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Artist: Atmaja Avirupa Das. Title: The Face.

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- [1] Bhattacharyya, Nabarun, Herbert, Deys Publishing, Kolkata, ISBN 978-81-29-16-6, Pp 32-33, 1st ed., 2004.
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PREFACE

We have been able to publish the Dec., 2020 issue of our journal. There has been a delay due to the global pandemic situation. A lack of coordination prevailed among our members during the period. At the phases of lockdown we were unable to hold meeting and take decisions regarding the publication. Later we had virtual meeting by google meet and decided for the publication of the journal. I hope everything be regular from this year that is, from the year 2021.

In this issue we have placed one beautiful painting of a small child artist Atmaja Avirupa Das on the cover page of the journal. The title of the painting is 'The Face'. Atmaja Avirupa Das is a student of class-VII of Vidyasagar Sishu Niketan, Midnapore, West Bengal, India. She is the daughter of Dr. Debabrata Das, Additional Editor of our journal. Apart from this Atmaja has a special interest on watching birds. She has done extensive study on birds and visited different places, sanctuaries and forests for the study.

We are trying our best to present a good quality journal before the society.

Thank you.

**Dr. Barin Kumar Roy,
Editor-in-Chief, IJIRD.**



EDITORIAL-1

Indian economy has shown an apparent improvement in economic momentum in the recent post pandemic phase. The fact is narrowing down the contraction of present economic growth as compared to that of the previous periods. Provisional estimates of gross domestic product for the second quarter of the year ending in March, 2021 has shown economic output shrunk by 7.5% where as the output contraction was 23.9% in the first quarter. This is due to the reason that India's economy had entered a technical recession in the July-September 2020 period, which has been confirmed by NSO (National Statistical Office) data. The shrunk for a second successive quarter in India has revealed the overall GDP (Gross Domestic Product) figure of ₹33,14,167 crore (at 2011 – 12 prices) which is the lowest level in 12 quarters. This was due to the lack of effective demand or in other words, it was due to the demand side of the economy which was largely missing. There was contraction in gross fixed capital formation, narrowing down of exports and imports etc. which were responsible for the extent of decline in overall GDP. But electricity and other utility services joined agriculture in expanding 4.4% of growth, as the post-lockdown resumption of industrial activity which lifted power and water consumption.

After two quarters of sharp contraction, India's economy is estimated to have rebounded out of a technical recession to record a slow growth in the October-December 2020 period, with GDP rising by 0.4% and GVA (Gross Value Added) by 1%. Manufacturing and construction resurfaced from a collapse to expand 1.2% and 6% respectively. Both these sectors had undergone stress much before the pandemic. Contraction had started in these sectors from 2nd and 3rd quarters of 2019-20. Despite the Centre's push on government spending, public administration, defense and other services contracted 1.5% last quarter. However, investment demand is estimated to have rebounded, with fixed capital formation posting positive momentum after several quarters, driven perhaps by public spending. Most worryingly, retail, trade, hotels, transport and communication contracted by 7.7%. The continuing stress in employment and contract-intensive services sectors is a worry and the government must consider support measures. The second wave of infections in industrial hotspots such as Maharashtra and the risk of infection rising in poll-bound States, do not forecast economic recovery both in services and manufacturing units. A smooth and expeditious roll-out of the vaccine may play a vital role to help India to overcome the hurdles of growth.

**Dr. Barin Kumar Roy,
Editor-in-Chief, IJIRD.**



EDITORIAL-2

We have ended the awful year, 2020 in pandemic situation under lockdown, wearing face mask, staying indoor away from relatives and friends. Our livelihood, our work culture, our social life everything has changed to a large extent. The worst sufferers are the daily wage earners. Nearly half of the 3.3 billion global workforces are at the risk of losing their job; tens of millions of people are falling into extreme poverty. Confinement, border closure, trade restrictions has disrupted domestic as well as international food supply chain and farmers have not been able to buy or sell their produce easily. As a result, there is huge scarcity of healthy, nutritious food mainly to common and marginal populace. Manufacturing industries also have been hit very hard; the labour force has loosened their job in large numbers. On the other hand, the service sector industries have altered the order of work; the employees are working from home and their work schedules have changed completely. They are working even through whole of night. People are searching for alternate livelihood compromising their expertise. It is a huge loss of man force; growth rate of civilization suffers almost a decade of setback. Now, it is time to consider food safety, public health, employment, labour issues and other human development index in a different perspective. Keeping aside these burning issues, one should not deny another very important aspect of pandemic situation: the psychological impact it has on mankind; so many people are suffering from fear psychosis of arranging food for family, of health issues and of disrupted social life.

We must think of another very important direction, the academic sector – schools, colleges and universities have to adopt online means of education. Practical intensive subjects, particularly engineering and technological subjects are suffering much due to lack of laboratory classes and field work. Research activities are going in slow pace. Collaboration and discussion among the research groups are going through webinars instead of seminars. This online mode of communication and education cannot reach to everybody equally, particularly in underdeveloped countries where the backbone of online mode of communication is insufficient. Even, we who are habituated to direct mode of teaching and adopted to printed books and journals are facing difficulties to switch over to online mode. So, we must make a pool of experts and experienced to support and training others in this moment of terrible crisis, and to develop policies for long-term sustainable development in this new normal situation or against some unthinkable odds yet to come in future. We welcome the thinkers and researchers to share their ideas and views to find ways and means to face the challenges we have right now.

**Dr. Biswajit Maiti,
Managing Editor, IJRD.**



EDITORIAL-3

On behalf of the Society for International Journal of Integrated Research and Development (IJIRD) we are very delighted to the coming issue for December, 2020 on the burning issues of fast loss of economic crisis and loss of mental stability among people around the globe. We try to visualize the inherent chain of this dependence with the loss of job and opportunity that face a serious problem during Copvid-19 pandemic. All people around the globe are facing these problems though education, extension and research is going on in every sphere from everywhere. Remembering these facts in mind we are very rigid to publish the volume as early as possible to smoothly run the system. All staff members of the society as well as all reviewer committee members made their effort time based to make it complete.

This journal IJIRD is a multidisciplinary journal publishing articles from all sectors of arts, science, engineering, finance and social science. Also from its very inception we are dedicated to organize and sponsor seminars and conferences on social issues, awareness programmes and nature camps. We are happy that we are going to publish a year end issue as hard copy form to the readers where almost all publishers publishing e-journals too globally. Hope that we will be able to do the platform in near future to make it as e-form. Our Editor-in-chief sent the relevant papers to the evaluation committee, before the starting point of Covid-19 to include our journal IJIRD in UGC CARE list. We have already sent information to the proper place to include our journal as CARE-II category i.e. to be indexed. So, hope that in future our journal shall be included in UGC care list and category II.

**Dr. Debabrata Das,
Additional Editor, IJIRD.**



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Two Sacred Groves and their Ecology in Jhargram District of West Bengal

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Abstract:

Sacred groves are patch of land with a few number of old tree stock, moderately low number of shrubs and a few number of herbs with high religious value. These are important because sacred groves govern the mixture of cultural aspect and belief including social amplitude. It nurtures natural resource as monitor to regulate some aspects of ecosystem in nature. The present article reflects some magnitude of ecosystem and ecological significance including conservation measures of nature and natural resources particularly renewable kind. Some other significant roles play is to preserve the historical attributes in a local site on and regional basis virtually may be a bowl of knowledge to flow an ethical impact. Ecological studies of two sacred groves in Jhargram District have been made in this study. Floral composition and landscape diversity with floral and faunal composition placed in a general platform.

Key words: Sacred groves, Jhargram, Plants, Culture and belief.

(Paper published on 1st June, 2020.)

Introduction

Sacred groves are said to be a nature made nursery. The cultural sites boosts luxuriant culture, of different race and tribes depicts socio-religious believes. Till date in India a large number of cultural and heritage sites have been studied even in the globe for environ and conservation purpose. But on regional basis, a few or minimal number of publications have been made that has its cultural importance. Ecology and botany have been included in this study to fulfil the need based amplitude and to study further and make new records of the sites and resource mobilization. That will reflects study of landscape regionally

but may be included later in global way or to incorporate the same in a global literature. The present investigation is therefore a preliminary study to docket the sites from Jhargram areas of Jhargram district in West Bengal. In this study 58 plant families have been placed under which different plant species was studied. All the species and the landscape have their great ecological importance.

Materials and Methods

Survey of sacred groves have been made using help of local people along with the assistance of students of Lalgarh area



particularly botany students of Lalgah Government College. Check lists of plant species have been made using rigorous study nearby. Forest flora and degraded land including riverbank type have been made using case studies on the basis of ecological approach with the help of participatory rural approach technique. Photographs were taken time to time to locate the plants in and outside the sacred groves. Behaviour of floral propagules and ecology of plants and animals have been made using literature including direct observation time to time and collection of specimens was preserved for future study. Seasonal pattern and phenology study on plants have been made using floras published time to time. Attributes of tribal ethics have been documented with consultation of people at sacred sites and in some habitats of ethnic people. Previous literatures have been consulted to analyze

the data and presentation of data on the basis of international standard. House hold study have been made to know the ethnicity of the culture sites and their co-existence including fate. Literature used here is recorded at the end of the article¹⁻⁵⁹.

Results and Discussion

The present article reflects some cultural aspects including resource of the community in connection with sacred groves (Fig. 1, 8 as photo plate). The culture traditionally conserved through these believes while a single one is not fixed for different sites. People of ethnic as well as non-ethnic type come together through a common platform and functions thereby. They perform different attributes as these are related with ethics. Composition of floral elements has been documented in table 1. The overall use value and combined intrinsic values are presented in table 2.

Table 1. Plants in and around two sacred groves of Jhargram sub-division, W.B., India

Sl. No.	Family	Scientific Name	S E A S O N								
			Monsoon			Winter			Summer		
			CA	BA	O	CA	BA	O	CA	BA	O
1.	Acanthaceae	<i>Adhatoda zeylanica</i>	+	+	+	+	+	+	+	+	+
		<i>Andrographis echiooides</i>	+	+	+	+	-	-	-	-	-
		<i>Andrographis paniculata</i>	+	+	+	+	+	+	-	-	-
		<i>Barleria prionitis</i>	+	+	+	+	+	+	+	+	+
		<i>Dicliptera roxburgiana</i>	+	+	+	+	+	+	-	-	-
		<i>Dipterocanthus prostrates</i>	+	+	+	+	-	-	-	-	-
		<i>Hemigraphis hirta</i>	+	+	+	+	+	+	+	-	-
		<i>Justicia diffusa</i>	+	+	+	+	-	-	-	-	-
		<i>Justicia simplex</i>	+	+	+	-	-	-	-	-	-
		<i>Peristrophe bicalyculata</i>	+	+	+	+	+	+	+	-	-
		<i>Rungia pectinata</i>	+	+	+	-	-	-	-	-	-
2.	Amaranthaceae	<i>Achyranthes aspera</i>	+	+	+	-	-	-	-	-	



