



Reporting in Chennai, India: Selected Articles by Rajeev Ravisankar

Recently, I returned to Columbus, Ohio after completing a 10-month post-graduate diploma course at the Asian College of Journalism in Chennai (Madras), India. It began on July 14, 2007 and finished on May 3, 2008. The program was divided into three semesters, the first devoted mainly to lectures covering the fundamentals of journalism, political and social issues in India, as well as historical and legal aspects of media and core courses aimed at honing our media skills.

As the year progressed, we focused more on our particular streams, in my case print journalism, which involved producing a student publication. This included a 24 page issue with content from the 'covering deprivation' component of the course. In the last semester we continued taking elective courses, produced a 24 page magazine and also worked on research papers and investigative projects. The space and choice provided by the college with regard to covering stories allowed me to engage with issues such as class, gender, caste, development, and more broadly the role of the state in communities, specifically those that are disadvantaged. Below, I have included some articles and project work that address these issues.

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Naxalism through the media lens

By Rajeev Ravisankar

‘This might seem like an empty road...but just 15 days ago there was a *ruthless* attack by Naxalite *terrorists* which killed innocent police officers. This area is *infested* by the Naxalites, the people of the jungle, who are a growing *menace* in the region. The *reign of terror* spread by these *extremists* is evident from the lack of traffic...’

This mock voice-over ran through my head as our ‘Covering Deprivation’ group stopped to examine what looked like any other road. It is an example of how urban elites driving around “naxal-affected” areas of Maharashtra exaggerate threat and construct fear about their surroundings.

The words, *problem*, *menace*, *infestation*, and *infected* were operationalized without any critical thinking about the implied meaning of such loaded terms. Naxalites were viewed and treated as animals; a rare species that are simultaneously ubiquitous. The fear psychosis developed to such an extent that it was assumed villagers were not talking freely because they must be afraid of naxalites.

This language presupposes that naxals and their supporters are solely responsible for the current situation in the region. What about the police menace, the problem of police repression and tribal areas infected by misguided state intervention? These questions were often sidelined even when information was provided to substantiate them.

Journalist P. Sainath makes the distinction between covering the event and covering the process. Much of the coverage focused on naxalism as THE event, preventing any analysis of the process. A naxalite role could be found in anything and everything, from unwed mothers to lack of electricity.

Understanding the process, in this case, requires looking at the role of the state in communities, specifically with regard to police action and development schemes. An examination of the social and political conditions that led to the rise of naxalism in the area is necessary for any credible coverage.

However, this treatment was not limited just to the naxalites. The language and preconceptions underpinning the “tribal/village” context were equally problematic. The use of the term tribal, while generally and bureaucratically accepted, served to homogenize groups with distinct and complex social organisation.

The terms Madia, Raj Gond and Pradhan Gond (the three sub-groups of a larger Gond community) were used at times, but without understanding the distinction between the groups. Instead, identities served to posit conflicts between these different groups. There’s nothing like some good ole tribal conflict to spice up the story!

The homogenization of communities and cultures coincided with a need to find or create a spectacle. Enter “tribal women dancing for camera.” One of the Sisters accompanying the visitors told them to dance and they obliged. The singing and dancing that ensued bordered on modern day minstrelism as the six unsuspecting women from the village played to the worst urban stereotypes.

In another instance, the “tribal child with distended belly” was photographed like a curious specimen, eerily reminiscent of colonial anthropologists’ photography which objectified ‘natives’ in a manner that produced a distorted, racist image of the colonised.

Homogenization and objectification reigned supreme, with the end result being dehumanisation. Were these people seen as one’s equals or only as objects that could fulfil the required quota of stories?

Contemporary journalistic wisdom dictates that the story needs to be told and ruthlessness can be a virtue. But, why tell a story which has been decided well in advance and reinforces dominant modes of thought perpetuated by the mainstream media everyday. The overall outcome is surrendering critical analysis to the callous assumptions we carry with us.

‘Civilizing the savage’: Alcoholism in indigenous communities

By Rajeev Ravisankar

Despite “prohibition” alcoholism is a concern within the Madia Gond tribal community in Ghot, Chamorsi taluka of Gadchiroli district. According to Sister Anise of Lok Mangal Sanstha Mahiti Sadan, 75-85 percent of the people, mostly males, are alcoholics. People in these communities produce Mahua, an alcoholic drink derived from a flower of the same name, for local consumption.

