhile the message was spread in the area rapidly within few days. Since the period all the villagers united and started their discussion about the protection of livelihoods and future perspective of the project. But after a long debate they all feel that the project have not given prime importance to sustainable improvement of socioeconomic and environmental condition against impact. As a result, the opposition has been increasing day by day and now become stronger than before. It happens due to self realization at the individual level about the future of the project. The proposed plant and port will severely affect 11 villages and three Gram Panchayats, namely Dinkia, Nuagaon and Kujanga. After final signed in MoU the three Panchayats people came to a common platform spontaneously to have initial discussion about the victims of the project. Right now there are three opposition groups functioning at different level; where each member of the victim family were

being associated in different opposition groups. Based on it young mass took major steps to oppose establishment of the company. These three groups are completely different in their method to protest against the project. The basic understanding of opposition of the project is, based on the land that they all will lose their critical source of livelihood, which are common for all the families in these three Panchayats.

### **Opinion Vs decision**

Both the central and state government wanted to establish a mega steel plant in the coastal area due to availability of land and ample opportunity for transportation of finished product to South Korea through sea route and employment opportunity for the local people and trained technical youth in Odisha. Basically based on it, the government has taken decision at the central level whereas in other way did not want to know the people's response at the ground. The people has been living in this area since many generations; say roughly around 300 years ago but most of the family does not have much land to do agriculture crop, whereas such families have encroached government land and doing agricultural cultivation as well as betel crop also. Here the question mark is, in the democratic country the government has to give prime importance to the welfare of its citizen as a whole, whereas till today the government did not provide land patta of encroached land of betel crop but in other way are ready to give land to the company more than actual. Therefore, the background intensity to start the project is strong willingness of the political people and bureaucracy personnel. Considering the people's reaction through media coverage that there are some reasons which may pull down or completely destroy the livelihood of the locality. It may reflect in different form like; loss of livelihood for ever (agriculture, horticulture,

prawn culture, fishing etc), disorganization of social brotherhood relationship, loss of land, water and open space air, no technical and managerial expertise to work in industry, opportunity only for unskilled labour work, no concrete plan regarding sustainable income generation for all the family members and coming generation, no provision for land against land and increasing antisocial activities (conflict, misbehave to women, family disturbance etc).

### **Booming agriculture and allied economy**

Source of income and its appropriate use clearly indicating the quality of life of the villagers as well as the promotion of rural based skilled labour intensive employment opportunities. The major income comes from betel vine, paddy, coconut, Gua, sajana chhuin etc. and the villager's economy is thriving based on labour intensive work like betel vine cultivation, agriculture, cashew, horticulture and fishing. The gross income of each family lies between 2.5 to 3.0 lakhs per annum, out of which 2 to 2.5 lakhs income comes from only betel vine and rest of the amount related to other sources of income. It is a crop of labour intensive work, where all the family members get the opportunity at different levels i.e. plucking, bundling, transport, marketing, cleaning, etc. and also it provides continuous flow of income throughout the year.

Apart from the above facts, paddy and prawn cultivation, cashew, coconut, sajana etc. gives additional income to the family. Basically, except paddy they have not been spending much money for doing such cultivation over different seasons. These types of cultivation were done by the family members through proper care and protection. The family also gets nutrition food depending upon availability over different period from the betel vine surroundings and kitchen garden, for which they are not depending on daily

market/ weekly market to purchase vegetables except ration commodities.

### **Land and its use**

Acquisition of land for such enterprise becomes critical issues. These lands are primarily assigned lands which were distributed to the poor and landless sections, particularly Dalits and other marginalized sections. These groups are in transition from the status of agriculture wage labour to farmers. The companies eye these lands as they are easily acquirable under the provisions of Land Acquisition Act in the name of "public interest". It is paradoxical that on one hand the state is creating the impression that the SEZs are serving "national interest" or "public purpose"; on the other, the amount of autonomy that is bestowed on the agents of SEZs actually derogates from the Indian sovereignty. The irony is that the development agenda of economic reforms in the name of SEZs instead of striving for inclusive development is a return to industrial centers or hubs with feudal nature though with a modern veneer.

Till today POSCO has been trying forcefully to acquire the farmers' land. Many protests and rallies have been organised by the villagers against the project. Farmers have kept away the company from establishing offices in the villages, and have set up "check gates" at the entrances to the villages to check on the identification of outsiders and to prevent POSCO from starting survey and demarcate the land.

### **Rehabilitation and Resettlement**

The Government of Odisha has developed Rehabilitation and Resettlement policy in 2006 and again amended in June 2007 which covers the development projects like industries, mining, national parks and sanctuary, irrigation, urbanization set up, road, railways, power lines

etc. The objectives of the policy of the government in general is:

- To avoid displacement and recognize voice of the displaced communities emphasizing the needs of the indigenous communities and vulnerable sections.
- To ensure environmental sustainability through participatory and transparent process.
- To help guiding the process of developing institutional mechanism for implementation, monitoring, conflict resolution and grievance redressal.

Meantime the govt. had declared rehabilitation and resettlement package for displaced families in POSCO operational area. In this package livelihood protection was given on priority along with houses in the rehabilitation colony also for families displaced from government land and one nominated member will be engaged in construction of job through the contractor. The engagement will be given on priority basis like a) landless labour family working in betel vines b) displaced family from private land c) displaced family from govt. land d) 100 % land loosing families e) partial land loosing families f) other left out families in the three GPs who are not directly affected by the project.

Inspite of the above fact; it will give importance to direct employment after functioning of the plant. During this period one nominated member of each displaced family and 100 % land losing family will be provided training and employment. Followed by one nominated member of each land-affected families will be trained freely in different consulting agencies (KISS in Odisha) for gaining employment in outsourced jobs as well as to enhance their skills for employment or self employment. Apart from it compensation to free encroachment of

Government land: Cultivation in Government land such as Betel Vine, Prawn pond, paddy and fruit bearing trees as well as landless laborers working in betel Vine will be compensated. Finally; it is also equally giving importance to betel vine workers who will be rendered jobless after dismantling of betel vine structure will be paid reasonable amount of unemployment allowance for a period of 6 months or till they get wage employment under the contractor.

### Conclusion

The key objective of economic development is to maximizing the positive human development and overcome from poverty impacts. SEZs have the potential to enhance human capabilities. But for this potential to be realised, the government must devise strategies to strengthen the opportunities that are likely to emerge, protect interests of the SEZ workers, and forge linkages between SEZs and the domestic economy. Some relaxation may be introduced in the rules under certain exceptional circumstances. This may also generate knowledge spill-over effects. In this scenario, SEZs can be used as a policy instrument in upgrading skills and building human capital.

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*Shri Lal Bihari Himirika, Minister for ST & SC Development, Minorities & Backward Classes Welfare felicitating the tribal artists during the valedictory function of National Workshop on Tribal Art and Artefacts organised at the Tribal Museum, Bhubaneswar.*

# Dynamics of Judicial Analysis Relating to Civil Servants Accountability for Good Governance

*Niranjan Parida*

## INTRODUCTION

According to **George Washington**, “The administration of justice is the first pillar of good governance”. For good governance people’s faith in judiciary based upon its functioning is essential. Lord Denning once said “Justice is rooted in confidence and confidence is destroyed when the right minded go away thinking that the judge is biased. The judges should not be diverted from their duties by any extraneous influences nor by any hope or rewards, nor by any fear of penalties nor by flattering praise, nor by indignant reproach. It is the sure knowledge of this that gives the people confidence in judges. The only real source of power that the judge can tap is the respect and confidence of the people. The result of this would result in good governance. The welfare of citizens greatly depends upon speedy timely and impartial justice. James Bryce has rightly remarked that there is no better test of the excellence of a Government than the efficiency of its judicial system. The judiciary is the guardian of the rights of the people and it protects these rights from all possibilities of individual and public encroachments. “If the law be dishonestly administered says Bryce “the salt has lost its flavour, if it be weakly and fitfully enforced the guarantees or order fail for it is more by the certainty than by the severity of

punishment that offenders are repressed. If the lamp of justice goes out in darkness how great is that darkness. Thus judiciary if functions faithfully is sure to promote good governance.

## Law Relating to Civil Servants Rights and Remedies

The masterpiece work has been to deal with various legal, constitutional and fundamental rights of a civil servant. But the picture would be incomplete without a statement of the remedies available where such rights have been infringed. The general rule is that where there is a right there is a remedy the maximum being "*ubi jus ibi remedium*". Hence the problem of this branch of law requires besides an examination of the rights and obligations of the Government and the civil servant a study of the remedies available to each party if the other violates the obligations imposed on him. The enforcement of the formal rules of law on the civil servant is comparatively easy because the Government being the pay-master and the holder of the power of all grades of termination of employment upto dismissal can, generally speaking act on its own. In India the powers of such Judicial Review has been constitutionally mandated and expressly allowed through Article 32 before the Supreme Court and under Article 226 in the respective High Courts. By virtue of

such provision it is considered that the judiciary is the safest possible safeguard, not only to ensure independence of judiciary, but also in order to prevent it from the vagaries of the executives because the judiciary corrects the executive abuse of power, or legislative excesses. In view of conferment of power of judicial review the Indian Judiciary in the guise of interpreting the Constitution have started expanding and developing various laws and administrative actions, or quasi Judicial decisions. In India there exists no specific judicial remedy<sup>8</sup> available exclusively to civil servants<sup>9</sup>. Whenever an aggrieved civil servant wants redress he has to seek the general remedies available to all others and there exists no privileges or status in this regard. The present chapter is an attempt to draw out the practical implication of the judicial decisions explaining the extent and scope of judicial control in Government's relation to civil service matters. Any system of judicial control of administrative action is ultimately based on the wider concept of the rule of law. Since the judiciary has to uphold the law of the country the action of an authority contrary to law could be challenged in a Court of law. But the above statement does not mean that every person whose interest is adversely affected by an administrative order can approach the Court for redress role of the judicial institutions is only sporadic and peripheral in reconciling the interests of the Government and the governed.

### **Practice in Service Writs**

In India it is becoming the practice under Articles 32 and 226 to pray "for such appropriate writ, order, or direction as this Honourable Court may be pleased to issue" or expressions of a similar nature. A petition need not be dismissed on the ground that the petitioner has not prayed for the proper remedy. Further,

more than one writ could be prayed for in one petition. In *Somanath Sahu v. State of Orissa* the appellant whose services were terminated had preferred an appeal before the Government. In the writ petition he had challenged only the original order and not the appellate order and it was held that no writ could be issued to quash the original order which had merged in the appellate order. In *Raghavan Nair v. State of Kerala* the petitioner was refused the remedy as he had omitted to challenge subsequent promotions. Mathew J., who dissented held that as the petitioner had challenged the basis of the promotion itself viz. the seniority list, the remedy could not be refused. It is submitted that the Courts need not take a too narrow view on these technical aspects. In service writs, where seniority lists are challenged, all persons affected by such challenges ought to be made parties. Such a procedure would be difficult where parties are numerous and reside in different parts of the country. In such cases, the procedure under Order 1, Rule 8 of the Code of Civil Procedure, may be made use of.

### **Service Writs in the Supreme Court**

The power of the Supreme Court under Article 32 of the Constitution is similar to that conferred on the High Courts under Article 226 except that a person is allowed to take his case direct to the Supreme Court only where his fundamental right is violated. As such civil servant's case under Article 32 have arisen mainly under Articles 14, 16 and 19 of the Constitution. In one case the petitioner challenged the validity of the service rule providing for compulsory retirement from service, under Article 32 of the Constitution. Because the State Government also wanted an opinion of the Supreme Court it did not oppose the petition. Regarding violation of fundamental rights the jurisdiction of the Supreme Court and

the High Courts is concurrent. When the complaint is about the denial of a legal right the High Courts have exclusive jurisdiction. Experience shows that the remedy under Article 32 is not always preferred to that under Article 226 where a fundamental right of a civil servant is alleged to be infringed. Whenever any statutory rule is challenged under Part III of the Constitution or under Article 311 and when the allegation is proved to the satisfaction of the Court, the particular legislation is declared *ultra vires* and a writ of mandamus or a direction in the nature of mandamus is issued directing the State to forbear from enforcing the invalid law against the petitioner. Alternatively the Court can take out the alleged activity of the petitioner from the scope of the service rule as one not intended to be punished under the relevant rule as when the Court holds the petitioner's activity was not of "subversive character" to merit punishment. An administrative order may be challenged for mala fides.

