Policy
WATCH

CONSTITUTIONAL VALUES AND DEMOCRATIC INSTITUTIONS

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Editorial

Dear Reader,

This edition of Policy Watch is on the RGICS theme of Constitutional Values and Democratic Institutions. The issue brings to you a varied discussion on the psychology of fascism, two contending ideas of nationalism, and human trafficking.

The first article is on Ideology – particularly Fascism, whose contemporary variants are resurgent all over the world. In this article, Mr Aryan D'Rozario gives us a psychological analysis of fascism based on the works of William Reich. Reich is of the belief that early childhood and familial atmosphere play a key role in determining fascist tendencies at a psychological level. This is further explained by examples from Smith's work on Mussolini. Aryan explores two key questions - does the resurgence of fascism signal an end of democracy and why do people vote for the right wing even though it might be against their interests. This article also discusses some of the arguments from Runciman's book – How Democracy Ends?

The second article by Mr Mohd. Tanweer Alam juxtaposes the idea of nationalism as espoused by Gandhi and Savarkar. Gandhi approached Hinduism from a spiritual and philosophical perspective and wanted to build a nation which is inclusive of people across religions, race and ethnicity. Gandhi viewed India's diversity as an asset. In contrast, Savarkar introduced the concept of Hindutva encompassing the religious, social, cultural, political and linguistic spheres. He wrote "Every person is a Hindu who regards and owns this Bharat Bhoomi, this land from Indus to the seas, as his Fatherland and Holy Land, the land of the origin of his religion and the cradle of his faith". This excludes Muslims, Christians and Jews, on the ground that their Holy Land is not in Bharatvarsha. The article brings out other differences in these two world views and how they led to different ideas of India, with the latter becoming resurgent now.

The third article moves from Ideology to Law and shows how fundamental rights are trampled on for many Indian citizens. This article on Human Trafficking is written by Ms Mamta Borgoyary, Ms Charu Singh and Ms Pranjita Borah. Trafficking is the third largest organised crime in the world. In India women and children are the prime targets, especially those belonging to Dalit, minority and tribal groups. The article also speaks of the existing legislation to prevent trafficking in India and the gaps in both policy and implementation. The article explains the shortcomings of the Trafficking in Persons Prevention, Protection and Rehabilitation) Bill, 2018 which was passed by the Lok Sabha, but lapsed as the Rajya Sabha could not consider it before the dissolution of the 16th Lok Sabha in March 2019. The present Government has announced its intent to reintroduce the Bill and we hope some of the critique of the earlier Bill will be heeded when the revised version of the Bill is tabled.

We hope you enjoy the varied articles we bring to you on the RGICS theme of Constitutional Values and Democratic Institutions.

The Socio-Psychological Origins of Fascism

Aryan D'Rozario

The past few years, authoritarian "nationalist" governments have seen a steady resurgence across the world. United States, Turkey, Israel, Poland and Hungary are now governed thus. Some analysts have attributed this rise to various factors - increasing crime rates, immigration-consequently cultural dislocation and welfare dependency, economic stagnation and so on. "Anxiety about order traditionally pushes the public to embrace parties of the right, who most credibly promise to restore order, whether we're talking about fighting crime or preserving a familiar culture. And anger at corruption and elite self-dealing quite naturally drive the public to punish established leadership and give newcomers a try, and to seek out newcomers who viscerally share their frustration" (Millman,2018). Right wing governments, even the ones elected democratically tend to be authoritarian, conservative and with a tendency of centralization of power in one individual.

One of the questions that is on the minds of the more liberal minded is whether the rise of the right wing is a signal that liberal democracy as we understand it is today is coming to an end with

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people marking their preference of a more authoritarian government. Secondly, why do people, especially workers and members of the middle class, support political movements spearheaded by fascist dictators, that are diametrically opposed to their economic interests and general well-being? And why do the educated upper classes also join the bandwagon of support for such leaders? The answer lies in the unit of the family and not economy, as one may assume, and the values and emotions that children are taught from a young age. These include religion, patriarchy, authoritarianism, nationalism, and submission, values which are naturally drawn into the ideas of fascism, which is after all a movement that appeals to human emotions and not rational arguments of economics or sensible politics.

Let us begin by addressing the question- What is fascism? "Fascism, as defined by Wilhelm Reich is, "... the basic emotional attitude of man in an authoritarian society, with its machine civilization and its mechanical-mystical view of life," (Reich: 9) and, "... consequently, there can be 'fascist Jews' and 'fascist democrats'" (Reich: 201). It is important to note that Reich does not view fascist parties as responsible for fascism but point to their mass supporters as the catalyst. He argues that people are inherently attracted to the idea of "fascism," irrespective of them being Jewish or Christian or anything else, due to an exposure to a lifestyle that is highly mystical and sexually repressive,.. For Reich, fascism is unique because it tends to have, in all instances, the support of the masses. Without that critical support of the masses, it becomes impossible for the "Führer Ideology" (Reich: 207) to take hold. The Fuhrer ideology is grounded in the belief that people must be led by one leader, who is supreme and wise, which in turn lends perfectly to the idea of "patriarchy," and what children see in their fathers: authoritarian individuals who discipline their children.

Denis Mack Smith's *Mussolini* provides a very good case study for the ideas of Wilhelm Reich, especially that of the "Führer Ideology," the belief in the necessity for a strong and wise leader; and "mass psychology," the behaviour and thought processes of individual crowd members or the crowd as an entity. The idea of "Führer Ideology" is specifically illustrated in Smith's biography of Italian fascist dictator Benito Mussolini, where he also discusses the dictator's early upbringing, and consistent abusive personality. Smith connects these ideas well with the theory of "mass psychology," and addresses the question: Why did the Italian people in large measure

voluntarily give up their freedom to support a dictator such as Mussolini who reigned supreme for 20 years? The answer is not simple, and lies in a detailed analysis of how Mussolini attained power.

A child's early upbringing and familial environment can often determine much of his/her lifestyle and personality into adulthood. Mussolini's childhood was rather dark. While his mother was caring and affectionate, his father, "… believed in corporal punishment and a thick leather strap…" (Smith: 1). The early onslaught of violence resulted in a "… young Mussolini who had a bad-tempered willfulness and a streak of brutality" (Smith: 3). This "brutality," as expressed by Smith was not salient, and Mussolini was frequently in trouble with both his teachers and with the law. Coming from a family of "revolutionaries" (both his father and grandfather were extreme left-wing socialists), Mussolini was raised in an atmosphere where the law was frequently violated and disrespected. His early run-ins with the law, and his abusive relationship with his alcoholic father, defined much of Mussolini's later personality. His dominant father fits in perfectly with the idea of "patriarchy" in fascist thought, and what children see, or are meant to see, in their fathers: authoritarian individuals who discipline their children. Later on in his teenage years, Mussolini, "… sought quarrels for their own sake and because he needed to dominate" (Smith: 3). Years of beatings with a leather strap left Mussolini a weakling at home who was suppressed sexually, and so outside, he exerted his hidden aggression, demonstrating a need to "dominate" other people. Smith's example of him raping a prostitute, who cried foul at his actions, proves this point of a hidden aggression and ungratified sexuality.