She said that there has been a reaction against excessive drinking, especially with the influence of non-governmental organisations and self-help groups. Groups have intervened because alcoholism is related to other issues in the community such as domestic abuse. Despite the efforts of SHG’s and NGOs like SEARCH, which holds one week training courses for alcoholics, the problem persists. Moreover, there is no permanent centre to treat alcoholism.

Sister Anise tells the story of a woman whose husband was “continuously drinking” and physically abusing her, “She came to the Mahiti Sadan seeking shelter; however he followed her. She remained firm saying that if he did not stop drinking she would not go home.” The husband underwent treatment which included a traditional herbal medicine and has now stopped drinking. However, Sister Anise believes that if he goes back to the same village, he would start drinking again. She said that his family produced alcohol and sold it to others in the village.

Sister Anise casts this in moral terms: “these people lack a sense of morality” to choose not to drink. On the other hand, legal advocate Sister Avila of Lok Mangal points to outside influence for the rise in alcoholism. She said that non-tribal smugglers keep liquor in tribal houses, exposing them to a new kind of alcohol as well as the long arm of the law. Because of the district ban on alcohol, police go after people in tribal communities rather than “the big people bringing in barrels of liquor.”

The first response rises from the common understanding of alcoholism as a personal failure or as cultural defects of the group. This view is couched in the specific paradigm of morality which does not require consideration of external factors. Faulting an individual or group justifies the imposition of a different set of beliefs and values, displacing existing structures of belief.

However, it is important to consider a number of social factors operating on and against individuals and groups. With the Madia Gond community, the introduction to commercial alcohol production has altered traditional methods of production and consumption. These changes are situated in a broader context of cultural displacement and alienation in the midst of incursions by many who seek tribal incorporation into various agendas.

That outside influences impact the lifestyle of tribal communities adversely is confirmed by the experience of indigenous peoples globally. According to a recent report published by Survival International, “...the indigenous populations of Canada, America, New Zealand and Australia have high rates of diseases [including alcoholism] mostly associated with rich people in wealthy

countries”. The organization attributes this to “the imposition of ‘Western’ society on tribal communities,” which “has passed on to them the worst impacts of this lifestyle...”

Australia is a telling example as alcoholism remains a serious problem in the indigenous Aboriginal community. However, the government’s solution was to ban alcohol in the community with Health Minister Tony Abbott calling for “a new paternalism” after a period of Aboriginal self-governance. Aboriginal leaders and indigenous rights activists criticised this attitude, criticism which was dismissed as the government sought imposition once again.

Whether it is the Madia Gond or the Aborigines, interventions based on static notions of progress can actually worsen the difficulties facing these communities. Democratic and mutual engagement that seeks community inputs is essential for sustainable solutions.

Saffronising schools: right-wing incursions into education

Rajeev Ravisankar

Saffronisation of education in India became a contentious issue when the Bharatiya Janata Party led NDA government introduced a series of historical and cultural changes to the country's textbooks. Not long after Congress came back into power, the party's officials declared that they would undertake the so-called de-saffronisation of these textbooks.

However, the impact of Hindutva forces on education across the country is much deeper than attempts to revise textbooks. This is most clearly seen in the effectiveness of Vidya Bharati Akhil Bharatiya Shiksha Sansthan, the educational apparatus of the right-wing Rashtriya Swayamsevak Sangh (RSS).

Vidya Bharati was established in 1977 and has a network that is more extensive than any other non-governmental organisation in the country. They claim to provide an "alternate model of national education" that seeks to "mould the posterity into such a youthful generation as fully saturated with the feelings of Hindutva and patriotism." Their core curriculum includes several components: common national syllabi, physical education, yoga, moral and spiritual education, learning Sanskrit, and music teaching.

Special attention is given to Sanskrit in the core curriculum, with two additional statements that describe the importance of Sanskrit. In one of these statements they incorrectly cite Article 351 of the Indian Constitution, saying "It shall be the duty of the Union to promote the spread of the Hindu language..." In actuality, Article 351 mentions the Union's responsibility in promoting Hindi. This manipulation allows Vidya Bharati to project a sense of legitimacy within a Constitutional framework.