### Civil Suits

Civil suits in the nature of declaration, injunction or damages are available to a civil servant to vindicate his right. He is at liberty to select either the extraordinary remedies or the ordinary ones and the one does not supplant the other. But prior to 1950 these writs were available only in Presidency towns and a civil servant in other parts of the country had to rely entirely on civil suits. Thus he may file an ordinary civil suit against an order of punishment for a declaration that the punishment was wrongful or illegal and that he continues in service claiming *inter alia* damages in the nature of arrears of salary on the basis of the period for which he was out of service. Such a declaration that he still continues in service is available to a civil servant by virtue of Article 311 of the Constitution of India. He may ask for

declaration that a certain service rule prejudicial to him is *ultra vires* and hence invalid and also for an injunction against enforcing an invalid service rule or order. The jurisdiction of the Court in India to issue declaratory judgement and injunction is derived from the Specific Relief Act, 1963.

### PROSECUTION OF CIVIL SERVANTS BY THE COURT OF LAWS

A civil servant is answerable for his misconduct, which constitutes an offence against the state of which he is a servant and also liable to be prosecuted for violating the law of the land. Apart from various offences dealt with in the Indian Penal Code, Section 161 to 165 thereof, a civil servant is also liable to be prosecuted under Section 5 of the Prevention of Corruption Act, 1947 (which is promulgated specially to deal with the acts of corruption by public servants). A government servant is not only liable to a departmental enquiry but also to prosecution. If prosecuted in a criminal court, he is liable to be punished by way of imprisonment or fine or with both. But in a departmental enquiry the highest penalty that could be imposed is dismissal. Therefore, when a civil servant is guilty of misconduct which also amounts to an offence under the penal law of the land the competent authority may either prosecute him in a court of law or subject him to a departmental enquiry or subject him to both simultaneously or successively. A civil servant has no right to say that because his conduct constitutes an offence, he should be prosecuted nor to say that he should be dealt with in a departmental enquiry alone.

### Safeguards regarding prosecution of civil servants

**Sanction mandatory :** While it is permissible to prosecute a civil servant, in respect of his

conduct in relation to his duties as a civil servant, which amounts to an offence punishable under the provisions of the Indian Penal Code or under Section 5 of the Prevention of Corruption Act, ( hereafter referred to as the Act) no court is authorized to take cognizance of such an offence without the previous sanction of the authority competent to remove him from service. Civil servants are expected to discharge their duties and responsibilities without fear or favour. Therefore, in the public interest, they should also be given sufficient protection. With this object in view a specific provision has been made under Section 6 of the Act for the sanction of the authority competent to remove a civil servant before he is prosecuted. Therefore, when a civil servant is prosecuted and convicted, in the absence of the previous sanction of a competent authority as prescribed under section 6 (1) of the Act, the entire proceedings are invalid and the conviction is liable to be set aside. The policy underlying section 6 is that a public servant is not to be exposed to harassment of a speculative prosecution. The object of section 6(1) (c.) of the Act or for that matter section 197 of the Criminal Procedure Code is to save the public servant from harassment, which may be caused to him if each and every aggrieved or disgruntled person is allowed to institute a criminal complaint against him. The protection is against prosecution even by a state agency but the protection is not absolute or unqualified. If the authority competent to remove such public servant accords previous sanction, such prosecution can be instituted and proceeded with.

***Sanction by state government when refused by disciplinary authority*** : Though in the case of members of the subordinate service, disciplinary authority, having power to remove a civil servant is the appointing authority, the

state government is also being a higher authority the authority competent to remove a civil servant. Hence, in such a case it is competent for the State Government to give sanction for prosecution after it has been refused by the disciplinary authority.

***Sanction for prosecution being an administrative act no opportunity of hearing is necessary*** : The grant of sanction for prosecution of a civil servant is only an administrative act. Therefore, the need to provide an opportunity of hearing to the accused before according sanction does not arise. The sanctioning authority is required to consider the facts placed before it and has to reach the satisfaction that the relevant facts would constitute the offence and then either grant or refuse to grant sanction.

***Requirement of an order giving sanction of prosecution*** : The order giving sanction for prosecution should be based on the application of the mind to the facts of the case. If it sets out the facts constituting the offence and shows that a *prima facie* case is made out, the order fulfils the requirement of section 6 of the Act. But an order giving sanction only specifies the name of the person to be prosecuted and specifies the provisions which he has violated it is invalid.

***Sanction not necessary for prosecution under section 409 IPC*** : Section 405 of the Indian Penal Code and Section 5 (1) (c.) of the Act are not identical. The offence under section 405 IPC is separate and distinct from the one under section 5 (1) (c.) of the Act and the later does not repeal section 405 IPC. Offence under Section 409 IPC is an aggravated form of offence by a public servant when committing a criminal breach of trust and therefore no sanction is necessary to prosecute a public servant for offences under section 405 and 409.



***No sanction is necessary for prosecution after a person ceases to be a government servant***: Under section 6 of the Act, sanction is not necessary if a person has ceased to be a government servant. The apex court observed thus: “when an offence is alleged to have been committed the accused was a public servant but by the time the Court is called upon to take cognizance of the offence committed by him as public servant he has ceased to be a public servant no sanction would be necessary for taking cognizance of the offence against him. This approach is in accord with the policy underlying section 6 in that a public servant is not to be exposed to harassment of a frivolous or speculative prosecution. If he has ceased to be a public servant in the mean time this vital consideration ceased to exist. As a necessary corollary, if the accused has ceased to be a public servant at the time when the court is called upon to take cognizance of the offence alleged to have been committed by him as public servant section 6 is not attracted. This applies even to a retired as well as a reinstated civil servant.

***First prosecution if invalid does not bar second prosecution***: The basis of section 403 of the Criminal Procedure Code is that when the first trial against a person has taken place before a competent court and it records conviction or acquittal then there would be a bar for a second prosecution for the same offence. But if the first trial was not competent then the whole trial is null and void and therefore it does not bar a second prosecution. Therefore, when a trial against a civil servant under the provision of the Act has taken place there being no sanction by the authority competent to remove him as required under section 6 of the Act, the entire trial starting from its inception is null and void. Therefore, it is competent to prosecute such a civil servant for the same offence after

obtaining necessary sanction under section 6 of the Act.

***Section 5 A does not contemplate two sanctions***: Section 5-A of the prevention of Corruption Act does not contemplate two sanctions, namely, one for laying the trap and another for further investigation. The order under this provision enables the officer to do the entire investigation.

### **Safeguards regarding investigation**

Even in respect of starting investigation against a government servant relating to an offence punishable under the provisions of the Act protection is afforded under Section 5-A of the Act. Except with the previous permission of a magistrate no investigation can be started against the government servant by an officer below the rank of a deputy superintendent of police. It is a statutory safeguard to a civil servant and must be strictly complied with as it is conceived in the public interest and constitutes a guarantee against frivolous and vexatious prosecution. When a magistrate is approached for permission for investigation in respect of an alleged offence of corruption by a civil servant by an officer below the rank of a deputy superintendent of police as required under Section 5-A of the Act, the magistrate is expected to satisfy himself that there are good and sufficient reasons for authorizing an officer of a lower rank to conduct investigation. It should not be treated as a routine matter. Section -5 A of the Act provides a safeguard against investigation of offence committed by public servant by petty or lower rank police officer. It has nothing to do directly or indirectly with the mode or method of taking cognizance of offences by the court of special judge.

### **LIMITATION OF JUDICIAL ANALYSIS**

The only possible exception could be under Article 136 by which a special leave

appeal could be taken direct to the Supreme Court. Even here whether the Supreme Court would go into the merits unless outstanding reasons are shown is doubtful. The existence of such outstanding reasons could itself be termed as one of *ultra vires* or one based on extraneous consideration under Article 226 itself. Even where the proceedings have been set aside by the Court not on merits the State can start fresh proceedings against the civil servant. In a proceedings to set aside an order of punishment the High Court could not appreciate the evidence to see whether the civil servant merits the proposed punishment. Regarding the imposition of punishment the selection of appropriate punishment under the relevant civil service rules is a discretionary matter left to the authorities. The only proceedings where a petitioner can reach the merit of the case seems to be one challenging the *vires* of the rule itself. For example, in such a case the civil servant can show that the conduct for which punishment was imposed was one protected by the fundamental rights of the Constitution. There is a point of view that Article 311 of the Constitution of India gives only a procedural protection and where such procedural rules are followed meticulously the Courts power of review is ousted. This view is substantiated by cases where the authorities have started fresh proceedings after the Courts have quashed an order of punishment or where the punishment has been increased on appeal to a superior authority. But the above view is not wholly true. It is to be admitted that administration would suffer if the authorities are unable to deal with corrupt, inefficient insubordinate or anti-national elements inside the departments. But at the same time it is the bounden duty of the Court to see also that such a power is not abused or exercised to attain an ulterior purpose or on any extraneous consideration. Apart from the

doctrine of abuse of power the Courts have entered into the matter in some instances and where the Courts have interfered on the merits of the case no fresh proceedings could be started on the same facts. The same result follows where a Criminal Court acquits the civil servant on the merits of the case. The Court can intervene where the order is proved to be *mala fide* or where the order is based on no evidence. The punishing authority can not close its mind before the representation made at the second show cause notice stage and if this fact appears from the record the Court would intervene. The power to impose penalties is for "good and sufficient reasons." So the punishing authority has to specify reasons or grounds for which the punishment is given. In order to take the order out of the protection under Article 311 of the Constitution the debarring provision was cancelled the Court held that the Governor possessed no such power. A complete order found *ultra vires* Article 311 cannot be subsequently validated by omitting the invalid part and construing the valid part only. The reliance on the principle that an order is not invalid simply because it is assailable on some findings only but not on others, clearly shows that the Court looks at the matter as one of substance and not of procedure only. The central problem of judicial review in civil service matters seems to be that even though the review goes only to legality and not to merit from the point of view of the Government it unduly interferes with the maintenance of efficient service while from the point of view of the employees there are not enough principles developed and procedures prescribed to render them substantial justice. This dilemma can be resolved by constituting an appeal tribunal with power to hear appeals from all civil service matters as suggested earlier. Being an independent body consisting of senior civil servants and persons

eligible to be appointed as High Court judges such a tribunal can administer substantial justice to civil servants taking into consideration the efficiency of the service. Article 311 has created an environment of excessive security and made civil servants largely immune from imposition of penalties due to the complicated procedure and process that has grown out of the constitutional guarantee against arbitrary action rather tend to protect the civil servants non-performance and arbitrary risk-averge. Suitable legislation to provide for all necessary term and conditions of services should be provided under article 309 to protect bonafide action of public servants taken in public interest, this should be made applicable to the states, necessary protection to public servants against arbitrary action should be provided through such legislation under Article 309.

