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## **Regional Cooperation Newsletter- South Asia** **October- December, 2015**



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## EDITOR'S NOTE

Since the last few years, South Asian countries are said to be in a political transition. The end of civil war amidst criticism of widespread human rights violations followed by presidential elections in Sri Lanka two years ahead of its schedule brought surprise to the incumbent President Mahinda Rajapaksa with his erstwhile Minister of Health, Maithripala Sirisena fielded by United National Party (UNP)-led opposition coalition being elected to the top post. Pakistan has seen Nawaz Sharif, once on Political exile, returning to power for his third term in the 2013 presidential elections. The political conflicts in Bangladesh between the two main political parties with the current Prime Minister Sheikh Hasina of Awami League and the Beegum Khaleda Zia of Bangladesh Nationalist Party (BNP) led to BNP being banned as terrorists and Khaled Zia getting forcefully confined to her office. Indian General Election of 2014 ended the decade long Congress or its coalition rule to bring the National Democratic Alliance led by Bharatiya Janata Party (BJP) assuming power with largest party (BJP) having crossed the majority mark for the first time since 1984. National League for Democracy (NLD) led by Nobel Laureate Aung San Suu Kyi had a sweeping win in the General Elections held in November 2015. The adoption of the Constitution by Nepal drafted by the second constituent assembly after the failure of the first – constituent assembly has brought new hopes but considerable concerns within as well as in the domain of international relations.

The political transitions in the South Asian countries are definitely bound to have implications for the development, welfare and social protection for various sections of the society within each of the national contexts. Bing bang economic reforms aimed at stabilizing the national economies to push for development simultaneously addressing concerns of massive poverty in the region has remained a huge challenge. Protection of rights and entitlements of the marginalized sections has been raised as serious concerns amidst political transitions in each of the countries in the region. Such political changes have also seemed to have implications for the bilateral and multi-lateral relations in the region and beyond.

This issue of the Regional Cooperation Newsletter brings together some of these political analysis from Sri Lanka, Nepal, India and Myanmar. The special article by Mr. Prabhakar Jayaprakash titled “Sri Lanka: The road to truth, justice and reconciliation” traces the trajectory of human rights concerns of the ethnic Tamil minority and bring to the fore the political ramifications around addressing the ethnic questions in the backdrop of the new government led by Sirisena. This is supplemented by Mr. GVD Tilakarasi’s commentary, “Contextualising Sri Lanka”, which analyses the economic policies of the changing regimes.

The article by Srishti Kochhar, Anmol Somanchi and Vipul Vivek tried to locate the “Jan Dhan Yojana” launched by the new dispensation under the leadership of Prime Minister Mr. Narendra Modi within the frame of financial inclusion. Authors suggests that in the topsy turvy ride of the process in financial inclusion process in the country, what was achieved by nationalisation of banks in 1960s was reversed by the financial liberalisation which accompanied the 1991 reforms through rationalization of banking system in 90s. The efforts of further financial inclusion through RBIs ‘no-frills accounts’ for the poor in 2005 and its later avtaar of Jan Dhan Yojana are discussed in the article.

Historic elections in Myanmar electing the Nobel Laureate Aung San Suu Kyi is keenly being looked at by the world as a process to bring back democracy and a possibility for ethnic integrations and upholding rights and entitlements of marginalized sections. The article by Kaveri suggests that while the election result is a victory for advocates of pro-democracy, one has to observe Suu Kyi’s steps to democratization, establishing ethnic harmony and peace in the country as it unfolds within the complicated parliamentary presidency system where military still holds a considerable political clout and power.

Mr. Abhishek Tiwari in his commentary on “Masculinity of Nation States: The Case of Nepal” analyses the recent political development in Nepal with the constitution process within the backdrop of ethnic questions and the responses towards the same by the Nepal state using within the framework of masculinity of statecraft.

This issue of Regional Cooperation Newsletter is revamped in its presentation and organising. My special thanks to the Guest Editor, Mr. Prabhakar Jayaprakash, for his innovative ideas and voluntary contributions to this issue in many ways.

While presenting this issue of Newsletter, I take this opportunity to wish all the readers a warm, peaceful and productive year 2016.

Mumbai, India  
31 Dec 2015

P.K. Shajahan  
ICSW Regional President  
(South Asia) and Editor

# SRI LANKA: THE ROAD TO TRUTH, JUSTICE, AND RECONCILIATION

- Prabhakar Jayaprakash

## Abstract

History reveals that the state of Sri Lanka has a poor record in delivering justice to its minorities. With this being the status quo, in September 24, 2015, the UNHRC in Geneva passed a resolution with reference to war crimes to put in place a domestic mechanism to bring to truth, justice, and reconciliation. This resolution was passed after the release of the OISL report which accused the Liberation Tigers of Tamil Eelam (LTTE) – a militant separatist organization, the Sri Lankan security forces, and the other militant organizations for committing grave human rights violations during the last phase of the civil war that ended on May, 2009. It took six long years for various stakeholders to come to the table to initiate an accountability process of acceptable international standard. This paper will analyze some of the crucial moments of these six years and bring out the positions that various political parties of Sri Lanka took during the passage of this resolution. Also, it briefly examines the challenges before the Tamil community on the road to truth and justice. The data for this article was collected from secondary sources such as UN reports, research papers, articles, and newspaper reports.

## Keywords

Sinhalese, Tamil, Sri Lankan state, the Liberation Tigers of Tamil Eelam, The OISL report, and War crime.

## Introduction

In the post-colonial period, Sri Lanka stood at the cross roads on a number of occasions (*The OISL report*, 2015, p. 3). Today, the most important question is that does Sri Lankan state (or the dominant Sinhalese Buddhist majority) have the political will to bring out truth and deliver justice to its Tamil minorities on war crimes and crimes against humanity?

History reveals that the state of Sri Lanka has a poor record in delivering justice to its minorities. The OISL report (2015, pp. 230 & 234) states that since independence, Sri Lanka had established 32 commissions to inquire various issues such as arbitrary executions and disappearances. The outcomes of most of these commissions have been debatable. For example, the state did not publish the findings of most of these commissions, the perpetrators continue to avail impunity from the justice system, and the interference of the Executive within the Judiciary has been consistent.

With this history, on September 24, 2015, a resolution

was passed by the UNHCR in Geneva. This resolution was passed with the support of the recently elected Sri Lankan government and was aimed to initiate a domestic inquiry process (with the involvement of the experts from the Commonwealth countries) to bring accountability and evolve political solution (Dibbert, 2015).

This resolution was passed based on the findings of the Office of High Commission for Human Rights Investigation on Sri Lanka (OISL) report. The report accuses the Liberation Tigers of Tamil Eelam (LTTE) – a militant separatist organization, the Sri Lankan security forces, and the other militant organizations for committing grave human rights violations during the last phase of civil war. It highlights the systemic nature of the crimes committed by the Sri Lankan security forces with sheer impunity (*The OISL report*, 2015, pp. 219-224).

For the international community, the human rights defenders, and the Tamil minorities, it took six long years after the end of the militant struggle to bring the

state of Sri Lanka on a table to discuss accountability and political solution for the Tamils. Rutnam (2015) states, it is because Mahinda Rajapaksa, the then President of Sri Lanka, did not engage with these community.

This paper will analyze some of the crucial moments of these six years and bring out the positions that various political parties of Sri Lanka took during the passage of this resolution. Also, it briefly examine the challenges before the Tamil community on the road to truth and justice.

### **End of war**

The last phase of war created 282,000 Internally Displaced People (IDPs) and at one juncture, this entire Tamil population was caged inside a camp named Manik Farm. Ban Ki-moon, the UN Secretary-General had stated that condition of this camp was “worse than anything he’d seen in Goma and Darfur.” Rape and disappearance were rampant. Those who had money were able to arrange for a safe exit and it was a lucrative business for the security forces, at that time (Harrison, 2012, pp. 28-19, & 211).

The international communities had no wish to watch or hear the crisis of the Tamils. They sulkily accepted the discourse of the Sri Lankan state, “Zero Civilian Casualties”, although they know it was a blatant lie. A leaked embassy cable stated that in the last phase of the carnage, about 7,000 to 17,000 Tamils went missing or presumably dead. The estimate of the UN varies between 40,000 to 70,000 people. From the side of the victims, a Tamil Catholic Bishop estimates the death toll as 146,678 people. He arrived at this figure based on a population statistics (Ibid., pp. 25-27). The state did not care to enumerate the deaths. However, it challenges the figures put forward by various sources (*The Paranagama Commission report*, 2015, p. xix).