The educational influence of RSS through Vidya Bharati's core curriculum is evident in Tamil Nadu. Suryanarayan Rao, an RSS leader in Chennai, stated that education activities are an important aspect of the organisation's grassroots activities. According to Viswanathan, who works in Chennai with Vidya Bharati, they have 123 primary to plus two level schools in the state. T. Chakravarthy, Tamil Nadu Vidya Bharati secretary, says that there are roughly 55 schools with 1500 teachers and 40,000 students in north Tamil Nadu alone.

However, the RSS education network is different in Tamil Nadu. Rather than explicit Vidya Bharati control, schools are under autonomous trusts like Vivekananda Educational Society (VES). In a *Frontline* article, Venkitesh Ramakrishnan says that this "formal delinking with RSS at the local level has enabled schools to gain acceptance... Apart from making token concessions to the 'Dravidian' ideology, the schools are heavily suffused with the iconography and ritualism of Hindutva"

Viswanathan says "the educational trust is like a managing committee, and is totally autonomous. However it shares the same ideology and the core curriculum (of Vidya Bharati) is adopted along

with the government mandated curriculum...There is one slogan on our logo, 'that which liberates is education.' This is our main thing."

English is the medium for city and town-based schools, while schools in rural and suburban areas are Tamil medium. Still, there is active promotion of Hindi and Sanskrit in all schools despite the supposed social and political dominance of the Dravidian movement, which has historically and recently resisted imposition of these languages.

"Sanskrit is only optional," says Vishwanathan. "Definitely, there are references to the Vedas and Upanishads pertaining to all studies of physical sciences and other things. The child will know the Bhagavad Gita reference to a particular subject. At times they are motivated to memorise Sanskrit verses." However, Srinivasan of Vidya Bharati affiliated Vivekananda Educational Society (VES) says that Sanskrit is compulsory in Vivekananda Vidyalayas after 4th standard.

In addition to Sanskritising the schools, the Hindutva agenda is pushed in various subjects. Srinivasan of VES vaguely addresses this. "Promoting values is a continuous process, it's something you do even while teaching maths and science. The history that we teach is around our core values and teachers are trained teachers to promote values. Unfortunately we have to follow the curriculum put forth by the board."

K. Kanyachi, The Chief Education Officer of VES elaborates on this, stating that they teach whatever is in the textbooks because the evaluation system is marks oriented. "But, if something is against our culture, mental make-up, or we think there might be some meddling, we make it clear that it may not be true," she says.

According to Kanyachi, "the teachers come from universities where they learn much of the same history, so we have a teacher orientation program. When there is a contradiction we tell them what we believe is true and then we tell them this history is twisted. You know, there is a type of secularism followed in society."

Vishwanathan of Vidya Bharati also talked about providing 'additional' information to students when required. "The true understanding of our history in the real sense is constantly given to students simultaneously with the false education. We will make a clear distinction: 'if you want to score marks you will write this, but we'll tell what the real truth is.' On every occasion the truth will be told to students, this applies to all subjects even maths, physics, and botany."

For example, though the radio was invented by Marconi, Jagdish Chandra Bose had the knowledge how many years before? Verifiable facts are given to the students. For example, the atom is associated with Dalton. We'll say it has emanated from Vedic times."

In addition, Vishwanathan says there are different practices and programs to promote culture and heritage. "For example, we have Saraswathi Vandana, verses glorifying the great sons of Bharat Mata and remembering all the holy places. Of course, the great sons of Bharat Mata include the great daughters as well."

K. Kanyachi Chief Education officer of VES said that there are extracurricular activities in Vivekananda schools, including Vidya Pravesh for students in 6th standard. “Boys and girls prostrate to parents and take an oath that they will keep them happy until their old age and follow rules and regulations of Indian customs and traditions. On birthdays we teach children to respect their parents, grandmothers and grandfathers first...Also, there is this notion of a family deity so we have a pooja for that as well. This is like a family reunion.

Without these celebrations, we cannot have this type of joint family system. There is arranged marriage, people getting married, parents living together. Children should be living together with a father and mother. That is why for annual days we ask them to bring both father and mother,” she said.