#### CONCLUSION :

Judiciary has played a great role in providing good governance to the people. Law and order is the biggest challenge for good governance as we witness daily the problems of rape, thefts, dacoity, murders, extortion etc. The police system was governed by outdated Police Act, 1861. *Hindustan Times* editorial (Sept. 28, 2006) Give them teeth not fangs rightly states a draft to a new Police Act which is being finalized by a committee set up in September 2005. After much nudging from the Supreme Court which has ordered the implementation of police reforms on or before December 31, 2006 to promote good governance the draft is to be converted into a Bill. While reforms are likely to include the creation of separate institution for investigation and for law and order upgrading inter state links to tackle inter state crimes and incorporating modern methods to crack down on trafficking cyber crimes and economic crimes there is a

fundamental flaw that desperately needs correction. Although there may be some civil servants who have streaks of martyrdom and who do not hesitate to record what their conscience tells them it is plain that the treatment meted out to them because of this approach causes frustration not only to them but also acts as a warning to others to desist from following such a course. This apart, the nation gets deprived of the proper benefit of services of capable civil servants because of their being put on unimportant jobs where they can hardly show their worth and make any contributions. It is time of appreciation that judiciary is playing an important role in providing good governance where legislature and administration are feeling hopelessness and are entrenched in poor politics of vote bank. They must understand that Government is not the monopoly of any party therefore all parties should come together to remove the irritants to citizens and make good governance a reality. In addition judiciary must also put its house in order as we find that people are being fleeced and cheated by advocates under the very nose of judiciary. Therefore judicial reforms is also essential which can ensure good governance in judiciary. In this way judiciary must set an example by implementing good governance within its own sphere. Charity begins at home. This would lead to appreciation of judiciary vis-à-vis executive and legislature the two organs of Government would welcome the steps of the judiciary to promote good Governance. People would be benefited in a big way and would start feeling the atmosphere of good governance emanating from all organs of Government. Emphasizing the importance of service matters which affect the functioning of Civil Servants who are an integral part of a sound governmental system the High Court held that service matters which involve testing the constitutionality of provisions or rules being

matters of grave importance could not be left to be decided by statutorily created adjudicatory bodies which would be susceptible to executive influences and pressures. It was emphasized that in respect of Constitutional Courts the framers of the Constitution had incorporated special prescriptions to ensure that they would be immuned from precisely such pressures. The High Court also provided reasons for holding that the sole remedy provided under the statute that an appeal under Article 32 of the Constitution would not help to improve matters was worth to note. It was therefore, concluded that although judicial power can be vested in a Court or a Tribunal the power of judicial review of the High Court under Article 226 could not be excluded even by a Constitutional Amendment. The *Malimath Committee* specifically recommended that the theory of alternative institutional mechanisms be abandoned instead it recommended that institutional changes be carried out within the High Courts dividing them into separate divisions for different branches of law as is being done in England. It stated that appointing more judges to man the separate divisions while using the existing infrastructure would be a better way of remedying the problem of pendency in the High Courts. Right to public service legislation which comprises statutory laws, which guarantees time bound delivery services for various public services rendered by the Government to citizen and provides mechanism for punishing the errant public servant who is deficient in providing the service stipulated under the statute. Right to service legislation are meant to reduce corruption among the Government officers and to increase transparency and public accountability. New civil services accountability bill may prescribe demotion as punishment. According to a report by Times of India quoting cabinet secretary K.M. Chandrasekhar, the piece

of legislation is mainly to make the civil services more accountable. The department of personnel and training piloted bill will codify existing rules and provide for clearer and more inform penalties for mis-conducted, report added. The bill will in fact give statutory for to services rules. And provide for for penal causes to punish wrong doers. The dart of the bill list out stoppage of increment among others of punishment for charges like insubordination a lack of devotion to duty or failure to maintain integrity. Also major penalty included demotion and dismissed form services.

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## Archaeological Vestiges of Monasteries in the Prachi Valley, Odisha

Jayashankar Naik

The Prachi, a small river of over 60 km in length with a catchment area of around 600 sq. km<sup>1</sup>, a part of the Mahanadi delta in Odisha along the eastern coast of India is an important topographical as well as cultural landscape<sup>2</sup>. Presently the parts of the modern day districts of Puri, Khurda, Cuttack and Jagatsingpur comprise the Prachi valley region<sup>3</sup>. Like the mythological origin of other rivers such as the Narmada, the Ganga, and the Godavari the sacred origin of the river Prachi is not an exception in the history of the Indian civilization. Its origin and importance have been depicted in the *Uttarakhanda* of *Padma Purana* in the name of *Prachi Mahatmya*<sup>4</sup>. The valley once cradled a civilization which is so rich and varied in character that its glory can hardly be explained. It is considered as the holiest river of Odisha and rightly called the Eastern Saraswati<sup>5</sup>. In its valley, there is everything that makes the history of Odisha most outstanding and glorious. Without the study of ancient sites, monuments and antiquities of Prachi valley, the realm of Odisha history seems incomplete<sup>6</sup>.

A survey in the Prachi valley reveals an incredible and splendid existence of diverse monuments of different sects like- Saivism, Vaisnavism, Sakta, Buddhist and Jain but also the establishment of the numerous monasteries locally

known as *mathas*. Even the *Prachi Mahatmya* mentioned three namely Antervedi, Viswamitra and Apsara *mathas* in the Prachi valley<sup>7</sup>. In course of time the number of *mathas* in the valley grew up and played an important role in the socio-religious cultural life of the people. The presiding deity of almost all the *mathas* associated with the Vaisnavite deities like Vishnu, Krishna and Jagannatha also known as Patitapavana. The antiquity of the *mathas* as claimed by the present *Mahantas* (in charge of the monastery) to remote ancient time, however, it goes back to the Suryavamsi Gajapati period i.e. 15<sup>th</sup>-16<sup>th</sup> century A.D., when the soil of Orissa was flooded with the stream of Vaisnavism. Prior to the existence of these *mathas* there were various Ashramas like Mudgalamuni Ashrama, Viswamitra Ashrama, Bharadwaja Ashrama, Kapilamuni Ashrama and Karnamuni Ashrama, etc. and on the basis of the present antiquarian remains of the above sites which would date back from 10<sup>th</sup> century AD to 13<sup>th</sup> century A.D.<sup>8</sup> The Odisha State Archaeology Department unearthed a Buddhist monastery at Kuruma dated to 9<sup>th</sup>-10<sup>th</sup> century AD.<sup>9</sup> An intensive survey was conducted by the present author in the Prachi valley which brought 50 *mathas* existing along the banks of the Prachi as well as the dead channels of the Prachi system. Followings are the names of these *mathas* from

Phulnakhara to Konark in which few of them are dealt in detail while approach and location has been given to the rest monasteries.

### 1. Fategarh Matha at Fategarh Bazarsahi:

Fategarh *matha* in the village Fategarh Bazarsahi is located in the Cuttack district.

### 2. Sidhagumpha Matha at Jagamohanakuda:

Sidhagumpha *matha* in the village Jagamohanakuda near Sundargram is in Cuttack district and located on the left bank of Prachi.

### 3. Sadhugumpha Matha at Olatapur:

Sadhugumpha *matha* in the village Olatapur on S.H.-60 is situated in the same name police station of Cuttack district and located on the left bank of the river Prachi. It is at a distance of 35 km from the capital city Bhubaneswar.

### 4. Guptamanika Matha- Varahapur:

Guptamanika *matha*<sup>10</sup> in the village Varahapur under Kantapara block of Cuttack district is located on the left bank of the river Prachi. It can be approached at a distance of 4 km from Kantapara connected by a metalled road and about 36 km from Bhubaneswar. Near the *matha* there is a great tank known as Gupta Manika and tradition associated with that it was also known as Gupta Ganga and the Pandavas stayed for some days during their secret banishment. Inside the *matha* a medieval *pidha* temple houses an image of Lord Krishna made of chlorite stone along with Ananta-Gopala, Gajalaxmi and the wooden image of Jagannatha.

### 5. Madhavananda Jew Matha at Adaspur:

Madhavananda Jew *matha* is situated in the village Adaspur on SH.-60 and comes under Niali *tehsil* of Cuttack district and located on the

left bank of the river Prachi. It is at a distance of 38 km from the capital city Bhubaneswar. Inside the *matha* a *pidha* temple contains an image of Vishnu, being worshipped as Madhava<sup>11</sup>.

### 6, 7, & 8. Deuli Matha, Tirumali Matha & Sidhavata- Jayadeva Sadhanapitha at Kendu Vilva:

All these *mathas* lies within long. - 85° 59' 40" E; lat. - 20° 13' 05" N; elev. -35 ft m s l, are situated in the village Kendu Vilva or Kenduli in the Balipatana block of Bhubaneswar *tehsil* in Khurda district. The village is located in the mid-way of the right bank of the river Prachi and on the left bank of the river Kushabhadra. It can be approached from the right side of Prataprudrapur-Banamalipur road and about 3 km east of Prataprudrapur and about 32 km from the capital city of Bhubaneswar.

### 9. Kapila Ashrama at Kapilesvarapur:

Kapila Muni Ashrama is a solitary site on the left bank of the river Prachi<sup>12</sup> in the village Kapilesvarapur under Niali block of Cuttack district. It is about 7 km from Adaspur and can be approached at a distance of 2 km on the left side of Kaliaghai Chowk on Niali-Phulnakhara (S.H.-60) road. According to tradition this place was the hermitage of Kapila Muni in bygone days and hence the name Kapilamuni Ashram. Inside the Ashram a *pidha* temple made of sandstone faces to east houses a *Patalaphuta Shivalinga* within a circular *Yonipitha* made of black chlorite stone. Besides loose sculptures of Kankala Bhairava, Astika Jaratkaru, Nandi, Camunda, Narasimha etc are kept in the temple premises.

### 10. Antarvedi Matha at Trivenighat in Kantapada Sasana:

The Antarvedi *matha* (Plate-1) at Trivenighat<sup>13</sup> where the confluence of the river

Prachi, Manikarnika, a distributaries of the Kushabhadra river and the invisible course of the legendary river Saraswati meets in the village Kantapada Sasana is situated under Niali *tehsil* of Cuttack district. It can be approached on the right side of the Niali (Nuagaon Chowk) – Bhubaneswar (Uttara Chowk) road via Annakuda. It is about 7 km from Nuagaon Chowk on SH. - 60 and hardly 100 m east of the Belesvara and Trivenisvara temple of Bhapur in Khurda district.

The *matha* belongs to Gauranga sect. Legends associated with the *matha* regarding its establishment to the time of the end of *Dvapara* and beginning of the *Kali* era. Inside the *matha*, a modern *saptaratha pidha* shrine faces to east, fronted by a R.C.C. *jagamohana*, a *mandapa* and the Aruna *stambha* in front is built. Besides, the temple of Baba Lokanatha, a detached *snanavedi*, *dhuni mandapa* and the laterite built bathing steps known as Trivenighat are there. The presiding deities are enshrined in the sanctum over a pedestal of 1.20 m in height is a black chlorite image of Lord Krishna along with the three triads- Jagannatha (Patitapavana), Balabhadra and Subhadra made of Neem wood; and brass idols of Radha and Krishna are being worshipped.

Rituals like *janmastami*, *devasnana*, *radhastami*, *trivenibuda* etc are celebrated here. The *trivenibuda* is held on the new moon day in the month of Magha and thousands of people congregate here to take sacred bath and on this occasion a fair is organized here for more than a week. Besides, social rites such as marriage, engagement, thread ceremony, *asthibisarjana*, *pinda dana* are also performed here. The *matha* has its own landed property and garden and maintained by the *Mahanta*. Till now the *matha* is in a flourishing condition in the Prachi valley.

### 11. Sahadakunja Matha at Amanakudagarh:

Sahadakunja *matha* in the village Amanakudagarh is located on the left bank of the river Prachi and it comes under Balipatna block of Khurda district. It is about 18 km from Balipatna and 6 km from Niali. It can be approached on the right side of Niali (Nuagaon)-Bhubaneswar (Uttara Chowk) road.

### 12. Pandavakuda Matha at Pandavakuda near Annakuda:

The Pandavakuda *matha* (**Plate-2**) lies within long. -86° 02' 15" E., lat. -20° 08' 57" N., elev.- 29 ft is situated over a sand-dune in the village Pandavakuda under Annakuda Panchayat of Balipatna block of Khurda district and located on the left bank of the river Prachi. It is about 20 km from Balipatna, 2 km south-west of the village Annakuda and 4 km from Niali. It can be approached about 1 km on a *kachha* road in the left side of Niali (Nuagaon)- Bhubaneswar (Uttara Chowk) road.

Tradition relates that during the period of exile the Pandavas spent few days in this locality and hence the name Pandavakuda. Further it is said that in order to obtain water Bhima, the second Pandava threw his *gada* and where it fell, a tank was formed which came to be known as Pandava-Pushkarani<sup>14</sup>. The *matha* belongs to *Gauranga* sect. The *matha* is presently under the custody of *Mahanta* Damodara Das and he claimed 1300 years of its existence. The *matha* has its own landed property and the Naga *matha* of Puri is a branch of this *matha*. Ancient bricks (40 x 27 x 8 cm in dimension) has been used on the present floor near the entrance of the *matha* which suggests the antiquity of the site.

Inside the *matha* a modern rectangular *pidha* shrine, faces to east preceded by a R.C.C.

*jagamohana* and a verandah is built over a low platform of 30 cm in height. The walls of the *vimana* and the *jagamohana* are divided in to five segments and the *bandhana* band of the *jagamohana* is decorated with a row of elephants interspersed with a full-blown lotus. *Pidhamundi* design niches carved in the centre of the wall of the *vimana*. The *pidha vimana* consists of five tiers and surmounted by the *mastaka* on the top.

The presiding deities housed in the sanctum over a moulded pedestal are the images of Jagannatha, Balabhadra and Subhadra and the brass idols of Radha and Damodara. Cultural significance of the *matha* is that all the festivals related to Jagannatha temple of Puri such as *janmastami*, *radhastami*, *snanapurnima*, etc are celebrated here.