### **Fonseka and the Channel 4 disclosures**

Soon after the war, there was a presidential election in 2010. The then President, Mahinda Rajapakse, was challenged by his former Army Commander, Sarath

Fonseka. The latter was the candidate of the United National Party (UNP) and its allies. The President is from the Sri Lankan Freedom Party (SLFP) (*Amnesty International*, 2013, p. 27). During the run-up to election, Fonseka gave couple of shocking interviews. For example, in an interview to *Sunday Leader* newspaper, he accused Gotabhaya Rajapaksa, the then Defense Secretary and brother of Mahinda Rajapaksa, for ordering the security forces to execute surrendered LTTE members (Jansz, 2009, cited in Ibid.).

The Channel 4 documentary, *The Killing Fields of Sri Lanka*, shook the world by disclosing the scenes of the final weeks of the militant struggle. The Tamil civilians were caught in between the LTTE and the security forces. Few civilians were killed by the LTTE to prevent them from moving out of war zone. The LTTE believed that they could bargain with the international community for ceasefire by showing the presence of civilian population but the reality turned the opposite. A vast majority of Tamil civilians were killed by the Sri Lankan forces through their indiscriminate shelling (Macrae, 2013).

### **International pressure**

There was a distress feeling among many international countries and human rights defenders. They alleged that both the LTTE and the Sri Lankan forces have committed war crimes (Frerks, 2013, pp. 19-21). In continuation, an internal report prepared by the UN accepted that it had failed in its mandate of protecting the civilians in the final months of war (*BBC*, 2013).

Continuous international pressure made the President, Rajapaksa, to establish an internal inquiry commission, the Lessons Learnt and Reconciliation Commission (LLRC), in May 2010. The Sri Lankan state used this commission as the trump card to stonewall international investigations (*BCC*, 2011). The outcomes of this report were not to an acceptable international standard. For example, the Amnesty International (2013, pp. 7-12) categorically rejected the LLRC report on four grounds, namely, the commission did not investigate witnesses to identify individual perpetrators, especially those from the

government forces; the state had no protection mechanism for witnesses; government and pro-government individuals were not investigated; and there were no recommendations to bring individuals to justice.

Simultaneously, the UN Secretary General in June, 2010, put in place a panel of experts to suggest “the modalities, applicable international standards and comparative experience relevant to an accountability process ...” for Sri Lanka. It was a three member panel headed by Marzuki Darusman. The other members were Yasmin Sooka and Steven Ratner. The final report of the panel found credible allegations and it was stark different from the discourses of the state of Sri Lanka, “humanitarian rescue operation” and “zero civilian casualties”. The crucial charge against the LTTE was keeping the civilian population as a hostage during the final war. Similarly, it accused the Sri Lankan army for advancing inside the Vanni region with a “large-scale and widespread shelling, causing large numbers of civilian deaths” (*The Darusman report*, 2011, pp. i-ii).

In continuation, on March 27, 2014, the U.S. sponsored resolution against Sri Lanka was tabled in the UN session in Geneva. It called “for an international investigation into alleged war crimes in the final stage of the island’s civil war which ended in 2009” (Tiwari, 2010).

### **Change of guard**

The Presidential election of 2015 was a watershed moment in the history of Sri Lanka (*Sri Lanka Brief*, 2015). Maithripala Sirisena, a SLFP parliamentarian, defected from his party with his supporters and stood as a common opposition candidate challenging his former leader Mahinda Rajapakse. The latter was defeated with the support of the Tamil and the Muslim minorities (*The OISL report*, 2015, p. 4). There are reports that Chandrika Kumaratunga, the former President of Sri Lanka, played a major role in convincing Sirisena to contest against Rajapakse (*Colombo Telegraph*, 2015). It is believed that Sirisena had help from not just opposition politicians such as Ranil Wickremesinghe but also from India and the

U.S. The reason for this involvement was Rajapakse’s pro-Chinese policies (Chalmers & Miglani, 2015).

In continuation, the new regime worked diligently convincing the international community that they would work towards accountability and justice mechanism (Gowrinathan & Furman, 2015). There have been some visible changes in the ground such as the passage of the 19<sup>th</sup> amendment to limit the power of the executive Presidency, civilian governors for Northern and Eastern provinces, and freedom of press (*The OISL report* 2015, p. 4). In reciprocation and with the request from Sirisena, the UNHRC deferred the release of its international investigation report by six months to set the domestic political arena in order (Salter, 2015).

In an interesting twist to the tale, Mahinda Rajapakse has been given a new life in politics and nominated as the candidate of the UPFA (United People’s Freedom Alliance) in the general election of Sri Lanka on August, 2015 (Hoole, 2015). The election result clearly divulged the aspirations of the people. The island was divided into three zones, the UNP took the hill and the wet zones of the central region, the Tamil National Alliance (TNA) took the northern region, and the SLFP took the bottom and the dry zones. The UNP won the race by a narrow margin and the “mission to bring back Mahinda [Rajapakse]” faced a setback – not a complete defeat (Philips, 2015).

Ironically, to set the political reform in order and to improve the dented image of Sri Lanka, the UNP and the SLFP came together and formed a coalition government. It is important to highlight here that these two principal political parties were rivalries all these years. The number of seats secured by both these parties was narrow. Hence, the Opposition Leader post was given to R. Sampanthan of the TNA (*Colombo Telegraph*, 2015).

### **Before the UN resolution on 2015**

The U.S. has started constructing the narrative of progress in Sri Lanka since the visit of the U.S. Secretary of State, John Kerry, to Sri Lanka in May, 2015 (Dibbert, 2015). In continuation, the U.S.

Assistant Secretary of State, Nisha Biswal, made her visit to Sri Lanka in August, 2015, and promised that they would “support the Sri Lankan Government’s position for a credible domestic accountability mechanism” (Krishnaswamy, 2015). Both these visits and their disclosures set the tone of their position during the release of the UNHCR report.

The release of the OISL report (2015, pp. 6-8) made the world know the gravity of the sufferings that the Tamils have endured during the last phase of armed conflict. Some of the crucial allegations in the report were that the Sri Lankan security forces have executed surrendered LTTE members unlawfully; there were arbitrary arrests and detentions by the security forces which often resulted in disappearance; sexual violence, rape, and torture were perpetuated as methods of warfare by the security forces; the LTTE was involved in abduction and forced recruitment of children and adults.

In Geneva, the speech of the Sri Lankan Foreign Minister, Mangala Samaraweera, was resounding (Schlein, 2015), he asserted that Sri Lanka would be different from the past and requested the international community to believe them. However, drastically, Sirisena continued to appease the majority by boasting his regime saved the naming of the military personnel (*Tamil Guardian*, 2015) and there is “... no need to import the judges ...” for transitional justice mechanism (*The Sunday Times*, 2015).

It should be highlighted here that before tabling the resolution, there was marathon horse-trading between the high profile officials of Sri Lanka and the international power centers. At the end, Colombo was able to obtain some leverages, the totem of hybrid court was removed and “... was replaced by a Sri Lankan ‘Judicial Mechanism with a Special Counsel’ that would encompass ‘Commonwealth and other foreign judges ... defence lawyers and authorized prosecutors and investigators’” (Salter, 2015).

At the outset, there is no clear idea on whether the agreed mechanism is domestic or hybrid. The propaganda of the regime has been that the mechanism will be purely domestic. The regime speaks one language in the international arena and

another within Sri Lanka. The main opposition party, the TNA<sup>1</sup> (especially, those from the political party of the Ilankai Tamil Arasu Kadchy – ITAK) “... seems to think [that] if it calls it hybrid it will become just that and maybe they have a point – nomenclature does shape reality.” However, a crucial section of Tamils does not agree to the position of the ITAK. For them, “... some international involvement doesn’t make it a hybrid court and they point to the lack of majority or veto powers for the international judges” (Harrison, 2015). Except the ITAK, all the other political parties of the TNA insisted for the international inquiry and they categorically stated that the last phase of the war was a genocide committed against the Tamils. Likewise, C.V. Wigneswaran, the Chief Minister of Northern Province, passed a resolution “... demanding an international investigation on allegations of war crimes and an international tribunal to try the accused” (Krishnaswamy, 2015). If we look at the other side of the spectrum, the right wing Sinhalese nationalists poke the present regime as a “stooge of the America” since it supported the passage of a resolution on war crimes and crimes against humanity (*Tamil Guardian*, 2015).