The example of Mussolini's family needs to be viewed in conjunction with Reich's view on the family unit and its ties to religion. Reich addresses the fallacy that religion is opposed to fascism, and that the two cannot be reconciled. He writes that, "fascism, we are told, is the arch enemy of religion, and a regression to paganism. On the contrary, fascism is the extreme expression of religious mysticism" (Reich: 10). Earlier Reich had attributed "fascism" to a mystical lifestyle of the masses. He believes that fascism is the mentality of a "little man" who yearns for authority while rejecting it at the same time; similar to a hormonal teenager, who needs structure and discipline from his father, but rejects it when imposed. The teenager later embraces the need for structure through the "Führer Ideology," by supporting a leader who in many ways resembles a parent, and a God. Reich writes that the, "…idea of God is identical with the idea of the father…" (p.144). Fascism seems to provide the submission that many youth desire in their lifestyle.

Mussolini's mother was quite religious, but due to his father's influence, he himself was shielded from the Church from a young age. This desire for God, or someone like God, is apparent in Mussolini's later life, when he becomes dictator of Italy. The structured military parades, the flashy and colourful uniforms of the army, the posters of young women urging men to fight for the "Fatherland" etc., are all examples of how sexual symbolism in everyday life is essential to understanding the psyche of the fascist. Both Mussolini and Hitler embraced these facets in their rule. Parades were essential to display "power" and authority, while both leaders also had a knack for wearing military uniforms, and were rarely ever seen in business attire. .

Now, to the fundamental question: why do workers support parties that are opposed to their economic interests? Reich explains that it is because the worker is essentially in conflict with himself (p.40):

On one hand, his psychological structure derives from his social position, which tends to make him *revolutionary,* on the other hand, from the total atmosphere of authoritarian society, which tends to make him *conservative.* Thus, his revolutionary and his conservative tendencies are in conflict with each other.

Workers, who are generally brought up in traditional family units, are on the one hand religious and socially conservative, but on the other hand, supporters of leftist economic policies that are naturally beneficial to their class and background. When these two come into conflict, it results in irrational thoughts and ideas, that then lend itself to support fascism, which seems to fill in gaps and yearnings for structure and discipline.

Reich's next interesting point is about "... the method of research which developed over many years through the application of functionalism to human sex life..." (Reich: 3). In this context, functionalism is geared to the masses from where Nazism arose, the idea that fascist beliefs begun in the masses and nowhere else. Reich seems to suggest that the sexual lives of people have become repressed through fear: of family, of government, and of religion as we discussed earlier. He writes that, "religion subjects all human life to a supernatural, eternal authority. It demands denial, sacrifice, the renunciation of desire" (Reich: 137), that leads to numerous problems for the youth as they become sexually uneducated and therefore, repressed and in fear of sexuality. "The formation of the authoritarian structure takes place through the anchoring of sexual inhibition and sexual anxiety" (Reich: 47), which is what Reich believes happened in the case of Nazi Germany where the parent (father) and the modesty of the Church discouraged sexual freedom, leading to ungratified sexuality that soon became rage (Reich: 266).

Women in fascist countries in Europe, were assigned a predominantly sexual reproductive role. This is also important in understanding the psyche of a fascist leader and follower. The role of

women changed dramatically in both world wars, where the lack of labour, due to men being deployed in battle, created a vacuum that was filled by women workers. After the war was over, these women continued to work outside the home, much to the dismay of the men, who were happier if their wives stayed at home, looking after the children. Women too were victim of restricted sexuality: "The woman is not supposed to be a sexual being, only the producer of children" (Reich: 109). In Hitler's Germany, the position of women was as the bearer of children, and as mothers to the future generation of Aryans. In fact, women were given medals, "The Cross of Honour of the German Mother," based on how many Aryan children they produced as an incentive. Thus, for a woman to be sexually liberated and promiscuous resulted in her being labelled a "whore," while a woman who bore children was labelled a "respectable women."

Mussolini also follows the similar fascist practice of decreeing a woman's sexual function: "... fascism laid down the duty of all Italians to produce more children" (p.109). Talking about sex is taboo even today in many places, but the mindset that was introduced by fascist leaders like Hitler and Mussolini ingrained the role of a woman as a mother and homemaker, and nothing else. Even Mussolini's own wife was rarely seen in public and not much information was known about her. This was, as Smith points out, deliberately done as to not overshadow Mussolini himself.

Mussolini's early involvement in politics began when he took "ownership of the *Popolo d'Italia...*", which like Hitler's *Völkischer Beobachter*, was used to mobilise a personal following (Smith: 39). Mussolini effectively used the power of print media to spread his message, that attracted support from a plethora of people including: "... a rag-bag of futurists, anarchists, communists, syndicalists, republicans, Catholics, nationalists and liberals of various kinds" (p.35). Reich was of the view that the masses who lent support to fascism were not drawn in to the ideology, but rather fascism was already an inherent part of their psyche and so a natural option for them to support, and Smith's point of Mussolini's various support groups lends credence to this point. In fact, fascism truly became a heart's desire for the Italian people (Smith: 40).

Every Italian could see some potential or interest in the platform of the fascist Mussolini. Throughout his career, Mussolini himself flip-flopped between the left and right wings of politics, believing that fascism could "naturally" join with any political ideology as long as it obtained power as a result. This begs the question: how do the "führers" lead to one supreme "Führer"? It happens when one leader completely monopolizes being a tyrant and eradicates all other extremes in society. Hitler purged the Nazi Paramilitary Wing (SA, also called "Brown Shirts" spoofed by Wodehouse as "Black Shorts") in the Night of the Long Knives. Mussolini too eradicated his foes in parliament by consuming their agenda into his own platform. The petri dish in which fascism is born is actually the arena of competitive authoritarianism, where party factions, interest groups and private militias compete to monopolise the claim of representing "real" fascism.

Mussolini, to appease the right wing during his time in parliament, "... claimed that Italians... [were] representatives of the Aryan race" (Smith: 43). Interestingly, Mussolini adopts Hitler's idea of "a pure Aryan race," which is paradoxical with the Italian reality of not having "blond hair and blue eyes," except perhaps in the northern regions bordering the Austrian and German Alps.