The compound wall of the *matha* is made of bricks with the entrance on the eastern side while the temple is made of laterite and bricks. Within the *matha* precinct few detached defaced sculptures and lion fragments are noticed. Due to proper care and maintenance the *matha* is in a good state of preservation.

### 13. Radhakanta Matha at Nuagaon:

Located on the left bank of the river Prachi, the Radhakanta *matha* (**Plate-3**) within long. - 86°03'10" E.; lat. - 20°08'13" N.; elev. – 55 ft is situated in the centre of the village of Nuagaon under the same Panchayat in Niali *tehsil* of Cuttack district. It is about 1 km north-west of the famous Sobhanesvara temple of Niali. It can be approached less than half km towards the village from the primary school of Nuagaon on S.H.-60. It is one of the greatest *mathas* of the Prachi valley which has survived up till now. The main presiding deity of this *matha* is the image of

Lord Krishna as *Vanshidhari* along with the bronze image of Radha and accordingly the *matha* is known as Radhakanta *matha*<sup>15</sup>. Besides, the main deity an image of Lord Jagannatha made of neem wood; Salagrama; bronze idols of Gopala, Radha-Govinda, Banka-Bihari, Madana-Mohana, Radhakanta; a sandstone image of Ganesha and Hanuman; and a black chlorite stone image of Laxmi-Nrisimha is being worshipped.

The *matha* belongs to the *Gaudiya sampradaya* and one Vaishnava Charana Das Goswami was the founder of this *matha*. Presently *Mahanta* Madan Mohana Das is looking care of this *matha*. Legend associated with this *matha* is that Chaitanya resided here during his visit to Puri. Rituals such as *radhastami*, *janmastami*, *snanapurnima*, *nrsingha-janma*, etc are performed here.

The *matha* with an impressive entry gateway on the south is surrounded by high walls on each sides with R.C.C. residences on the northern, a thatched house on the eastern, R.C.C. hall with rooms on the southern, a *pidha* temple in the centre and the rest leaving 'L' shaped courtyard on the north-eastern sides. The five tiers *pidha* temple, rectangular on plan, faces to south, houses the aforesaid deities in the sanctum and the frontal verandah stands over a platform of 50 cm in height. Inside a hall on the western side there are 14 no of *samadhis* (burials) which represent the 14 generation of *Mahantas* of this *matha*.

The impressive gigantic gateway (**Plate-4**) made of sandstone is beautifully decorated with four *sakhas-sarpa* (serpent coil), *patra*, *sarpa* and *nara sakhas* from exterior to interior with a lion and a *pidhamundi* design housed with a standing man on each sides at the base, while



*Vanshidhari* Krishna on the centre of the lintel. Two life-sized standing *dvarapalas* with stick in their hand flanked the gateway on each side. The dresses, boots and the caps worn by the *dvarapalas* are similar to the Britishers type which clearly suggests that the gateway might have been built in the 19<sup>th</sup> century. In front of the gate a *chandrasila* made of seven pieces of sandstone is noticed. A pair of detached lion is kept inside the *matha*. The *matha* is not protected by any agency. It has its own landed property and maintained by its own funding.

#### 14. Arkatirtha Matha at Bangali Sahi, Niali:

The Arkatirtha *matha*<sup>16</sup> within long. - 86° 03' 14" E.; lat. - 20° 08' 17" N.; elev. - 52 ft is situated on the left bank of the river Prachi in Bangali Sahi of Nuagaon and about one and half kilometer from Niali on SH. - 60. In this *matha* an image of *Vansidhari* Krishna is being worshipped. Regarding the name of Arka-Tirtha, it is believed that the Sun God had attained *siddhi* (blessing) after performing penance at the place and as such it is known as Arka-Tirtha. Another tradition associated in this locality is that once Brahma, after the false report of reaching the top of the flaming Lingam made Shiva furious and the latter cut the fifth head of Brahma. The forehead of Brahma struck to his palm and so he visited many holy and religious places as a part of repentance but the forehead of Brahma could not be dropped, and at last he reached a hermitage on the bank of the river Prachi in the Arka Tirtha. The ladies of the hermitage were attracted by Siva's personality and charming. When the sages of the hermitage came to know this, they cursed Shiva and made him an elephant. Parvati became worried after knowing all this and she came to this place in the guise of a milk women. Every day the ladies of the hermitage procured milk etc from her. Once the sages became engrossed by

her youth and beauty and asked her identity. She narrated the whole matters at which the sages immediately cured Shiva from the curse and requested both Shiva and Parvati to make this place a holy one. There after the God made this place sacred and ordered that who would practice penance they would become free of all his sins.<sup>17</sup>

#### 15. Amuniakana Matha (Ahnuria Matha) at Niali: -

The *matha* (long. - 86° 03' 14" E.; lat. - 20° 08' 16" N.; elev. - 53 ft) is located about one km. from Niali where the river Prachi has turned north. According to local traditions, it was the Ashramas of various *Rishis* who were practicing penance in this *matha* on the bank of the river Prachi<sup>18</sup>

#### 16. Siddha Matha-Niali:

There are no traces of this *matha* now. But this *matha* was once located near Niali at the confluence of the Prachi and Chandramati, another branch of the Prachi.<sup>19</sup>

#### 17. Kusababa Matha at Bagalagarh:

The *matha* is located on the left bank of the river Prachi in the village Bagalagarh under Niali *tehsil* of Cuttack district.

#### 18. Musibaba Matha at Sahanajpur:

Musibaba *matha* in the village Sahanajpur near Jallarpur is located on the left bank of the river Prachi and under Niali *tehsil* of Cuttack district.

#### 19. Dash Matha at Tolagopinathapur:

Located on the left bank of the river Prachi, the Dash *matha* in the village Tolagopinathapur on S.H.-60 is coming under the Niali *tehsil* of Cuttack district.

## 20. Chandrasekhara Matha at Madhava:

Chandrasekhara *matha* is located in the village Madhava of Niali *tehsil* of Cuttack district and located on the left bank of the river Prachi.

## 21. Taila Matha at Taila:

The Taila *matha* (long. - 86°05'55" E.; lat. - 20°04'59" N.; elev. – 25 ft) is situated in the village Taila near the Primary school which comes under the Madhava Panchayat of Niali *tehsil* of Cuttack district and located on the right bank of the river Prachi. It is about 2.5 km from the famous Madhava temple of Madhava and 4 km from Panimal Chowk on S.H.-60. It can be approached 1.5 km on the left side of Nageswar Chowk on Charichhaka-Madhava road.

The *matha* made of tile house within a garden, facing to east is in a dilapidated condition that houses an image of Gopala over a small wooden pedestal locally known as *khatuli*. Presently Babaji Bhagawan Das is supervising this *matha*. Rituals like *janmastami*, *bhagabata patha* etc are performed here.

## 22. Siddha Matha at Pradhan Sahi:

The Siddha *matha* (long. - 86°05'53" E.; lat. - 20°04'58" N.; elev. – 23 ft) is situated in the Pradhan Sahi village of Madhava Panchayat of Niali block of Cuttack district and located on the right bank of the river Prachi. It is at a distance of 3.5 km from the Madhava temple of Madhava, 1 km from Taila *matha* and 5 km from Panimal Chowk on S.H.-60. It can be approached 2.5 km on the left side of Nageswar Chowk on Charichhaka-Madhava road.

The *matha* amidst a fruit bearing garden, facing to east is made of R.C.C. building with a *pidha* shrine in the western end and fronted by a

detached *yajnasala mandapa*. Inside the sanctum (**Plate-5**) Lord Jagannath, brass idols of Lord Krishna as *Vanshidhari* along with Radha and an image of the Mahanta Baba Siddheswar Das is being worshipped. Religious and cultural rites such as *ashtaprahari*, *bhagabata saptaha*, *ramnabami*, *janmastami* etc are performed here. The *matha* is presently under the *mahantaship* of Baba Krishna Chandra Das and due to proper care and maintenance the *matha* is in good state of preservation.

## 23. Nagarusi Matha at Nagesvara:

The Nagarusi *matha* adjoining the Anganwadi centre in the village Nagesvara (long. - 86°05'58" E.; lat. - 20°04'54" N.; elev. – 28 ft) is situated under Madhava Panchayat of Niali *tehsil* in Cuttack district and located on the left bank of the river Prachi. It is about 1 km from Madhava temple and on the left side of Madhava-Charichhaka road.

Baba Sudhakara Das is presently managing over the *matha*. Inside the *matha* complex a garden, an ancient brick well, two-room residential house of tile roof, a *yajnavedi* and the open-air *Nagarusi-gadi* where a pair of wooden footwear (*Kathau*) is being worshipped. *Maghasaptami*, *ashtaprahari*, etc are celebrated here.

## 24. Sadababaji Matha at Sialikanta:

Located on the left bank of a dried channel of river Prachi, the *matha* is situated in the village Sialikanta of Madhava Panchayat of Niali *tehsil* in Cuttack district. It is about 3 km from the village Madhava and on the left side of the Madhava-Charichhaka road. The *matha* is made of thatched house and the *Apujachakra* made of wood, facing to west under a thatched

house is worshipped. The *matha* belongs to Mahima cult and believed in the sun worship and the *sunya* (void).

### 25. Hadiakanda Matha at Masuridiha of Nuapitapada:

The Hadiakanda *matha* (long. - 86° 06'47" E.; lat. - 20°04'17" N.; elev. – 43 ft) in the hamlet Masuridiha of Nuapitapada village is situated under Krushnaprasad Panchayat of Niali block in Cuttack district and located on the right bank of the river Prachi. It can be approached about 4 km south-east of Panimal Chowk on Niali-Madhava road (S.H-60) and 2.5 km south-east of Madhava temple.

The *matha* belongs to *Gaudiya* sect and presently Tanulata Devi is managing the *matha* after her husband's death. The presiding deity *Vanshidhari* Krishna with Radha and Gopalji, all made in brass are kept over a pedestal under the east facing tile roof shrine amidst the fruit and flower bearing garden. Rituals like *janmastami*, *radhastami*, *devasnana*, *magha saptami* etc are observed here.

### 26. Uttarayani Matha at Pitapada:

The Uttarayani *matha* (long. - 86°06'49" E.; lat. - 20°04'19" N.; elev. – 46 ft) in the village Pitapada under Krushnaprasad Panchayat of Niali block in Cuttack district is located on the left bank of the river Prachi near the Karna *tirtha*. It is about 60 km from the capital city Bhubaneswar, 4 km from Charichhaka and it can be approached about 4 km south-east of Panimal Chowk on Niali-Madhava road (S.H-60).

The *matha* is built over an earlier ruin as evident from the scattered brick fragments. The *matha* derived its name according to the deity Uttarayani *thakurani* who faces to the north.

Besides, a modern east facing, *pancharatha pidha* shrine with *panchangabada* and five-tier *pidha* roof houses the images of Lord Jagannatha, Balabhadra and Subhadra; *Vanshidhari* Krishna; Krishna and Radha in the sanctum while the Garuda pillar is in the centre of the frontal R.C.C. *mandapa*.

A tradition relates that it was the *Sadhana pitha* of Balaram Das, one of the *Panchasakha* who got blessed from the Uttarayani *thakurani* here. Another tradition<sup>20</sup> is that river Prachi in this place was known as Anga *tirtha* as well as Pitru *tirtha*, where ritual rites pertaining to the '*pindodaka-kriya*' are performed. People after taking dip in this sacred *tirtha*, not only worship the image of Krishna in the Uttarayani *matha* but also the Angesvara Siva. The *matha* belongs to the Gauranga sect and presently Mahanta Govinda Das is presiding over this *matha*. Religious and cultural significance of this *matha* is that *Triveni Amabasya*, *Ashtaprahri* during Holi, *chandipatha* in every Thursday, *janmastami*, *radhastami* etc are celebrated here. The *matha* is not protected by any agency but managed by its own funding. Due to proper care and maintenance the *matha* is in a good state of preservation.

### 27. Balitubi Matha at Nachhigaon:

Balitubi *matha* in the village Nachhigaon of Cuttack district is located on the left bank of the river Prachi.

### 28. Ratnavata at Sanhuli:

Ratnavata in the village Sanhuli is situated in the Tulasipur Panchayat of Nimapada *tehsil* of Puri district. It is about 1 km from Tulasipur on Charichhaka-Kakatapur road.