### **The road never travelled before**

The regime had proposed for a four-tiered structure for accountability mechanism. They are as follows: “... a Commission for Truth, Justice and Reconciliation, to be established in consultation with South Africa; an Office of Missing Persons, set up by statute and in line with ‘internationally-accepted standards’; what he termed a ‘Judicial Mechanism with a Special Counsel’; and an ‘Office of Reparations’ ...” In addition, it says, it will take eighteen months period to put this structure in place and start functioning. The initial three months will be for consultations (Salter, 2015).

The transitional justice mechanism is one of the sensitive areas in this four-tiered structure. Recently, Samaraweera, to kick start the process,

1. The TNA is a conglomeration of four political parties like the Ilankai Tamil Arasu Kadchy (ITAK), the Eelam People’s Revolutionary Liberation Front (ERPRLF), the People’s Liberation Organisation of Tamil Eelam (PLOTE), and the Tamil Eelam Liberation Organisation (TELO).



had a consultative meeting with the civil society organizations. Though it is a welcoming move, the involvement of the Foreign Minister in the process instead of the Justice Minister, Wijeyadasa Rajapakshe, brings to light a view that the cabinet lacks collective responsibility in the process. Another concern in Samaraweera's speech during that meeting was that he stressed more on "... the right to truth, reparations and non-recurrence ...” and did not reveal clearly the functions of the special court. This layout makes the human rights defenders speculate that the regime may try to sideline the judicial and the prosecution elements of the transitional justice process (Tissainayagam, 2015).

Nevertheless, in a recent interview, Chandrika Kumaratunga, the former President and the head of the reconciliation unit, have stated that the war crimes court would start functioning from end of December, 2015, or at the latest by early January, 2016. The other two crucial points in that interview were that the judicial mechanism would be domestic and international experts may only give technical assistance; and only line of command will be tested before the court and not individual soldiers (*Voice of America*, 2015).

### Gray areas

One side, the state of Sri Lanka talks about justice mechanism and reconciliation with Tamils. However, on the other side, the Northern and the Eastern provinces continue to be under heavy militarization even after six years of civil war. In Mullaitivu, there is a military base in every ten minutes of journey (Millar, 2015). If we look at the budget of Sri Lanka, still a large chunk of budget is spent on defence sector. Ironically, the Sri Lankan security forces have also started involving in numerous business ventures in the Tamil homelands such as "... parks, shopping arcades and cricket stadiums to hotels, restaurants, a veterinary clinic, a beauty salon and even a cruise ship.” This move removes clearer demarcation between civil and defence spaces and increases surveillance. Also, the power disparity makes the local businesses entrepreneurs to not compete with

the establishments of the security forces (Gunasekara, 2014).

Similar to the above said economic occupation, the cultural occupation has been proceeding without any obstacles in the Tamil areas. For example, the state recently installed a war victory symbols in the region of Vanni (*Tamil Guardian*, 2015). Also, the state is secretly increasing the flow of drugs and alcohol into Tamil areas. The rate of addiction among youths has increased (Miller, 2015).

Since independence, Sri Lankan majority has been following the footsteps of the Israel in colonizing the lands of the minority communities (Saravanamuttu, 2013). For example, a recent report reveals that about "11,710 acres of private lands [are] still under the ..." control of Sri Lankan security forces in the Northern provinces (*The Tamil Diplomat*, 2015).

Above all, in the recent past, the Tamil political prisoners have been in and out of hunger strike demanding amnesty and release. Over 200 went on a hunger strike in the beginning of November, 2015. Tamils believe that there are at least 300 Tamil political prisoners across Sri Lanka and they are arrested under the Prevention of Terrorism Act. However, Wijeyadasa Rajapaksha, the Justice Minister, refutes this figure and alleges that there are only the LTTE suspects and no political prisoners. Further, he argues that "... all these suspects have charges against them relating to bombings and killings.” Though the court had granted bail to 32 prisoners, recently, the bail condition was lopsided (*Colombo Gazette*, 2015). That being the case, the Human Rights Commission of Sri Lanka, lately, called the Attorney General and asked the state to "... release of those held in detention or remand for a long period of time without charges and against whom there is no credible evidence.” Further, it asked the Attorney General to look into and review the cases that are "... solely based on confessions made to police officers, cases where there is no credible evidence exist and for cases which are relatively minor” (*Times Online*, 2015).

In this perplexing situation, observations put forth by Boyle and Salter become more relevant. Boyle (2015) contends that unless Tamils fight for their

justice, they don't get their dues. Likewise, Salter (2015) forecasts, the road ahead on justice are not going to be easy for Tamils.

Only time will reveal whether Tamils will be able

to obtain their due share in truth, justice, and reconciliation or this entire process is just a play performed to improve the image of the Colombo-centric regime in the international arena. The cloud of skepticism is looming large at present.

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# THE AMBITIOUSNESS OF JAN DHAN YOJANA

- Srishti Kochhar, Anmol Somanchi and Vipul Vivek

## Introduction

In his inaugural address at the Delhi Economics Conclave on November 6, 2015, Prime Minister Narendra Modi raised a few questions that are not just at the heart of financial inclusion but also on the top of the mind of those he was criticising: "Changes in interest rates are debated for months. Tons of newsprint and hours of television are spent on it ... But are they important to a person locked out of the banking system? To a person who has no prospect of ever lending or borrowing from a bank? And if large sections of a country are in this position then how important are interest rates?" Mr Modi claimed in the course of his speech the Bharatiya Janata Party-led National Democratic Alliance (NDA) government had in the last 17 months brought 190 million into the fold of banking and "[n]ow ... words like 'interest rate' have a meaning for them" (Narendra Modi, 2015). Media reports by the end of the month, however, seemed to be chipping away at the Centre's "transformational" programme of financial inclusion. We do a quick appraisal of the Centre's financial inclusion thrust since the second phase of the programme began this year in August and argue that governments have been mistakenly trying to fill the space left by a retreating public sector with technology.

## Initiatives

Financial inclusion is defined as the "delivery of banking services at affordable costs to vast sections of disadvantaged and low incomes groups" (Dev, 2006) in order to unleash potential growth. The Mission Document on the Prime Minister Jan Dhan Yojana (PMJDY) describes its objective as "ensur[ing] access to financial services, namely, Banking/ Savings & Deposit Accounts, Remittance, Credit, Insurance, Pension in an affordable manner" (Department of Financial Services, 2015). The Committee on Financial Inclusion under C. Rangarajan defined

financial inclusion as "universal access to financial services by the poor and disadvantaged at an affordable cost" (Dasgupta, 2009). The underlying idea is to mobilise savings through bank accounts to eventually raise public investment for development.

Credit is an important element of financial inclusion. First, it helps deepen the relationship between the borrower and the lender, the lack of which has afflicted earlier financial inclusion programmes where new accounts were never used again. Second, it provides an impetus to the creation of sustainable and productive assets among vulnerable groups comprising small farmers, daily wage labourers, and so forth, enabling the transformation of policy into tangible gains. Updating Mahendra Dev's (2006) proxy of indebtedness among farmer households with the National Sample Survey's 70<sup>th</sup> round of debt and investment survey data, we notice the fall in the share of the unbanked among these households was an insignificant 3 per cent. Third, it loosens the grip of the moneylenders on the cultivators. Again, between Mahendra Dev's analysis that used the 59<sup>th</sup> round data and the 70<sup>th</sup> round, the share of institutional or formal sources in outstanding loan rose by only about 3 per cent.

The trajectory of financial inclusion in India over the past 15 years has been chequered at best. Its advent was located in microcredit, from which it proceeded to microfinance, subsequently to access-to-finance, culminating now in financial inclusion. Among massive media blitzkrieg, almost bordering on hysteria, Modi announced PMJDY on the Independence Day of last year, which is to serve as the ultimate panacea for the rampant exclusion characterising the Indian populace (the Census 2011 data that say about 59% of households in the country were banked include dormant accounts), as well as the platform for all subsequent policies aimed at facilitating inclusion.

## New Names, Old Games

Modi's government has appropriated policies, with some changes, initiated by the previous Congress-led United Progressive Alliance (UPA) regime, without correcting the failings – a classic case of old wine in what is perhaps an even older bottle.