Education and propaganda were also important facets of Mussolini's premiership. Smith writes that he ordered the, "... changing off the school curriculum in order to provide fascism with the correct antecedents and a context of historical inevitability" (Smith: 132). History was a major priority for the Mussolini Government, and a "correct view" of Italian history was produced, with claims of Italian superiority in almost every field imaginable. Mussolini was very effective in creating a mass cult following. The crowds loved him, and the "idea" of him. A supreme, wise, and nearly God-like figure, the Italian people were won over. One could argue that this "propagation of the legend of an omniscient, all wise-Duce, and this cult of ducismo was ... the most novel and effective feature of Italian fascism" (Smith: 123), similar to Hitler in Nazi Germany.
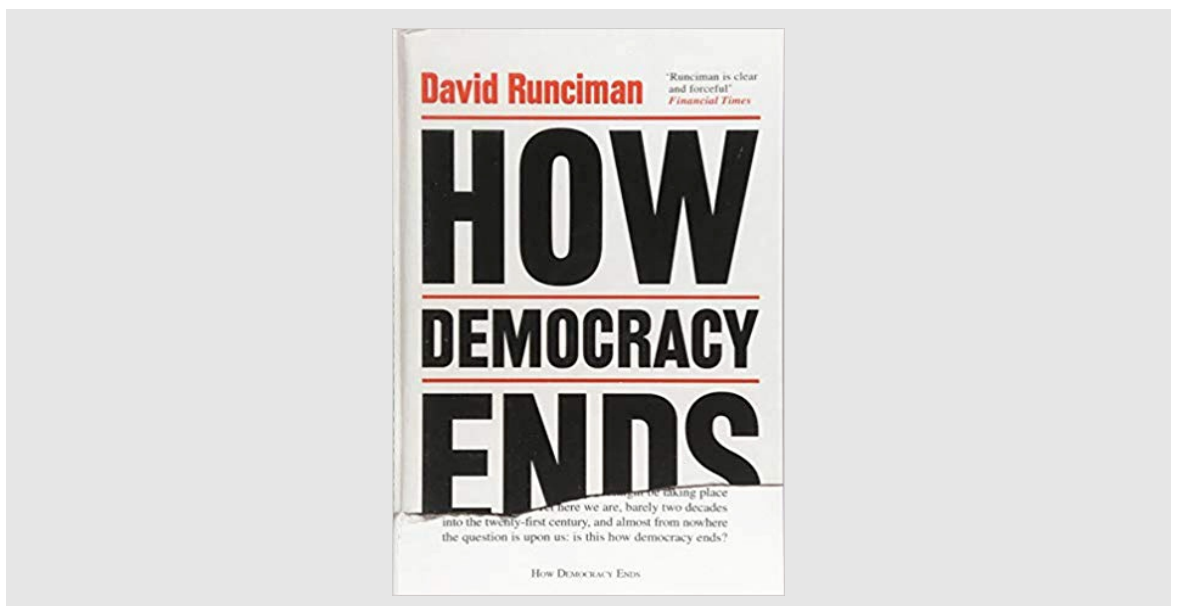
Mussolini was also a fan of Gustave Le Bon, a French psychologist who "explained how crowds are moved, not by reason, but by delusions, often quite simple delusions, by irrational and involuntary beliefs ..." (Smith: 127). The best way to promote irrationalism was by increasing the

feeling of insecurity among the masses, which was an expedient way to foment disorder (Smith: 47). In a time of crisis, for a leader like Mussolini to step in and solve it was equivalent to an "act of God." Interestingly, Mussolini also shows similarities with other fascist leaders when it comes to a display of strong masculinity. Smith writes that, "After 1930, nearly all photographs show Mussolini in uniform, unless posing among bathers at Riccione or with bare torso among the peasants at harvest time..." (Smith: 107). This obsession with bare chests and God-like physical qualities is a consistent feature of Mussolini.

Like Hitler and Mussolini, many fascist leaders also effectively use patriotism and nationalism to evoke emotional responses from their audience. Denis Mack Smith explores the idea of the "mass crowd," and how Mussolini effectively used "collective destiny" to sway the crowd in his support. David Runciman in *How Democracy Ends*, writes that in his inaugural address Trump said: "we all bleed the same red blood of patriots" (p.12). Such statements are deeply moving in a society that has often prided itself on military might. The American psyche revolves around tributes to the fallen soldier, America's pride. This idea of "collective destiny" is important to explore, as Runciman argues that in effect, it is the Chinese model of governance. In reference to China, Runciman writes: "Pragmatic twenty-first century authoritarianism represents a real alternative to contemporary democracy... Which do we prefer: personal dignity or collective dignity?" (Runciman: 173). Runciman argues that the Chinese have successfully convinced the masses to accept "collective dignity" over "individual liberties." They did so because of the economic success achieved by the Chinese Government, and no Chinese would want to fight against a system that has benefitted them. Is this the trend, of the Chinese and Singapore model of "collective destiny" that encourages people to vote the fascist way? It can certainly be argued that many consider personal benefits as secondary to the national agenda.

Runciman makes an interesting connection between economics and government choice. He writes: "No democracy has reverted to military rule once GDP is greater than $8000 per person. Why? It is hard to say for sure. But it seems likely that greater wealth changes the incentive structure for those involved" (Runciman: 31). No people would knowingly fight a system that has benefitted them economically. On the other hand, "the absence of economic growth has

repeatedly fueled the rise of populist anger" (Runciman: 192). Look at Nazi Germany and fascist Italy, both societies choose dictators because of a suffering economy that plagued them for many years prior. Germany was in deep recession while Italy was nowhere near economically stable. Hitler and Mussolini effectively used this fear of economic distress to win support

Our analysis indicates that today there is a major contradiction between the preservation of constitutional values and the fertile crucible among the masses for strong leadership to the point of tyranny. Fascist leaders are not born fascist, but are created and found by the public. In the democratic context, majoritarianism leads to fascism, as the consolidation of power at the very top of any government naturally results in consolidation for one powerful "führer" leader.

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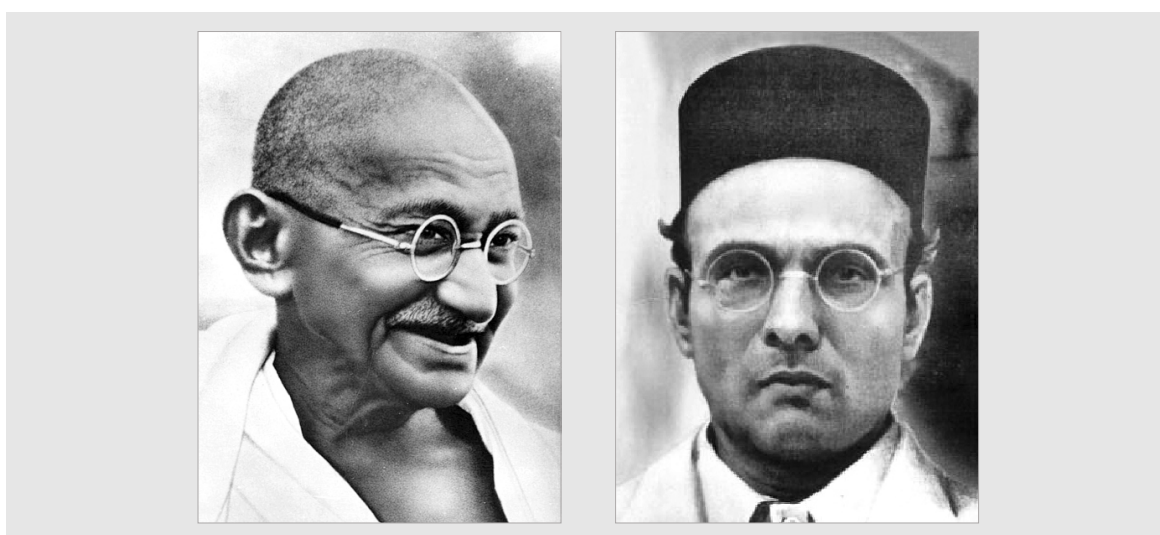
What is India?
Gandhi vs Savarkar: Debating Civic and Ethnic Nationalism

Mohd. Tanweer Alam

Introduction

The 'Idea of India' is one of the most debated themes in contemporary India, given that an alternative idea of India gaining ground. Nationalism is one of the important components of the idea of India, and has been much debated and discussed subject in India. It is important because it tells us the identity of India, and what kind of a nation we would like to be, especially, when we are witnessing the changing relationship between religion and politics in contemporary Indian society. There have been different forms of nationalism i.e. civic, ethnic, and religious. Modern India is the result of these competing ideas of nationalism.