Looking ahead to the near future, Vishwanathan of Vidya Bharati says that pre-KG classes and playschool are “slowly becoming the need of the hour. As of now, we insist that the child should come at school only at age 5. Still we do have 2 classes before KG, like children’s garden. He went on to say that “As we’ve grown the schools have grown. The number of schools will increase soon.”

Chakravarthy echoes Vishwanathan’s sentiments about the prospect of expansion. Also, he says that the “values, the things we teach like yoga and meditation, and our cultural events, are being copied by the neighbouring schools in Chennai and Salem. In Chennai city especially we’ve had an impact on the other schools.”

Vishwanathan stated that despite the social climate in Tamil Nadu, they have faced no political no problems from political opposition. “Rather knowing fully well that we will equip the child in all these different spheres, many Muslims and Christians and sons of politicians have chosen our schools for their studies,” he says.

Historical Overview of Manual Scavenging

By Rajeev Ravisankar

In the context of India's rising global power, many lofty narratives about 'India Shining' have become prevalent in political and social spheres. However, extending the historical narrative to Harappa and Mohenjadaro shows that rather than 'Shining,' society has actually regressed in some ways. The Indus River Valley Civilization is renowned for its town planning and irrigation system. As far back as 2500 B.C., India had a covered drainage system "The expert masonry with bricks kept the sewer watertight and provided for a cleaning device also," (S. Viswanathan, *Exposing an Abhorrent Practice*).

Unfortunately, many municipalities and cities today cannot say the same today. According to the United Nations Human Development Report, 2001 only 28 per cent of the Indian population has sustained access to adequate sanitation facilities. The government's inability to address this problem adequately has forced 13 million Dalits into manual scavenging today.

There is an intimate link between manual scavenging and the caste system. According to *India Stinking* by Gita Ramasamy, "we find that (in Vedic times) one of the fifteen duties for slaves enumerated in the Narada Samhita was the disposal of human excreta." As rituals developed around excreta disposal, "caste-Hindu society...found the solution in the 'polluted castes.'"

Specifically in Tamil Nadu, the association of a specific class with excreta began later. Tamil Dalit historian Iyothee Thass asserted that present-day Dalits were actually Buddhists and Jains who lived in cheri-settlements. When Arya-Mlechchas entered their settlements, the Buddhists and Jains would break pots containing cow-dung in order to force the intruders to leave. Eventually, the Buddhists and Jains were subjugated, rendered paraiyars (*Dalits in a Dravidian Land*)

Although the roots of manual scavenging are in caste discrimination, British colonialism also played a significant role in the institutionalization of the practice through construction of dry toilets. In addition, "the upheavals caused by commercialization of land, destruction of artisan trades and frequent famines, pushed people out of traditional occupations...to sweeping and scavenging."

Beyond access: Education in government schools

By Rajeev Ravisankar

Chennai, August 16: A cursory glance at Thousand Lights Corporation School in Chennai could be deceptive. At Thousand Lights, which includes KG through 8th standard, students do not have to pay fees. They were even receiving free uniforms for some time that their teachers embroidered.

The school has a cook and a food organizer, and students receive three boiled eggs per week through Chief Minister M. Karunanidhi's noon meals scheme. Also, in the aftermath of the school fire in Kumbakonam, the headmistress (HM) R. Rajeshwari claims that the school has taken safety precautions.

In addition, HM Rajeshwari stated that absenteeism is not a problem and students are generally not absent unless actually sick. She says the pass rate is actually good for those who attend regularly.

However, a closer look reveals problems that lie beneath the surface. For example, the school has 200 students and only 4 teachers; a student-to-teacher ratio that favors a discipline rather education-oriented classroom environment.

Lack of funding is also an issue. The school receives a school grant of Rs. 4000 annually through Sarva Siksha Abhiyan (SSA) for school equipment while another Rs. 10,000 is allotted for school maintenance. According to the HM, this amount is not enough and requires the school to take care a lot of its own maintenance.

While these immediate in-class concerns and logistical deficiencies are troubling, they exist and operate within a larger context. A deeper understanding of education requires recognition of structural dynamics and global socioeconomic forces.

HM Rajeshwari said that most students are from scheduled castes, live in slum areas, and "their parents do coolie work." Two teachers at Thousand Lights stated that the difficulties the children face in this living arrangement resulted in dropouts. One of the teachers, Madam Shivashankara, specifically cited "family problems" as a major cause.