		<i>Aerva lanata</i>	+	+	+	+	-	-	-	-	-
		<i>Alternanthera sessilis</i>	+	+	+	+	-	-	-	-	-
		<i>Amaranthus spinosus</i>	+	+	+	+	+	-	-	-	-
		<i>Amaranthus viridis</i>	+	+	+	+	+	+	-	-	-
		<i>Celosia argentea</i>	+	+	+	+	+	+	-	-	-
		<i>Digera muricata</i>	+	+	+	+	+	+	-	-	-
3.	Anacardiaceae	<i>Semecarpus anacardium</i>	+	+	+	+	+	+	+	+	+
		<i>Mangifera indica</i>	+	+	+	+	+	+	+	+	+
4.	Apiaceae	<i>Coriandrum sativum</i>	+	+	+	-	-	-	-	-	-
		<i>Centella asiatica</i>	+	+	+	-	-	-	-	-	-
5.	Apocynaceae	<i>Alstonia scholaris</i>	+	+	+	-	-	-	-	-	-
		<i>Catharanthus roseus</i>	+	+	+	+	+	-	-	-	-
6.	Asclepiadaceae	<i>Calotropis gigantea</i>	+	+	+	+	+	-	-	-	-
		<i>Pergularia daemia</i>	+	+	+	+	-	-	-	-	-
		<i>Tylophora indica</i>	+	+	+	+	+	-	-	-	-
7.	Asteraceae	<i>Ageratum conyzoides</i>	+	+	+	+	+	-	-	-	-
		<i>Blumea laciniata</i> DC.	+	+	+	+	-	-	-	-	-
		<i>Chromolaena odorata</i> (L.) King. Ex Robinson	+	+	+	+	+	+	+	+	+
		<i>Eclipta alba</i> (L.) Hassk.	+	+	+	-	-	-	-	-	-
		<i>Emilia sochifolia</i>	+	+	+	+	+	-	-	-	-
		<i>Grangea madaraspatna</i>	+	+	+	+	-	-	-	-	-
		<i>Launea asplanifolia</i>	+	+	+	+	-	-	-	-	-
		<i>Sonchus arvensis</i> L.	+	+	+	+	-	-	-	-	-
		<i>Tagetes patula</i> L.	-	+	-	-	-	-	-	-	-
		<i>Tridax procumbens</i> L.	+	+	+	+	+	+	+	+	+
		<i>Vernonia cinerea</i> Less.	+	+	+	+	+	+	+	+	+
		<i>Xanthium indicum</i> Koenig	+	+	+	+	-	-	-	-	-
8.	Boraginaceae	<i>Heliotropium indicum</i> L.	+	+	+	+	-	-	-	-	-
9.	Brassicaceae	<i>Brassica juncea</i>	+	+	-	-	-	-	-	-	-
		<i>Brassica nigra</i>	+	+	-	-	-	-	-	-	-
		<i>Rorippa indica</i>	+	+	-	-	-	-	-	-	-
10.	Capparaceae	<i>Capparis zeylanica</i> L.	+	+	+	+	+	+	+	+	+
		<i>Cleome viscosa</i> L.	+	+	-	-	-	-	-	-	-
		<i>Cleome gynandra</i> L.	+	+	-	-	-	-	-	-	-
11.	Caesalpiniaceae	<i>Cassia sophera</i> L.	+	+	+	+	+	+	+	+	+
12.		<i>Cassia tora</i> L.	+	+	+	+	-	-	-	-	-
13.		<i>Cassia fistula</i>	+	+	+	+	+	+	+	+	+
14.	Convolvulaceae	<i>Evolvulus nummularius</i> L.	+	+	+	+	-	-	-	-	-
15.	Cucurbitaceae	<i>Coccinia grandis</i> (L.) Voigt	+	+	+	+	+	+	+	+	+
		<i>Cucurbita maxima</i> Duch	+	-	-	-	-	-	-	-	-
		<i>Momordia charantia</i> L.	+	-	-	-	-	-	-	-	-
		<i>Mukia maderaspatana</i> (L.) Roem	+	+	+	+	+	+	+	+	+
		<i>Mukea scabrella</i>	+	+	+	+	+	+	+	+	+
16.	Euphorbiaceae	<i>Acalypha indica</i> L.	+	+	+	-	-	-	-	-	-
		<i>Croton bonplandianum</i> Baill.	+	+	+	+	+	-	-	-	-
		<i>Chrozophora rotleri</i> (Gois) A. Juss ex Spreng.	+	+	+	+	+	+	+	+	+
		<i>Euphorbia hirta</i> L.	+	+	+	-	-	-	-	-	-
		<i>Euphorbia microphylla</i> Heyne.	+	+	+	-	-	-	-	-	-
		<i>Euphorbia thymifolia</i> L.	+	+	+	-	-	-	-	-	-
		<i>Micrococca mercurialis</i> (L.) Benth.	+	+	+	+	-	-	-	-	-
		<i>Phyllanthus fraternus</i> Webster	+	+	+	+	-	-	-	-	-
		<i>Phyllanthus urinaria</i> L.	+	+	+	+	-	-	-	-	-
		<i>Phyllanthus reticulatus</i> Poir.	+	+	+	+	+	+	+	+	+
		<i>Jatropha gossypifolia</i>	+	+	+	+	+	+	-	-	-
		<i>Jatropha curcas</i>	+	+	+	+	+	+	+	+	+
		<i>Ricinus communis</i> L.	+	+	+	+	+	+	+	+	+
		<i>Tragia involucrata</i> L.	+	+	+	+	+	+	+	+	+
		<i>Fleureya interrupta</i>	+	+	+	+	+	+	+	+	+
		<i>Pouzolzia hirta</i>	+	+	+	-	-	-	-	-	-
17.	Fabaceae	<i>Abrus precatorius</i>	+	+	+	+	+	+	+	+	+
		<i>Alysicarpus monilifer</i>	+	+	+	-	-	-	-	-	-
		<i>Atylosia platycarpa</i>	+	+	+	-	-	-	-	-	-
		<i>Cajanus cajan</i>	+	+	+	-	-	-	-	-	-
		<i>Clitoria ternatea</i> L.	+	+	+	+	+	+	+	+	+
		<i>Desmodium gangeticum</i> L.	+	+	+	+	+	+	+	+	+



		<i>Desmodium triflorum</i> (L.) DC.	+	+	+	-	-	-	-	-	-
		<i>Phaseolus trilobatus</i> Ait.	+	+	+	-	-	-	-	-	-
		<i>Tephrosia purpurea</i> (L.) Pers.	+	+	+	-	-	-	-	-	-
		<i>Teramnus labialis</i> Spreng.	+	+	+	-	-	-	-	-	-
		<i>Zornia diphylla</i> Pers.	+	+	+	-	-	-	-	-	-
18.	Gentianaceae	<i>Canscora decussata</i> Roem. Ex Schultz.	+	+	-	-	-	-	-	-	-
		<i>Canscora diffusa</i> (Vahl.) R. Br.	+	+	-	-	-	-	-	-	-
19.	Lamiaceae	<i>Anisomeles indica</i> (L.) Kuntze	+	+	-	-	-	-	-	-	-
		<i>Leonurus sibiricus</i> L.	+	+	+	+	-	-	-	-	-
		<i>Leucas linifolia</i> Spreng.	+	+	+	+	-	-	-	-	-
		<i>Hyptis suaveolens</i> (L.) Poit.	+	+	+	+	-	-	-	-	-
		<i>Ocimum basilicum</i> L.	+	+	+	+	-	-	-	-	-
		<i>Ocimum sanctum</i> L.	+	+	+	+	-	-	-	-	-
		<i>Ocimum americanum</i> L.	+	+	+	+	-	-	-	-	-
20.	Lythraceae	<i>Ammania baccifera</i> L.	+	+	-	-	-	-	-	-	-
21.	Malvaceae	<i>Abutilon indicum</i> (L.) Sweet	+	+	-	-	-	-	-	-	-
		<i>Gossypium herbaceum</i> L.	+	+	-	-	-	-	-	-	-
		<i>Sida acuta</i> Burm. f.	+	+	-	-	-	-	-	-	-
		<i>Sida cordata</i> (Burm. f.) Bross.	+	+	+	+	-	-	-	-	-
		<i>Sida rhombifolia</i> L.	+	+	+	+	-	-	-	-	-
		<i>Urena lobata</i> L.	+	+	+	+	+	+	+	+	+
22.	Meliaceae	<i>Melia azadirachta</i> L.	+	+	+	+	+	+	+	+	+
23.	Menispermaceae	<i>Cocculus hirsutus</i> (L.) Diels.	+	+	+	+	+	+	+	+	+
		<i>Stephania japonica</i> (Thunb.) Miers.	+	+	+	+	+	+	+	+	+
24.	Molluginaceae	<i>Mollugo pentaphylla</i>	+	+	+	+	-	-	-	-	-
		<i>Glenus oppositifolius</i>	+	+	+	+	+	+	+	+	+
25.	Moraceae	<i>Ficus bengalensis</i>	+	+	+	+	+	+	+	+	+
		<i>Ficus benjamina</i>	+	+	+	+	+	+	+	+	+
		<i>Ficus hispida</i>	+	+	+	+	+	+	+	+	+
		<i>Ficus racemosa</i>	+	+	+	+	+	+	+	+	+
		<i>Ficus religiosa</i>	+	+	+	+	+	+	+	+	+
		<i>Streblus asper</i>	+	+	+	+	+	+	+	+	+
26.	Myrtaceae	<i>Psidium guajava</i>	+	+	+	-	-	-	-	-	-
		<i>Syzygium cumini</i> (L.) Skeels	+	+	+	-	-	-	-	-	-
27.	Nyctaginaceae	<i>Boerhaavia repens</i>	+	+	+	-	-	-	-	-	-
		<i>Mirabilis jalapa</i>	+	+	+	-	-	-	-	-	-
28.	Oxalidaceae	<i>Oxalis corniculata</i>	+	+	+	-	-	-	-	-	-
		<i>Biophytum sensitivum</i>	+	+	+	-	-	-	-	-	-
29.	Papaveraceae	<i>Argemone Mexicana</i>	+	+	+	-	-	-	-	-	-
30.	Pedaliaceae	<i>Sesamum indicum</i>	+	+	+	-	-	-	-	-	-
31.	Piperaceae	<i>Piperomia pellucid</i>	+	+	+	-	-	-	-	-	-
32.	Polygalaceae	<i>Polygala chinensis</i>	+	+	+	-	-	-	-	-	-
	Polygonaceae	<i>Antigonon leptopus</i> Endl.	+	+	+	-	-	-	-	-	-
		<i>Rumex dentatus</i> L.	+	+	+	-	-	-	-	-	-
33.	Portulacaceae	<i>Portulaca oleracea</i> L.	+	+	+	-	-	-	-	-	-
		<i>Portulaca quadrifida</i> L.	+	+	+	-	-	-	-	-	-
34.	Rhamnaceae	<i>Zizyphus mauritiana</i> Lam.	+	+	+	+	+	+	+	+	+
35.	Rubiaceae	<i>Borreria articularis</i> (L.) Williams	+	+	+	-	-	-	-	-	-
		<i>Dentella repens</i> Forsk.	+	+	+	-	-	-	-	-	-
		<i>Oldenlandia corymbosa</i> L.	+	+	+	-	-	-	-	-	-
		<i>Oldenlandia paniculata</i> L.	+	+	+	-	-	-	-	-	-
36.	Scrophulariaceae	<i>Lindenbergia indica</i> (L.) O. Kuntze	+	+	+	-	-	-	-	-	-
		<i>Lindernia crustacea</i> (L.) F. Muell.	+	+	+	-	-	-	-	-	-
		<i>Scoparia dulcis</i> L.	+	+	+	-	-	-	-	-	-
37.	Rutaceae	<i>Glycosmis mauritiana</i> (Lam.) Tanaka	+	+	+	+	+	+	+	+	+
		<i>Glycosmis pentaphylla</i> Corr.	+	+	+	+	+	+	+	+	+
38.	Vitaceae	<i>Cayratia trifolia</i> (L.) domin.	+	+	+	+	+	+	+	+	+
39.	Zygophyllaceae	<i>Tribulus terrestris</i> L.	+	+	+	+	+	-	-	-	-
40.	Urticaceae	<i>Laportea interrupta</i> (L.) Chew.	+	+	+	+	+	-	-	-	-
		<i>Pilea microphylla</i> Liebm.	+	+	+	+	+	-	-	-	-
		<i>Pouzolzia zeylanica</i> (L.) Benett	+	+	+	+	+	-	-	-	-
41.	Verbenaceae	<i>Clerodendrum viscosum</i> Vent.	+	+	+	+	+	+	+	+	+
		<i>Lantana camara</i> L.	+	+	+	+	+	+	+	+	+
		<i>Phylla nodiflora</i> (L.) Greene	+	+	+	+	+	+	+	+	+
42.	Violaceae	<i>Hybanthus enneaspermus</i> (L.) Muell.	+	+	+	-	-	-	-	-	-
43.	Poaceae	<i>Alloteropsis cimicina</i> (L.) Stapf.	+	+	+	-	-	-	-	-	-
		<i>Apluda mutica</i> L.	+	+	+	-	-	-	-	-	-
		<i>Brachiaria reptens</i> (L.) Gard. & Hubb.	+	+	+	-	-	-	-	-	-

		<i>Chloris barbata</i> (L.) Sw.	+	+	+	-	-	-	-	-
		<i>Cynodon dactylon</i> (L.) Sw.	+	+	+	-	-	-	-	-
		<i>Dactyloctenium aegyptiacum</i> (L.) Beauv.	+	+	+	-	-	-	-	-
		<i>Digitaria adscendens</i> (H.B.K.) Hernand.	+	+	+	-	-	-	-	-
		<i>Eleusine indica</i> (L.) Gaertn.	+	+	+	-	-	-	-	-
		<i>Eragrostis tenella</i> (L.) Beauv. Ex Roem. & Schult.	+	+	+	-	-	-	-	-
		<i>Panicum repens</i> L.	+	+	+	-	-	-	-	-
		<i>Paspalum flavidum</i> (Retz.) Camus	+	+	-	-	-	-	-	-
		<i>Paspalum scrobiculatum</i> L.	+	+	-	-	-	-	-	-

Note: CA-Centre area, BA-Buffer area and O-Outside the grove.