Here, we would focus on two competing ideas of nationalism: a) Gandhis's model of Nationalism, as discussed in Hind Swaraj or Indian Home Rule, a book written by him in 1909; and b) Savarkar's idea which he articulated in Hindutva: Who is A Hindu, first published in 1923, though the ideas in it were formulated during Savarkar's stay in England from 1906 to 1910. Both are fundamental ideas, among others, dominating Indian polity and society for the last 100 years since its emergence. At a time when the present government in India has decided to make nationalism its rallying point, it is useful to compare the differing and alternative attitudes and visions of Gandhi

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with Savarkar. At the outset, it must be stated that their ideas on identity, nationalism, religion and politics are, sometime, quite overlapping.

Out of many ideas of India, Gandhi's Hind Swaraj and Savarkar's Hindutva represent two dominant ideas. They represent two alternative and competing ideas on nationalism, Indian identity, civilization, religion, politics and violence. They differed in their methods as well. Savarkar rejected Gandhian principle of ahimsa and political action through "passive resistance". Both were in an adversarial relationship. In the given context of Indian politics today where Savarkar's Hindutva has gained ground, it is important to revisit both the competing ideas. Gandhi encountered Savarkar's hostile militant Hindutva with his philosophical and spiritual understanding of Hinduism.

It is important to mention that the previous BJP-led government had put Savarkar's portrait in Parliament. On Savarkar's birthday, the Prime Minister Modi paid homage to him and tweeted about Savarkar's "tireless efforts towards the regeneration of our motherland" (Economist: 2014). One can witness the ideological shift in Indian polity today; hence, there is a need to revisit these competing ideas.

Every country and society may have differing and contesting narratives of the past and for its future. It is natural to see these narratives alternate each other, but it is important to analyse how one is attempting to replace another and what are the contrasting visions which are going to become dominants.

Identity and Nationalism

Savarkar introduced the concept of Hindutva and clearly made a distinction between Hinduism and Hindutva. Savarkar contended that Hindutva is broader than Hinduism. For him, Hindutva encompasses the religious, social, cultural, political and linguistic spheres. Savarkar's offers Hindutva as a doctrine for Hindu Nationalism, discusses Hindu civilisation, purity, concept of nation, cultural nationalism, while Gandhi in his book Hind Swaraj critiques the modern civilization and its materialistic bias, and defines Swaraj in terms of man's spiritual mastery over his material desires, when he says 'Home Rule is Self Rule'. He also goes on to discuss Hindu religion, caste, economic development etc.
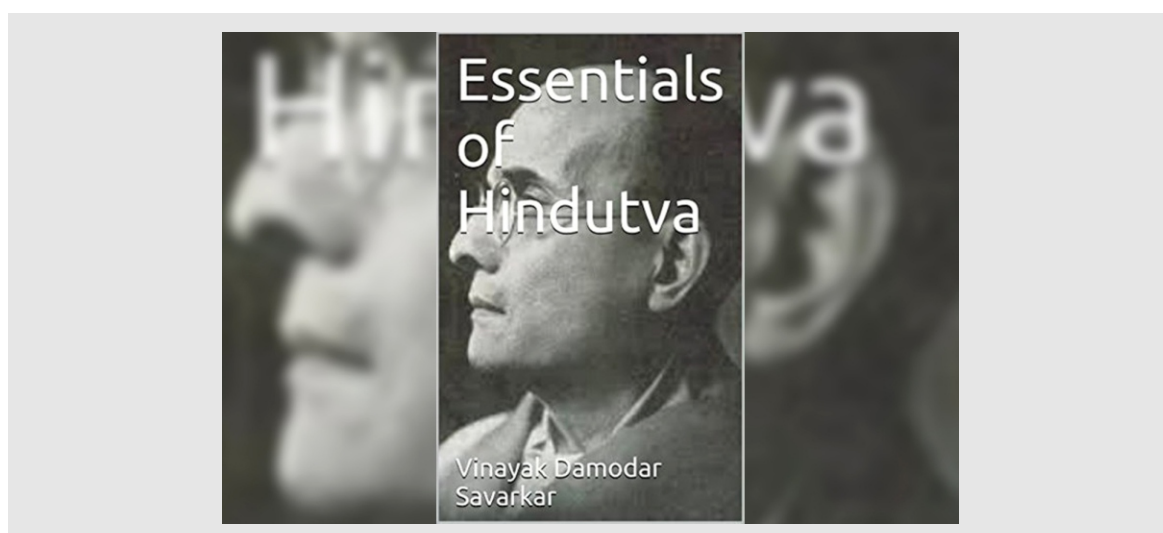
Savarkar, writes "Every person is a Hindu who regards and owns this Bharat Bhoomi, this land from Indus to the seas, as his Fatherland and Holy Land, the land of the origin of his religion and the cradle of his faith". According to this definition, only the followers of Vedas, Buddhism and Sikhism will constitute 'Hindu'. It excludes Muslims, Christians and Jews. In order to possess Hindutva, a man must regard India as his "fatherland" (the land of his ancestors, pitra-bhumi) and his "holy land" (religious allegiance); he must also be attached to this land, this territorial entity called "Bharat" through his birth here, not only that, through ties of blood to his family, his forefathers, his race of fellow-Hindus, and moreover through a love for Hindu "civilization, as characterized by a common history, common heroes, a common literature, a common art, a common law and a common jurisprudence, common fairs and festivals, rites and rituals, ceremonies and sacraments." (Vajpeyi: 2014)


For Savarkar, this understanding leads to Hindu nationalism which excludes all others, and argues that India belongs only to Hindus. Political identity and religious affiliation becomes the basis for each other. Savarkar highlighted that for Muslims, as the Holy land is outside India, and therefore, they can't be given the right to be genuine claimants or equal citizens to the Indian nation.

Gandhi believed in a different idea of India where he mentions "India can't cease to be one nation because people belonging to different religions live in it. The introduction of foreigners doesn't necessarily destroy the nation as they merge in it. India has ever been such a country". (Hind Swaraj:52) For Gandhi, India's religious and linguistic diversity was an asset not a liability. Gandhi's use of metaphors like 'clay pot' and the 'oceanic circle' (Parel: 2006) is opposed to Savarkar's understanding, and he wants to see a deep emotional tie between different sub-national groups.