Such a concentration of SC students amounts to segregation based on class and caste. Social apartheid that naturally extends into a fundamental institution like the education system requires an intensive government intervention. However, dealing with education in a sustainable way has been sidelined due to changing role of the state in the midst of globalization.

There is a tendency now to view education as the cure-all for social and economic inequity; however educational access and performance are directly linked to housing and spatial

distribution. Where and in what conditions one lives, determines to a great extent their life opportunities.

Unfortunately the bar to measure societal progress is set lower and lower to prevent such an understanding of institutional interconnectedness. The existence of slums has become socially accepted and the current judgment is that that they will continue to exist. Since slums are viewed as a fact of life, all that can be done is provide some semblance of access to education. Never mind quality, retention, or future prospects.

But, the state is not an innocent bystander. Political elites in control of the state can make different budgetary and policy decisions in order to produce better social outcomes. However, within a neo-liberal framework, they lack incentives to improve education and life opportunities for those on the margins of society.

Western feminism and the construction of the homogenized ‘other’

By Rajeev Ravisankar

It is commonplace in the current context to hear comments like “women in the Middle East/Africa are oppressed” or “Islam represses women” or a number of other sweeping generalizations, often followed by a gruesome retelling of some incident. This is not to say that women in these communities do not suffer discrimination or that atrocious acts are not committed against women; however before accepting such narratives it is necessary to consider the current social and political climate.

In *Under Western Eyes: Feminist Scholarship and Colonial Discourses*, Chandra T. Mohanty discusses this in terms of how Western feminists have constructed the singular identity of ‘Third World woman’. This construction denies the diversity that exists within these communities and homogenizes the experiences and struggles of people from different religions, socioeconomic backgrounds, ethnicities, linguistic groups, etc.

Within this framework, it is interesting to look at how something as complex as ‘Muslim’ identity is represented. Despite the fact that there are differing views within and between communities that practice Islam, the mainstream understanding especially in the West fails to recognize this. Instead, Islam is thought to control and dominate all aspects of life Muslim life. In addition, Muslim society is seen as static and even regressive. This essentially erases historical progress and transformation that has occurred since the advent of Islam as well as the constant change taking place as individuals and groups negotiate identities seek to create space. According to the authors of *Muslim Women’s Choices* Camilla Fawzi El-Solh and Judy Mabro, “the prejudices generally associated with earlier western travellers to the Muslim world who imagined native women as either ignorant heathens, or exotic beings whose allures were tantalisingly hidden by layers of clothing largely continue to colour contemporary Western perceptions of Muslim women”

The issue of female genital circumcision (FGC) brings out many of these perceptions and biases that continue to operate in the contemporary scenario. Sandra Lane and Robert Rubinstein, authors of *Judging the Other: Responding to Traditional Female Genital Surgeries*, women from Arab and African communities rejected Western feminist attitudes and the label ‘female genital mutilation’. Feminists in these areas have criticized the amount of attention Western feminists focus on the practice, while displacing consideration of other forms of violence against women. Nahid Toubia, an activist against FGC says “They (western feminists) have portrayed it as irrefutable evidence of the barbarism and vulgarity of underdeveloped countries...It became conclusive validation to the view of the primitiveness of Arabs, Muslims and Africans in one blow.”

The first time I came across FGC was when the Amnesty International chapter at our university showed the film “Moolaadé” and followed by a discussion with someone working with the United Nations. The film depicts female genital circumcision in a village in Burkino Faso, and

specifically detailing opposition to the practice by a woman in the village named Colle. Many things were discussed after the film including cultural relativism vs. universalism, efforts to end the practice, and how one could help the 'women of Africa.' Also, people seemed to get stuck on whether or not sexual pleasure was affected. A white male, speaking on behalf of his 'African' girlfriend who had undergone circumcision, defended the practice saying that she still found sex pleasurable. Most of the perspectives on the issue had the same underlying assumption: women in these areas are victimized objects that are only acted upon. This is despite the fact that the film portrayed opposition to the practice from within the village itself. Mohanty asserts that "male violence...must be theorized and interpreted within specific societies, both in order to understand it better, as well as in order to effectively organize to change it."

