



HUMAN RIGHTS AND STATE POLITICS IN INDIA: CASE STUDIES OF WEST BENGAL, PUNJAB AND ASSAM

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ARTICLE INFO

Article History:

Received 19th September, 2017

Received in revised form 5th

October, 2017

Accepted 14th November, 2017

Published online 28th December, 2017

Key words:

Human rights violations, ethnic assertions, democratic political order, culture of rights, and legitimacy of actors

ABSTRACT

The proposed article tries to find answers to such questions in the context of three states. The research has studied the political orientation and human rights discourses of three select states namely West Bengal, Punjab and Assam to find suitable explanation of its fundamental research question, namely, why formal democratic structures consistently violate human rights. The case selection merits some explanation. These states have been selected because they have historically provided significant challenges to Indian federalism in general, and to the trajectory of union politics in particular. These states, therefore, are marked by radical political tendencies, with wide divergence in the constitutive character of the main political forces active in them. As a result, there has been steady confrontation among divergent political groups in these states, making them ideal test cases for the problem, selected by this dissertation. In a sense, these had not been quite regular or normal states within the Indian Union, and their generic volatility quantifies them as valid cases for the research work.

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INTRODUCTION

MATERIALS AND METHODS

The research has unfolded in five chapters. The first chapter has introduced the problem, carried a detailed survey of literature and created a framework for the research. The second, third and fourth chapters have analysed the three case studies relating to the states of West Bengal, Punjab and Assam respectively according to the framework laid out in the first chapter. The final chapter has attempted to validate the hypotheses and enumerate the findings.

The study has heavily depended on books as primary source for this research. Besides that, newspapers, magazines, internet has provided secondary references as far as data collection is concerned. The study has used the standard historical analytical method of political analysis, along with the appropriate use of limited surveys. Graphical illustrations, diagrams and tables have been used according to requirement. The dissertation has dealt with explanations of broad historical trends based on a cluster of qualitative variables. It has desisted from subjecting the hypotheses to quantitative or formal, empirical tests.

Discussion and Research Findings

West Bengal is, in many senses, an exceptional state.

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It stands as the burning example of the continuous disintegration of the Bengali-speaking unit. This disintegrative tendency and negative process have been reflected in the political spirit of West Bengal, in the politics of violence, on the multiplicity of political parties, on its militant and aggressive radical political culture. If India is a country overwhelmed by problems, then West Bengal has a special reputation of being a EPW, 'Why West Bengal is a Problem State', August 15, 1954. Despite the magnitude of its problems, West Bengal continues to be an area that attracts attention in Indian politics.

The history of development of human rights in West Bengal as manifested in its journey of democracy has taken many interesting twists and turns. Clearly, there have been periods of normal parliamentary politics with ups and downs and transitions with periods of abnormality, true to the spirit of radicalism in the state. The politics in West Bengal has always had an ideological orientation to it. The state has been described as a "for tress" of leftism by scholars. One important consequence of the radicalism of the left was the liquidation of the right-wing communal parties from the political arena of West Bengal. The communists have exercised great influence on the politics of the state by organizing movements and demonstrations and taking issues to the streets.

Experiencing Centre-State tension, West Bengal continued to have political turmoil since late 1960s. The nagging issue has been the Naxalbari agitation which flared up and spread its tentacles to ensnare West Bengal's revolutionary politics. The

agitation which emerged from the frustration of the Bengali 'bhadralok' youth out to destroy elitism opened the floodgates of state repression with violence and counter-violence. We know about the uncertain times in the political map of West Bengal, the human rights violations against the backdrop of the Emergency period in India and how violence has become structural to threaten democratic values and structures in West Bengal. In the late 1970s, the political landscape was polarized. In the 1980s, the revolutionary élan of society ebbed, but in the courts of law the scenes were different. The people were raising their voice in the courts of law against torture by the police, rather spontaneously, which would ultimately become the nucleus of the civil and human rights movement in West Bengal that matured in the new millennium.

The 1990s crystallized the statist narrative. The police were backed by unlimited power and torture became a part of normal political discourse. The reports of the West Bengal Human Rights Commission were also a pointer in such direction. The Commission in its various reports took serious note of the abysmal condition of the prisoners and urged the government to look into the underlying factors for this alienation and distrust. Mamata Banerjee's emergence as the principal opposition leader threw a challenge to the dignified political tradition of the Bengali bhadralok. What cannot be ignored during this time is the political turmoil and the associated disturbances, situations like Keshpur and Garbeta were critical. There was remarkable escalation in violence in the last few months of the year 2000 in West Bengal.