Gandhi's vision for the future was swaraj or self-rule, where the "self" was at once each individual striving to overcome their own inner demons, and a vast conglomeration of Indians struggling

for freedom from British rule. It is interesting to note that while Gandhi himself was deeply religious, but he never defined the "self" of "self-rule," as Hindu, Muslim or even Indian. Gandhi's pursuit was for the self and for its sovereignty.

The reading of both these books shows that both had very different approaches to the nationalism and the struggle against British rule. While, Gandhi was a pacifist with an inclusive approach towards Muslims and Christians, Savarkar's revolutionary activities began while studying in England, where he was associated with the India House and founded the Abhinav Bharat Society and the Free India Society, as well as published pamphlets and books espousing the cause of complete Indian independence by revolutionary means. His stand towards Muslims, who constituted more than 25% of the population before partition, and other non-Hindus was highly problematic. He regarded these minorities as other, alien and separate, in effect not real/full Indians.
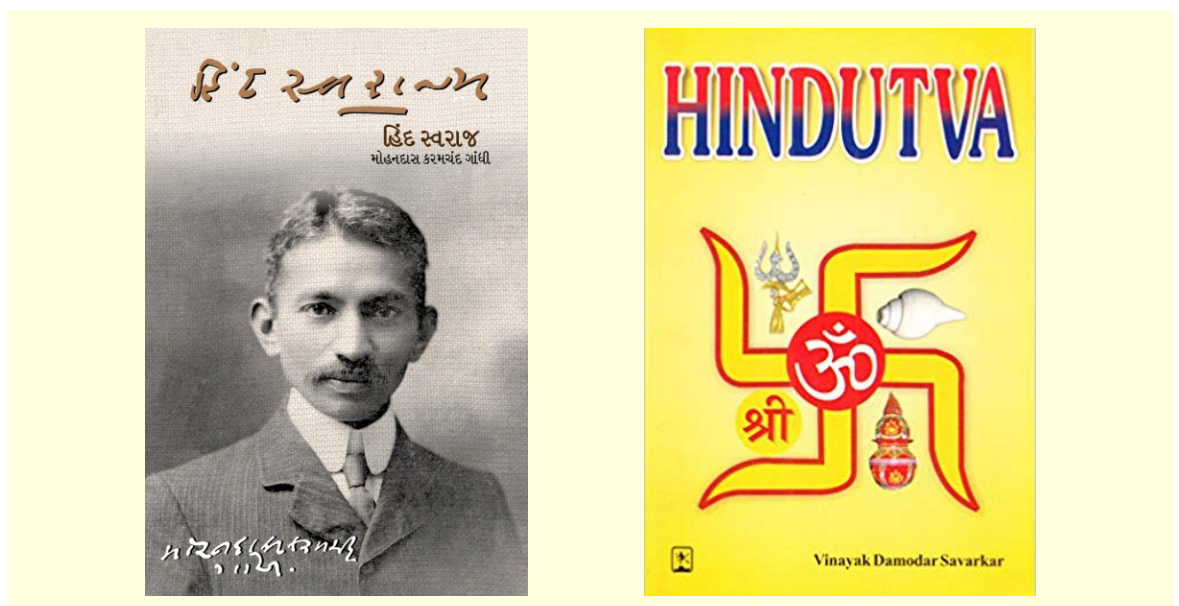
Savarkar emphasizes that "Our nationalist vision is not merely bound by the geographical or political identity of India, but defined by our ancient cultural heritage. From this belief flows our faith in 'cultural nationalism', which is the core of Hindutva. That, we believe, is the identity of our ancient nation—Bharatvarsha. Hindutva is a unifying principle which alone can preserve the unity and integrity of our nation." Further, we can see that both stand apart when its comes to the question of identity and nationalism.

Violence

Apart from other concepts, the big difference between Savarkar and Gandhi lay in their contrasting views on violence. For Savarkar, use of violence is perfectly fine and justifies the murder. His writing is immersed in a desire for revenge against those who have 'humiliated' Hindus, and he is also disappointed with the apathy of Hindus on these issues. Savarkar's enthusiasm for violence goes in contrast with the pacifist narrative of history and concept of Ahimsa by Gandhi. Savarkar was a fierce critic of Gandhi.

Gandhi's Hind Swaraj was the mission of his life. "This is nothing other than showing the way for moral regeneration of Indians and political emancipation of India". (Parel, 1997). Non-violence and truth are two major aspects of Gandhi's political philosophy.

Gandhi promoted ahimsa which Savarkar called "mealy-mouthed". Ahimsa also means 'non-injury'. The very practice of non-injury means one will avoid the possibility of any physical injury and injury to the soul as well. For Gandhi, the way of ahimsa is the way or gradual overcoming of the ego and finally the achievement of the truth of being. Gandhi critiques Hindu militancy and revolutionary terrorism in Hind Swaraj. He tries to point out the demerits of that ideology in these lines, "Do you not tremble to think of freeing India by assassination. What we need to do is kill ourselves. It is cowardly thought, that of killing others. Those who will rise to power by murders will certainly not make the nation happy". Therefore, for Gandhi, means adopted is equally important as is end.

Religion and Politics

Gandhi's idea of India accommodates all religions, castes and tribes. For him all religions are good and truth can be found in any religion. He studied all major religions and had equal respect for all religions and cultures. Gandhi believed that religion and morality cannot be separated from politics. By this he did not mean any particular religion but a set of values which will guide your politics. For him unity of all Indians for the cause of India is a must in order to achieve the goal of Independence. He believed that the real enemy is not British government but it is within, materialism and aspiration to be modern, which needs to be overcome with spirituality. (Parel: 1997)

Gandhi provides a critique of modern civilization and he believes that it is based on exploitation of man and nature for material gain. He offers his own idea of society based on mutual respect, truth, courage, dignity and high standard of ethics. "To believe that what has not occurred in

history will occur at all is to argue disbelief in the dignity of man". (Parel: 1997). By writing Hind Swaraj he gave a course of action how to achieve independence through non-violence and high moral standards, not by engaging in violent activities or accepting modern civilization. , In contrast, Savarkar espoused a kind of militant nationalism where violence was seen as being natural response.

Savarkar's idea of nationalism begins not by asking who is an Indian, but who is a Hindu? When he says Hindu it doesn't mean Hindu religion, he considers Hindu as an umbrella concept which means whole of Hindu movement not a mere Hindu religion. According to Savarkar, this nation belongs to Hindus only, it includes all interpretations of Hinduism; also it includes Sikhs, Jains and Buddhists. There is no place for others like Muslims, Christians, Jews, etc because their Holy Land is not within Bharatvarsha. Savarkar writes, "We are one because we are a nation, a race and own a common Sanskriti (civilisation) in the case of some of our Mohammedan or Christian countrymen who had originally been forcibly converted to a non-Hindu religion and who consequently have inherited along with Hindus, a common Fatherland and a greater part of the wealth of a common culture—language, law, customs, folklore and history— are not and cannot be recognised as Hindus. For though, Hindusthan to them is Fatherland as to any other Hindu yet is not to them a Holyland too'' (Hindutva, p.113-14).