In 2005, Reserve Bank of India announced its first financial inclusion initiative. At this point, the RBI defined financial inclusion as just the opening of “no-frills” accounts. The concept was expanded in 2008 by the Rangarajan committee. The constituents were: (a) a basic, no-frills account to make and receive payments; (b) a savings product; (c) transfer facilities; (d) small loans and overdrafts; and (e) an insurance product. In 2011, the government gave a major push to this by launching the ‘Swabhimaan’ campaign to cover 74,000 villages with populations greater than 2000. According to the World Bank's Global Financial Inclusion (Global Findex 2012) and the Little Data Book on Financial Inclusion (2012), a year later, only 35.2 per cent of the population had an account in a formal financial institution (FFI) and only 22.4 per cent saved any money in the year. While roughly 45 per cent of the population demanded loans, only 7.7 per cent demanded them from an FFI with almost 20 per cent preferring to take a loan from family or friends. This highlights a major disconnect between access and use, already prevailing in the system.

PMJDY constitutes the bulwark of this government's inclusion programme and aims at complete financial inclusion by 2018. It seeks to do this by opening free accounts for unbanked households in both public and private sector banks (eventually aiming at 2 accounts per household), along with a RuPay debit card, life and accident insurance of Rs. 30,000 and Rs. 1 lakh respectively, and a tentative overdraft facility starting with Rs. 2,500, extendable to Rs. 5,000 – both subject to requisite screening. A Credit Guarantee Fund is also supposed to be created by August 2018 to cover potential defaults in overdrafts. Central to ensuring the extension of these services are banking correspondents or bank mitr, who act as intermediary links between the population and banks in return for remuneration. The policy, in its

second phase, is to act as a vessel for social security schemes related to pension, education and so on, and is inexorably linked to Aadhaar, mobile banking, and Direct Benefit Transfers. Together, these have been branded by the government as the “JAM” trinity.

Among the few counts on which PMJDY differs from earlier financial inclusion initiatives like Swabhimaan is that the target section has been expanded from villages of populations greater than 2,000 to include urban regions. According to the Global Findex (2014-15) (The Little Data Book on Financial Inclusion, 2015), of the 887.9 million above the age of 15, 53.5 per cent have a bank account in an FFI. This brings us to whether increased access to bank accounts has resulted in increased use of the financial and banking sector, which should be the end goal of any financial inclusion programme, not just opening bank accounts. Using the 2014-15 Global Findex, we see that the situation has worsened. Though 46.3 per cent population demanded loans, only 6.4 per cent of the population borrowed from an FFI, down 1.3 per cent from 2011. While 32.3 per cent preferred to borrow from family or friends, 12.6 per cent borrowed from a private informal money lender. This shows a continued disconnect between access and use. However, when looking at the poorest 40 per cent, the figure falls to 43.7 per cent. The figure would be expected to fall even further and maybe more sharply if we consider only the bottom decile which would benefit the most from financial inclusion schemes.

## Costs and Benefits

The discourse around the Jan Dhan Yojana has been far from unanimous. Its opponents have outrightly admonished it, viewing it as “merely a means to transfer the savings of the poor to big business” or as a continuation of the “loan melas” characteristic of the UPA's tenure, while its proponents have ascribed to it the oft-used tag of “big-bang reform”, “with the potential to change the game of financial inclusion”, and so forth.

The gargantuan expense surrounding PMJDY begs close scrutiny. The Governor of Reserve Bank of

India, Raghuram Rajan, has warned of an impending subprime lending crisis similar to what happened in the West in 2008 due to the indiscriminate, perhaps even frivolous, and doling out of loans. Operating in the larger context of a pending requirement of Rs. 5.8 lakh crore to meet the Basel III requirements for capital adequacy at banks, as well as a bad-loan crisis that has only been perpetuating for the past few years, the mobilization of Rs. 75,000 crore for the overdrafts of 150 million accounts without any discernible safety net to protect against defaults is highly problematic for the entire economy at large. The “know your customer” norms articulated by RBI to ensure the legitimacy of the borrower have also been relaxed to expedite the opening of accounts, making the entire system more vulnerable to implosion. That aside, opening and maintaining accounts, creating new banks to extend coverage – according to the Yojana’s stipulation, the distance between the bank mitr outlet and the branch should not exceed 30 km, meaning approximately 80,000 rural branches would need to be opened by 2016 – as well as paying banking correspondents enough to sustain their interest entails massive expenditure. This is not to say that costs should be a deterrent to the government’s welfare policies. It is essential that the “welfare” in these policies first be established beyond doubt, especially if its execution a) is practically impossible and b) can potentially put the entire economy at risk. According to the RBI Annual Report of 2012-13, only 7,943 branches were opened in the past 3 years. In this context, the creation of 80,000 banks by 2016 seems highly infeasible, greatly impeding the last mile connectivity paradigm that is so central to inclusion.

According to the Press Information Bureau (2015) report on PMJDY’s first anniversary, Jan Dhan’s accomplishments have been to be “featured in the Guinness Book of World Records for opening the maximum number of bank accounts (18,096,130) in a week”, “launching a dedicated website for PMJDY” and “displaying a [*sic*] tableaux for PMJDY constituting 3D structures and mime-show on Republic Day”. Mesmerising as these achievements are, the series of structural issues that have been imported directly

from the UPA regime have only been exacerbated by the BJP’s insistence to link Aadhaar and DBT to all bank accounts. Since the poor hardly have any savings, the government’s agenda is to link DBT for all subsidies with the Aadhaar-approved accounts so as to ensure an inflow of money into them; the LPG cash transfer is already being done through this means; and food is next on the list. The hasty rollout of the scheme to replace the food subsidy with cash transfers has exacerbated the wrongful exclusion that has existed since the introduction of the Targeted Food Subsidy Programme under the UPA; the ratio of people to banks is 1:28,000, compared to 1:4,500 of people to ration shops. Also, cash transfers haven’t necessarily kept pace with soaring food prices, and this has resulted in massive protests to the JAM trinity across the nation.

This theatrics masquerading as inclusion, the government’s insistence on its institutional infallibility and the bewildering speed with which targets are being met raises doubts about its success. It has, unsurprisingly and invariably, led to a compromise on the quality of the entire enterprise, resulting in myriad procedural and infrastructural issues at the grass roots. An overwhelming percentage of villages either have no electricity or have next to none – Scroll (Yadav, 2015) carried out a survey in a Jharkhand village and found that it was only electrified for about 4 hours a day, the only window in which bank transactions could be carried out. The issue is further compounded since all social security schemes are linked to the bank account, and these logistical loopholes also preclude access to the requisite funds for health, education and so forth.

Another highly problematic theme is that of banking correspondents – an import from the UPA government’s policy and the central interface between the population and the system. The ground reality appears starkly different from the glorious picture painted at conclaves. A March 2011 circular transmitted internally within State Bank of India points to rampant corruption amongst them, routinely extorting money in return for services (Ramakumar, 2014). Worse still, they appear to be non-existent in many sectors. Data suggest that a

large number of banking correspondents simply disappear after the opening of an account, rendering the financial-consultancy and customer-relations aspect of the inclusion model redundant (Iyer, 2015). This has also adversely affected the effective reach of the policy in rural areas where financial literacy is already abysmally low, getting further compounded with the trust deficit created at the behest of the banking correspondents as well as the impetus to mobile-based banking. Bulk of the rural populace is relatively unexposed to information technology – the base on which the entire structure is premised – if not completely oblivious to its workings. A report by InterMedia based on a survey comparing financial behaviour among adults in Kenya, Tanzania, Uganda, Nigeria, India, Pakistan and Bangladesh put India at the bottom, with only 0.3 per cent of Indians having ever used mobile money services (Pant, 2015). India also has the lowest proportion of adults who are even aware of mobile money as well as the lowest proportion of adults who have ever used it. The Global Findex database found only 2 per cent of adults in India with a mobile money account in 2014. The report also indicates that the proportion of inactive accounts is largest here. In the absence of effective banking correspondents to mediate and explain the process, the entire system is rendered incompetent.

According to the government, the number of dormant accounts under PMJDY has dropped to about 35 per cent from 75 per cent initially. However, a lot of these accounts may have become operational because of DBT and DBT for LPG schemes, which are being actively pursued through the Aadhaar linked PMJDY accounts. Similarly, of the 164 million RuPay debit cards issued, according to government figures, 2.24 million accounts, or only 1.3 per cent, have the overdraft facility. The number of those who have actually used this facility is even lower at 830,000, or less than 1 per cent of the total beneficiaries. (Account holders need to prove creditworthiness in the first 6 months to avail of the overdraft facility of up to Rs. 5,000). So not only are most accounts dormant but only a minuscule number of account holders have received their RuPay cards, of which an

even smaller number have been able to avail of the overdraft facility.