Photo plates



Fig. 1 Kalamadan sacred grove in Belatikri of Jhargram District



Fig. 2 Back side of Kalamadan showing old stock along with hut, house and bamboo thicket



Fig. 3 Pitaisini sacred grove showing a patch of land surrounded by paddy field



Fig 4 Articles dedicated or offered to Pitaisini an tribal goddess



Fig. 5 *Calotropis gigantea* (Akanda) near the roadside of Pitaisini sacred grove



Fig. 6 *Dalbergia sissoo* (Fabaceae)—an important tree species near the grove



Fig. 7 A large landscape with 'boro rice field' (winter to summer) and scattered Pituli trees



Fig. 8 *Hemigraphis hirta* (Musakani)-an important medicinal plant used for pet animals



Fig. 9 *Cassia sophora* (Kalkasunda) –an important medicinal plant

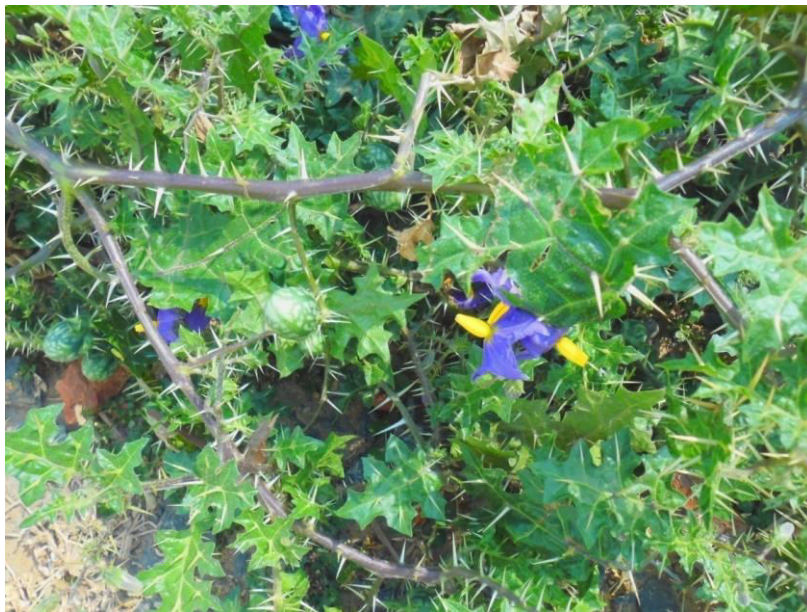


Fig. 10 *Solanum xanthocarpum* (Kantikari)-root medicinally important

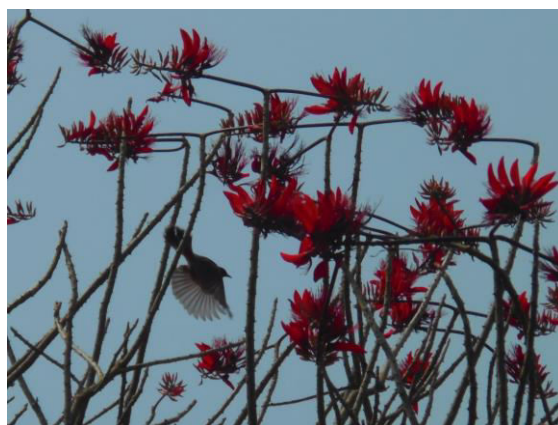


Fig. 11 *Erythrina suberosa* (Baha fuler gach) with flying *Pycnonotus cafer* i.e. Red vented Bulbul

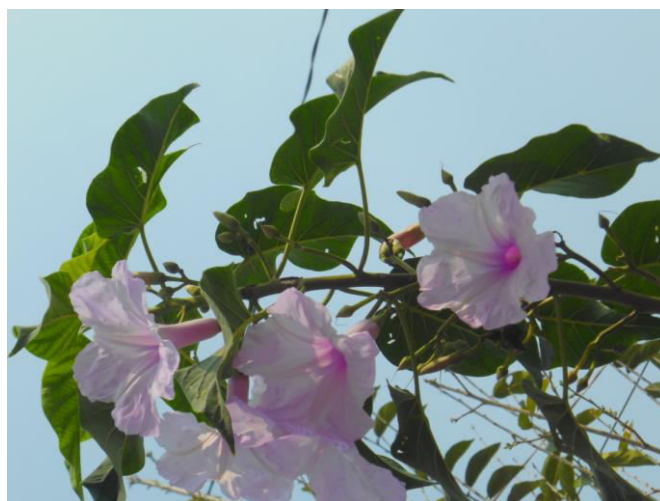


Fig. 12 *Imomoea carnea* (Kalmi) near Pitaisini

Discussion

In the study on sacred groves in Jhargram district it is found that plants found in the centre area or core area of sacred grove (CA), buffer area (BA) as well as in outside areas (O) of sacred groves (Table 1). Here various plant elements were recorded for last 5 years study (2016 to 2020). Acanthaceae showed 11 species out of which 2 species were recorded in all seasons. Amaranthaceae showed 7 species out of which none were recorded in all seasons i.e. these species showed

high sensitivity of seasonal factors mainly humidity and temperature. Similarly, for the families for Anacardiaceae, Apiaceae and Asclepiadaceae 2, 2 and 3 species were recorded. In case of Anacardiaceae, all species showed existence round the seasons but in case of Apiaceae and Asclepiadaceae only monsoon showed their appearance. Asteraceae showed 12 species in which 3 species were recorded for all seasons. Boraginaceae and Brassicaceae showed single and three species respectively. Boraginaceae showed



existence only in monsoon but later species showed no parity with seasons. In all seasons, Cappariaceae showed single species though total species for the same species was recorded as 3. Out of 3 species studied only 2 species were found in all seasons under family Caesalpiniaceae. Convolvulaceae showed single species but no parity with seasonal fluctuations. In Cucurbitaceae total 5 species were recorded but 3 were found in all seasons. Family Euphorbiaceae, Fabaceae, Gentianaceae and Lamiaceae showed 16, 11, 2 and 7 species respectively. Out of these numbers, 6, 3, 0, and 0 species were recorded in all seasons for the family Euphorbiaceae, Fabaceae, Gentianaceae and Lamiaceae respectively. One member of Lythraceae was recorded from study site but not found round the year. Out of 6 only a single member of Malvaceae was recorded for three seasons. A single species under the family Meliaceae was recorded and the same species was found round the seasons. In case of Menispermaceae, 2 species were recorded for all seasons. Out of 2, one species were recorded round the year from Molluginaceae. In case of Moraceae, 6 species out of 6 were found in all seasons. No species under the family Myrtaceae was recorded round the year. In case of Nyctaginaceae, Oxalidaceae, Papveraceae and Pedaliaceae no species were recorded in all seasons. Piperaceae showed single species, Polygoniaceae with 2 species and Portulacaceae with 2 species but no one was recorded for all seasons under these three families. In Rhamnaceae, a single species was recorded in all seasons. Rubiaceae showed 4 species but none were

recorded for three seasons. Scrophulariaceae and Rutaceae showed 3 and 2 species out of which 0 and 2 species were recorded for all seasons. Vitaceae showed single species that exists in all seasons. Zygophyllaceae and Urticaceae with 1 and 3 species respectively in the study area, but no family showed a single species with equi-distributional pattern followed by three seasons. Verbenaceae showed 3 species but all showed seasonal distribution. Violaceae with single species but showed no distribution in all seasons. Poaceae showed 12 species but not a single species showed homogenous seasonal distribution in and around sacred groves.

Conclusion

Kalamadan and Pitaisini are two very popular sacred groves among the people of Jhargram district. It is truly connected with the spirit and belief of the people of all nearby villages. It is nearly the same spirit of people who offered to *Burababa* sacred grove which is famous in Lalgarh area of Jhargram (formerly Paschim Medinipur), as famous as god Shiva by a group of people, but other group think that it is another god which is different from Lord Shiva, a unique spiritual god that can make everything easy and directly can change the spiritual life of the people. Easily the god can make or change the environment positive or negative but who offered easily gain from the goddess. Tribal people are



very much reluctant to the goddess and spend time during festival at the sites. Our botanical point of view is that these sites truly a nature made nursery protects some old stocks for future and regarded as nature made nursery. It protects plants as well as animals and birds which feel homely to settle there as there is no disturbance. Many small sacred groves are there in Jungalmahal area of Jhargram district which need urgent exploration to know the present status of conservation.

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Contribution of Buddhism to Position of Women: An Ambedkarian Perspective

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Abstract

Caste hierarchization in India from time immemorial has had a negative impact on the status of women as an independent entity. A woman's identity along with an identity of being lower caste simultaneously makes her a victim of rigidly imbibed patriarchy and the caste system of our society. Lots of conversions have taken place to transform the life of human beings But the studies done on these kinds of conversion have primarily focused on men and gave less importance to the impact on women's identity or whether the changes in society have brought any significant advancement to a woman's position.

Among these conversions, Dr Ambedkar's conversion to Buddhism had succeeded to a great extent in providing a new respectable identity to many. Yet the status of women in Buddhist community remained the most unexamined part.

The oppression of caste and the functioning of patriarchy, the growing class/caste divide in society, makes Ambedkar's views on women's oppression, caste and Hindu social order, significant to modern Indian feminist thinking. Ambedkar's analysis of the situation presents women as the victims of the oppressive, caste-based and rigid hierarchal set up. He believed that gender relations are artificially constructed by socio-cultural forces, especially by sastras like Manusmriti. As Beauvoir writes, "women are made, they are not born". Ambedkar also raised the question, "Why Manu degraded her (woman)?"

This paper attempts to show how gender relations and differences are constructed by Hindu Brahminical order which teaches her to be passive, meek and submissive; and whether Buddhist identity provides a sense of respite, respect and equal status to women in Indian society. Ambedkar through his various writings and examples of women like Visakha, Amrapali of Visali, Queen Malika as evidences of Buddha's treatment of women as equals.

Keywords: Cast, Class, Gender, relations etc.

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On 13th October, 1935 Dr B.R. Ambedkar (1891-1957), a leader of the Mahar untouchable community of Maharashtra announced his decision to renounce Hinduism. Just over twenty years later and shortly before his death, Ambedkar publicly converted



to Buddhism. Today a generation after this conversion, scholarly treatments of Ambedkar and his movement uniformly assert that Ambedkar's Buddhist conversion was an attempt to strengthen the untouchables against the dominant Hindu social and political hierarchy by providing an alternative, egalitarian identity. Ambedkar's interpretation of Buddhism had led to a renewed interest in an ancient religious tradition and asset of doctrines which were different from prevailing ritualised ordinances of many religions. His reinvestigation of Buddhist teachings primarily focused on several aspects like the reinterpretation of the story of Buddha's renunciation, four noble truths, notion of *kamma*, rebirth, *nibbana* and the role of *sangha* in spreading the word of Buddha. Yet the status of women in Buddhism has remained the most unexamined part of this restructuring. This paper tries to examine Ambedkar's views on how Buddhist egalitarian ideas succeeded in providing self respect to women in society, where caste oppression and Hindu social order and custom had made the position of women very weak.

Ambedkar saw women as the victims of the oppressive caste-based and rigid-hierarchical social system. He believed that socio-cultural forces artificially construct gender relations especially religion and scriptures like Manusmriti. As Simone De Beauvoir observed, "One is not born, but rather becomes, a woman"¹, Ambedkar also raised the question, "Why Manu degraded her(Women)?" In his writings like, *The Riddle of the Women, the Women and the Counter Revolution, The Rise and Fall of Hindu Women, Castes In India: Their Mechanism, Genesis and Development*, Ambedkar tried to show how the gender relations and differences are constructed by Hindu Brahminical order, which conditions women to conform to a stereotype feminine

¹ Beauvoir p.295



behaviour, requiring them to be passive and submissive, suited only to a life of domestic and family responsibilities.

In 'Women and Counter Revolution'(Nari o Pratibiplab) Ambedkar begins with the examination of the position of women in ancient Indian society from the Vedic age. He writes that in Atharvaveda it is depicted that women held an honourable place where they had access to opportunities of education and proper training during the period of studentship. The *Atharvaveda* observes that a maiden can succeed in her marriage only if she is properly educated.² In domestic life too, women were respected, liberated and free from social evils of child marriage. This is evident from Vedic verses where it is mentioned that women were engaged in teaching and learning Veda. The story of debates between *Yajnavalkya* and *Gargi*, *Yajnavalkya and Maitreyi* indicate the recognition of women as highly learned. Ambedkar also refers to Kautilya's injunctions regarding marriage which indicate that girls were married off after achieving a mature age, could get divorce on being abused by their husband, had right to property in case of death or separation from husband, could get remarried even on becoming a widow and could enjoy economic rights.

However at a later age, when priestly Brahmins dominated society, religion lost its spontaneity and became a mass of rituals, the position of women slowly deteriorated. The rights and privileges accorded to women in Vedic times and her status received a setback immensely in Manu's code of Laws.

Ambedkar points out that at the very outset Manu deprived women of all her religious rights and spiritual life. *Sudras*, slave and women were prohibited from receiving any education and reading of *sastras*. A woman could not attain heaven

² A.V XI,5,10



through any merit of her own. She could not worship or perform a sacrifice by herself. She could reach heaven only through implicit obedience to her husband, be he debauched or devoid of all virtues. Having thus denied her any kind of spiritual or intellectual nourishment, Manu strengthened the myth that all women were sinful and prone to evil. A woman was never meant to be left independent. She was to be controlled by her father in childhood, husband at youth and sons at old age. The best way to keep a constant vigil on her, was, through keeping her occupied in the domestic duties and tasks of motherhood. She was not entitled to separation from her husband as the marital relation was a sacramental relation. She had neither any property rights nor any freedom to take her decisions. Manu's code of laws was the projection of patriarchal attitude of society towards women of high caste as well as low caste. His main observations on the status of women in society mainly stressed on the aspect that women being equal to *sudras*, should be treated as *sudras* are.