"National identity rest for him on three pillars: geographical unity, racial features, and a common culture. Savarkar minimises the importance of religion in his definition of a Hindu by claiming that Hinduism is only one of the attributes of Hinduness". (Jaffrelot, Hindu Nationalism: A Reader, p.86).

Hindutva has the potential of undermining the very strength of Hinduism, which is its ability to accommodate complex diversity, its fluid, heterogeneous, and tolerant character. Savarkar wrote that India is composed of Hindus and must only be run by them. Through his concept "Hindutva", he attempted to unite disparate Hindus in a political project, making use of religion.

According to Raghuramaraju, "While Savarkar sought to politicize religion, Gandhi pleaded for spiritualizing politics." Recognizing this difference would immensely help us in articulating, and understanding the larger tensions between Gandhi's and Savarkar's books which is also reflected in contemporary Indian society.

Gandhi shares with Savarkar the view that religion and politics should be intertwined. However they differ immensely on the nature of its relationship. Gandhi's religious thought believed in Hinduism as a religion of love, not political might or tool, in keeping with a doctrine of non-violence. Thus, one can argue that Gandhi was interested in spiritualizing politics; therefore, he rejected Savarkar's militant views on politicizing spirituality through Hindutva.

Gandhi's arrival in India in 1917 marks the major shift in congress led national movement, i.e. from class based to a mass based movement. It is important here to mention the context in which Gandhi is articulating these positions. He wanted to educate that violence, urge to become modern, materialism is taking us backward, and we should leave these practices. Gandhi was a philosopher and thinker and read a lot of other western literature including Tolstoy's works.

Conclusion

There were differences of opinion between Gandhi and Savarkar on almost every political and social issue and methods and means of struggle against colonialism. These differences were very much rooted in their understanding of nationalism, modernity, its epistemologies and different variants present in Europe at that time. They tried to see their relevance for Indian context and freedom movement. Gandhi's idea seems to be rooted in indigenous traditions yet he is influenced with the 'scientific temper' and 'modern politics' which, undoubtedly, has its roots in West. Moreover, Savarkar, on the other hand, was influenced by the intellectual tradition and the practice of the Right-wing politics in Europe.

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From Policy To Practice: Combatting Human Trafficking In India

Mamta Borgoyary, Charu Singh and Pranjita Borah

The Current Situation

Human trafficking is considered among the most "profitable" transnational crimes of the 21st century. Growing at an unprecedented rate, it is next only to arms deals and drugs trafficking. Human trafficking is considered *the third largest organized crime* in the world today. Both within a country and across borders, there is no doubt that it is a social malaise, a crime against humanity itself.

Every year, scores of vulnerable individuals, especially women and children, fall prey to the extremely well-organised trafficking syndicates, who lure them into deplorable situations from where there is often no escape. Women and girls make up to 55% of those forced or coerced into some form of modern slavery (commercial sexual exploitation or forced labour), as compared to 45% men and boys. The common notion that victims end up being trafficked through coercion or force is misleading. Victims are typically recruited with false promises for a better life through fake incentives of lucrative employment opportunities, free education, marriage and even careers in huge entertainment and hospitality sectors in India and abroad.

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The Situation in India: Its Magnitude

As reported over the past five years by the UNHCR, *India is a source, destination, and transit country for men, women, and children subjected to forced labour and sex trafficking*. It is noted that around 90% of human trafficking is inter-state i.e. within the country with only 10% of the victims being sent across borders. More chilling is the fact that every eighth minute, a child goes missing (read.trafficked) in India, according to government sources.
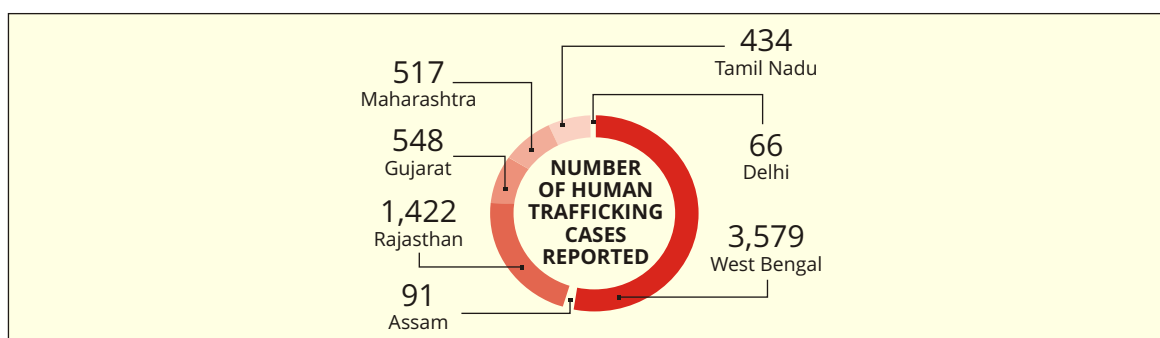
Trafficked children are subjected to forced labour as factory and agricultural workers, carpet weavers, domestic servants, and beggars. Children continue to be subjected to sex trafficking in

CATEGORY WISE DETAILS AS ON 12-09-19 :			
	No. of Children during the Time Period		
Category	Last 24 Hours	Last 30 Days	Last One Year
Missing	26	547	5600
Recovered (Police)	13	335	3020

(Source: Khoya-Paya data on missing children as of 12.09.2019)

religious pilgrimage centers and by foreign travelers in tourist destinations. Forced labour constitutes India's largest trafficking problem; men, women, and children in debt bondage – sometimes inherited from previous generations – are forced to work in brick kilns, rice mills, embroidery factories, and agriculture. As aforementioned, most of India's trafficking problem is internal, and those from the most disadvantaged social strata – lowest caste Dalits, members of tribal communities, religious minorities, and women and girls from excluded groups are most vulnerable. They are subjected to forced, often, bonded labour in sectors such as construction, steel, garment, and textile industries, wire manufacturing for underground cables, biscuit factories, pickling, floriculture, fish farms, and ship breaking. Thousands of unregulated work placement agencies reportedly lure adults and children under false promises of employment into sex trafficking or forced labour, including domestic enslavement.

Experts estimate millions of women and children are victims of sex trafficking in India. The NCRB reported the government's identification of 22,955 victims in 2016, compared with 8,281 in 2015. The report further stated that 11,212 of the victims of both genders were exploited in forced labour, 7,570 exploited in sex trafficking, 3,824 exploited in an unspecified manner, and 349 exploited in forced marriage, although it is unclear if the forced marriage cases directly resulted in forced labor or sex trafficking. The statistics of the Ministry of Women and Child Development

517
Maharashtra

548
Gujarat

1,422
Rajasthan

91
Assam

434
Tamil Nadu

66
Delhi

3,579
West Bengal

NUMBER OF HUMAN TRAFFICKING CASES REPORTED

(Source: DNAIndia.com reflecting NCRB data, 2016)

states that 19,223 women and children were trafficked in 2016 against 15,448 in 2015, with the highest number of victims being recorded in the eastern state of West Bengal.