The state has also witnessed considerable violence qua politics of recognition and ethnic assertions. Political violence rocked West Bengal intermittently and with sub-regional tendencies in Gorkhaland and Kamtapuri agitations, it took a new form. The discourse of these agitations has turned both on claims of distribution and the demands of recognition. To aggravate matters, a few districts of West Bengal gradually became the hot-bed of Maoist violence. The tenuous and volatile political environment, a declining economy, the growing fragmentation of land, the rights and counterclaims of property in land, a growing gap between civil politics and a politics of incivility and domination, and a manifest failure to bring about an accommodative political culture raised on a reliable foundation of trust and respect, have all culminated to keep human rights perennial hostage to the goodwill of the strong. Needless to say, such goodwill had been scarce in West Bengal politics.

The political trends in West Bengal have hardly maintained the distinction between normal and violent politics: while the record of human rights violation in periods of armed uprising against the state has been much worse compared to normal times, but a cult of violence and mistrust seems inherent in the politics of the state. The poor record of human rights is thus structural to the state itself.

Another focus area is Punjab. A brief history of Punjab politics traces the trajectory of communal politics of the state that has landed it into such a catastrophe that has never been seen in the history of mankind. The Punjab crisis was not a simple law and order problem. It was a political problem with social and economic roots. The defence of human rights is absolutely critical to the furthering of the economic interests of people within and through the democratic process. The prolonged armed conflict affected the political culture of Punjab that

acquired an anti-human rights predisposition. The articulation of diverse political aspirations in the state often met with reluctant accommodation or outright suppression. The enduring nature of Punjab politics helps us to understand how human rights can not only be shaped by economic and political interests but also how they can profoundly influence those interests as well. Its endurance has been in the alliances as well as confrontation between regional and central forces. The political process in the state has been a battle-ground against centralization of power in the hands of a single party.

Punjab has experienced various ups and downs in its political history and human rights violations have been a major factor in shaping its politics where democratic forces have been equally important. Punjab has witnessed political violence under special circumstances. Its history in between these periods has been largely tranquil with few political killings and human rights abuses. It is an interesting contrast to West Bengal where human rights violations took place even in normal circumstances and not only in violent period of agitations. Punjab's interests have resided mostly not in political autonomy but in greater financial powers so that the state could marshal its share of the national kitty to accelerate its development. Political economy has been the driver of many of its political trends. When politics has not degenerated into violent conflicts, rather than getting bogged down by partisan politics, Punjab has often found political consensus around issues of economic development, no matter how short-lived it has been. Since the end of the Khalistani militancy, Punjab has been largely in sync with the Indian federal structure. Its record of human rights has been comparatively better as political differences over distributional issues have been more manageable than in many other states of West Bengal. While it is cavalier to think that militant politics would never re-emerge in Punjab, the state's capacity to absorb political stress and endure democratic means in the period since the extirpation of political militancy has been strong enough. While political differences have taken lives in the state, its record has been far better in upholding basic rights compared to both Assam and West Bengal.

The last case study delves into the Assam politics. If we survey select aspects of Assam's politics we find that the long history of violence that has never left the state in entirety. Assam is thus one of those cases where democracy and violence have gone together, leading to ceaseless tragedies and wanton human rights violations. The existing democratic institutions have proved grossly insufficient to protect people's rights. Thus, no matter which political party or combination of parties came to rule the state, the fate of some groups did not change. If the hallmark of a democratic political system is to manage and negotiate differences peacefully, Assam is a paradoxical case. It has practiced democracy like most states of the India, and yet, it has witnessed a consistent politics of violence alongside it.