If one wants to find out the reason for the strict attitude of Manu regarding women, one needs to have a proper understanding of *Manusmṛiti*. A proper understanding of *Manusmṛiti* requires understanding of its historical context. It is a text belonging to 2nd century BCE to 2nd century CE with geographical location named as *Brahmavarta*, *Aryavarta*, or *Madhyadesa*. Manu suggests this to be the northern portion of India sandwiched between Himalaya and Vindhya mountains, and western and eastern ocean. Moreover there is a debate regarding the authorship of the text as single or multiple. Without going to the debate, we may infer that *Manusmṛiti* was a text written by a *Brahmin* belonging to northern part of India, belonging to that time frame where society was witnessing changes internally as well as externally through foreign invasion of culture, customs and trade. *Manusmṛiti* presents an attempt of objectifying the norms and codes of a particular section of society, which was the centre of all social



and political activity, to the rest of the community. This was a society which was trying to hold on to its Hindu ideologies amidst the changing social scenario. Traditional Hindu society being a patriarchal society was based on male supremacy and female subjugation. In such a society, sexuality of women was and is regarded as a controlling factor which could disrupt the social structure. Manu describes the nature of women and gives a general warning against them. He writes, 'It is the very nature of women to corrupt men. It is for this reason that the wise are never unguarded regarding them'³*Medhātithi* explains that it is the nature of women to make men fall off from their fidelity. By associating with men, women make them deviate them from their vows. For this reason wise men are never unguarded and they shun women from a distance.⁴ Manu also writes that in this world women are capable of leading astray the ignorant as well as the learned.⁵ *Medhātithi* explained that so far as women are concerned, the people cognizant of the grievousness of sin, as well as the person not so cognizant, both are equal; for no amount of learning is any use in this matter; women are capable of leading astray all men who become contaminated with desire and passion.⁶ Barring the too young and too old, and one who has reached the highest stage of Yoga, there is no one, with the exception of one who has entirely destroyed his human susceptibilities, who is not attracted by women, just as iron is attracted by the magnet. This is not due to any powerful influence intentionally exercised; it is in the very nature of things that at the sight of a young woman, the mind of man becomes upset, especially that of young students.⁷ Manu even asked men to be cautious of mother, sister and daughter. He added- One should not sit alone with his mother, sister or daughter. The powerful host

³ Manu2/213

⁴ Medhātithi (Manu 2/213)

⁵ Manu 2/214

⁶ Medhātithi (Manu 2/214)

⁷ Medhātithi (Manu 2/214)



of sense organs overpowers even the learned.⁸ *Medhātithi* explained that even a learned person, who is well acquainted with scriptures, is overpowered by the extremely fickle sense-organs.⁹ All these *slokas* and their interpretations point towards the single reality that *brahmacārins* who learn self-control and the learned who practice it are both vulnerable to the charms of women. This vulnerability is not seen as a weakness on their part but is projected as a fault on the part of women. Such an attitude of *Manusmṛti* towards women, depict how much exaggerated view was held in society towards female sexual prowess.

On top of this was patriarchy's concern with legitimacy of progeny as belonging to one's own lineage. A patriarchal *Brahmanical* society concerned with purity of patrilineage was bound to use caste as a vital tool for curbing the sexuality of women. Upper caste women were forbidden to marry men of lower caste as purity of the caste could not be maintained in the patriarchal set-up. As the identity of the child was determined by his patrilineage, upper caste blood from the female side was not allowed to get mixed and identified with lower caste paternal identity. Such a union was also bound to upset the hierarchy of caste subordination by the overarching domestic hierarchy of male domination and female subordination.

Ambedkar felt that endogamy or *savarna vivaha*(marriage within one's own *varna*) and importance of male progeny as a necessary aspect of Hindu marriages , forbade marital alliance outside one's own *varna* and showed aversion to female issue respectively. Such features were instrumental in controlling the social factors like how it determines the relation between a man and a woman ,the respective position and identity given to them and, and their relation to society.

⁸ Manu 2/215

⁹ Medhatithi (Manu 2/215)



Male supremacy subjects women to all kinds of religious, social and economic injunctions, through which her sexuality is controlled. Through the custom of child marriage, control of reproductive capabilities, control of economic freedom, prohibition of divorce, prohibition of remarriage, practice of *niyoga*, a patriarchal Hindu society has always controlled female sexuality. Ambedkar points out that the need for control of a woman's sexuality has been primarily based on the fear of *varnasankara*, which fails to maintain the purity of blood and race. This has formed the major defense of caste system which has prohibited intermarriage and propagated caste hierarchy. It can be said that just as caste hierarchy created social disparities and economic inequality in society, it silently brought about the force of atrocious traditions over women and degraded her position.

Ambedkar, himself a victim of caste-based atrocities, wanted to establish a social and moral order which must recognise the fundamental tenets of Liberty, Equality and Fraternity. This trinity principle was derived by Ambedkar, from the teachings of Lord Buddha. Buddhism, according to Ambedkar was a rationalistic and humanistic religion where the quest lay in the interest in Man, his welfare and dependence on Man's own effort for his emancipation and prosperity without recourse to belief in God or any other supernatural agency.

Ambedkar focused on the principle of *dhamma* which for him did not stand for religion but for morality. Through re-actualisation of *Dhamma*, he wanted to reconstruct the real Buddhism which Buddha had preached. This re-actualisation, in his opinion was necessary for the logical and rational approach towards solution of social evils of caste inequality and gender inequality.



Let us now see how Buddhism, for Ambedkar, provides a rationalistic approach towards solving the problem of gender inequality. As we all know that Buddha's religious and ethical teachings begin from the Four Noble truths i.e. there is *dukkha*, cause of *dukkha*, possibility of cessation of *dukkha* and the path of cessation of suffering.

Ambedkar pointed out that the inequalities present in society, be it caste based or gender based represent the First Noble Truth; *Brahminical* culture and the *sastric* injunctions causing and representing this inequalities is the Second Noble Truth. The objective of social change is the Third Noble Truth; and Buddhism providing the path for this social change is the Fourth noble Truth.

Let us now analyse how Ambedkar perceives Buddhism as a relief for female subjugation and whether he is justified in accepting this stand. Dr. Ambedkar opined that women were considered to be an entrance to the caste system. The subjection meted out by social injunctions, especially on women, by enforcing intra-caste marriage cemented the differences between castes. He pointed out that measures like sati, prohibition of widow marriage, child marriages were adopted by society for maintaining the balance between the sexes. These unfavourable customs, according to Ambedkar, made marital process in Brahmanical religion more complicated and thus tightening the noose around the neck of women.

Religious fundamentalism of Brahmanical religion was reiterated by Ambedkar as the cause of exploitation and impoverishment of women in Indian societies. One major factor contributing to this fundamentalism ,as perceived by Ambedkar, was *Manusmṛti*. To prove his stance with evidence he pointed out, "During the Vedic period Hindu women had enjoyed several rights like the right to educate, learn different art



forms and select their life partners. The marriages would take place at a mature age.

However, the inauguration of *Manusmṛti* deprived the women of all the rights and burdened them with several restrictions and taboos.”¹⁰

The Third noble truth which speaks about cessation of suffering, according to Ambedkar, can be found in bringing a social change where a religion based on reason and not on irrational and atrocious caste system could be established. He focused on equality, liberty, and justice as the forces that could eliminate gender hierarchy. Buddhism with his perception of women was the only rational approach.

In Annihilation of Castes he suggests, “Make every man and woman free from the thralldom of the *sastras*, cleanse their minds of the pernicious notions founded on the *sastras* and he or she will interdine and intermarry,”¹¹

Let us now focus on how Buddhism, according to Ambedkar, offers relief for women from patriarchal domination. The first approach of Buddhism is towards erasing the importance of male progeny. Ambedkar in his writings provides the example of King *Pasenadi* whose reference is found in *Samyukta Nikaya* where Ambedkar points out towards Gautama Buddha’s admonishment to King *Pasenadi* of *Kosala* when he discovers that the King is not pleased with his Buddhist Queen *Mallika* who had given birth to a daughter.¹² Ambedkar points out that brahminical faith believed that a son was the cause of worldly happiness and immortality. But in Buddhism, future happiness did not depend on any one else but on one’s own *kamma*. The Buddhist funeral ceremony being a simple affair could be performed by the widow, daughter or anyone on the spot. Thus the birth of a son was not necessary.

¹⁰ The Rise and Fall of Hindu Women (Nari o Pratibiplab), pg 282

¹¹ Annihilation of Caste, p

¹² Writings and Speeches vol 11, p.376



Secondly, Buddhism does not consider women as being inferior to men. Buddhism, while accepting the biological and physical differences between the two sexes, does consider men and women to be equally useful to the society. Buddha emphasizes the fruitful role, women can play and should play as a wife or a good mother in making the family life a success. In a family both husbands and wives were expected to share equal responsibility and discharge their duties with equal dedication. The husband was asked to consider the wife a friend, a companion, a partner. In family affairs, the wife was expected to be a substitute for the husband when the husband happened to be indisposed. In fact, a wife was expected even to acquaint herself with the trade, business or industries in which the husband engaged, so that she would be in a position to manage his affairs in his absence. This shows that in the Buddhist society, the wife occupied an equal position with the husband.

Ambedkar in his writings points towards the *vinaya* of husband and wife taken from *Sigalovada Sutta* depicting the duties of a husband and wife:

"In five ways should a wife as Western quarter, be ministered to by her husband: by respect, by courtesy, by faithfulness, by handing over authority to her, by providing her with ornaments. In these five ways does the wife minister to by her husband as the Western quarter, love him: her duties are well-performed by hospitality to kin of both, by faithfulness, by watching over the goods he brings and by skill and industry in discharging all her business." ¹³

According to the injunctions of the Buddha given in the *Sigālovada Sutta*, which deals with domestic duties, every relationship was a reciprocal one whether it is between husband and wife, parent and child, or master and servant. Ideally, therefore, among

¹³ Sigalovada sutta , 30



Buddhists, marriage is a contract between equals. The egalitarian ideals of Buddhism appear to have been important against the universal ideology of masculine superiority. If we concentrate on the above *sutta* it is clear that wife was shown respect as a member of household. In *Anguttara Nikaya* it is said a wife is like a sacred fire. Just as priests honor and treasure their sacred ceremonial fire, similarly, a householder should preserve and honor his wife and children. As mistress of the establishment she was to be given the duties of looking after the household and shouldering responsibility. She was to look after the kin of her husband, show her skill in diligently managing the affairs of her house and looking after his treasures.¹⁴

Thirdly, Ambedkar points out that the plight of unmarried women and widows in the then Hindu society immensely improved by the establishment of the Order of Almswomen (*Bhikhuni Sangha*). Buddha unhesitatingly accepted that women were capable of realizing the Truth, just as men are. This is why he permitted the admission of women into the Order, though he was not in favour of it at the beginning because he thought their admission would create problems in the *Śāsana*. Once women proved their capability of managing their affairs in the Order, Buddha recognised their abilities and talents, and gave them responsible positions in the *Bhikkhuni Sangha*. The Buddhist texts record of eminent saintly *Bhikkhunis* like *Mahāpajāpati*, who were very learned and who were experts in preaching the *Dhamma*.

It is not suggested that the Buddha inaugurated a campaign for liberation of womanhood. But he did succeed in creating a minor stir against Brahman dogma and superstition. He condemned the caste structure dominated by the Brahman, excessive ritualism and sacrifice. He denied the existence of a Godhead and emphasized

¹⁴ Anguttara nikaya iii,35; iv,265



emancipation by individual effort. The basic doctrine of Buddhism, salvation by one's own effort, presupposed the equality of all beings, male and female. Buddha saw the spiritual potential of both men and women and founded after considerable hesitation the Order of *Bhikkhunis* or Nuns, one of the earliest organizations for women. Ambedkar gives the reference of *Prakrti*, a *Chandalika* (a low caste woman) being admitted into the *Bhikkhuni sangha*. Moreover Ambedkar provides examples of several women from different walks of life , like *Ambrapali*, a courtesan, *Visakha*, a wealthy woman, *Dhananjani*, wife of an ardent Brahmin, being followers of Buddha.

It is clear, therefore, that women enjoyed much social freedom and recognition of her identity in Buddhist times. Ambedkar inspired by the humanitarianism in Buddhism sees it as a favourable step towards emancipation of women, and an inspiration behind several legal and constitutional changes in favour of women.

However, certain observations need to be made regarding the position and perception of women sans Ambedkarian interpretation. Firstly, Buddhism must surely be considered as a relief from Brahminical dogmatic faith and evils of casteism, but their attitude towards women was not so adjusting as it is perceived. In Cullavagga X it is seen that Buddha was initially reluctant to open up the sangha to women. Buddha refused several times, but only when Ananda changed his approach and asked whether women could attain nibbana were they allowed into the sangha, Buddha changed his approach. He acknowledged their capacity to do so and conceded justice of allowing them ordination. However, in condition to ordination of women Buddha laid down the acceptance of eight special rules¹⁵, the *garudhamma*:

- Bhikkhunis had to pay homage to all the bhikkus, even very junior bhikkus.