Many women and girls, predominately from Nepal and Bangladesh, and from Europe, Central Asia, Africa, and Asia, including Rohingya and other minority populations from Burma, are subjected to sex trafficking in India. Prime destinations for both Indian and foreign female trafficking victims include Kolkata, Mumbai, Delhi, Gujarat, Hyderabad, and along the India-Nepal border. Following the 2015 Nepal earthquakes, Nepali women who transit through India are increasingly subjected to trafficking in the Middle East and Africa. Traffickers use false promises of employment or arrange sham marriages within India or Gulf states and subject women and girls to sex trafficking. In addition to traditional red light districts, women and children increasingly endure sex trafficking in small hotels, vehicles, huts, and private residences. Traffickers increasingly use websites, mobile applications, and online money transfers to facilitate commercial sex. It is disturbing to find some corrupt law enforcement officers protecting suspected traffickers and brothel owners from law enforcement efforts, take bribes from sex trafficking establishments and sexual services from victims, and tip off sex and labour traffickers to impede rescue efforts.

International Legal Framework and Legal Provisions in India

The UN Office of the High Commissioner for Human Rights (UNHR), the UN Children's Fund (UNICEF), the UN Special Rapporteur on Violence Against Women and the International Organization for Migration (IOM) have all ***adopted definitions of trafficking that recognize it as a human rights problem involving forced labor, servitude or slavery and not a problem limited to prostitution.***[1] The United Nations Convention against Transnational Organized Crime (often also called the Palermo Protocol), adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime[2]. The Convention is further supplemented by three protocols, which target specific areas and manifestations of organized crime, one of which is the protocol to prevent, suppress and punish those involved in trafficking of Persons, especially of women and children.

India has ratified two very important international instruments of optional protocol to the Convention on the Rights of the Child on sale of children, child prostitution and child pornography, in August 2005. In May 2011, Government of India ratified the United Nations Convention against Trans-national Organized Crime (UNTOC) and its three protocols. Although commercial sexual exploitation remains the most widely recognised outcome and form of human trafficking, other forms of trafficking have found their way into public discourse as well as in implementation strategies. This significant shift in recognition of multiple forms and purposes of trafficking has been the result of committed campaign and advocacy by the civil society in India.

That this recognition is reflected in the country's legal provisions as well is heartening to note. It was following the ratification of the Palermo Protocol which resulted in India further expanding its definition of trafficking. The new definition was included in the Indian legal framework as Section 370 of the Indian Penal Code, following the Criminal Law (Amendment) Act, 2013, famously known as the Nirbhaya Act.

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1 https://www.gaatw.org/books_pdf/Human%20Rights%20and%20Trafficking%20in%20Person.pdf
2 https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html

Post this, there have been other encouraging changes in the legal and policy framework. The mandate to establishment of Anti-Human Trafficking Units (AHTUs) to address the issue has been the most noteworthy. Several Advisories and Standard Operating Procedures (SOPs) have also been drafted by different ministries, especially by the Ministry of Home Affairs, following Supreme Court orders.

The government of India, through legislation and policy making, has clearly stepped up its efforts to battle human trafficking. In February 2018, the Union Cabinet, chaired by the Prime Minister, approved the Trafficking in Persons (Prevention, Protection and Rehabilitation) Bill for introduction in the Parliament. If passed, the Bill would address the issue of trafficking from the **"point of view of prevention, rescue and rehabilitation,"** criminalize aggravated forms of trafficking, and create a national anti-trafficking bureau to comply with a December 2015 Supreme Court directive to establish an anti-trafficking investigative agency. The creation of such an agency was pending the passage of the Anti-trafficking Bill, although the Ministry of Women and Child Development (MWCD) had allocated 832 million Indian rupees (INR) ($13.1 million) to the Ministry of Home Affairs (MHA) for the agency.

Gaps in Translating Policy to Practice

This multilayered crime can challenge both policy makers and practitioners. Human trafficking cannot be tackled in isolation as it is rooted in deeper issues that are social and economic in nature and extremely difficult to grasp and even harder to track given how organized yet pernicious the crime is. Importantly, how governments address human trafficking depends largely on the way authorities perceive the crime. When officials view trafficking as a crime and have a precise understanding of its core elements, they are better equipped to identify and combat it, regardless of any scheme the trafficker uses. Over the years, though the commitment of the Government of India is improving as reflected in policy provisions, and the civil society is equally demonstrating steadfast action to tackle trafficking; however, the gaps that make this challenging remain.

Inadequate Coordination between Stakeholders

There are several initiatives undertaken by the Government of India to address trafficking in persons. The problem of human trafficking, including child trafficking, is multidimensional and requires coordination between several ministries which remains a big challenge till date and is one of the main reasons that affects protection, prosecution and prevention of human Trafficking. For example, the Ministry of Home Affairs (MHA), Ministry of Labour, Ministry of Overseas Indian Affairs (merged with MEA in 2016), and Ministry of External Affairs (MEA) have to work together for successful handling. The MHA is the nodal agency for the implementation of the ITPA 1956 and other human trafficking initiatives, through its Anti-Trafficking Cell. The Ministry of Women and Child Development (MWCD) continues to be the nodal ministry for tackling this crime with respect to women and children and is also responsible for inter-ministerial coordination. In addition, The United Nation Office of Drugs and Crime (UNODC) Regional Office for South Asia (ROSA) has been involved in initiatives to address human trafficking in collaboration with the Government of India, particularly the MWCD and the MHA. However, in most cases there are reported lack of adequate platform that provide the required and timely coordination.

Inadequate AHTUs

In 2007 it was decided that Anti Human Trafficking Units be set up in all districts to investigate cases of trafficking. Anti-Human Trafficking Units or AHTUs continue to serve as the primary investigative force for human trafficking crimes. In reply to the question raised by Shri. Mohammad Ali Khan, Member, Rajya Sabha in the Winter Session of 2015, the Minister of State, Ministry of Home Affairs, Shri. Haribhai Parathibhai Choudhary mentioned 225 AHTUs were set-up during 2010-11 and 2011-12. However as per the information available on the Anti-Human Trafficking website of the MHA- http://stophumantraffi cking-mha.nic.in/ - the total number of the AHTUs set-up in the country in the years 2010-11 and 2011-12 add up to only 218.. Further, in the previous reporting period of 2016-17, MHA released funds to establish a total of 270 AHTUs out of the more than 600 districts of the country. MHA reported 264 AHTUs were operational throughout the country during the reporting period, an increase of five compared with the previous reporting period. Some NGOs reported significant cooperation with AHTUs on investigations and police referral of victims to NGOs for rehabilitation services. However, other NGOs noted some AHTUs continued to lack clear mandates and were not solely dedicated to anti-trafficking, which created confusion with other district- and state-level police units and in some cases impeded their ability to proactively investigate cases. Some police offices reportedly used AHTU resources and personnel for non-trafficking cases. Coordination across states remained a significant challenge in cases where the alleged trafficker was located in a different state from the victim. NGOs noted some police offices were overburdened, underfunded, and lacked the necessary resources, such as vehicles and computers, to combat trafficking effectively. NGOs noted some prosecutors and judges did not have sufficient resources to properly prosecute and adjudicate cases. State and local governments partnered with NGOs and international organizations to train police, border guards, public prosecutors, railway police, and social welfare and judicial officers.