This brings us to the issue of financial capacity. Only when households earn enough can they save some money to put in an account. With the average rural agricultural household making Rs. 6,000 a month (NSSO, 2014), opening an account itself seems a little farfetched, let alone using mobile-related banking services.

In the current discourse of economic reforms governments haven't paid enough attention to cooperatives. Cooperatives as an institution bless both the consumer and the producer and hence in the 1950s, the building of cooperatives was seen as a force of countervailing predatory capitalism. As of 2007-08, out of the Rs. 225,000 crore of institutional credit flows, Rs. 44,000 crore came through cooperatives amounting to roughly 20 per cent of the total credit flows. However, given that the reach of the banking sector is essential and central to financial inclusion, the wide presence of these institutions is remarkable. While commercial and regional rural banks account for 33,000 rural branches, cooperatives account for 122,590 branches and credit societies. This has major implications for increasing the reach of banking services. One way of bolstering the cooperatives sector could be to link these institutions to commercial banks, the way self-help groups were earlier linked through National Bank for Agricultural and Rural Development.

## Conclusion

What was achieved by nationalisation of banks in terms of financial inclusion was reversed by the financial liberalisation which accompanied the 1991 reforms. Between 1995 and 2005, 922 rural branches were closed in the name of rationalisation. Of these, 757 branches were closed between 1998 and 2004, when the NDA government was in power (Ramakumar, 2014). In the name of financial inclusion, instead of substance we seem to be getting visions of technological panacea. Protests against overdependence on technology have recently been reported in the media (Narayan, 2015). "I am happy

to note that the Mission has a strong focus on technology,” writes Modi in the mission document for PMJDY. He might like to read what Angus Deaton (2015) wrote after it was announced he was awarded this year’s Nobel Prize in economics: “[T]echnical solutions to political problems ... really ought to be decided by democratic discussion; that experiments are often done on the poor and not by the poor is hardly an encouraging sign.” The second phase has begun but there seems to be no effort in the government to rethink. Or has Modi himself fallen for the headlines and forgotten that interest rates still don’t mean much to many?

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# MYANMAR: ON ROAD TO THE FUTURE

- Kaveri

## Introduction

November 8, 2015, became a historic day for the people of Myanmar. They witnessed the first substantial free and peaceful election after 25 years. The election attracted lots of attention from around the world.

Aung San Suu Kyi led the National League for Democracy (NLD) secured a decisive win in the election. If everything goes smooth, the country will witness its first non-junta backed government. This win is an attempt to bring back democracy after five decades of military rule in the country (AP, 2015).

Notably, this election also holds much importance from India's point of view not just because Myanmar is an adjacent country but also because its borders are sensitive, porous and militancy prone. The fact that the country shares its borders with two prominent countries of the South and the South East Asia i.e., India and China makes it geopolitically an important location (Quraishi, 2015; Bhatia, 2015).

Myanmar had been entrenched with authoritarian military rule and armed ethnic conflict. In addition, many Buddhist extremist groups have been propagating the majoritarian principle and often use violent measures against the ethno-religious minorities including the Rohingya Muslims (*The Hindu*, 2015).

This historic election raised hopes for minorities and many human rights advocates but we should not jump the gun. There are many questions that are yet to be answered such as when will be the transfer of power and how it will be materialized? How Suu Kyi would deal with the current political climate especially the ethno-religious question? What would be the status of the Rohingya Muslims if the democratic setup comes into place?

## Intricacies in the issue of Rohingyas

No doubt that this is a big moment in Myanmar's

history. Suu Kyi's election catch phrase of "Time to Change" and her much highlighted agenda of ethnic reconciliation and peace process were excellent expression (Myint, 2015). Likewise, Myanmar's refugee problem as well as the much debatable Rohingya issue or to say "the boat people" remains a hot issue and had been brought to the centre stage of politics.

During the five decades of military rule, millions of Myanmarese left the country- legally or illegally and took refuge for better life opportunities. Many of them become undocumented migrant workers in the neighboring countries – Thailand, Malaysia, Indonesia, and India and beyond. According to the UNHCR official records, there are 110,000 Burmese in nine refugee camps of Thailand (*UNHCR Thailand factsheet*, 2015), 142,630 in Malaysia (*UNHCR Malaysia factsheet*, 2015), 1,566 in Indonesia (*UNHCR Indonesia factsheet*, 2015), and around 18,252 in India (*UNHCR India factsheet*, 2015).

However, the case of "Ethnic Rohingya Muslims" is far more discrete since they have no place in extreme nationalist vision of Buddhist Myanmar – "Project Burmanisation – a single religion – Buddhism" which was followed by military government for the last 50 years (Quraishi, 2015). The Ethnic Rohingya Muslims constitute almost a total of 3 million populations of the Arakan state and other half are Buddhist. Since 1982, they have been not recognized as a national minority by the state. Ne Win government officially declared that Rohingyas would lose their Myanmar Citizenship if they don't prove that their ancestors lived in Burma (now, Myanmar) since 1832 (Jilani, 1999; Htut, 2003). Most failed to prove and became stateless on their own land. They had to suffer through numerous cruel military operations by Burmese government and military. And, many thousands have fled, adding to the regional refugee and migration crisis (*Human Rights Watch report*, 2000).

Some Rohingyas whom I spoke in Delhi said that since childhood, they have been hearing "democracy

would come back to Myanmar” but nothing happened till now. We were forced to leave our home land due to atrocities and prevalence of insecurity in Arakan, Myanmar. Now that Suu Kyi had won the election. We do expect change but again not sure whether conditions for Rohingyas would improve as she never raised our issues or talked about us. She rather has always remained mute which only has increased our insecurities.

### Field reality

From the critical lens, the so-called historical election did not lay any ground for reconciliation with the minorities. Suu Kyi went with the winds and followed a pragmatic approach in choosing the candidates for the election. Not a single Muslim stood as a candidate for the NLD in this election and it paid her off. The situation is very grim for ethnic religious minorities and they lack options to demonstrate their grievances.

Suu Kyi has already faced many criticisms from international human rights advocates for her deafening silence against abuses faced by the ethnic Muslim minority. Almost a million Rohingya Muslims had been debarred from voting by questioning their citizenship under the pressure from the Buddhist nationalist (*BBC News Asia*, 2015; Fuller, 2015; *The Hindu Businessline*, 2015). Furthermore, about hundred hopeful candidates were disqualified from contesting elections. Hence, it is evident that the Rohingya situation will be one of the most persistent and contentious issues which the new government will face apart from development, cronyism and issue of increasing transparency in administration of the country (Pradhan, 2015).

### Hurdles in the road to power

Immediately after the election results, Suu Kyi sent an invitation on November 11, 2015, to three top level officials which includes country's Commander-In-Chief along with President, Thein Sein, and House Speaker, Shwe Mann (as per the account on the Facebook page of the NLD). She probably felt

that she could materialize this opportunity to discuss the change, national reconciliation, and tranquility of state during the transition period.

However, the meeting was delayed and postponed until all the investigations of the complaints filed (around 100) by Union Solidarity and Development Party against the National League for Democracy in various constituencies is complete, till then the process will not be over. Hence, no formal announcement or meeting would take place before that process gets over (account of the Myanmar's Information Minister, Ye Htut, said on his Facebook page; Homes, 2015; *The Hindu*, 2015). Therefore, now the meeting is pushed to the end of December, 2015. This evidently strikes that the chemistry hasn't worked between the parties and there is still apathy and lack of trust.

Irrespective of the election result, military force (Tatmadaw) of Myanmar will continue to hold power since they have very secure position as per the provisions of 2008 Constitution. The military holds 25 per cent of the reserved legislative seats in the parliament. Hence, they will have power to legally block any Constitutional amendment. It requires more than 75 per cent votes to amend the Constitution. Similarly, they will hold key cabinet positions like defense, interiors, and border security. And one should not forget the fact that in state of emergency, the military has the power to control over the country (Bhatia, 2015; Pradhan, 2015; *The constitution of Myanmar*, 2008). Also, it controls large parts of the national economy. With these important portfolios, the military will always remain in a strong position in the country's governance and the overall functioning of the administration.

In this highly institutionalized military climate, Myanmar's democratic transition would face many hurdles. However, the changing perceptions of the people of Myanmar cannot be denied or neglected. They wanted change, peace, and democracy for which they overwhelmingly voted. Therefore, the results have shown a resounding rejection of military rule in Myanmar.