¹⁵ Vinaya Texts p.323-324



- Bhikkhunis could not spend the rains independent of bhikkus.
- Bhikkhunis had to ask the bhikkhus the dates of uposatha rites.
- Bhikkhunis had to confess transgressions before both the orders.
- Bhikkhunis must accept discipline from both orders.
- Bhikkhunis had to be ordained by both the orders.
- Bhikkhunis could not abuse or revile a bhikku in any way.
- Bhikkhunis could not admonish a bhikkhu for any reason.

Finally after accepting women into the order, Buddha complains to Ananda that without women, the true dhamma would have lasted one thousand years; now that women are in the order, it will last only five hundred years.¹⁶ The eight rules were an attempt to control the damage.

The reason for Buddha's reluctance to accept women in the order gets reflected in Buddhist attitude towards body. The body being the strong source of sensations ranging from pleasure to pain, desire to disgust, continually imposes pressures upon our intellect and emotions for fulfilment of biological needs. As such, the body poses a powerful obstacle for those seeking the Buddhist goal of liberation from all ties and a false conception of this body and its desires being the real.

Among the two sexes, female body has been frequently described as impure and defiling, more physical as tied more closely to bodily desires and insatiably lustful. In *Women in Buddhism*, Diana Paul outlines the sensual portrayal of women, as, "woman glowed with a much more intense sexual vitality and was the primeval force of fecundity... What was feminine or sensual was *samsāra*, the world of

¹⁶ Vinaya Texts, X,1,6, p.325



bondage, suffering and desire, which led to cycles of rebirth.”¹⁷. The *Therāvādin* sect was repugnant to the sexual energy of women and considered it as the representation of everything which bound men.

The similes used by Buddha to describe the harmful effect of women’s presence illustrate the contaminating nature of women as considered in those times: Buddha compares the sangha with women in it to a house prey to robbers, a rice-field struck with mildew and a sugar cane field attacked by red rust, stipulating that the feminine contamination can be controlled by imposing the eight rules over them.¹⁸

Apart from the *Bhikkunis*, the laity women’s position was not drastically improved as customs like child-marriage, polygamy, stigma of barrenness, widowhood and unmarried state was not completely erased away. The old notions concerning women were too deeply embedded to be easily or completely eradicated, even by efforts of a great personality like Buddha. A woman without a man’s patronage was the most despised creature of society. By the time *Milindapanha* was written, we find a go-back to the old system where it is said that a woman without a husband is the most despised, blameworthy, condemned, unloved and shameful.

However, it would be wrong to dismiss away Buddhism’s contribution to the upliftment of women in society. We have the tendency to judge the past through the lens of present ‘standard of morality’ .It must be remembered that the then society was a strict patriarchal society and any ‘slight’ change was a big leap for the then society. Ambedkar through the motivational and reformed perspective of Buddhism, brought about a pragmatic and earnest interest in women’s emancipation through inter-caste marriage, education, co-education and opposition to child marriage.

¹⁷ Diana Paul, p5

¹⁸ Vinaya texts X,1,6 p.326



Ambedkar's contribution in the light of Buddhism could be seen as an honest effort to remove the socio-religious shackles binding men and women alike.

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Freedom of Religion or Freedom from Religion

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Abstract:

All we know, men are a rational being. But sometimes it seems that they are religious also. What about them may be asked, who do not believe in God or do not perform any religious rituals? Confronting such questions, leads us to a fundamental question of what we mean by religion? The central discussion of this article is also based on the concept of religion and freedom. This article also analyzes some questions like - Is religion bound our freedom? Does religion make us complete as we are religious by nature? Thus, this article explores four questions-What is the meaning of "freedom" and "religion" from different points of view. What is meant by 'freedom of religion'? Which rights are included in freedom of religion in India? Finally, is it justified to protect freedom of religion, or should we think about freedom from religion?

Key words: Religion, Freedom, Justification, Social structure, Human Rights, Human psychology, Advancement.

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Introduction:

Freedom has always been recognized as a fundamental right. At the same time, human being seems religious by nature. So, Freedom of Religion is still a very relevant topic of discussion. This topic grabs attention not only because of its relevancy but many times for its confusing meaning. Unveiling all this vagueness on freedom of religion it is necessary to know what is meant by freedom and religion. This article emphasizes the concept of freedom and religion in a philosophical and analytical point of view. It also extends its interest on the differences between freedom of religion and freedom from religion.

Exploring the meaning of "freedom" and "religion":

Before determining the relation between religion and freedom we must know what is meant by religion? Below are given a variety of views on religion perusal of which we may get an understanding of the concept of religion: -

Sri Aurobindo, says "...For religion is that is that Instinct, Idea, Activity, Discipline in man which aims directly at the divine, while all the rest seemed to aim at it only indirectly and reach it with difficulty after much wandering and stumbling in the pursuit of outward and imperfect appearance of things"¹.

¹Sri Aurobindo, The Human Cycle, Page 214

According to professor Mc-Taggart “religion is clearly a state of mind... it seems to me that it may best be described as an emotion resting on a conviction of harmony Between ourselves and a universe at large”²

According to Paul Tillich religion is the state of being grasped by an ultimate concern. “A concern which qualifies all other concerns as preliminary and which itself contains answers to the question of meaning of our life. Therefore, this concern is unconditionally serious and shows a willingness to sacrifice any finite concern which is in conflict with it”³

From moralist points of view, Bradley says a higher form of goodness is religion. According to H.B. Adams, religion is the cultivation of occult forces which is the highest attractive energy, man named it divine.

On the other hand, according to etymologically meaning the word 'religion' comes from the word '*relegere*' (*re+legere*) that means "go through again in thought or reading"

According to another interpretation, religion comes from the Latin word 'Religio onis': 're' means back, and 'ligare' means to bind. So, the term religion suggests the unification of two originally unified objects and has been only temporarily separated.

Many modern writers describe religion as a bond between humans and gods. In English, meaning religion means a particular system of faith.

The above views and definition convince that religion senses recognition of and allegiance in a manner of life to a higher, unseen power or powers. It is an affair of the heart than a matter of reasoning.

On the other hand, freedom is the power to do what one will. When used in the context of a will, the term 'freedom' is understood to mean responsibility for one's actions. In detail, it can be said that freedom as a "two-way" power. According to the determination or thought of the mind, it is a Power in any Agent to do or forbear any particular action. For example, if a man has the power to think, or not to think; to move, or not to move, according to his mind's preference or direction, so far is a Man Free.

Freedom may be used in many other senses like freedom of thought, freedom of consciousness, freedom of religion. Freedom of thought is required for the human person as a rational being (*homo rationalize*)-, freedom of conscience is required for the human person as a moral being (*homo moralize*)-, and freedom of religion is required for the human person as a religious being (*homo religious*). These three liberties are closely related to each other.

From other points of view, freedom may be two types: political freedom and psychological freedom. Political freedom may be described as freedom from oppression or coercion, the absence of disabling conditions for an individual and the fulfilment of enabling conditions, or the absence of life conditions of compulsion, e.g. economic

²J. M. E. McTaggart (1997) Some Dogmas of Religion Thoemmes Press,Page 3

³Paul Tillich . Christianity and the encounter of the world religion (1963) network, Columbia university press pg 4-5

compulsion, in a society.

Describing psychological freedom, we may consider the views of existentialist writers. They cite living in accordance with one's authentic self is freedom. Marxists also describe freedom from a psychological point of view. According to them, in a socialist society, when human beings realize their true nature, they will be genuinely free.

After studying different concepts regarding religion and freedom, we may understand some basic questions like what we mean by freedom of religion? What is the value that we seek to protect by the right to freedom of religion? And what degree of protection should be awarded to freedom of freedom? Going through the rights included in freedom of religion in India we may get these answers-

Rights included in freedom of religion in India:

In the Indian Constitution articles, 25- 27 describe freedom of religion as liberty of thought, expression, belief, faith, and worship. In Judicial Perception, the term 'religion' has not been explicitly defined in the Constitution, but the Supreme Court has defined it in many cases. In a Supreme Court case related to secular activity, Mr Justice Mukerjea mentioned, 'The word "religion" has not been defined in the Constitution. It is a term that is hardly susceptible to any rigid definition. In an American case (vide Davis v. Benson, 133 U.S. 333 at 342), it has been said "that the term 'religion' has reference to one's views of his relation to his Creator and to the obligations they impose of reverence for His Being and character and obedience to His will. It is often confounded with cultus of form or worship of a particular sect but is distinguishable from the latter.'⁴

So, in Indian perception, it is very sure that religion is a matter of faith, but it is not necessary that it would be theistic. Religion has its basis. It can be described as a system of beliefs or doctrines followed by those who profess that religion to develop their spiritual well-being. There is a point need to highlight that it would not be correct to say that religion is only a doctrine or belief. Religion is not only a code of some ethical rules for its followers to accept. It also prescribes rituals; it observes ceremonies, and there are some modes of worship. These forms and executions might extend even to matters of language, food and dress. So, religion is related to the consciousness of the people and depicts a specific culture and lifestyle. Thus, when we are talking about freedom of religion, it would be about the freedom of one's faith, belief, culture, and lifestyle.

Justification of freedom of religion or freedom from religion:

Understanding freedom of religion: Two fundamental questions remain: the value that we seek to protect by the right of freedom of religion and what degree of protection should be awarded to this type of freedom. Discoursing some unique values of freedom of religion, we may include the followings:

- Violation of any freedom has a negative moral effect on society.
- It harms the average level of happiness.

⁴ <https://indiankanoon.org/docfragment/1820633/?formInput=religion>



- Violation of this freedom constitutes a severe blow to the conscience and the integrity of the religious individual. And, finally,
- violation weakens the religious culture.

In emphasizing these points, it may be said that, generally, religion can act as a counterbalance to the state's power. Religion also makes a critical moral and social contribution to our society. We may say that religion remains one of the last remaining forces that can fulfill a democratic country's role in maintaining balances and checks the moral issues. Religion contributes to the moral level of society, inspiring people in improving their social and ethical behavior.

But the point is, it does not doubt that religious groups may be a significant source of interpersonal values. Still, if the claim is correct, all religious groups should be seen as social and moral assets. The scenario does not depict the same picture at least in our country. Here religion has become a weapon to manipulate people for fulfilling some interests of a group of orthodox people.

A further possible advantage of religion maybe it deals with the important questions concerning human existence like the meaning of life, good and evil, death and immortality, etc. By continually raising these issues, religion plays a vital role in preventing society from embracing the hedonistic materialism. It helps to make people attracted to spiritual life.

In such a way, religious culture makes moral advancement on some fundamental questions about good and evil and the meaning of life. But these claims also do not assume the truth of religious beliefs. Because the utility of ideas does not depend on their truth-value, it does not justify non-religious people's coercion to adopt a spiritual lifestyle or accept religious beliefs to increase social activity. Thus, this argument fails to explain the superior protection afforded to society's religious members based on their contribution to society's ethical level.

Not but least, there is another question that may arise against freedom of religion- Is freedom of religion means freedom of a person? Or it is only compulsion or obligation with which she/he is confined from his/her very beginning of life?' It seems so because freedom is a personal consciousness. If someone is free to do an act according to his/ her will, he/she is free. For example, if someone is locked in a room then if he/ she wants to come out, she /he can't. In that context, he/she is not be awarded as free. But if the door is opened, then she/he can do according to his will (want to stay in the room/ come out), so she/ he is free. But in the context of religion the question is, 'Are people free when he/ she belong in a certain religious background?' or He/she follows some traditions adopted by him/her unconsciously as a duty from his childhood. Thus, it can be said that freedom of religion basically violet the fundamental right of thought of people before she/ he can start to think by his very own. Consequently, we can say that freedom of religion is needed to explain freedom from religion but not freedom of religion.

As a counterpoint, we may say that if we follow the theory of the origin of religion, we see that religion is originated from the very basic need of human beings. At first, they needed a superior power figure for moral support as they were afraid of the unknown natural powers. When moral values had developed then, religion became a need of the social system to organize people. In running the social community properly, the authority required

unconditional support of the people who lived in that specific region. They made some rules and regulations for prepared their subjects. The leader of the society coated these rules in a religious texture. They did so because most of that ordinary people could not understand the necessity of following such laws and regulations. Therefore, religion is raised from the need of society to fulfill some common interests. In that sense, when we talk about freedom of religion, we are talking about people's general necessity. According to geographical differences, these rules and regulations may be diverse, and religious explanations are also unlike, but the objectives are always the same. So, freedom of religion does not include freedom from religion but public right as a social animal.