Several studies have highlighted these constraints and it is high time that proper and focused investments are made to strengthen these units.

Lack of Timely and Reliable Data and Comprehensive Judicious Research

There is a huge gap in accessing reliable and timely data that could be used to strategise or to design interventions specific to the conditions of the source, transit or destination points. It is very important that **vulnerability mapping** of trafficking prone areas and districts be done in the states with the objective of prevention, awareness generation, provision of viable livelihood options to vulnerable families, extending various welfare and anti-poverty schemes of the government to remotest areas. Access to this data will also help in increased vigilance and plan well-coordinated rescue operations, identify risks involved for the victim/survivor in repatriation and restoration, and assess and create possibilities of community based rehabilitation programmes. It is also important that relevant data be sourced from agencies working across and consolidated at a nodal level. Currently, the NCRB is the only reliable source for data on human trafficking. There are ample research and real time evidence generated by civil society organisations. **Compilation of these data at a centralised platform** can provide useful inputs to design policies and programme interventions that will go a long way in effectively combatting trafficking.

Ineffective Institutional Response Mechanisms

Awareness and an effective response systems are essential for curbing trafficking of women and children. It is important that certain institutions especially at the source areas be targeted in a focused manner to create awareness on different aspects of human trafficking. Targeting schools, colleges and panchayats in a focused manner to be aware and vigilant and responsible to ensure the vulnerable groups, especially children, are safe and protected should be a primary strategy for the government.

Lack of Required Sensitivity

A humanistic approach to victims/survivors especially when rescued is most important. Yet, in most rescue operations we hear stories of insensitive treatment meted out to victims especially women rescued in raids in parlours, etc where they are very often charged with offence. While legal ramifications have to be complied by, it is important that we treat the victims with due sensitivities. This requires effective sensitization of all stakeholders, especially those who directly handle victims.

Poor Prosecution

The poor rate of prosecution and conviction is a cause of worry. It also hints at the lacunae at the investigating end. It is to this culmination that it is mandatory that training organisations at the Central and State levels should focus on sensitisation, dissemination of knowledge and training of ground level staff from the police, judiciary and women and child welfare departments. The extensive experience and knowledge base of field-based organisations can be very useful to achieve this purpose.

Inadequate Priority to Prevention

From an NGO's point of view working on the issue of human trafficking and implementing projects on combatting the social malaise through 'Prevention, Protection and Prosecution' models, it has been noticed that although structures and systems are available to address the issue after the crime is committed, intervention on Prevention part is still underrated. Trafficking and migration remain inseparable as trafficking can be the unintended result of migration. People most importantly young people thrive and aspire for better life opportunities and would always have the urge to migrate. It is a human right and cannot be stopped. Therefore, important structures should be available in the source itself to prevent trafficking. Awareness among children/adolescents, communities, formation of effective structures such as Vigilance Committees/VLCP, children clubs and coordination between government agencies and communities should be assured.

Replication of Best Practices

There are major lessons that can be drawn from the efforts in rehabilitation. Appropriate shelter, timely psycho-social counselling, legal services and sustainable livelihood options remain the challenges for the last twenty years. There are best practices which need to be studied and replicated for effective solutions. In terms of services to the children, CHILDLINE 1098 service is widely accepted and applauded for providing services to children in distress. This has been possible through effective coordination between the State, its designated agencies and the NGOs. Some other services such as Integrated Child Protection Scheme, One Stop Centres, Swyamsiddha Scheme[3] , Victim Compensation, Track Child, Khoya Paya, Railway Children Policy etc. are very effective models and schemes that have scope for replication and should be upscaled.

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3 http://www.uniindia.com/bengal-govt-to-extend-swayangsiddha-scheme-to-all districts/states/news/1354993.html

Conclusion

Each instance of human trafficking takes a common toll. Each crime is an affront to the basic ideals of human dignity, inflicting grievous harm on individuals, as well as on their families and communities. Yet, if it were possible to hold human trafficking up to a light like a prism, each facet would reflect a different version of the crime, distinct in context but the same in essence. Together they would show the vast and varied array of methods traffickers use to compel adults and children of all genders, education levels, nationalities, and immigration statuses into service in both licit and illicit sectors. Traffickers may be family members, recruiters, employers, or strangers who exploit vulnerability and circumstances to coerce victims to engage in commercial sex or deceive them into forced labour. They commit these crimes through schemes that take victims hundreds of miles away from their homes or in the same neighborhoods where they were born. Yes, there has been a lot of progress in addressing the issue in the last decade, but we still have a long way to go. Today, human trafficking features as a billion dollar business and is becoming more organized than ever before. With advancement in technology, the modus operandi of this organized crime is changing fast and requires an equally fast paced and effective response system. Combatting human trafficking is not any single agency's responsibility. It requires a movement where every institution and every citizen equally participates to combat this gross violation of human rights.

A Note on the Trafficking of Persons (Protection, Prevention and Rehabilitation) Bill, 2018

The Trafficking of Persons (Protection, Prevention and Rehabilitation) Bill, 2018, introduced by the Ministry of Women and Child Development and passed by the Lok Sabha has its own limitations. as it failed to address many concerns which was not addressed earlier in the existing laws related to trafficking. The bill confuses whether it is an extension of ITPA or if it is repealing it and if it is the case nothing has been mentioned clearly. Moreover, the Bill failed to elaborate the definition of trafficking in persons being an exclusive law for the offence, rather have included the term "aggravated" which does not include sexual exploitation which is considered as one of the most grievous form of exploitation for which trafficking takes place. It also does not state what forms and purposes of trafficking it will cover since no offences that amount to trafficking are mentioned in the Bill. On the face of it, the Bill seems to focus on rehabilitation and social reintegration of victims and therefore there is all the more reason to ensure that it becomes part of an amendment to the ITPA, instead of a new law in itself. The ongoing schemes on trafficking have been criticised on the grounds that children and adult women rescued from brothels are kept together in homes under Swadhar and Ujjwala schemes and there is no age segregation, which may be detrimental to the well-being of minor girls. The Bill overlooks such criticism in as much as it fails to lay down that the children shall be kept in homes under the JJ Act, except where they are below the age of 12 years and are children of women rescued from brothels. If the Bill seeks to cover all forms of trafficking, segregation of rescued victims by age and gender becomes all the more necessary and must be clearly stated.

Even the procedures for repatriation of victims to their respective countries have not been addressed adequately and have not mentioned any role for the Ministry of External Affairs without which repatriation to relevant countries is not possible. Again, the structures created at various levels with the powers given to the higher authorities will further complicate the entire system. Implementation in the ground had always been hindrance and the present Bill creates more confusion and would be of no good which it rather is envisaging for.

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