Under a big banyan tree a R.C.C. shrine fronted by a thatched house facing to east, houses

the images of four-armed Trivikrama; a *Shivalinga* within a *yonipitha*; an image of Avalokitesvara Padmapani treated as goddess Laxmi, *deulacharini* treated as *Gramadevati*, all are made of sandstone is being worshipped. Besides, detached loose sculptures of four-armed Chamunda, Hanumana, Ganesha, Garuda, Nandi and an architectural fragment in which a *pidhamundi* flanked by *nayika* figures are kept in the premises.

Rituals like *bhagabatapatha* in *Buddhapurnima*, Hari-Hara *bheta* in *dolapurnima* in which the *chalanti pratima* of Amaresvara, Vandesvara, Chhanijangha and Madhava visit here. Presently Rajendra Satapathy is the priest of this shrine and according to him the tradition relates that Ratnavata was established by a *Sadhu* in long past and the disease of night blindness is cured after paying visit to this place.

### 29. Ananta Bata at Bhainchigoradi:

Ananta Bata in the village Bhainchigoradi near Amaresvara is in Puri district and located on the right bank of the river Prachi

### 30. Belavana Gadi Matha at Kesaraipur:

Belavana Gadi *matha* in the village Kesaraipur near Vandesvara is located on the right bank of the river Prachi and under Tulasipur Panchayat of Nimapada *tehsil* of Puri district. It is located at a distance of 5 km from Charichhaka on SH.-60.

### 31. Gurudeva Matha at Vandesvara:

The Gurudeva *matha*<sup>21</sup> is situated on the right bank of the river Prachi near the Shiva temple Baba Vandesvara in the village of Vandesvara under Tulasipur Panchayat of Nimapada *tehsil* of Puri district. It is located at a distance of 5 km

from Charichhaka on SH.-60. Inside a modern R.C.C. *mandapa* the image of Jagannatha kept over a pedestal is being worshipped as Gurudeva. Rituals like *devasnana*, car festival, *netrautsava*, etc are celebrated here. Presently Kailasha Pani is the chief priest of the *matha*.

### 32. Gotirtha Matanga Muni Ashrama at Kantikula:

Gotirtha Matanga Muni Ashrama in the village Kantikula is situated in the Binishpur Panchayat of Niali *tehsil* of Cuttack district. It is located on the left bank of the Prachi and about 2 km on the left side of Binishpur High School Chowk on Amaresvara-Chaurasi road and very close to the Kutamchandi shrine. Inside a R.C.C. shrine the image of Rishi Matanga is being worshipped. Tradition<sup>22</sup> related that Rishi Matanga once fell in love with Urvasi and spent his time in merry-making in this hermitage. One day he went out for collecting *puja* materials and in the mean time two hunters came there and quarreled with each other for the possession of this hermitage and ultimately they killed each other. After his return the sage Matanga, having seen this destruction of his hermitage, became furious and cursed Urvasi to become a stone and subsequently Urvasi was converted to a stone. Still there is a long stone lying at Go-Tirtha which is locally known as the '*Urvasi Sila*.'

### 33. Draupadi Matha at Kantikula:

The Draupadi *matha*, very close to the Kutamchandi shrine in the village Kantikula is situated under the Binishpur Panchayat of Niali *tehsil* of Cuttack district. It is located on the left bank of the river Prachi and can be approached about 2 km on the left side of Binishpur High School Chowk on Amaresvara-Chaurasi road. Inside a R.C.C. shrine facing to east, the images

of Lord Krishna as *Vanshidhari* with Radha and Raghunath Jew, made of brass are being worshipped.

### 34. Ekanta Ashrama at Charichhaka:

Ekanta Ashrama in Charichhaka is located on the right bank of the river Prachi and in the Nimapada Tehsil of Puri district.

### 35. Khiragachha Matha at Amaraprasadagada:

Khiragachha *matha* is situated in the village Amaraprasadagada under Tulasipur Panchayat of Nimapada *tehsil* in Puri district.

### 36. Gopala Matha at Kudapatana near Binishpur:

The Gopala *matha* is situated in the village Kudapatna near Binishpur on the left side of the Charichhaka-Kakatapur road and located on the left bank of the river Prachi. Inside a renovated *pidha* shrine an image of Vishnu is worshipped as Gopala.<sup>23</sup>

### 37. Agikhia Matha at Sohagpur:

Located on the left bank of the river Prachi, the Agikhia *matha* (**Plate-6**) in the village Sohagpur comes under the Kakatapur police station of Puri district. It is about 3 km from Nuahata on Charichhaka-Kakatapur road. Inside the *matha* a modern eastern facing *pidha* temple fronted by a *jagamohana* of impoverished *kalingan* order is built. The presiding deity in the sanctum is Lord Jagannatha made of neem wood and the brass images of Lord Krishna with Radha. Rituals related to Jagannatha such as *snanapurnima*, car festival, *netrautsava* along with *janmastami*, *radhastami* etc are celebrated here. Presently Baba Purna Chandra Das is the chief priest of the *matha*.

### 38. Prachiguru Dharmakshetra Matha at Narasinghpur:

Prachiguru Dharmakshetra *matha* in the village Narasinghpur under Dhumala Panchayat of Kakatapur *tehsil* of Puri district is located on the right bank of the river Prachi. It is about 1 km from Nuahata on Charichhaka- Kakatapur road.

### 39. Madana Mohana Matha at Nuapatana:

Madana Mohana *matha* is located on the right bank of the river Prachi in the village Nuapatana under Kakatapur police station of Puri district. It is at a distance of 2 km from Nuahata on Charichhaka- Kakatapur road.

### 40. Madhubana Gadi Matha at Madhuban:

Madhubana Gadi *matha* in Madhubana village is under Kakatapur *tehsil* of Puri district and located on the right bank of the river Prachi. It is situated on the right side of Charichhaka-Kakatapur road.

### 41. Viswamitra Matha at Kakatapur:

The Viswamitra *matha* is situated in Kakatapur of Puri district and located on the left bank of the river Prachi. In a recently built modern temple the images of Varaha Vishnu, Trivikrama Vishnu along with Lord Jagannatha are collectively worshipped as Patitapavana<sup>24</sup>.

### 42. Rohana Matha at Bolara:

The Rohana *matha* is situated in the village Bolara under Kakatapur *tehsil* of Puri district and located on the left bank of the river Prachi.<sup>25</sup>

### 43. Deuli Matha at Bajapur:

The Deuli *matha* is located on the right bank of the river Prachi<sup>26</sup> in the village Bajapur under

Kakatpur *tehsil* of Puri district and about 3 km from Chakia *matha* of Kundhei.

#### 44. Chakia Matha at Kundhei near Kakatapur:

The Chakia *matha* is located on the right bank of the river Prachi<sup>27</sup> in the village Kundhei under Kakatpur *tehsil* of Puri district. An image of Lord Jagannatha is worshipped as Patitapavana.

#### 45. Vanta Matha at Vantu near Kakatapur:

The Vanta *matha*<sup>28</sup> is located on the right bank of the river Prachi in the village Vantu under Kakatapur *tehsil* of Puri district.

#### 46. Dadhichi Ashrama at Mudugala:

Dadhichi Ashrama in the village Mudugala is under Kakatapur *tehsil* of Puri district and located on the left bank of the river Prachi. It is at a distance of 7 km from Astaranga.

#### 47. Kalaboda Gadi at Otanga:

Kalaboda Gadi is situated in the village Otanga near Palichhak in Puri district.

#### 48. Balarama Dasa Gadi at Erabang:

Balarama Dasa Gadi (**Plate-7**) in the village Erabang (long. - 86°02'29" E.; lat. - 19°58'01" N.; elev. - 25 ft) is located on the right bank of the Kadua, a distributary of the river Prachi and situated under Konark *tehsil* of Puri district. It can be approached about 1 km on the left side of Begunia Chowk on Bhubaneswar-Konark road and at a distance of 3 km from Gop.

Inside the *matha* a *pidha* temple of impoverished *kalingan* order, facing to east, consists of a square *vimana*, a rectangular *jagamohana*, a R.C.C *mandapa* and a detached

*snanamandapa* on the north-eastern side. The temple measures 22.30 m x 5.60 m x 6.80 m in length, width and approximate height respectively. The *pidha vimana* and *jagamohana* of the temple has seven and four tier *pidha* respectively and finally the *mastaka* on the top.

The dimensions of the individual components of the temple such as *vimana* externally measures 5.45 m (l) x 5.60 m (w), internally 2.95 sq. m; the plain doorjambs 1.67 m (h) x 0.16 m (w); lintel- 1.02 m (l) x 0.20 m (h); *navagraha* panel- 2.05 m (l) x 0.33 m (h); on elevation the *bada* is 2.00 m in height. The *ganthiala* is 35 cm in length.

The *jagamohana* externally measures 4.10 m (l) x 5.60 m (w), internally 2.75 m (l) x 4.25 m (w); two entrances, one on the northern and the other in the eastern side in which the latter is 1.56 m (h) x 0.77 m (w) and the *bada* is 1.80 m in height. The RCC *mandapa* is 12.40 m (l) x 5.60 m (w) x 2.20 m (h) and the detached *snanamandapa* is 5.00 m (l) x 3.50 m (w) x 1.50 m (h).

The compound wall measures 38.90 m x 35.70 m x 2.00 m x 0.60 m in length, breadth, height and thickness respectively while the lion gateway *mandapa* on the eastern side flanked by two rooms one on each side measures 4.55 (l) x 3.20 m (w).

The temple is devoid of any decoration except the *dopichhasimhas* and *deulacharinis* over the *beki* of the *vimana* and the frontal wall of the lion's gateway is decorated with mythical animals, peacocks and *nayikas* figures. While in the interior stucco images of *dvarapalas* Jaya and Vijaya on the sides of the *vimana* entrance, flower motif in the *lalatabimba*, Brahma and Kali on the walls of the *jagamohana* is depicted and the sixteen-sided Garuda pillar of 1.00 m in height is

noticed in the centre of the *jagamohana* where the image of Garuda is in *anjalinudra* facing to the sanctum.

Inside the sanctum the presiding deities are the images of Lord Jagannatha, Balabhadra and Subhadra made of neem wood with a *pravabali* of black chlorite stone of 75 cm in height in the back. The other deities are Sudarsana, Narasimha, Madana Mohana, Dolagovinda, Laxmi and Sarasvati made of brass which is placed over a moulded stone pedestal measuring 2.40 m (l) x 1.45 m (w) x 1.00 m (h). Tradition ascribed that the temple was built by Balaram Das, one of the *panchasakha* poet who used to go to Puri everyday to worship Lord Jagannatha. Once the Lord in a dream directed him to take his *Chalanti Pratima* and installed it in the present temple for worship. Rituals such as *jhulanajatra*, *chandanjatra*, *janmastami*, *kartikapurnima*, *netrautsava*, *rakhipurnima*, etc are observed here. Earlier the Nebala Das *matha* of Puri maintained this temple but presently the village temple committee under the presidentship of Parsu Das is managing this temple and the *matha*. Due to proper care and maintenance the temple is in a good state of preservation.

#### 49. Ananta Abadhuta Matha at Konark:

Ananta Abadhuta *matha* (long. - 86° 05' 37" E.; lat. - 19° 53' 15" N.; elev. - 16 ft) is located on the right side of the grand Sun temple of Konarka in Puri district. Traditions relate that the *matha* was established by the time of Kasypa Risi. However, the *matha* has been dated to the 18<sup>th</sup> century AD.<sup>29</sup> The presiding deity inside the *matha* is two-armed standing Surya image holding lotus in his both hands along with two *Chalanti Pratima*. Besides, the image of Brahma, Vishnu and of Aruna are also kept there. Presently

the *matha* is under the *Mahanta* Abadhuta Aditya Charana Das. Inside the *matha* premise there are many burials or *samadhi* of the previous *mahantas* and a *dhunighara* in which a continuous burning flame within a square hearth made of laterite is kept since the establishment of the *matha*.

#### 50. Buddhist Monastery at Kuruma:

The excavated Buddhist monastery lies in the village Kuruma<sup>30</sup> within long. -86° 07' 24" E., lat. -19° 53' 62" N., elev. -25 ft under Konark *tehsil* of Puri district, located on the left bank of the river Kadua, a branch of the river Prachi. It can be approached at a distance of 2 km on the left side of Bali Dokan Chowk on the Konark-Kakatpur road and is about 6 km from Konark. Earlier the site including the village was called as Kuruma. When the villagers found the image of Heruka who stands on a buffalo and also carrying a noose in one hand mistakenly identified it as the death god Yama. Thereafter, the village came to be known as Yamadharm/Jamadharm.