The case of Assam is complicated by the demographic heterogeneity of the state, with the ethnic Assamese of the plains seldom feeling democratically empowered amid a wide mélange of ethnic communities and tribes that have from time to time resisted the attempt to impose the dominance of the former. The large presence of Bengalis, together with their relatively easy socialization into the native language, has culturally threatened the Assamese and made them insecure in the face of continuous Bengali immigration across the

international border with Bangladesh. The larger tribal groups, the Bodos in particular, have similarly felt culturally, economically and politically marginalized and often engaged in violence against other groups. The rise and weakening of the militant ULFA, and the subsequent securitization of the threat by the Indian state, has been largely responsible for the enormous crisis of human rights in Assam over three decades. There is little guarantee that normal institutions and practices of democracy will *ipso facto* secure human rights. The politics of numerical majoritarianism and the increasingly territorialized notions of power and governance eat into the vitals of a democratic process and paralyze it before draconian strategies of dominance and denial of the other, either by the militant groups or by the state. The conventional finding that civil societal groups target the violence of the state against and neglects the criminality of groups as against the opposite portrayal by the apologists of the state and security experts is also validated in the case of Assam. For this study, the most critical aspect remains the inefficacy of democratic institutions and practices to protect the rights of individuals and groups and create a credible buffer against large-scale violence.

Based on the case-studies, this study has sought to validate the hypothesis that a functional political democracy in the three states has little correlation with the degree of human rights violation. Secondly, the human rights situation prevalent in the three states of West Bengal, Punjab and Assam also lends credence to the hypothesis that the states are insufficiently committed to the discourse of human rights since expression of political discussion is liable to be met by draconian measures antithetical to prescribed human rights standards. In other words, this study has shown that most human rights violations occur in the hands of the state; the more draconian the state becomes the more violent are the repercussions. The state is the principal though not exclusive agent of human rights violation in the politics of the three states surveyed in this study.

This dissertation has surveyed the politics of three states namely Punjab, Assam and West Bengal and validated its hypotheses i. e. firstly; the nature of democracy prevailing at the level of the state in the three states has little correlation with the degree of human rights violation. Secondly, the case studies examined prove that the nature of the state is primarily though not exclusively responsible for the poor commitment to the discourse of human rights since expression of political dissent was almost invariably met by draconian measures antithetical to prescribed human rights standards. The study also finds that the conventional theoretical take by civil society organizations is too simplistic and often biased. It fails to factor in a critical variable, namely legitimacy, which determines the extent to which stakeholders are committed to inclusive politics and a culture of rights. The paradox of democracy and violation of rights being existential to the three states surveyed here, the contrasts among them and the variations manifested in each case over time can only be explained by the extent of political legitimacy of the parties concerned. The lesser the legitimacy of the actor, the greater is the reliance on violence. Logically, therefore, the incidence of human rights violation is a function of legitimacy of political actors.

CONCLUSION

India is a country with adversarial politics and many flaws; yet is perhaps the only post-colonial state that has succeeded in sustaining a credible democratic political order. This dissertation has shown that civil society's standpoint on human rights is antithetical to the state but incomplete at times. It has not mobilized against regular violation of political rights of citizens committed not only by the state but also by forces resorting to violent armed tactics. This work also supports the finding that the brief episode of authoritarian rule in India's otherwise respectable record of political democracy had left many lasting legacies including that of popular awareness of civil liberties, and political rights including the freedom of the press. However, it has also been responsible for justifying both draconian laws and violent assertions against the state. This dissertation has surveyed the politics of three states namely Punjab, Assam and West Bengal and validated its hypotheses i. e. firstly; the nature of democracy prevailing at the level of the state in the three states has little correlation with the degree of human rights violation. Secondly, the case studies examined prove that the nature of the state is primarily though not exclusively responsible for the poor commitment to the discourse of human rights since expression of political dissent was almost invariably met by draconian measures antithetical to prescribed human rights standards. The study also finds that the conventional theoretical take by civil society organizations is too simplistic and often biased. It fails to factor in a critical variable, namely legitimacy, which determines the extent to which stakeholders are committed to inclusive politics and a culture of rights. The paradox of democracy and violation of rights being existential to the three states surveyed here, the contrasts among them and the variations manifested in each case over time can only be explained by the extent of political legitimacy of the parties concerned. The lesser the legitimacy of the actor, the greater is the reliance on violence. Logically, therefore, the incidence of human rights violation is a function of legitimacy of political actors.

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How to cite this article:

Koyel Basu *et al* (2017) ' Human Rights and State Politics in India: Case Studies of West Bengal, Punjab And Assam', *International Journal of Current Advanced Research*, 06(12), pp. 8211-8217.
DOI: <http://dx.doi.org/10.24327/ijcar.2017.8217.1312>