## Dissecting the election result

The new President will not take charge before the end of March, 2016, but the “Nobel Laureate” Aung San Suu Kyi is already seen as a ray of hope. While, if we closely see or deconstruct the election then we would understand that Suu Kyi was certainly a charismatic attraction among the electorates. She campaigned on the ground of a positive change, a change to real democracy and peace. So it was clearly a vote for her and her vision of democracy. Secondly, it was a decisively vote against military and autocratic regime. Hence, when the people of Myanmar went into the polling booths they voted against Thein sein, Thein Swe and Shwe Mann of military backed Union Solidarity and Development Party.

When National League for Democracy fought at 80 per cent of the seats, no international observer, experts or academicians predicted this win or to say that Aung San Suu Kyi would get a landslide victory with 2/3 plus (Homes, 2015). The reason could also be that there are no opinion polls and the fact that country has no great history of elections as we all know that this was the third election after independence in 1948 and probably the most democratic one.

Before elections, Suu Kyi in an interview to Karan Thapar clearly and proudly said that she will be the next President of the country. Many remained stunned by her statement and sheer staggering confidence (*India Today*, 2015). However, her assertion continues notwithstanding, the article 59F

of the Constitution, which refrains her to become the President of Myanmar. The Constitution clearly debars anyone from the office of President if he/she has spouse or children who are foreign nationals (*Constitution of Myanmar*, 2008). Hence, this will directly affect Suu Kyi whose late husband was a British, as well as her two sons.

Now it will be interesting to see what will be her strategy to clinch the position of the President. Whether, she will pressurize military to agree for a constitutional amendment or will surpass the constitution. She may go for a compromise with the existing provisions and nominate someone from her party. While, some feels that she may go for the post of speaker.

## Conclusion

I personally feels that being a speaker, she will face constraints as well as confined to the houses under Myanmar’s complicated parliamentary-presidency system. Hence, she will neither be able to defend the government nor lead the peace process as claimed. Thus, it’s clear that the transition has just begun and road ahead has many challenges. The military’s involvement in politics won’t end. The NLD will bend and convince the military to cooperate. Whatsoever will be the case, the spotlight will remain on Myanmar for the next coming few months to observe Suu Kyi’s steps to democratization, establishing ethnic harmony and peace in the country.

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# CONTEXTUALIZING SRI LANKA

- G.V.D. Tilakasiri

## Introduction

The period which commenced after 1977 turned Sri Lanka upside down in terms of its socio-economic structures. Until that point, Sri Lanka followed a socialist welfare model of economy. The opening of doors to liberalization and privatization caused market and money to dictate the terms and conditions of the society. In sequence, the country became beholden to the international market forces.

Within a short period, people understood that the new economic policies had made the people fall from the frying pan to the fire. The escalation of structural inequalities in the new setup broke loose two uprisings during that period. On one side, youths of the northern region rebelled against the state on the premise of their unaddressed economic grievances. Later, it turned into an ethnic war. Similarly, in the south, youth rebelled against the state due to rise in unemployment and lack of welfare measures. The prices of the essential commodities were sky high and many farmers committed suicide.

In continuation, a dictatorial constitution was enacted in order to centralize the power to effectively implement the open market economy. The democratic values were abandoned and elections were postponed. Between 1977 and 1994, people had fewer options to change the rulers.

The general election of 1994 brought human face to the open economic policy. There were serious of peace and safety measures introduced such as the peace negotiations were started between the state and the northern fighters. The south rebellion group entered into the main stream politics. Workers received sufficient salary package, farmers were subsidized for the paddy and essential food items including vegetable. It introduced certified price system for paddy and state regulated the market to an extent through buying paddy from the farmers to balance the market evil forces.

Nevertheless, the rulers continue to privatize public properties and hand over them to multi-national companies owned by relatives and friends of the ruling politicians for throw away prices. The anguish of the people brought a new government in the election of 2005.

## Pro – People Changes (People-ism)

With the emergence of the new government of the United People Freedom Alliance (UPFA) in 2005, the accursed war that lasted for thirty years came to an end in 2009. Also, privatization was stopped and government services were strengthened and expanded. About 45,000 unemployment graduates were recruited in the public service departments. The properties that were handed over in the previous regime to companies such as Lanka Marine and Insurance Corporation were reclaimed through public litigations.

Likewise, Lanka Puthra Bank was put in place to promote small investors. A new life was given to two major state banks in order to strengthen the “State Capital”. Shell Gas and Sri Lankan Airlines were taken back by the state ending their contracts.

Also, many new infrastructures were created such as construction of sea port at Hambantota and airport at Maththala. Both these places were the breeding ground of the southern youth rebellion. Highways were built for the very first time in Sri Lanka. Colombo - Kankesanthurai railway line was opened after 30 years where it was destroyed by the Liberation Tigers of Tamil Eelam (LTTE).

On the economic and the political front, the state was regulating the market in order to safeguard the small producers and vulnerable communities. The provincial election was conducted in the Northern and the Eastern provinces after the end of war. It was an opportunity to function within democratically elected councils.

### **Continuation of ethnic issues**

Though the war ended five years ago, both the sides (Sinhalese and Tamils) were unable to achieve long lasting peace. The political leaders from both these communities were not coming to a consensual agreement. The ruling party as well as the opposition party lacks vision to reach an agreement to lead the country in the right direction.

Most sectors of the society are struggling for transformation to match the modern democratic polity. In the current juncture, people are longing for peace, democracy, and good governance. Some of the major demands of the people are 1) Change the highly centralized presidential system, 2) Change the district electoral system, 3) Strengthening of democratic institutions, 4) Reparation for war affected victims, 5) Change the domination of Chinese investments in the economy among others.

### **Stagnation in the process**

The government has pledged to take steps to speedily implement the recommendation of the Lessons Learnt and Reconciliation Commission (LLRC). However, it did not progress much due to lack of resource and space for the opposition party to involve in political discussions. There were pressures from international community and countries of the South Asian region to initiate dialog to find solutions for the ethnic problem.

Western policy makers and international community empathize with the long standing grievances of the Tamil war victims. Their point of focus was the human rights violations. The Human Rights Council passed resolutions against Sri Lanka in 22<sup>nd</sup> March 2012, 21<sup>st</sup> March 2013, and 27<sup>th</sup> March 2014 in the name of promoting reconciliation and accountability in Sri Lanka. These actions impacted the social, economic, and political setup of Sri Lanka. The Western block and multi-sector stakeholders have the power to change the rulers of any nation-state though they are legitimately elected by the democratic electoral system.

### **Collapse of Mahinda Rajapaksa (MR) regime**

Most of the people were happy with MR government since development was happening at a high pace through projects such as the Colombo Port City, Hambantota harbor, Maththala airport, highways, and building roads in the villages.

However, on the other side, people were facing many difficulties in their day-to-day life. As a consequence, media institutions, civil society groups, trade unions and professionals got together and started reporting and organizing against corruption, malpractice and repressive actions of the government. In that crucial juncture, MR decided to hold the presidential election two years before it's due.

Initially, many people thought that MR would easily win the election since there was no strong opponent candidate. After the declaration of the election, the secretary of the SLFP (the party that MR is from), Sirisena, broke away and became the common opposition candidate. It was a shock and no one imagined that he would leave and become a common opposition candidate. The forces behind him were quite strong especially the international community provided complete support in order to merge with the opposition parties.

Finally all opposition groups, middle class intellectuals, religious and ethnic minorities, media institutions, and majority of public servants shift to the opposition side and common candidate, Sirisena. He won the election by a narrow margin in 8<sup>th</sup> January 2015. Most people including the international community thought that the former president would not hand over the power. Some of them thought military clashes would occur. But Sri Lanka has strong tradition of parliamentary democracy and new president took charge smoothly.

### **National Unity Coalition**

Sirisena took oath as the President and appointed Ranil Wickremesinghe as the Premier Minister in the same platform. Usually, Premier Minister will be appointed after a general election but this time

the President received power from the hands of the Premier Minister. He changed the barricades of the past practice.

In a similar style, Sirisena appointed the new Chief Justice ignoring the constitutional provisions. Soon after coming to power, the new government declared 100 days program and some of the highpoints were as follows: Increased the salary of public servants by Rs. 10,000/month; reduced the fuel price to Rs. 30/liter; the controversial Colombo Harbor project was stopped – it is a Chinese investment; and introduced the 19<sup>th</sup> amendment to reduce the power of the President. These measures increased the popularity of the new government and middle class was happy.