The site was first noticed and reported by Brajabandhu Das, a local school teacher in 1960, when he along with the students of Kuruma UP School came to the present site for a picnic on Saraswati Puja occasion. During digging to make a hearth a stone slab measuring 22.5 x 15 x 7.5 cm in dimension containing 3 line of inscription in *Devanagari* script was found from the mound. Much earlier to this incident the villagers have collected two Buddhist images in front of the mound and particularly on the adjoining Dhatum Pokhari (tank). Both incidents made the teacher Brajabandhu Das more curious to collect more findings from the mound during the rainy season. Then he reported the matter to the Odisha State Archaeology Department. After regular request and the visit of Dr. Debala Mitra,

the then SA of Eastern Circle, Archaeological Survey of India, the Odisha State Archaeology conducted excavation at the site from 1971 to 1975 AD.

The excavation exposed a brick-built monastery and on the basis of the antiquities and sculptures unearthed from the excavation the site can be dated to the 10<sup>th</sup> century A.D. i.e. the Somavamsi period. Now the monastery has been conserved and protected by Odisha State Archaeology. The images carved out in sandstone retrieved from the site are now kept in a sculpture shed on the north-west corner of the monastery and has been worshipped by the local people. Every year on May 21 and 22, *Buddha Purnima Mahotsava* has been celebrated in the site.

The exposed monastic complex (**Plate-8**) oriented east to west is square on plan, measuring 29 m on each side; consists of twelve cells, three in each cardinal direction and a large courtyard of 6.80 x 6.80 m in the centre. A passage of 2.68 m in width is provided in between the cells and the courtyard. The courtyard has a sandstone basement and brick walls raised on its edge to support the load of the extended roof of the cells and the passage. That's why the concept of pillared verandah is absent here. However, the cells inside the monastery were rectangular on plan. The numbering of the cells from 1 to 12 has been done from the north-west corner clockwise and internally measures 4.00 x 3.31 m; 4.05 x 3.30 m; 3.77 x 3.29 m; 3.86 x 3.30 m; 4.12 x 3.37 m; 3.27 x 3.23 m; 4.20 x 3.25 m; 4.17 x 3.30 m; 3.92 x 3.32 m; 3.80 x 3.33 m; 3.63 x 3.30 m and 3.87 x 3.30 m respectively. The inner wall of the cells contains some niches. Burnt-bricks (36 x 24 x 8 cm) are mostly used in English bond technique for constructional purpose except the central courtyard which is made of khondolite stone. The thickness of the exterior wall measures 2.50 m and the existing height is 2.10 m.

The images kept in the sculpture-shed are - Buddha in *bhumisparsamudra* (2.30 x 1.04 x 0.55 m); Heruka- (1.42 x 0.60 x 0.27 m); Avalokitesvara (0.58 x 0.39 x 0.18 m) and an image of Trivikrama.

From the aforesaid discussion it is evident that nearly 50 *mathas* existed in the Prachi valley and its hinterland. Most of the *mathas* belong to the *Gaudiya* sect of Vaisnavism, where various forms of Vishnu as *Vanshidhari* Krishna with Radha, Trivikrama, Narasimha, Jagannatha etc are being worshipped. The Saura as in Niali and Konark as well as the Mahima cult in Sialikanta and also the Buddhist monastery at Kuruma existed in the valley. Almost all the *mathas* has its own landed property and the garden and managed by its own funding. In some instances the village committees are managing the affairs of the *mathas* like-Balaramgadi at Erabang and Ratnavata of Sanahuli. At present not a single *matha* is protected by any agency either Endowment Commission or State Archaeology except the Tirumali *matha* of Kendu Vilva and the excavated Buddhist monastery at Kuruma which is under the protection of the latter. Besides, the study reveals two types of house pattern of the *mathas*. In the first category, most of the *mathas* retain the old age thatched house while in the second category, most of the *mathas* converted the old fashion in to the RCC buildings and the factor lies in the funding. From architectural point of view the Radhakanta *matha* of Nuagaon is most impressive and stood in top among the other *mathas* of the valley. On socio-religious performance the Antervedi *matha* gets the esteem position in the valley while few *mathas* like Dropadi *matha* in Kantikula village lose its importance and the presiding deity limit to a house-hold deity.



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## Sustainable Livelihoods Through Tuber Crop

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Rural people partake in a number of strategies, including agricultural intensification, migration and livelihood diversification, which enable them to attain a sustainable livelihood. Sustainable Livelihood approaches provide a framework for addressing poverty and vulnerability in both development and humanitarian contexts. They have emerged from the growing realization of the need to put the poor and all aspects of their lives and means of living at the centre of development and humanitarian work, while maintaining the sustainability of natural resources for present and future generations. The rate of social, economic, and technological change in the agriculture sector will gradually transform the setting in which climate change is likely to interact with sensitive features of the food system. The current state of the sector and important trends that would transform it provide a baseline to examine the potential consequences of climate change. Hence there is the need to evaluate the state and trends in root crop production in India.

### **Current state and trends of root crop production**

National and Regional Root and Tuber yield values was assembled and their natural variability was assessed using different computer

software. The current state of the crop within the rural peoples was assessed using a rapid rural appraisal method. A district within the regions identified was selected and using a checklist obtained information pertaining to the state of the crops within their community and their perception of climate change and how vulnerable they are to changes in production levels. For the period 1980 to 2012, root crop production has significantly increased as a result of increase in area under production, improved planting materials and technologies among others. Acreage under production was increasingly higher for cassava production when compared with yam and cocoyam. This makes cassava a major root crop in India. Every household within the identified districts has Yam in the backyard and colocasia field justifying its importance as a food and cash crop and Cassava yields range from 25 – 35 t/ha within the Forest and Transitional zones but improved varieties are capable of giving 30 – 45 t/ha at Kerla and Tamilnadu. The annual domestic rate of consumption is estimated to be 155 kg/capita which are 4 times as great as cereals which range between 4 to 14 kg/capita. Traditionally cassava varieties in Kerla cover a wide range of maturation periods and many are flexible with regard to the length of time. They are left in the ground after maturation without deteriorating

significantly. Therefore different local varieties and so many improved varieties are grown per household within India. Cassava was said to be grown mostly for food and excess for sale. 60% of cassava produced India is for Industrial purpose and 30% for human consumption, 10% for animal feed. Both communities have their main source of income from farming and petty trading which is normally practiced by females. Production and consumption patterns in India tend to fluctuate for the past years with bumper harvest reducing prices as indicated by farmers within the study area. The excess production could be channeled into industrial use as flour for bakery or starch for the plywood, paper and textile industries. Under the Ministry of Food and Agriculture (MOFA), the Food and Agriculture Development Policy has a main goal of creating a sustainable environment for the sector that will ensure food and raw materials security, higher employment and income for farmers, reduce poverty and create wealth and contribute to the GDP through increased foreign exchange earnings and government revenues. Cassava policies that exist to help achieve the goals stated and confirmed by the Ministry of Food and Agriculture's Directorate include the following:

- ❖ Planting material multiplication and distribution to make available to farmers improved planting materials for good crop yields.
- ❖ Training of Agricultural Extension Agents and farmer groups in value addition to the crop. This improves the shelf life of cassava and therefore guarantees a more stable price.
- ❖ Facilitation of loan for farmers from banks.
- ❖ Assistance in the form of loan from Village Infrastructure Project (VIP) to purchase equipments for processing cassava.

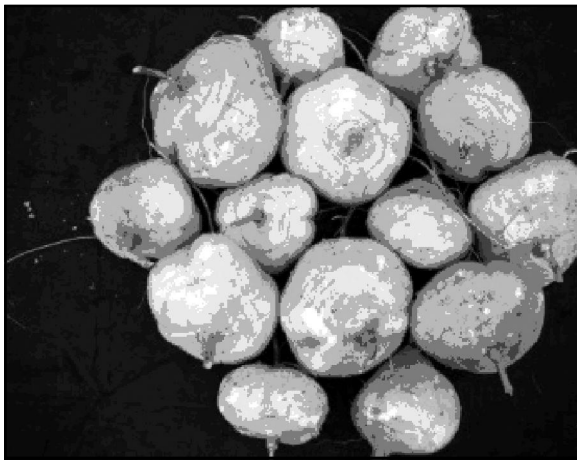


- ❖ Technical assistance from Ministry of Food and Agriculture's Directorate in the form of appropriate technology for high productivity was stressed by farmers.

The farmers claim no marketing policy that guarantees fixed price and ready markets exist. The need for such intervention to reduce poverty levels was stressed.

### YAM PRODUCTION IN INDIA

Yam yields range between 4 to 7.5 t/ha and it is confined to the wetter forest zones because of its high moisture requirements for growth. It is produced mainly for cash and food because of the high stable price that exists for the commodity. The annual domestic rate of consumption is estimated to be 56 kg/capita and this has not changed for the last 20 years. Production for the past years have been increasing in acreage but not per unit area. Poor soils, decreasing rain days and total rainfall have been identified as the cause of reduction in cocoyam production. In Ghana, trends in its production and demand for its consumption are similar to yam and cassava production in Ghana (Fig. 3.2). Increasing demand results in increase in production with slight surpluses when compared with cassava. Demand was in short supply in



1995. No policies exist for its production or marketing. Two types of cocoyam, the white and red types were being cultivated in the different area. Planting materials are purchased from other farmers. Corm setts or suckers that sprout after land is cleared for farming are the main source of planting materials used for its establishment. It is normally harvested between 12 to 18 months after field establishment. Prices of produce are more stable and they will normally harvest crop when there are buyers. Cocoyam stores better in the soil and prices are more stable, this makes it a food security crop. Most farmers' crop need for its leaves or roots on subsistence level while a few crop it mainly for cash. It is mainly cropped intercropped with plantains or bananas and sometimes with other food crops such as maize and cassava.

### YAM PRODUCTION IN INDIA

Yam yields are relatively high (17 – 35 t/ha) and it is an expensive crop to cultivate, requires soils with high fertility status and a much lesser amount of rainfall. They are therefore being grown mostly in the south and south east zones. Some varieties do well in the Forest ecological zones. Yam is grown in all regions except Upper East and central region. The annual domestic rate of

consumption is estimated to be 42.3 kg/capita. This has also not changed but there has been a steady increase in amount exported. Yam production and consumption or demand trends are similar to other root crops. With the exception of 1985 where demand exceeded production, surpluses increase with increase in demand and production. Although it is an important export crop, yam prices were found to fluctuate with the time of season and the type or variety of preference. Six types of yams – white, water, *Asobayere*, yellow, Chinese and potato yams are grown in the community in addition to other types of food crops produced. Their main food crop is cassava. Yam grown for cash is mostly sole cropped whilst subsistence yam cropping is intercropped.

### LINKAGES WITH OTHER SECTORS OF THE ECONOMY

The economy of India has been described as agrarian, employing over 70% of the population and generating about 2/3rds of the export earnings. The government of India also identifies root crops as a possible vehicle for national economic growth and food security. Some state government policy to alleviate rural poverty, improve household food security and the nutritional status of individuals can be achieved by improving the overall food availability and increase income earning opportunities in farming. Root crops also contribute about 40% of the country's Gross Domestic Product. Climate impact is a possibility of reducing food production and therefore making all these policies unrealistic. This section identifies and analyzes linkages that exist with some aspects of the economy and describes adaptation strategies available for mitigation.

## WHOLESALE PRICES OF ROOT AND TUBER CROPS

Wholesale prices of root and tuber crops in Ghana were sourced from the Statistical section of the Ministry of Food and Agriculture and documented. The economic production values which is the amount available for consumption was found to be positively correlated with the wholesale prices; giving high positive coefficient values of 0.5 for cassava, 0.75 for cocoyam and 0.90 for yam. Years that had higher production had higher wholesale prices per unit sale. Cassava, yam and cocoyam had increased the wholesale price with time. Yam had the highest unit price, followed by cocoyam and then cassava. Prices for yam are more stable in India than cassava, because of the highly perishable nature of cassava. Processing the root crops would give a higher purchase price for the farmer as suggested by farmers involved in the participatory assessment. Further since most of the increases in production is mostly due to increase in cropped area as against productivity, a climate change would definitely affect yield.

## ADAPTATION STRATEGIES

Agriculture production has shown an ability to adapt to changing conditions like natural resource availability, technologies or economies. Most crops may adjust unnoticed especially when climate changes are gradual. Farmers on their own do have options that help them bear and share losses or modifies threats. Appropriate technologies and improved varieties also exist to prevent or help share losses that may occur when climate changes. The PRA conducted during the study identified the following as adaptation options for climate change.