Finally, as a conclusion, it can be said that freedom of religion is multifaceted. And the vagueness lies behind the meaning of the term "religion". The concept of religion varies from man to man. In our primary knowledge, it refers to the spiritual culture or rituals of a group. It is related to God or any mystic power. But if we follow the history of religion, it seems that the term 'religion' is an ever-changing concept. For example, in India, 'Hindu Dharma' refers to the Indus Valley people's culture. According to Veda, 'dharma' means the duty of the people in various stages of their life. But after 'Manu Samhita' religion became a weapon of controlling power. So, according to the goal, the meaning of religion is changing. If we take religion as a moral duty, then freedom of religion is a social and moral advancement tool. But if we take religion as a collection of rules and obligations regulated by some influential people to protect their interest, then freedom of religion, mere means freedom. And in that sense, I would prefer to say instead of freedom of religion; it will be justified to protect the right of freedom from religion.

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The Making of Colonial Roadways in Siliguri

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Abstract:

C. A. Bayly has remarked "the study of information, knowledge and communication is an interesting project which might help close the deplorable gap between studies of economic structures on one hand and of orientalism in another hand."¹ Before 1835 A.D. means of communication was in a very rudimentary stage and the pioneers who visited Darjeeling after an arduous journey from Calcutta, had to pass a stretch of rich woody and marshy land infested with wild animals and deadly insects like the most fearful female anopheles mosquitoes, formed the present heart-land of Siliguri. This paper looks not only at the growth and development of roadways but how the economy was linked to the communication in the development of Siliguri.

Keywords: Roads, cart-roads, policies, economy.

(Paper published on 1st Dec., 2020.)

Roads are a product of human necessity to link different places. The necessity rose out of commercial demands and military obligations. It forms the basis for the urban transportation system. However, in Ancient period, usually, waterways were preferred as the best method of transportation but with the passage of time roadways became more important and demanding for transportation purpose.

Before 1835 A.D. means of communication was in a very rudimentary stage and the pioneers who visited Darjeeling after an arduous journey from Calcutta, had to pass a stretch of woodland infested with wild animals and deadly insects formed the present heart-land of Siliguri. "Guide to Darjeeling" published in 1838 points out 98 hours of journey from Calcutta. This arduous journey is described by Hooker, who in 1848 traveled from KaragolaGhat on the Ganges to the foothills



Hooker wrote-" I woke up at 4 a.m and found my palkee on the ground and the bearers coolly smoking their hookahs under a tree. (it was raining hard). They had carried me the length of your stage 12 Mile and there were no others to take on me. I had paid £24 for my dawk from Karagola to the hills to which I had been obliged to add a handsome douceur; so I lost all patients after waiting and entreating during several hours and I found the headman of a neighbouring village and by a further disbursement induced 6 out of 12 bearers to carry the empty Palki while I walked to next stage or till we should meet some other. They agreed and cutting the thick and sponge sheets of Banana used them for shoulder pads, they also wrapped them around the Palki poles to ease their aching clavicles."²

Hooker describe journey from Pankhabari (which is 20 km from North Bengal University) to Darjeeling in the following manner " on the following morning my package arrived and leaving my Palki, I mounted on a pony sent for me by Mr Hudson and commenced a very steep ascent hill of about 3000 feet winding along the face of a Steep, richly wooden valley. The road zigzags extraordinarily in and out of the Jungle..... Not only are the roadside rich in plants but native paths, cutting off all the zigzags run in straight lines up the steepest hill faces...."³.

The British wanted to establish communication between Darjeeling and plains. This endeavour took shape between 1839 and 1842 when Lord Napier of Magdala, a Lieutenant in the engineers, was deputed to construct a road from Siliguri to Darjeeling.⁴

O'Malley says that this road was laid in the midst of very thick forests and also along steep ridges of 40 miles. The project was built at an expenditure of eight hundred thousand rupees.⁵ Heavy cost of transporting the military stores finally led to the construction of 'Cart



Road'. The work began in 1860 and the whole road was completed by 1869.⁶ This Siliguri-Darjeeling Road approximately 25 feet in width was completed at the cost of £6,000 per mile.⁷ O'Malley points out that the most important road in the district was the 'Cart Road' from Siliguri to Darjeeling. The road was approximately 49 mile and also a running ruling gradient of 1 in 31. It was believed by O' Malley as one of the best mountain roads in India. Among many reasons behind the construction of this Cart road, one of it was to replace the old military road built by Lord Napier of Magdala. The road was opened to Traffic in 1869. Many hindrances came while constructing this road and the most obnoxious impediment was the fearful female anopheles mosquitoes, the carrier of plasmodium parasites.

Other than Hill Cart Road there were different pockets connecting Siliguri. The most important was Siliguri - Sevoke Road. Siligurisevoke road was an extension of Teesta Valley Road that connected Sevoke to Teesta bridge and thus it continued to Sikkim via Rango and then to Kalingpong and Tibet by Rishi Road. Thus at the southern extremity of this road is the Valley Road where we find an extension leading from sevoke to Siliguri, a distance of 12 miles. O'Malley writes that other important roads within the vicinity of Siliguri were those of Siliguri to Naxalbari (13 miles), Kurseong to Matigara via Pankhabari (22 1/2 miles), Tirihan to Bagdogra (6 miles), Naxalbari to Garidhura (11 miles).

The SiliguriNaxalbari road passed through Matigara after it left the Darjeeling Hill Cart Road which was just over a mile from Siliguri. It is measured to be 13 miles long and Dash remarks that it was fit for heavy traffic approximately 5 tons Laden at all seasons round the Year.⁸The Provincial Government maintained three roads north of Siliguri, these were the MatigaraKurseong Road, the TrihanNaxalbari road and TrihanBagdogra Road. These roads were 22.5, 8.5 and 5 miles long respectively.⁹The last two carried traffic up to 5 tons Laden weight



yearly and were metalled throughout. The MatigaraKurseong road took 5 ton traffic for the first 9 miles and was usable for the lighter traffic up to Pankhabari. Another important road maintained by the District Board was the road from Bagdogra to Ghughijhora, which was 8.31 miles and Naxalbari to Khoribari (10.93 miles). These roads were metalled and bridged throughout. Four and a half miles of route from KhoribariToPhansidewa of total length 12.5 miles was metalled. The road from Matigara to Phansidewa is 8.25 miles and from Naxalbari to Ambari wereunmetalled.

Three local District Boards played an important part in the maintenance of the roads. These local boards were: the SadarKurseong Local Board, the Siliguri Local Board boards which controlled 116 miles of Terrai roads and the Kalingpong Local Board.

TABLE 4.1: Showing the Roads maintained by the Public Work Department.¹⁰

From	To	Length
Siliguri	Sivoke	12 miles / 19.3 km.
Sukna	Adalpur	3 miles 321 ft. / 4.9 km.
Matigara	Darjling Hill Cart Road	2 miles 355 ft. / 3.3 km.
Station Yard Road, Siliguri		540 ft / 162 meters.
Siliguri Bazar Road		1,464 ft. / 439.2 meters
Siliguri Feeder Road		4000 ft. / 1200 meters.
New Kutchery Road, Siliguri		1792 ft. / 537.6 meters.
Matigara	Naxalbari	11 miles 3090 ft./ 18.6 km.
Ganges-Darjeeling Road (portion)		2miles 331ft. / 3.3 km.



Tirihauna	Naxalbari	8 miles 2710 ft 9 / 13.7 Km.
Tirihauna	Bagdogra	5 miles 4412 ft / 9.4 km.
Panighatta	Kadama	3 Miles 720 ft. / 5 km.
Matigara to Kurseong via Pankhabari (portion)		13 miles 2640 ft / 21.7 km
Panighatta	Dubhiajhora	2 miles 2325 ft. / 3.9km.

TABLE 4.2: SHOWING THE ROADS MAINTAINED BY THE DISTRICT BOARD, DARJEELING.¹¹

ROAD NO.	FROM	TO	LENGTH
32	Naksalbari	Debiganj via Kharibari	14 miles
33	Khaprail	Hill Cart Road	2 miles 4 fur (4.0 km.)
34A	Garidhura	Junction of Bagdogra- Tirihauna Road with NaksalbariTirihauna Road	2 miles 6 fir. 87 yds.
35	Old Siliguri	Rangapani	3 miles 3fur.(5.4 km.)
36	Rangapani	Goaltuli	5 miles (8.1 km.)
37	Matigara	Salbari	2 miles 1 fur. (3.4 km.)



38	Junction with Road no. 32(Kharibari)	Adhikari	2 miles (3.2 km.)
39	Hill Cart Road	Shahpur T.E.	2 miles (3.2 km.)
39A	MadnaguriJote (Hill Cart Road)	Bhaismari	6 miles 1 fur. (9.9 km)
40	Dumriguri Inspection Bungalow	Phansidewa via Bagdogra hat and Harlia Bridge	8 miles 5 fur. (13.9 km.)
41	Baghdogra	Ghugujhora	7 miles (11.3 km.)
42	Tepu	Junction with Road No. 28	2 miles (3.2 km.)
43	Manjwa	Turibari	3 miles (4.8 km.)
44	Khaprail	Tirihana	4 miles (6.4 km.)
45	Hansquar	Ghugujhora	3 miles (4.8 km.)
46	Hansquar	Chaupukhuria	4 miles (6.4 km.)
47A	Junction with Road No. 41	Khoribariupto Road No. 29 in Bandarjuhli	4 miles 6 fur. 134yds. (7.8 km.)
48	Matigara-Siliguri Road near Panchanai Bridge	Champasari Forest Depot via Bhaismari	6 miles (9.7 km.)
49	Atal	Cambrian	6 miles (9.7 km.)
50	Matigara-Nakasalbari Road	Bagdogra-Atal Road	1 mile 2 fur. 112 yds. (2.1 km)
51	Tirihana	Panighata via Old Terai	2 miles (3.2 km.)
52	Road No. 41	Road No. 47 via Mudi Bazar Chenga Bridge and Pahargumia	4 miles 2 fur. 112 yds.(6.9 km.)



52A	Panighata Bridge	Longview	2 miles 100 yds. (3.3 km.)
47	Atal	Junction with Road No. 31 (Narijote), Cross Roads, bye roads and ordinary Village roads (Terai)	6 miles 4 fur. 30 yds (10.5 km.)
1	Hill Cart Road	Damragram	2 miles (3.2 km.)
2	Subtiguri	Garidhura via Tarabari	2 miles (3.2 km.)
3	Old Siliguri	Matigara Hat	2 miles 1 fur. (3.4 km.)
4	Mudibazar	BaghdograThakurganj	(Merged with road no. 52)

TABLE 4.3: SHOWING LIST OF ROADS UNDER THE SILIGURI LOCAL BOARD¹²

ROAD NO.	FROM	TO	LENGTH
27	Matigara (Matigara-Naksalbari Road)	Phansidewa	8 miles 4fur. 3 yds. (13.7 km.)
28	Baghdogra	Atal	4 miles 5 fur. 83 yds. (7.5 km.)
29	Kharibari	Phansidewa	12 miles 4 fur. (20.1 km)
30	Garidhura	Panighata	3
30A	Panighata	Mechi	5 8 miles (12.9 km.)



31	Naksalbari	Ambari(Thakurganj)	8 miles 4 fur. (13.7 km.)
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Road communication was considered to be very important in this area by the government and army and because of this reason various authorities controlled the roads of Siliguri in particular and the Darjeeling district as a whole. The Central Public Work Department controlled a portion of certain major roads and some other important thoroughfares well maintained by the Public Works Department of the State Government. The introduction of automobiles on roads of the district after 1980 gives fresh impetus to the building of modern thoroughfares in the area. The final report on the survey and settlement operation in the Darjeeling (1919 to 25) made the following observations

“The Cart Road to Darjeeling, the SiliguriNaxalbari road, the NaxalbariGayabari road, the SiliguriSevoke road and the Ganges Darjeeling Road at the best kept metalled road of the Terrai. They are all maintained by the Public Work Department except the one last mentioned which is maintained by the District Board..... Of the kutchra road, the one from Matigara to Phansidewa having probably the largest traffic needs immediate improvement. The metallic road of the BagdograThakurganj road is a chronic necessity. There are numerous branch and cross roads connecting the important feeder roads. The aim of the District Board should be the gradual metalling of all branch and feeder roads.”¹³

Jogesh Chandra Mitra report gives a detailed account on construction and maintenance cost of roads. He points out that the annual recurring expenditure of the Public Work Department for the maintenance and upkeep of 13 roads amounts to about 100000 of rupees.¹⁴ By the end of 1920 the bridging techniques in the hills changed considerably. Suspension bridges were taken care of and bamboos were replaced with steel wires for durability. The strategic location of the region increased the importance of roads and it was never regarded as only of local importance.



Even after 1854 when we noticed the transfer of authority from the military board to the Civil Department of Public Works, the government was very much concerned with the strategic importance of arterial and border roads. The maintenance of these roads was very expensive, so expensive that the Provincial Government placed many roads for maintenance under Local Bodies and Forest Departments. In the year 1928, the Road Development Committee under the chairmanship of M. R. Jayaka advised for a change in the road policy of the government. In response to an appeal made by the Jayaka Committee a Central Road Fund was established.