Immediately, the parliament was dissolved and the general election was announced. At the end, MR led the UPFA coalition received 95 seats and Ranil Wickremesinghe led the United National Party (UNP) received 106 seats. After the election, the two major political parties the SLFP and the UNP got together and formed a National Unity government for two year period.

About 50 members of the UPFA have been not happy with this unholy alliance. They are strong MR sympathizers and supporters. They continue to remain in the opposition section of the parliament along with few other parties. Tamil National Alliance (TNA) received the opposition leadership and former rebellion Janatha Vimukthi Peramuna (JVP) nominated as the opposition whip with agreement of the National Unity government.

### **Accountability, reconciliation, and human rights**

Newly appointed National Unity government had signed an agreement with US to promote reconciliation, accountability, and human rights in Sri Lanka. It will be a fresh effort to achieve the post-war justice. The new government seeks to address the grievances of the Tamil and the Muslim communities especially on the Human Rights front. The parliamentary UPFA opposition is opposed to this Human Rights resolution and asserts that it would be affect sovereignty, unity, and integrity of the country.

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### **About the author**

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# MASCULINITY OF NATION STATES: THE CASE OF NEPAL

- *Abhishek Tiwari*

## Introduction

Nepal passed a new constitution on 20 September, 2015, which was followed by protests and violence. The protests are led by Madhesis, an ethnic group that belongs to the plains of Nepal. The core of these protests lies in the interjection of solutions pertaining to centuries of exclusion and centralisation of power.

The debate around the balancing act has overpowered the celebration of birth. The birth to strengthen a democratic nucleus, the constitution, and has caused death of more than 40 citizens in the process.

The protests have also resulted in blockades near the Indo-Nepal border causing an outcry for essential services and rationing, as Indian Oil corporation exercises monopoly on fuel in the land-locked state. The Nepal government has blamed it as retaliation by India towards the new constitution. Nepal has also signed an agreement with China to open borders, as hundreds of trucks have arrived carrying dragon oil through Tibet. Though there is a realisation that it is not feasible to import from China as it is costly, Nepal is still looking south but with the face of masculine aggression.

The government is holding series of discussions with protesting groups and promising to move amendments to include the voices of marginalised groups but it is blaming the Indian government all the same for the blockade.

The Indian government has shrugged off from taking any responsibility for the blockade and has blamed Nepalese citizens for violence towards Indian transporters and has insisted that the Nepalese government try to include the voices of all the sections of their society in the constitution.

Through all of this, the bone of contention remains the rights and special provisions for ethnic minorities, including the Madhesis, in the constitution of Nepal.

## Background

In 1949 the Nepali Congress (NC), in its struggle against the Rana autocracy, demanded a Constitution, a demand which was supported by India during its active involvement in ending the Rana system and initiating democratisation of Nepal in 1951.

After the fall of the two century old monarchy in 2006 and with the constitution in effect, the federalism debate has continued to intensify with strong opposition from the Madheshi Janadhikar Forum, a party from the oppressed southern region, which burned the document in protest in 2007.

The social fabric of the society comprising of dalits, ethnic groups, women, and other underprivileged groups has always been fragile. As a reaction to state centralisation coupled with exclusion, it triggered Maoist insurgency in the 1990s and early 2000s.

The NC and UML combination came to power in the second Constituent Assembly in 2013. In a house of 600, the NC emerged as the strongest party with 196 seats, the UML secured 175, leaving the Maoists a poor third with only 80 seats.

The discussion on federalism had kept the assembly out of order until April's devastating earthquake. The absence of state machinery and the poor response to the disaster acted as a driving force which re-initiated the formation of a constitution.

The Maoists and the Madheshi Janadhikar Forum were included in the discussion after the long status quo by the NC and the Communist Party of Nepal-United Marxist Leninist (CPN-UML) weakened.

The identity based federalism demarcation was feared by the leadership as it had the potential to challenge the dominance of traditional power groups. Of key importance in this equation is the fact that the southern province which has Madhesis as majority



shares the Indo-Nepal Border and hence holds the key to a relationship which penetrates into the basic unit of a state, the family.

The penetration into family stems from a long shared sovereign boundary. Indian states of Uttar Pradesh and Bihar have ties with the Madhesis and their darker complexion makes them inferior to the relatively fairer and traditionally powerful Brahmins and Chhetris. In Nepali language they are also referred to as *dhoti*, a derogatory word. Such casual derogatory parlance is accompanied by implicit discriminatory practices such as the state using Malaria outcry in the hills to cause an influx of Pahris in plains and restricting the Madhesis from joining the security forces in the past.

Alongside, land appropriation through transfer of land ownership since the time of Gorkha rulers from indigenous people to the state, monarchs and higher caste in different forms has also resulted in the marginalization of groups like Madhesis. This was accelerated with the coming in of international aid and land reform policies propagated under various names. Even land acquired for national parks and implementation of MDGs displaced Madhesis and indigenous community which continued to subvert their identity, which was essentially tied to their land. It also adversely affected other important aspects of their indigenous identity such preservation of language, culture, livelihood, as the space which held it together shifted to accommodate capital gains of a handful of elites.

### **Constitution and disagreement**

The debate over federalism has led to an agreement which has culminated into a 16-point framework outlined in the draft of constitution with controversial proposals regarding fundamental rights and women's citizenship. Apart from devolution of power, there is little emphasis on empowerment of local communities.

The NC and the UML did not go for broad national consensus, as was followed by the Maoists who faced a huge defeat in 2013 elections. The two-thirds

strength of majority in the house led the coalition to go directly for the voting through division.

A power sharing proposal which took Maoist on board was introduced later, after the making of the constitution, which albeit it carries the label of inclusion will still not disrupt the dominance of upper-caste hill groups. The NC and UML leadership were not even part of people's mass movement (Jan Andolan II) and unlike the Maoists did not propagate the idea of a republican and inclusive constitution from the beginning.

The disapproval comes not only from groups of the Madhes, Janjatis, and women but also from close quarters of monarchists, Hindu fundamentalists, and extremist Maoists.

The core underlying intersection of the disapproval is the status quoist dominance of upper hill castes. Judiciary, bureaucracy and most of the state machinery already misrepresent Nepal in terms of diversity, with upper hill castes holding powerful positions.

As a reaction to this misrepresentation, Janjati group also opposed the reduction of the proportionate representation in parliament from 58 per cent under the interim constitution to 45 per cent under the new constitution.

The new constitution has different citizenship provisions, which does not give priority to the children born out of a marriage between a Nepali citizen and a foreign national. However, Madhesis because of their geographic location, often marry across the border. The new federal provinces also divide Madhesis into different provinces, thereby not giving them majority in any province, which could result in political intermingling, but at the same time reduce their power as a community in the national political arena.

The question of citizenship is also patriarchal in its nature because instead of motherhood, fatherhood is considered as the basis for determining citizenship. This patriarchal understanding doesn't collude with the affirmative action of 33 per cent assured representation of women in the central legislature and the post of either chief or deputy chief.

In affect, it means that if a Nepali female citizen marries a foreigner, children born to the couple will not get citizenship. To understand how this adversely affects a large number of people from the Madhesis community it is important to draw a relation between the geo-cultural practice of cross border marriages among Madhesis and the way citizenship is determined. It creates citizenship insecurities for Madhesis, as a large number from their community will be rendered stateless.

Away from the citizenship debate, there was a demand for making Nepal a Hindu state and reinstating monarchy. This agenda was clearly pushed for by the monarchists and Hindu fundamentalists. There were reports that the Hindutva sections of the ruling BJP supported them. They also demanded that the Nepal government remove secular from its constitution, and declare the cow as a national animal. The latter demand was accepted as the cow was infact declared the national animal in the country's newly-unveiled "secular" constitution.

### **International and Indian Response**

As international interest about Nepal has created ripples, the United Nation and India have taken note of the constitution, while China and European Union have welcomed it. Even US ambassador congratulated the UML leader and the prime minister KP Oli, for adopting the constitution.

The dominance of the hill upper castes and simultaneously keeping Janjatis and Madhesis away from political power does not appear to bother China, EU, and USA.

Indian government which supported Jan Andolan-II movement in 2005-06 that was aiming for inclusion of the Madhesis in particular in the constitution, is running out of options. The Indian Government took Nepal to the UN for crime against human rights as a result of this frustration.

The Indian democracy has still not matured and does not have enough representation of diverse groups in many state institutions. In this situation, it would be a juvenile act on the part of India to not celebrate

the constitution and publicly meddle with the state affairs of Nepal.