### Improved Farming technologies or practices

These are normally referred to as on farm adaptation options and they include planting more

than varieties with different maturity periods and /or introducing drought resistant varieties in farm fields. Farmers in the study area already crop different varieties of a commodity to ensure food maturation (food security) even in the event of an unpredicted harsh weather. Integrated nutrient management under the various crops which is not being practiced could be introduced. Under this different soil amendments in the form of organic or inorganic or including leguminous crop in the cropping system could be applied to the degraded soils. This would increase the nitrogen to take full advantage of the CO<sub>2</sub> effects, while some may protect the soil structure and therefore increase soil moisture availability. Afforestation / reforestation which involve the planting of trees within the degraded forest lands will be encouraged. Farmers perceived this to be the cause of the irregular rains and the degraded soils. Some communities are already pursuing this option while others think it is not their responsibility. This point raises the issue of extensive education on tree planting. Alternate cropping could be encouraged. This practice allows farmers to change cropping systems. For instance farmers in the *Akumadan* areas of Ashanti Region who use to grow cocoyam now grow vegetables which are short duration crops and cereals like maize. Members of *Boekrom* (Western Region) also grow more of cassava than cocoyam and yam because of lack of good soils. To achieve the above mentioned strategies the following researchable topics need to be studied;

- ❖ Drought tolerant and early maturing root crops need to be identified and made available to farmers.
- ❖ Tree planting as part of the root crops production systems – yam and cocoyam need to be introduced.

- ❖ Identification of fast growing trees that cope with root crops production.

The vulnerable groups most likely to benefit from this adaptation strategies are the farmers and rural folks, fisher folks, women and the urban poor in a decreasing order of severity. For farmers and rural folks, the adoption of these technologies will increase productivity / production should there be a change in climate. This will make them secure and guarantee income for them. The fisher folks are mainly subsistence in their activities and therefore depend on root crops as their main staple food. Being assured of food at a constant price is making them food secure. Women are important actors in root crops production. Their involvement in the implementation of this option is critical and an improvement in production will definitely give them a plus. They act as middlemen in the marketing of the commodities and are mostly responsible for the cultivation of cocoyam. Since they provide food for the household a reduction in the availability of root crops which is a staple in almost all diet will be disastrous. For the urban poor, since they are migrants from the rural communities, a stable production system would prevent their migration and encourage them to crop the land. Key persons that can promote or undermine these adaptation strategies are researchers, extension agents, non-governmental agencies and community members.

### **Post harvest technologies**

This adaptation option provides insurance against local supply changes through storage which tends to store the crop for a longer period and also guarantees a good price for the commodity. This option requires the identification of processing techniques that will preserve root

crops and provide an alternate use of the crop. Some processing techniques already exist, the need to source for them and adapt to our conditions is very important. Training on these post harvest technologies and the establishment of cottage industries for processing root crops can not be overemphasized. To achieve the above mentioned strategies the following researchable topics need to be studied;

The main actors to support this option are the researchers and extension agents who will identify, modify and disseminate the technologies. The Government and NGO (Non Governmental Organizations) that provide support for training and logistics. The community members' preparedness to accept technology will support the implementation of this option. Non availability of logistics to fund the study and support training and dissemination would undermine the project. Vulnerable groups are likely to benefit from this option are as follows;

*Farmers and rural folks* - The adoption of these technologies will create the market condition for an increase in productivity / production should the change in climate bring about a glut. This will also guarantee income and make them feel secured should there be a shortage.

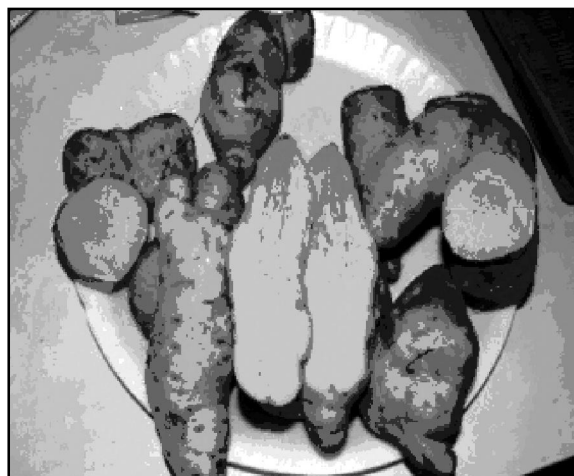
*Women* - Women are important actors in root crops production and processing. Their involvement in the implementation of this option is critical and an improvement in processing and production will definitely give the project the support it needs.

*Fisher folks* - Root crops in its fresh and processed state are their main staple food. Being assured of food is making them food secure.

*Urban poor* - This will preserve excess root crops for lean periods or eventualities; resulting in food security and stable price for the urban poor who feed on root crops. This will further prevent out migration which is a major cause for increase in urban poor population. Job created for the rural poor in their environs prevents out migration.

### **Alternate livelihood**

Alternate livelihood development especially those that give fast income was identified as a household or village adaptation option. Communities will be trained on occupations other than root crop production; these are bee keeping, poultry production, piggery, snail rearing, mushroom cultivation etc. This will involve the provision of startup capitals or some sort of loans for project establishment and training in the prescribed trade. A detailed household studies to identify an alternate livelihood which is more feasible and acceptable by the populace will support the option. Farmers and rural folks will have an added income for their household if climate change reduce or destroys farm produce. But for the fisher folk, since root crops are their staple food an alternate crop or livelihood which will prevent the production of root crops will render them food insecure. Prices may also go up and in effect reduce their purchasing power. Women will gain extra income for their household budget. And since the urban poor are persons who migrate from the rural areas because of lack of jobs the presence of jobs will reduce their population in the urban areas. Alternate jobs will be created in the villages for them. These programmes are ongoing in certain localities and should therefore be given full support by the government.



### **Marketing policies**

Marketing channels exist for the sale of most root crops. These are normally through middlemen or women who price the commodity anyhow resulting in unstable low prices within the harvest season especially with cassava. Policies to address such issues and create market avenues for these root crops are necessary. Identification and implementation of policies that address marketing issues in relation to root crop production need to be done. The following persons are involved in the implementation of this strategic project; Policy makers, Researchers, Processors and Community members. Women and the urban poor are vulnerable groups fully integrated in marketing root crops a stable price as a result of the marketing policies will mean a stable income as against a fluctuating root crop pricing. Farmers, fisher folks and rural folks are another group who will be affected by this adaptation option. This option will ensure a ready market for possible increases in root crop yield and guarantees a stable market price and income for them.

### **Irrigation under root crops production**

Small scale irrigation schemes as supplementary water source for crop growth would be established in farm fields. The need to identify and design the appropriate irrigation system for root crop production is crucial. Funds for its establishment will require the presence of policies that allow the acquisition of such implements at affordable price. Actors that can support or undermine the proposed adaptation activity are the Policy makers, Researchers and Community members. The provision of irrigation as supplementary water for root crop production will increase soil moisture and finally yield. Prices will be stable as a result of increased productivity for the fisher folk, urban poor and women who are part of root crops production and its utilization.

### **CONCLUSION**

Agricultural production and marketing policies have been found to affect food availability and food security. There is a widespread tendency for us to cry for policies that effectively subsidize agricultural production or policies that tax or discourage agricultural production in certain areas, or pursue policies that promotes food self-sufficiency. Although all of these policies tend to reduce the efficiency of agricultural resource utilization in low- and high-income countries, they have not changed trends in food supply and demand. Relatively few studies have attempted to predict likely paths for food demand and supply beyond 2020. There are reasons for optimism that growth in food supply is likely to continue apace with demand beyond 2020. For example, population growth rates are projected to decline into the 21<sup>st</sup> century and multiple lines of evidence suggest that agricultural productivity potential is likely to continue to increase. However, scientists

projected that current and future expected yields will remain below theoretical maximums for the foreseeable future, implying opportunities for productivity growth increases in food demand are mostly due to increase in population and supplies are due to increase in acreage under production and not productivity. These concerns about future productivity growth, if correct, mean that simple extrapolation of yield for impact assessment may be overoptimistic. The implication is that confidence in predictions of food demand and supply balance and price trends beyond the early part of the 21<sup>st</sup> century will be low. Climatic conditions often interact with socio-economic conditions to undermine food security. Climate variability tends to have the greatest impact on people who are landless, poor, or isolated. Changes in socio-economic conditions can lead to dramatic changes in food security. Disadvantageous terms of trade, poor infrastructure, and armed conflict also make it more difficult for people to cope with the effects of climatic extremes. Therefore these factors cause deforestation in the case of either yam production which requires new forest land.

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## Women Empowerment : Reality or Myth

*Dr. Pragyan Das*

Are women really empowered ? Seems to be the question of the decade as this decade saw the rise of many women and the fight for equality seemed to dim in the face of the new empowered female citizens of our nation, state, family. But like a day that has its dawn bright and clear has its dusk as well, the dawn of the empowered women had a stronghold that seemed to slacken in the dusk. As the female populace is still facing barriers in the society in every sphere and this barrier strengthens its vice like grip through many forms of violence, atrocities and inequality against women.

The term Empowerment holds different meanings to different psyches and this divergence, this comprehension of facts against fiction, this way of interpretation that people of various sects, associations and understanding can perhaps answer this quintessential question—ARE WOMEN REALLY EMPOWERED ?

Smt. Rituparna Mohanty a social activist feels there are three types of empowerment-political, social and financial. In Indian perspectives if a state have 3 women Chief Ministers or there is only 33 percent reservation do we have political empowerment as women ? We do not. Is the system woman friendly in every sphere ? It is not the right empowerment that

women should have. Women have to be given due respect in a society to have actual empowerment. When women are developed socially we I believe become more vulnerable. As developed or recognized women are actually exploited. To empower women financially a lot of initiatives have been undertaken at national and state level like introduction of SHG a plethora of welfare measures but only spending money is not enough to financially empower women. Basic skills and training should be given for the proper utilization of the finances. As unskilled and semi-literate women are exploited everywhere. But the society having developed is still not safe for its female citizens. A woman's safety is not only her family's responsibility but the states as well. Despite my dangerous work I do not feel afraid but a woman's safety is always threatened. Today the incidence of rape and torture on women is taking precedence so if we are not safe how we can dream of being empowered. The evils of dowry and dowry related deaths is still being reported but it is not plausible for a young girl to remain unmarried to avoid dowry, the younger generation needs to take a stand. I did not support or practice dowry and I took a stand that who ever marries me has to respect my work as well, then only things can work out, one has to take a stand. And girls and their parents need to have a little patience in dealing with the mother in law

situation. A woman has to manage and then she can rule her household. If this situation can be managed then the divorce rates will also go down. As the friction between mother-in-law and daughter-in-law is a primary cause for divorce and family disturbance even violence. Women in our society have no control over their sexuality as the incidences of marital rape is very visible in our society, and a woman's desire is not at all considered by her husband. Women even have no authority over her reproductive lives but the decision is seen to be fifty-fifty among educated masses and the importance the woman has within her family.

Women can be empowered only if they are given education and made aware of their rights and hence they themselves prioritise their lives. Violence has to be completely eradicated from her life, then and only then can the dream of empowerment becomes a reality.

Mrs. Padmavati Tripathy is an educated, self-sufficient, empowered woman. Her life is every Indian woman's dream as she has fulfilled her dream of reaching heights in her education and career, has a wonderful family, her children are grown-up and lead successful lives and she is behind the greater success of her husband –the Vice-chancellor of Ravenshaw University, one of the prestigious educational institution in the nation. Her brilliance shines forth in every answer she gives and whether questions regarding empowerment is valid here is a question for consideration as she clearly seems empowered and is also at complete ease with her empowered status. To her empowerment means authority and an acceptance of what one is doing without any hesitation and fear. But is she really empowered ? Even today I ask my husband before any thing I do, I inform him of every decision I take as he is very busy and mostly out he should know what I

am doing but I do not always know what he is doing."

And not even back when I was a newly wed as my in-laws were very authoritative despite our background of strong academics and as my husband is not very authoritative I had to adjust to my in laws way of life. I felt dominance by them and my sister-in-law, this dominance is a way of life for our daughters and daughter-in-laws in our society, whether any change has taken place in today's generation is very debatable as the mother-in-law and daughter-in-law relationship is still one that is feared by daughters and today even mother-in-laws are fearing their daughter-in-laws as they misuse law to hurt them for very small issues as now law is quiet favorable towards the bou's which is great but it should not be misused. This relationship should be one of understanding and acceptance.