A.J.Kings special officer for Road Development proposed minor improvement in technical road making issues in 1934. The King Plan envisaged the provision of Feeder roads as an integral part of the communication system. He found that making some changes to road surfaces like easing of curves and gradient etc, there was no need of changing the alignment of the major roads or even substituting them with new ones. The report of 1938 stated that there were 109.5 miles of Railways and 3179 miles of metalled and unmetalled roads in the Darjeeling district.¹⁵

TABLE 4.4: Showing the mileage of the roads under each administrative authority and the average annual expenditure of them were given as follows.¹⁶

Authority responsible for upkeep	Metalled Roads			Unmetalled Roads		
	Mileage on 31 March 1937	Annual expenditure per mile (In Rs.)	Average annual expenditure per mile (In Rs.)	Mileage on 31 March 1937	Annual expenditure per mile (In Rs.)	Average annual expenditure per mile (In Rs.)



Government roads maintained by Communications & Works Department	244.30	3,64,611	1,492	108	8,107	76
District roads maintained directly by District Board & Sub-Divisional roads maintained by Local Boards working under the District Board	21.17	8,731	412	344	33,521	98
Urban roads maintained by municipalities	25.20	(Not Available)	..	14	(Not Available)	..
Village roads maintained by Union Boards	2,423	28,880	12
Total	2890.67	3,73,342	..	2,889	70,598	..

As per report of king the width of Hill Road varied from 12th to 25th feet and the usual being 16 feet between the parapet and the rain. Mr. King drew a plan of 309 miles of improved roads in the district consisting 182 miles of existing metalled and 83 miles of existing un-metalled and 44



miles of new road. This scheme provided a mile of improved road and there was for every 3.92 square miles of a tree or every 1034 has a population serving 1091 square miles or 19.02 percent of total area. Only 118 square miles were left unreserved. This scheme provided for a direct road link between the district and sub-divisional/thana headquarters.

The exigencies of the Second World War demanded a very quick build up of the strategic roads. By the time the hostilities ceased, other than non strategic roads the statistical important ones improved surfaces. Meanwhile in 1940 -42, the Government of India had frozen the Central Road Fund giving way to the Nagpur Plan in 1943. The Nagpur plan envisaged the construction of three main categories of road National, Provincial and Local. The Nagpur Road Plan was a landmark in the history of road development and for the first time an attempt was made to prepare a coordinated road development plan. The national highway carried uninterrupted road traffic across the states, the Provincial Road served as the main arteries of trade, commerce and administration and the Local Roads were classified into groups. The District Roads were further grouped into 'major' and 'other' and the village roads. The District Road branched off from National or State Highways lying within 2 to 5 miles of important villages. The village roads were the outer links connecting all rural settlements.

The Recommendation of Nagpur Road Plan had deep Impact on Kings Plan. Thus, came the provisions for village roads and considering the Railways complementary to the Highways was added.

Category of Roads	In Darjeeling	In West Bengal
NATIONAL HIGHWAY	66 KM (41 miles)	953KM (592 miles)
PROVINCIAL HIGHWAY	171 KM	1718 KM (1067 miles)



MAJOR DISTRICT ROADS	323 KM	4755 KM (2953 miles)
OTHER DISTRICT ROADS	NOT AVAILABLE	4540 KM (2820 miles)
VILLAGE ROADS	NOT AVAILABLE	9417 KM (5849 miles)

TABLE 4.5: Showing the length of the different categories of road scheduled to be built and the revised plan in Darjeeling district in West Bengal

After the partition of the province the most important need of the West Bengal Government was an arterial road to link the northern region comprising the district of Darjeeling Jalpaiguri and coochbehar. Thus the construction of National highway number 31 from Barhi, Bihar border to Siliguri was taken up. The NH31 assumes strategic significance as the Calcutta-Siliguri direct rail link was intercepted by East Pakistan territories. A short term program was also included in the construction of JalpaiguriSiliguri Provincial Highway and also improvement of Darjeeling-Pedong and Rishi Roads. Immediately after the partition the State government of Bengal prepaid a separate emergency program for border roads and approached the central government for financial assistance. A technical Committee under the Central Board of transport reviewed the plan and submitted the report in June 1949. Owing to the paucity of funds the whole proposal was overlooked until 1951 when the Planning Commission brought new road building specifications.

It would be worth to mention the words of Merlin:

“The ideal transport mode would be instantaneous free, have an unlimited capacity and always be viable. It would render obsolete space, this is not the case, space is constrained for the construction of transport networks, and transport appears to be economic activities different from



others. It trades space with time and thus money.” (Translated from Merlin, 1992, also published in Jean Paul Rodrigue, 2006)

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Mind-Body and Wellness: A Perspective Analysis

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Abstract:

In the recent past- from mid-March 2020 onwards, we have witnessed a new phase of our lives, i.e. life inflicted with the Corona virus pandemic. This pandemic has led to a crisis in everyone's lives, affecting the mind and body of millions world over. This article will discuss how one can maintain the wellness of one's mind and body through simple techniques and also through acupressure therapy, not only during this pandemic situation, but in normal times as well.

Key words -: *mind, body, wellness, acupressure therapy.*

(Paper published on 1st Dec., 2020.)

Introduction:

Through January 2020 to mid-March 2020 we were busy with our mundane lives, hustling and bustling like a busy bee only occasionally sneaking into the news for updates for China and Italy, till suddenly life came to a halt from 16th March 2020, with the announcement of educational institutions being temporarily shut, and subsequently from 24th March 2020 with the announcement of complete lockdown in the country...as if a pause button of our lives was pressed.

What seemed to be a distant news has now arrived at our door step, each day there is a new case, a close relative, next door neighbour, or someone from our support system, the driver or the domestic help is infected with 'The Virus'. Yes we all know it is the Corona virus or the Covid-19, which is the talk of the town. Or rather talk of the world. It is no longer about them, no longer their story; it has now become our story.

The Covid-19 Pandemic:

We are all perturbed about the current pandemic i.e. the pandemic due to the corona virus, which has affected millions of people world over. As we all are already aware that Coronavirus disease (covid-19) is a contagious disease triggered by coronavirus.



Due to this covid-19 pandemic we have arrived at a New normal era; a new situation which now seems to become normal for us. A transformation has taken place in the realm of our work, home, and social life as well. This Pandemic has affected our mind and our body alike.

The new normal saw people specially parents teachers and other employees rushing to the electronic shops amidst the juggling of lockdown days to repair their gadgets or to buy new ones to be a part of the new normal trend -- online classes and work from home. These relatively new terms have now become normal for us and seem to be a part and parcel of our life for some more time.

The daily morning chores of hurriedly moving out to travel for school and work place have now been replaced by tidying up the surroundings and background for our online screen time-yes all of us do that - don't we.

It seems as if each and every aspect of our life has changed, the teachers and for that matter students are now expected to stay glued to the screen for long hours for online classes, which previously was discouraged. Children are asked to look into the screen for online classes and assignments and even for examinations, when previously they were chided for using the mobiles. Though not a healthy practice, we are left with no choice, to remain healthy, to remain alive is of primary importance as compared to anything else. Each individual desires for the well-being and wellness of himself or herself, of his/her family, of his/her fellow citizens and of the human kind at large.

If we are to remain healthy safe and sound we are to ensure that everyone around us, our society State, Nation and the World at large is safe and sound.

The complete lockdown jolted and jerked our lives. For those having fewer engagements and responsibilities at home, life came to a standstill with nothing much ado, nothing meaningful to do, for some others... already burdened with household responsibilities, it meant a doubling of the same, more work and more responsibilities... yes that's true, all the more with the newly added responsibilities of sanitizing the groceries, disinfecting oneself and or other members of the family each time one goes out for essentials, is all the more tiresome and stressful. Just being careful that not any corner of any grocery packet is left unsanitised, each time washing our hands



before and after touching anything, yes... anything, at times it feels like insane, never before were we taught to be so cautious, so finiky if we may call it that way, OCD (obsessive compulsive disorder) seems to become a normal regime now.

Even a kid knows the check list, of dos and don'ts each time one goes out for essentials. We are reminded -- not that a reminder is needed at all, to wear the mask, gloves, shower cap, to carry sanitizer and so on and so forth. The list after returning from outside is even longer, sanitize everything, wash clean and clean, bathe, steam, drink hot water and yes don't you dare forget the Karha.

Even though stressful, this has become a part of the new normal situation. Every home has a mask and sanitizer handy, the malls or any other centre, no more welcome people with the usual good morning good afternoon greetings, these have now been replaced with hand sanitizers and thermal guns. Yes the New Normal is new for everybody, nobody was familiar with such a situation, such a shift in priority, shift of focus, however, it is still, being called the 'normal', for it is continuing for quite some time now and as we anticipate, will continue to do so for some more time to come.

Things like work from home have become the norm now. Due to online teaching, online studying, screen time has increased for children as well. Air travel has plummeted, isolation, quarantine are all common things now. Social distancing- which I would rather prefer to call as physical distancing is a recommended practice. Bare minimum requirement for sustenance, is the call of the hour. People have become conscious about consumption and have limited themselves to essential purchases. Again maximum people have adopted the do-it-yourself behaviors, be it cooking, cleaning or washing, in order to avoid contact with any other person like the domestic help.

It has affected the world in several ways; let us see the adverse effects of the pandemic on our mind and body.

**Physical impact i.e. impact on our Body:**

Everyone was confined to some place, during lockdowns it was not permissible to go out except for essentials. Social gatherings was prohibited due to lockdown. Our movement was restricted. As if our freedom was taken away. One having symptoms of the virus were to stay in isolation and quarantine. We were deprived of being able to meet our family and friends. We are compelled to socialize remotely. Social or rather physical distancing has now become the recommended practice.

Effects on our Mind:

COVID-19 is taking enormous toll on mental health as well, due to a number of factors, like social isolation, financial and healthcare worries, and the stress of adjusting to remote work and home schooling.

Fear:

There is the fear of being infected by the virus, we are always afraid that we have got the infection each time we have any flu like symptoms; fear of the family members being infected by the virus; fear of losing job or of having a pay cut.

Worry:

Worry of catching the infection; worry about people around us; worry about our finance etc. Then there is **stress, anxiety, depression**, due to lockdown, isolation, quarantine, social or physical distancing, not being able to meet one's near and dear one's. There is also uncertainty about the future; uncertainty regarding one's risk of getting the infection; about when the lockdown will end completely; about when normalcy will resume; when the virus will be eradicated; when a vaccine for covid-19 be available. And hoards of other such things. Lack of work and money lead to stress anxiety depression and these in turn lead many to commit **suicide**. The constant hammering of the media, reporting the ever rising numbers of corona cases, and deaths, adds to the anxiety.



So mental health needs to be taken care of as meticulously as is the need to keep the physical health strong. So the basic underlying problem remains- how to cope up with the stress and anxiety. So now, i.e. in this transient phase and even in the post covid era i.e. in the new normal times we need to be all the more conscious and cautious about our mental diet, about what we feed to our mind, and specially for children as their minds are most sensitive.

In a nut shell we can maintain our well-being and safety by taking care of our body and our mind.

Taking care of our body:

We can take care of our body by maintaining a good diet which includes vitamin C, zinc, plenty of fresh vegetables and fruits. One can drink home - made karha with ingredients/ spices right in one's kitchen. Apart from this one can inhale steam and drink hot water. Attention should be given towards maintaining cleanliness and proper sanitisation. Check your temperature at home in case you feel sick, use pulse oxymeter to check the oxygen level of your body, in case of any trouble please take medical help. Maintain social distancing till herd immunity is developed. Focus on Pranayama or any form of meditation or prayer- it actually gives us energy and makes us mentally and physically strong. Maintain proper sleeping and waking pattern.

Taking care of our Mind:

The psychology of stress:

Fear and panic affects our brain adversely, which in turn affects our body (increasing our blood pressure and heart beat rate) and thereby weakening our immune system.

So the apt question arises what are we supposed to do?

Right content:

First hour and last hour of the day we should be away from all gadgets/mobiles television, newspaper etc. Just as when we have to go out of our house for the whole day we take a good breakfast, don't we, similarly we have to give a good breakfast to our mind as well for a good



mental health condition for the whole day. Our mental content should be rich and positive. We should not feed it with negative content. Our whole day will be as we feed it first thing in the morning and night will be as what we feed it last thing at night.

If we go on seeing the news of covid rising cases for the whole day we tend to get anxious and develop fear, no doubt we should be aware of the situation and condition of the world around us but too much of anything is not good. This is not the right time to see any content that has low energy of negative energy, like crime stories or fight scenes and the like, one may argue that he or she is not affected mentally by such scenes, however it might affect other members of our family, so we have to act and think for the well being of the whole family. Low content may lead to fear, stress, anxiety and even depression. Now in this world of technology, the first thing in the morning and last thing at night which we do is check our mobile phones.. don't we? We have internet, television mobile phones which gives us the mental content- which are too many, and too fast, there is no quality check into these contents. Previously in the 70s and 80s the mental content came from conversation with parents and other family members, from the selected books which were monitored by parents etc. So the mental content was less but the quality was high. Hence back in those days the cases of depression and suicide was far less as compared to the recent times.