The joint statement issued by the French and Indian government for Nepal, was rebuked by Nepal's Prime minister in his address to the nation. He state that it was Nepal's internal matter. Just before the statement was issued, a number of Nepalese protestors had gathered in UK condemning PM Modi's visit. They also protested against an alleged blockade by India on the Indo-Nepal border.

Indian diplomacy has failed to follow the internal dynamics of Nepali politics which has led it to deliver conflicting messages. The intermingling of Hindutva and Madhesi concerns with the vested interests of Monarchical powers has resulted in the current situation which has been used anti-Indian constitutencies in Nepal to further their agendas.

### **Masculinity at the juncture of nation-state**

Nepal has become a central point for power struggle with US, EU, and India on one side and China on the other. And these struggles have been polarizing the society in different ways, through unequal distribution of international aid for instance. Under the guise of Millennium Development Goals and land reforms Capitalism has already penetrated the complex ethnic relationship. The complication is further deepened with donor agencies increasing the imbalance of political and economic power backed by elite lobbying.

Federalism may not be the ultimate solution to bridge the inequality but it surely is a step towards it. Federalism in divided societies like that of Nepal can turn marginalised national minorities like Madhesis into a local state majority. Moreover, an absence of plural society in Nepal can nullify the fruits of federalism, ethnic federalism in this context, particularly if linguistic autonomy is not granted in each state.

The Lippmann-Dewy tension is also fuelled by the local media representation of news, which is highly centred on Kathmandu and is effective in shaping public opinion. The new media project

and community radio in Nepal is helping in the decentralization process but whenever the debate comes to the nation-state, the rhetoric of masculine nation state overpowers their rationality so far as it is concerned with the plight of its citizens.

In a time of consumerist modernity, the nation state's masculinity stands at the juncture of new consumerist aspirations. The refashioning of masculine identities can be seen from the response of French government after Paris attack, from the general election campaigning of Modi's government (56-inch chest) and Nepalese coalition reactions.

India has been given a tag of being an irresponsible neighbour since the projection of its masculinity through the media during the recent earthquake. Indian media was constantly feeding the consumerist aspirations of the masculine nationhood, through its glorification of the Indian army and the efforts of the Indian state. This was soon amputated by the social media reactions, as #GoHomeIndianMedia was trending for a week on Twitter, for instance.

Such reiterations of political prowess have already created an environment in which each party has to compete for malehood. It is like a competition which entails being a lone wolf instead of collaborating together.

### **Conclusion**

The internal conflicts within Nepal leading up to the drafting of a constitution have drawn strong opposition from minority groups such as the Madhesis who have been and continue to be marginalised. Accompanied by a natural calamity, the state of affairs has worsened. In a murky time such as this, strongly worded statements from international powers and neighbours alike have resulted in a reassessment and reaffirmation of the masculinity of the State of Nepal. As it internally experiences turmoil and undergoes considerable power shifts, the exterior of a tough, masculine global power emerges. The question to ask is not who Nepal's "Big Daddy" is but if it is willing to accept one at all.

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### **About the author**

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## NEWS AND EVENTS

### **Global Action on Poverty (GAP) Summit 2016**

GAP 2016 will be held in SABARMATI GANDHI ASHRAM, Ahmedabad, Gujarat, from 20th - 23rd February 2016. ICSW South Asia Regional Committee is an active partner of GAP.

GAP - Global Action on Poverty is a movement to eradicate poverty globally, through thought and action. GAP 2015 brought together 100 Changemakers (those who are working on the ground in various aspects of poverty eradication) and about 70 Catalysts (people and organisations who support Changemakers through resources, connections, funds and advice). They were guided by people like Nobel Laureate Professor Mohammad Yunus, Aruna Roy, Jean Dreze, Ela Bhatt, Madhav Chavan, Harsh Mander, Harish Hande and Vijay Mahajan who were the Mentors. The 2 day event was held at Sabarmati Gandhi Ashram & Gujarat Vidyapith on March 12-13, 2015.

The 5 streams of GAP are:

- GAP Connect - Hub that enables Changemakers, Catalysts, Coaches and Mentors to connect, communicate and collaborate.
- GAP Funds - Bridge between Changemakers and funding organisations where funders enable Changemakers to understand the funding process and also show them how to pitch for grants and/or loans.
- GAP Labs - Partnerships with research and educational institutes to find innovative and entrepreneurial solutions whilst inspiring future Changemakers.
- GAP Learn - Source for courses and workshops to enable Changemakers to develop capabilities, skills and enterprise models. Sessions are conducted at the site of the Changemakers.
- GAP Events - Events that bring together Changemakers, Catalysts, Coaches and Mentors to collaborate and be inspired.

### **What will happen at GAP 2016?**

The 4 day Intensive event 2016- will have powerful Mentors, similar to those listed above, who will engage and inspire with all the participants. Every Changemaker will have one's project or enterprise vetted in detail by experienced peers and experts. Additionally, there will be a number of practical learning sessions on complex issues like scaling one's idea, creating successful collaborations, making pitches for funding, building a proposal or creating marketing plans. Established NGOs like Pratham, SEWA etc will show-case their journey to growth, and which becomes a direct learning process for the Changemakers to take their initiative to a new level.

The importance of Purpose & Active Support:

At GAP 2016, an intense Inner Journey workshop - across all 4 days - will lead one to find or further clarify one's purpose. This is to help align one's enterprise / project to her/his life purpose. Such an exercise is being undertaken taking cognizance of the fact that the Changemakers journey is generally going to be fraught with obstacles and is mostly going to be a lonely one. At the same time, at a ground level, GAP will connect Changemakers to Catalysts who will assist in the areas of funding, resources and knowledge.

### The GAP Coaching Program:

GAP is also engaging qualified and experienced coaches to support the Changemakers, over a period of 1 year, to grow their leadership skill as well as to handhold them and ensure that their idea/initiative has the maximum impact. A senior professional coach, one for every 5 Changemakers, will work alongside to enable one to reach his/her goals. The coaching starts soon after on boarding of the Changemaker in to the GAP platform.

For more details click the link below or paste the URL against each in your browser

1. GAP 2015 Video:

[https://www.youtube.com/watch?v=wOFv\\_q4rFyo&app=desktop](https://www.youtube.com/watch?v=wOFv_q4rFyo&app=desktop)

2. GAP 2016 Brochure:

[http://globalactiononpoverty.org/downloads/GAP\\_2016\\_e-Brochure\\_English.pdf](http://globalactiononpoverty.org/downloads/GAP_2016_e-Brochure_English.pdf)

3. GAP 2016 Event Flow:

[http://globalactiononpoverty.org/downloads/GAP\\_2016\\_EventFlow.pdf](http://globalactiononpoverty.org/downloads/GAP_2016_EventFlow.pdf)

## GUIDELINES

The newsletter welcomes articles and commentaries on topics such as social welfare, governance, social policies, social protection, peace, and human security, with focus on South Asia. It encourages scholars and practitioners to write articles from their research work, academic papers, and field experiences. The newsletter strictly follows APA referencing style. It shall be the responsibility of the author(s) to ensure appropriate citations and referencing as per standard referencing rules. The selection of article and commentary would be primarily based on the quality of the manuscript and its relevance to the contemporary subjects and fulfilling the objectives of the newsletter. We request contributors to submit original articles and take due care in aspects such as methodology, theoretical discussion, clearer flow of arguments, and diplomatic language.

### **For article**

The word limit is between 5000 and 6000 words (including abstract, keywords, and references). The author(s) should submit the article in MS Word format. It should have a cover page specifying aspects like title, author(s) name(s), affiliated institution, communication address, and short bio (of 100 words). Article should have an abstract of not more than 150 words and five keywords. In case of multiple authors, the first author will be considered as the corresponding author. A letter of authorisation from all they authors to agree to the order in which the names appear will have to be submitted along with the article.

### **For commentary**

The word limit for commentary is between 1000 and 2000 words. The author(s) should submit the article in MS Word format. It should have a cover page specifying aspects like title, author(s) name(s), affiliated institution, communication address, and short bio (of 100 words).

### **Review system**

The manuscript received will be reviewed by the Editor and the Guest Editor. The accepted manuscript may undergo a process to fit within the policy outline of this newsletter. The Editor and the Guest Editor will provide inputs to the author(s) and it is the responsibility of the author(s) to make the necessary corrections. The decision of the Editor will be the final. All the communication will be carried out through e-mail.

### **Communication**

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