It is important to move away from this simplistic framework. While outside intervention might be sought, it should be done in a way that does not condemn or dictate terms to those living in areas where the practice occurs. As Lane and Rubenstein suggest, "taking account of contemporary and historical relationships of power and privilege are essential first steps toward arriving at a sensitive and nuanced approach to engagement."

Feminist strands in ‘Women in India: A Status Report’

By Rajeev Ravisankar

Feminism as an ideology examines the status of women by considering social arrangements and normative structures in place that maintain inequality and disparity between men and women. Specifically, all strands of feminism seek to re-examine the divide between public and private spheres as well as the nature and operation of patriarchy. Feminists look at gender relations and how power operates in private space, for example the sexual division of labour in the household. The assertion is that women carry the burden in the household and in society at large. It is important to distinguish between liberal feminism and radical feminism, which differ on the extent of change required and on how deeply the private space of the household should be examined. Feminism also addresses the construction of gender, challenging the view of permanent and enduring biological differences between men and women.

The article *Women in India: A status report*, by C.P. Chandrasekhar and Jayati Ghosh, analyzes the status of women by considering a number of different human development indicators. These indicators include life expectancy, sex ratio, infant mortality rate (IMR), child mortality rate (CMR), maternal mortality rate (MMR), nutrition, literacy rates, employment, and wages. The authors explicitly state that despite rhetoric of women’s empowerment, “things may not have got much better for the bulk of Indian women over the past decade.” In order to substantiate this and to illustrate the influence of feminist theory on the authors’ analysis, it is necessary to go through some of the indicators.

For example, the authors address the statistics on sex ratio by state which show wide variance across the country. The authors clearly state that “such variation has virtually nothing to do with per capita income or degree of development.” They go on to say that some states with the lowest sex ratio, like Delhi, Punjab and Haryana, have the highest per capita income. On the other hand, Kerala has a sex ratio of 1,058 women per 1,000 men despite having a low per capita income. This statistic affirms the feminist assertion that gender disparities are inextricably linked to the patriarchal, male dominant nature of society. It also shows that reducing gender inequalities requires more than increasing affluence and promoting development. The feminist view pushes the level of analysis beyond economic figures or class and requires that norms and dominant modes of thinking be addressed.

The numbers on Infant Mortality Rate, Child Mortality Rate, and Maternal Mortality Rate also indicate state-by-state and urban-rural differentials as well. In addition, there are also variations “between different sub-regions, ethnic and social groups such as certain castes and tribes and minority groups.” For example the rural rate for MMR is nearly double that of that in urban areas. An even more stark difference in MMR is seen on the state level is between Orissa (738 per 100,000 live births) and Kerala which is only 87. The authors also talked about nutrition deficiencies for women and girl children partly because “intra-household distribution of food tends to discriminate by gender, usually because of self-denial by women and girls.” Finally, numbers on labour force participation, employment and literacy are given. Disparity based on gender is seen in all of these indicators. The authors point out that the National Sample Survey’s numbers on labour force participation “excludes a significant amount of unpaid or non-marketed

labour within the household, especially by women.” So the extent of the disparity is not clearly captured by the numbers.

At the end of the article, the authors talk about how different macro-level policies and implementations affect women and that achieving gender equality may have become more difficult. They talk about the impact of targeted schemes within the context of macro-economic forces. Largely, these macro-economic are making women more vulnerable but the authors point out that they can work in both positive and negative ways. For example, they cite increasing investment into public infrastructure for safe drinking water, providing access to affordable cooking fuel and expanding connections between villages from villages to towns as positive interventions. On the other hand, reduction in public sector spending has a negative impact for women in terms of access. Also, implementing indirect taxation affects the ability for a woman in the household to procure items which are considered her responsibility.

Unfortunately, this shift away from public sector spending toward privatisation is an integral aspect of financial liberalisation efforts. These efforts put constraints on women as they affect the delivery of public services as well as income earning opportunities. In addition, policies that reduce the flow of credit to small scale enterprises can have a negative impact on women. As the authors suggest, trade liberalisation can have a double effect on women: although there is the potential for the reduction of consumption costs there is also the likelihood of job loss and income reduction in sectors experiencing import expansion.