I do not feel the society is safe for women today so how are women empowered when she cannot move freely in fear of jewellery snatching, molestation, kidnapping and such atrocities against her. If the society cannot protect half of its citizens how can it empower them? Socially the status of women is not really empowered despite a huge change, as my daughters are happy and feel safe where they are but the process still has a long road ahead. Like the issue of dowry in our society is still very strong even though I did not give any dowry for my daughter as her in laws were against it but we had asked as it is a very old and widely practised institution and has very strong roots in our society, we have to compromise.

This system is very much present in our society even my relatives adhere to it and I believe education can prove instrumental in slowly eradicating it. A woman's self or persona takes a

back seat after marriage, her individuality and even sexuality is not her own but strongly influenced by her husband's choices and desires. Even her reproductive choices are not her own in some society but not everywhere. I believe women have control over their bodies and wellbeing in educated societies and has the control over the financial and social acceptance of her family as well but not always as the bigger decisions are taken by the male members of the family but usually it is a mutual affair.

I should understand that now my children are grown up and have lives of their own so they do not have much time for me even though I have done my duty towards them and I am sure they will be there for me in my need as well. And I should also understand that my husband is busy so I do not have time to talk to him even but some women instead of understanding complain too much and that leads to conflict. I believe husband and wife should talk and share problems as it as I said is a mutual affair.

Men are very vulnerable they are not strong mentally as women despite their physical strength. Women for that reason have been more tolerant and sacrificed a lot more than men. So, it does not matter whether the society has empowered them or not as they were always empowered in their psyches, eventhough their body is not fully empowered their soul has always been empowered."

Mrs. Kalyani Rout, a typical Odiya bohu, wife, mother in other words a house wife. Her whole life centers around her family and the aspirations that she had is now the dedicated upbringing of her children and the smooth running of her household. She is the perfect hostess when needed and even an entrepreneur as running a household can be equivalent to running a successful business.

So what does empowerment mean to her- well, equality between boys and girls is her *mantra*. As she believes girls are better than boys in many fields and have proven themselves in male oriented fields such as engineering and aeronautics. Times have changed and we need to change as well. The acceptance, she feels of girls into these male dominated spheres is empowerment. But despite such positive changes now a days the one thing never changes that is the fear of violence against women. We have a young girl she says and we are never comfortable regarding her safety, we don't let her go anywhere without proper safety as we let our son go. We do not restrict our son's movement as much our daughters.

Another social evil is dowry and I am strongly against it, but as I have a daughter I have to think of her future and offer it as it is our social system. Dowry is the main reason for son preference in our society and hence the practice of female infanticide and foeticide is so widely seen even among educated masses. Our daughters are not safe among people who take dowry as they are obviously greedy and would want more and torture our daughters. Although I was one of the lucky few to have shared a very good relationship with my mother-in-law. But not everyone is so lucky.

Women always face physical as well as mental trauma in all the aspects of her life from forced reproduction for male child to use of contraceptive which she is bound to undergo. The male gender are too precious for any difficulties and pain, it seems. Women have always been suppressed, underestimated and valued less in the society and also within her family. This is changing but not fast enough. In every family women are made to sacrifice for their household and give up their desires, wants less priority than her husband's wishes. Even in educated families women eventhough seem to run the household and be

the main force behind the running of a household, have in reality no decision making power, as I do nothing unless I ask my husband or I might want something but his views differ and ultimately his word is kept.

He is after all the man of the family and I am a woman eventhough we are supposed to be equal partners, reality is not always what it seems.

Prof. Tapati Das, Principal, Rama Devi Women's College believes empowerment is the power of choice and voice, if she can choose and then voice it a woman is empowered. The financial freedom is also an important aspect which should be ingrained in the process of empowerment. I don't feel women have fully achieved their status in this society as male dominance is strongly felt in every sphere and women have to put double efforts to stand behind their decisions. The society is not as safe as it should be for women eventhough it is much better.

Women are unsafe because they are physically weak but they are mentally very strong even in mythology women are viewed as stronger beings but gender has always been a criteria for violence in any given society. I feel I am in charge and control over my life and I can influence others and I also see that my decision is carried out as I have the economic and social status. I deserve as a woman. The status of women is often in a derogatory state as women are even today subjected to social evils such as dowry. Even though in theory we are raising our voice against dowry but in practice it is very much their.

Women are also at times the culprit as they themselves succumb to giving and taking dowry because of status and as everyone else is also practising it. Mothers want better grooms for daughters so they instead of fighting dowry succumb to it. It is socially and culturally infused

in us and is indeed taking time to be eradicated. Another social institution i.e. marriage is at times in shambles because of the mother-in-law and daughter-in-law relationship. And the problem arises as they are from different backgrounds and they both demand equal attention from the husband/son. All the problems can be overcome if the word mother-in-law and daughter-in-law are replaced with only mother and daughter.

I have a good relationship with my mother-in-law but not always but we are educated people and can keep things from escalating into major issues. Eventhough I have a nucleus family I know my mother-in-law is there for me when I need her and vice versa. Women to be empowered need to be in control of her reproductive life and her sexuality as well and I believe today a woman is in control but as sex is a taboo topic in our society she isn't vocal about it even to her husband. There is always a misunderstanding that issues like sexuality and sex will be misunderstood and the woman might be treated as overly smart or worse. But changes are gradually taking place and sex education and counseling should be encouraged in marriageable young women and men as well. Even the reproductive life is not absolutely in control of the woman especially if the first child is a girl she is forced to have another child as the preference for son is still seen in our society and in every culture especially in our nation. Even in the use of contraception women are forced to undergo contraceptive measure which is often harmful to them and causes obesity and other ailments but due to the male ego and a very patriarchal dominance women are always at the receiving end of every injury.

In a postmortem report it was found that 70-80 per cent women have undergone surgery to avoid pregnancy in comparison to only 15

percent men. In order to be fully empowered in our society women shouldn't be suppressed. She has been suppressed for a long time it is time to take care of her. A redefinition of feminine and masculine roles is needed.

An aspiring student Meenakshi Murmu of Women's Studies, Ravenshaw University believes that she is empowered even though it was a slow process. Her career decisions have reflected this fact as her parents especially her mother has encouraged her to study further despite the pressure from her tribal society to marry at an earlier age.

She feels that her mother is trying to live her own dreams through her. As her generation was not as encouraging as her daughter's generation. Empowerment to this young woman means the opportunity, the freedom and scope that are bestowed on her to achieve the career, the partner and the life of her choice. She is even given the option to marry an intercast person despite the rigid social system of the tribal community that discourages inter-cast marriages strongly, her parents rather see her happy she says than force me into submission because I am a girl. But not every tribal girl or any young girl is given this choice in life that easily. It is she believes the sugar coated way of advice from parents to tell them everything and not take any rash decisions.

But freedom is misutilised by many of this generation's boys and girls they do what they like and misuse the society and social values. She believes that she can sacrifice the career she is fighting so hard to have a family as family and children should not be sacrificed because of one's desire to excel in life, if one can strike a balance then its o.k. if not it is better to have a family than a career at the end of my days. Dowry is a social

evil she feels that is very much present in her generation as well and she sees her parents and the parents of her friends worry constantly regarding it but she would rather stay unmarried than succumb to dowry. Even though she feels the relationship between mother-in-law and daughter-in-law is not something to worry about much in today's nucleus family situation and that any thing can be sorted out if one tries, and although she has heard many horror stories regarding the evils of this *badnam* relationship she does not fear the prospects of a mother-in-law.

This self proclaimed empowered young woman feels that in terms of violence the status of woman was and is the same no matter how empowered one is or how modern the society is. As the fear of rape and molestations is still the most primary fear of any girl or parents. And the advices of parents are the same now as they were a decade back — be careful against these types of physical abuse, do not go out after dark, do not travel alone this young empowered woman after giving this statement stops and re-evaluates how empowered she really is.

Miss Rashmita Das a young educated working woman feels she is as empowered as any man. I can do anything today she says and this resilience, this self assuredness has come from self determination and of course awareness through education. I have always been treated as an equal in my family along with my brothers In terms of education, traveling by myself, my job and even selecting my own partner. Although I never had it as easy as my brothers but I had it nevertheless.

Boys are born with a silver spoon in their mouth; girls have to fight for one but anything can be achieved in today's world through proper

awareness and yes education. In yester years it was not that easy like my mother was not even aware of her own rights in the society as I am now.

But safety in today's world can be very hard to get, it depends on ones life style. I will not feel safe if I am by myself outside after a certain time. If a woman is careful then she can avoid getting into trouble. The incidences of molestation and rape if anything has gone up in today's fast paced world where women are more exposed publicly than before. The law enforcement agencies have to be more dependable and authoritative. Even after marriage a girl is not safe due to dowry and marital torture. So a girl has to say no to dowry as by giving dowry the problem will not go away but intensify for the need for more. I would rather stay unmarried than give dowry, but my family might not feel the same. After marriage I will worry about one more issue that is the relationship with my mother-in-law. I believe I can adjust to somethings but not every thing will go her way, I am also an individual and I have choices of my own. I am willing to sacrifice but not everything. I am sure she will understand as she might have faced the same problems as we are now. I want to ' have priority in my husband's life after marriage but from what I have heard that is not always the case. A woman's sexuality is never discussed in any relationship no matter how loving. Women are I feel not given much priority in that since, but things are changing and people are becoming more accepting to a woman's need. I also feel this pressure to have boy children and the cases of female foeticide is a major concern after marriage but I will definitely make my health and decision a priority in my reproductive life.

Every woman should have the ability to achieve the empowered status that is rightly hers and any barriers set up by the society can be taken out by understanding if not by force.

P.Laxmi a household laborer is too busy earning a livelihood to even be aware of a term like empowerment and is blissfully unaware of the benefits she can reap if she has an empowered status in the society.

To her empowered means not being beaten up by her husband or even her nephews and brother-in-law, and being in control of her hard earned money. But when explained properly the significance of empowered status of women, she desperately wants it especially for her three daughters.

As she never had any empowerment in any aspect of her life she is too wrought up to give herself a chance at empowerment all she wants is for her daughters to enjoy the live she never had. So she is educating her younger two daughters and trying to teach them the very word which has absolutely no worth in her existence-dignity as she believes her daughters can lead a life of dignity and respect.

She fears most for their safety as she leaves them at home while working. She fears her neighbour, the ruffians outside their schools who follow them home she even fears her relatives as the evils of rape within community and family are no strangers to the below poverty line women and law is not her strongest weapon. So she constantly worries about the safety of herself and her daughters. She also hears about crimes like rape and molestations from TV and feels the society is not at all safe even for educated women. She even fears for her elder daughter who got married recently even though her in-laws are decent people but they had demanded dowry and she had succumbed by borrowing huge sums of money for this purpose. She feels she has to give dowry for all her daughters otherwise they will be tortured; Dowry is a must in their society.

Although she is not worried about her daughter's mother-in-law she had a very tough time with hers.

As her mother-in-law is very old fashioned and from the village she used to constantly beat and abuse her and as her husband is an alcoholic she had no support. She is shocked to hear that the mother-in-law and daughter-in-law relation can be salvaged and be better in time as for her there is no one more vicious than her mother-in-law.

She has no support from her husband he mistreats her and physically forces her; she has no desires or happiness in her marital life. And as she has three daughters her life has been miserable ever since their birth as everyone wanted a son and despite trying three times at times of her own will to have a son and at times forcefully she never succeeded and believes herself to be cursed. To her empowerment means to have as many son's as a woman can then she is believed to be a goddess. Now after having three children she is always forced to keep trying for a son but as she can't take it anymore she secretly takes oral contraceptives.

Her life she feels cannot be empowered but if all the educated and rich people could put some more laws and plans her daughter's life can at least have a chance at empowerment.

In the light of these opinions from women of every sect, a clear vision emerges, a vision of empowerment to the very deserving ones. Even though the younger generation is far more empowered but her progress skids to a halt when cases of violence emerges.

So when one evaluates the opinion of these wonder women of our society and tries to find whether women empowerment is a myth or reality, it is not that easy as women empowerment at times seems to be an illusion that has been made into reality by some but remains uncharted territory to many. The hierarchy between men and women often disarms women as they are treated as the second position holders and perhaps an after thought of creation.

Men are perhaps the children of more powerful gods in a nation of 33 crore gods and goddesses and women are children of lesser gods.

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