There are a number of feminist strands evident from this article besides the ones previously mentioned. The report mentions a “deep-rooted gender bias” and the “burdens of society falling on women” which points to a feminist understanding of society. Also, throughout the article, the authors look at human and social indicators as well as macro level policies as they relate to the micro-level situation. Through this approach, they are showing that larger forces are connected to the household, which feminists sought to analyze and deconstruct. In a sense, the authors have accepted the feminist analysis which looks more closely at the household and provides introspection into what is referred to as private space.

Colonialism of knowledge

By Rajeev Ravisankar

Global power dynamics are often thought of in terms of military might and physical prowess. However, there are fierce battles in the intellectual property rights (IPR) arena that highlight the extent to which states will go to maintain or attain hegemony. The numerous IPR related disputes between the United States and China are indicative not only of shifting polarity in the international system, but also the relevance of IPR within the current economic arrangement.

Considering the prominence of IPR in this context, it is necessary to look at the framework that dictates IPR terms on a global scale. Enter WTO-TRIPS, short form for Trade-related Intellectual Property Rights agreement under the World Trade Organization. This agreement, signed in 1994, continues to play an essential role in how state and non-state actors negotiate intellectual property.

TRIPS standardised minimum intellectual property protections for all countries, shifting discretion from solely the realm of domestic policy. Aside from establishing an IPR protections regime, the agreement also addresses rules' application within the framework of existing agreements, enforcement issues, and disputes between member states. The main crux of the TRIPS agreement is to ensure that countries enforce intellectual property protections and prevent infringements through severe penalties meant to be strong disincentives.

In spite of the harshness of punishments, these disincentives have not produced the desired results. For example, Chinese intellectual property officials suggest that their government's actions against piracy will take generations to resolve. To illustrate the extent of the situation, estimates indicate that 86% of software in China is "illegal."

However, while individuals are able to circumvent the intellectual property regime in some spheres such as software, music and movies, IPR protections are significantly re-shaping the trajectory of food production and public health. It is interesting to note that while the TRIPS agreement is between countries, it is at the behest of corporate interests. Multinational corporations, which dominate biotechnology field, undoubtedly benefit from stricter patent regimes. While a select few reap massive profits, the implications for millions of people living in the developing world are dire.

Currently, 98% of patented genetically modified crops and 30% of the seed market are controlled by just six MNCs – Aventis, Dow, Du Pont, Mitsui, Monsanto and Syngenta. As these corporations continue to peddle their products throughout the developing world, the result inevitably is the displacement of traditional practices. Farmers then face high input costs and royalty fees for new technology required for production. Also, despite the promises of higher yields for farmers who switched to GM crops in production, empirically the results have been at best mixed. In some cases, crop yields have actually declined like in Andhra Pradesh where farmers were producing Bt Cotton.

Rigid patent restrictions applied in agriculture have led to the criminalisation of farmers, some who have faced prosecution for the existence of GM crops in non-GM crop fields due to drift. In addition, biotech MNCs continue to patent plant varieties under the guise of innovation. The patenting of plant varieties in this manner could result in the ownership by foreign corporations of varieties originating in the developing world. Also, the expansion of corporate control in the seed sector not only threatens the sustenance of farmers but also food supply and security on a global scale.

In the sphere of public health, the availability and distribution of cheaper generic alternatives is stifled through IPR protections. Domestic firms in developing countries are literally unable to compete with large, multinational pharmaceuticals that can afford patents and are able to engage in costly research and development. While the WTO agreed to amend TRIPS in 2005 to allow access to generic medicines for poor countries dealing with health emergencies, the underlying problems presented by the IPR regime remain unresolved: access to less costly medicine for people in developed and developing countries who need it most. On a larger scale, the notion of healthcare as a public good and human right is lost in favour of profit driven motivations.

This is the face of neo-colonialism. Multi-national companies use their economic advantage through the exploitation and co-optation of traditional knowledge and practices as well as the patenting of everything under the sun. In the process, they fundamentally alter the nature of basic livelihood. Dominant countries facilitate this through an international legal framework of which IPRs are a protection mechanism to maintain control and perpetuate existing hierarchy.

Recognising the role of corporations shows the necessity in reconceptualising the north-south divide popularised in the post-colonial context; hierarchy on global scale is more complex than a simple duality. Political and economic elites in developed and developing countries are working in tandem to promote an ideology, which happens to ensure that they benefit. However, it is at the cost of sustainable development based on recognition of the environment and the promotion rather than theft of local knowledge and practices.

Right to housing in India

By Rajeev Ravisankar

“The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”

This is the accepted international norm signatories to the International Covenant for Economic, Social, and Cultural Rights (ICESCR). However, a glance at the global situation clearly indicates that there is an enormous gap between the language and implementation.

India provides an example which is indicative of this gap. The right to sustainable housing continues to be a contentious issue in India’s sociopolitical discourse. Whether it is slum dwellers or squatter settlements, this fundamental right is continuously infringed through forceful evictions that take place in urban and rural areas throughout the country.

In this context, it is essential to consider the role of the Indian Supreme Court. During the 1980’s, there was a shift in the Court’s alignment broadly in terms of socioeconomic rights. Due to judicial activism at the time, the Court took a more progressive lean.

Specifically with regard to housing, the language used by the Supreme Court in some key cases set a precedent in favor of housing rights for disadvantaged, marginalized communities. Perhaps the most prominent case is *Olga Tellis v. Bombay Municipal Corporation (BMC)* which was decided in 1985.

In this case, pavement dwellers filed a public interest litigation petition to the Bombay High Court asserting that their constitutionally guaranteed right to life would be violated if they were evicted. As a result of the case, right to housing became included under the consideration of right to life in the Court’s view.

Justice Chandrachud, one of the justices presiding over the case, stated in the decision that “The eviction of the pavement or the slum-dweller not only means his removal from the house but the destruction of the house itself. And the destruction of a dwelling house is the end of all that one holds dear in life.”

At the same time, the Court ruled against the legality of pavement dwellers to build structures on private property. “No one has the right to make use of a public property for a private purpose without requisite authorisation and, therefore, it is erroneous to contend that pavement dwellers have the right to encroach upon pavements by constructing dwellings thereon” Fortunately, it did require that pavement dwellers be given alternative housing arrangements in order to go through with eviction, essentially preventing evictions from going through.

So in one sense, the ruling in the *Olga Tellis* case made a progressive step forward by including right to shelter/housing under right to life. However, the Court simultaneously legitimized the notion of private property and did not address alternative, low-income housing in a durable way.

Obviously, the inherent limitations on the Court and the judiciary in a democratic framework must be recognized. However, that does not excuse the Court for not setting a positive, more comprehensive precedent for regional courts to follow.

The decisions that occurred in the years following have been mixed. Cases like *Shantistar Builders v. Narayan K. Totame* and *Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan* reaffirmed the right to housing under Article 19 1(e) of the Constitution. These decisions also made reference to the Universal Declaration of Human Rights and the ICESCR

However, in the *Municipal Corporation of Delhi v. Gurnam Kaur* of 1989, the Supreme Court clearly stated that evictions of pavement dwellers could take place without having alternatives in place. Also, another egregious example is the Bombay High Court's interpretation and application of housing rights.

In 1995, Bombay Environmental Action Group filed a petition to evict so-called "encroachers" near Sanjay Gandhi National Park. Despite resistance from many fronts, the Court ordered both the eviction of slum dwellers and the demolition of their homes. Essentially, what the High Court sanctioned and propagated was a large-scale displacement of citizens.

Perhaps the most prominent case is that of the Sardar Sarovar dam project, in *NBA v. Union of India*. The Supreme Court explicitly stated that the displacement of tribals as a result of the project in the Narmada valley did not amount to a violation of their fundamental rights. This decision is a stunning reversal from the *Olga Tellis* case and the establishment of right to shelter/housing under right to life.

Despite some safeguards being put in place, like the Scheduled Tribes and Forest Dwellers Act (Recognition of Forest Rights) which seeks to prevent the evictions of tribals and forest dwellers, forced displacement continues in both rural and urban areas and is carried out by officials on different levels.

A full-scale reassessment of the right to housing as an aspect of right to life is necessary considering the severity of the situation. The Supreme Court should not sit idly by as constitutionally guaranteed and protected rights are trampled by local and state governments or High Courts for the matter. Such inaction is equivalent to consent.