So since we are faced with a crisis outside, i.e the corona virus pandemic, there is all the more need for us to be free from the inner crisis of stress, fear, anxiety and depression. It is the way we think and take things, no doubt that there is an actual virus out there in the world, but if one keeps thinking all the time whether one is infected with the virus or not, if one is always in the fear of getting infected and so on then he or she will be lead to higher level of stress and thereby to anxiety. This will lead to poor mental health, which in turn will affect the physical health on the one hand and the relationship and behaviour with other family members on the other. One will become irritable and snap at others.

We may or may not be able to control the spread of the virus outside.... But we can definitely control the way we react to it, the way we maintain our mental health and overcome



the fear of it. Our mental condition is in our control... not in the control of the virus. We are to build our inner strength, so do not panic, do not over think but do be careful and cautious.

So the pertinent question arises as to what is the need of the hour, how are we to survive the pandemic, how do we overcome the physical and mental difficulties which we think are resulting due to this.

Come let us see some way out from this.

This is the most important section I think as I intend to reach out to everyone, to reach out to humankind in general in order to discuss some means of relief from stress. To discuss some way to bring about the wellness of Mind and Body.

I would like to share some tips for physical and mental well-being through the application of acupressure. These are not the solution or treatment for corona, these are the tips to cope up with the new situation, these tips are in general helpful to combat stress due to anything whatsoever, be it exam related or work related or anything else.

Acupressure Therapy for Mind - Body Wellness:

How to keep one's mind and body healthy through Acupressure Therapy.

Let me make it clear at the **outset that I am not a medical doctor and these tips are NOT the remedy or treatment**, these will help boost one's immunity as well balance one's mental condition. These are some personal tips which I would like to share on the basis of my training and research in Acupressure Therapy. Most interestingly acupressure therapy can be used by one's own self in the comfort of one's home. This will not only help one in remaining physically fit but also help in having a balanced mental health as well.

Acupressure Therapy for Mind - Body wellness include:

- ▶ Sujok Therapy i.e. Palm and finger massage
- ▶ Reflexology i.e. Foot massage



▶ Auricular therapy i.e. Ear massage

Our palms, feet and ears have the nerve endings of the different parts of our body, so massaging these will stimulate the blood flow to the corresponding body part, thereby increasing the flow of oxygen to these parts, leading to healthier and stronger body and mind.

How to build ones Immunity naturally through Acupressure Therapy

- ▶ Massage using acupressure jimmy or fingers or even the back of a pen
- ▶ Apply little pressure
- ▶ Massage - once or twice a day
- ▶ Follow up on a daily basis

One can follow any one of these or for best effect and result may message all of these at least once or even twice a day. This will also help build ones immunity.

The best part of such treatment is that it has no side effects and is highly effective, and can be used for children, adults and aged persons alike. This will not only be helpful in releasing stress and anxiety in the present new normal situation but will be helpful in any situation what so ever.

Conclusion:

It is my humble request to the readers to practice this on a regular basis, you may try it out now even as you are reading this article, I am sure my friends you will find relaxation.

All the more as this gives us a way to deal with the problem manifold as compared to the so-called regular treatment. As we have our two palms, two feet and two ears to treat a single problem.

So in this new normal era we need to emerge as a stronger human being – both mentally and physically to cope up with the new challenges. We need to maintain the well-ness of our Mind and body alike.



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The Right of the Child to Education: An Overview

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Abstract:

Education and philosophy are the two aspects of the same coin. Philosophy is theoretical concept whereas education is the practical aspect. Whatever goals we desire to achieve in the life can be achieved through the process of education. If we want to achieve any change in the society, any improvement in any of its sub-systems, then that can be brought about by education only. Universal Declaration of Human Rights 1948 by way of Article 26(1) lays down that everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Thus, UN recommendation has been re-enforced in the provisions of the Right of Children to Free and Compulsory Education (RTE) Act 2009, which came into effect as on 1st April 2010. In fact, this act lays down the state's responsibility towards education. In this paper an attempt has been made by the authors to highlight the constitutional and legislative perspective of the right to free and compulsory education under Article 21-A. This paper significantly aims to explore the attitude of Indian system towards compulsory education and to pinpoint the flaws in the existing RTE Act. In order to create a world class knowledge society, every one of us has to be knowledge worker. This paper describes the importance of creating a knowledge based society through teacher education programmes for making India a powerful country

Keywords: Right to Education, Free and Compulsory Education, Constitution, Fundamental Right, RTE Act 2009.

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“We are committed to ensuring that all children, irrespective of gender and social category, have access to education. An education that enables them to acquire the skills, knowledge, values and attitudes necessary to become responsible and active citizens of India”

--- **Prime Minister Manmohan Singh**

Introduction:

Education is the most crucial investment in human development and is an instrument for developing an economically prosperous society, for ensuring equity and social justice. Recognizing, the worth of ‘education’ means recognizing the worth and beauty of human life. It is education that charts out the path for human welfare and progress. A society that neglects education decays, greater neglects leads to faster decay and finally the fall of society. A nation cannot succeed unless its citizens are not educated. Education as a tool is the most potent mechanism for the advancement of human beings. Education emancipates the human beings and



leads to liberation from ignorance. Education is now being envisioned as a human right and an instrument of social change. Knowledge enables an individual to think, to analyze and to understand the existing situation, and the inter-linkages and externalities of each action. It empowers an individual to form his or her own opinion, to act and transform conditions to lead to a better quality of life.

Human beings are considered as the most important creation on earth for ability they have to think logically, rationally, creatively and constructively. There is not much difference between the newborn baby of human being and that of animal. But yet human baby learns faster in comparison to animal. It is due to 'socialization'. It is not restricted only to teaching-learning activities conducted in schools and colleges. It starts when the child is in womb and continues until one dies. A child by nature have quest for knowledge to understand everything around him or her. Provided they require to be guided by someone. The first person who looks after each and every need of the child and is responsible for the child's upbringing is his/her, who is rightly termed as a teacher of the child because it is she who guides him/her initially and teaches what is right and what is wrong. Thereafter determines the schooling where determines the future of the child and also future of the nation. The destiny of India is being shaped in its classroomⁱ. Child's environment is developed at school, by its teacher. The age group of 6-14 years for elementary education is the period where children enter into teenage which is considered as crucial period to mark the future of child.

Importance of education:

The importance of education cannot be denied in one's life. It sustains the human values which contribute to the individual and collective well-being. It forms the basis for lifelong learning and inspires confidence to face challenges. It provides the skills to individuals to become more self-reliant and aware of right opportunities. The children of today are gearing up to become adult citizens of tomorrow. The growth is parallel to the future of our country, reflected through quality of the present education system. A school must stimulate curiosity in the young, impressionable minds and equip them with tools to be better human beings. It is widely accepted that the learning process is instrumental in shaping one's personality and the way he/she deals with situations of life. The shift of thoughts from bookish knowledge to



knowledge of life, in schools, has brought forth a sea of change. People have warmed up to the idea of education being the key to a well-rounded development instead of just a mean to acquire degrees and monetary success in life. The education is the key which allows people to move up in the world, seek better jobs, and ultimately succeed in their lives. So education is very important, and none should be deprived of it. It also enhances the ability of individuals to act more responsible and more informed citizens and have a voice in politics and society, which is essential for sustaining democracy.

Education must facilitate the cultivation of a healthy thought process and groom our cognitive abilities. In the present competitive world, education is a basic necessity for human beings after food, clothes and shelter. Education must focus on the following aspects, which contribute immensely to the development of the young minds as they step into adulthood. School is the foremost fountain of knowledge children are exposed to. It gives a chance for them to acquire knowledge on various fields of education such as people, literature, history, mathematics, politics, and other numerous subjects. This contributes to cultivation in the thought process. When one is exposed to the influences coming from various cultural sources, his/her on world and existence becomes vast. Education forms the foundation of any society. It is responsible for the economic, social, and political growth and development of society in general. The thread of the growth of society depends upon the quality of education that is being imparted. So, schools play an important role in molding a nation's future by facilitating all round development of its future citizens. The importance of primary education has been neglected by India since independence knowingly or unknowingly. However, Government of India now is willing to improve primary education by bringing legislation i.e. Right to Education.

Right to Education Act, (RTE) 2009 marks a historic moment for the children of India. Right to Education is the right of children between the age of 6 and 14 to free and compulsory education, this Act came into force in the year 2010. Compulsory means that the respective state government will provide free elementary education and ensure the admission, attendance, and completion of education of children of the age group 6 to 14 and free means that the child will not have to pay any fee or charges of any kind to attain education. This was the initiative taken by the government to ensure that the children of the country get proper education regardless of the nature of income of their household. The act has provisions for the non-admitted kids to be



admitted in the appropriate classrooms and it lays down the duties of the government also. Hence, it is a boon for the families with low income. Government has schools in almost all the major areas of every city and the parents can send their kids to the school in their own area which will be closer to their homes as well.

International Instruments:

The human right to education is a fundamental, but limited, right under international human rights law. While multiple treaties address the right to education, the *International Covenant on Economic, Social and Cultural rights* and the *Convention on the Rights of the Child* explicitly outline States' obligations to fully realize the right to education. The core component of the right requires States to provide free compulsory primary education, and prohibits discrimination in schooling. Additionally, education should lay the groundwork for self-realization and effective participation in society; parents should have some freedom to choose the manner in which their children are educated; academic pursuits should be ensured and respected by the State; and public education must be equally accessible to all, irrespective of gender, race, or national origin. The International Covenant on Economic and Social Rights (ICESCR) and the Convention on the Rights of the Child (CRC) are the most widely-applicable treaties that include the right to education. Of the 193 United Nations Member States, more than 160 have ratified the ICESCR, and nearly all are party to the CRC. States are required to take measures toward ensuring that education is equally accessible, available, acceptable, and adaptable, while prioritizing the best interests of the studentⁱⁱ.

Education should be directed to the “full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms” by promoting “understanding, tolerance and friendship among all nations, racial or religious groups”ⁱⁱⁱ. The Convention on the Rights of the Child (CRC) states that education should also develop: the child's talents and mental and physical abilities to their fullest potential; respect for the child's parents, his or her own cultural identity, language and values; respect for the national values of the country in which the child is living and the country from which he or she may originate; and respect for the natural environment^{iv}. The *Convention on the Elimination of All forms of Discrimination against Women* (CEDAW) requires States to take all appropriate measures to eliminate gender discrimination in education^v. For example, while States are required to take



measures that encourage regular attendance at schools and reduce drop-out rates of all students, CEDAW further obligates States to reduce female student drop-out rates and organize programs for females that have left school prematurely. The UN Educational and Scientific Organization has declared that primary education “must be universal, ensure that the basic learning needs of all children are satisfied, and take into account the culture, needs and opportunities of the communities.”

History and Status of Elementary education in India:

Elementary education became fundamental right after six decades of Independence. The framers of the Constitution was of the view that after ten years of the commencement of the Constitution the Government make Right to Education as fundamental right. Back in 1949 when the Constitution of India was first passed, Article 45 stated that “The State shall endeavour to provide free and compulsory education for all children until they complete the age of fourteen years.” But however, there was no legislation in this regard. The Right to education act is an act of parliament proposed on 4 August 2009 which shows and highlights the model of the importance of free and compulsory education to children age group 6-14 in India. India has become one of the 135th countries to implement the right to education as a fundamental right guaranteed in our constitution under Article 21 A to every child. Insertion of Article 21A in the Constitution of India paved way for right to education giving fundamental status. However, the dream could not be fulfilled until 2009 when the Parliament enacted the Right to Education Act, 2009 which came into effect on April 1, 2010.

In a society of the future, education will play an essential role in creating the new way of life specific to knowledge and learning based society. Effective teachers and educators possess a well-grounded knowledge of the content areas that are central to their teaching. The rapid changes in our world require students to be flexible, to take the initiative and lead when necessary, and to produce something new and useful. The Right to Education Act mandated two categories of goals to be achieved – goals related to the infrastructure of the schools and teachers who are the most important agents of change in society. The targets related to the infrastructure of the school are to be achieved within a three years for the implementation of RTE Act, 2009 i.e. by March 31, 2013 and targets related to the teachers within five years i.e. by March 31, 2015. The RTE Act states that --



- No child has to pay any school fee or expense (including books, uniforms and writing materials) during elementary school.
- It is compulsory for children to attend elementary school.
- Corporal punishment is forbidden.
- Children should be admitted to their age-appropriate class (no matter their education level).
- No child shall be failed.
- There should be at least two toilets per school (one for girls and one for boys).
- The pupil teacher ratio should be 30-35:1.
- Each classroom should hold one teacher and one class.

Right to Education as a Fundamental Right:

Education is one of the basic elements, for the success of democratic system of any Government. The Constitution is the law of the land and any law framed contrary to it will be held unconstitutional and invalid. Our Constitution framers were aware about the problem of illiteracy and compulsory education of children, so they were of the view that right to education should exist in India, but at that time the position was different, so they had put it under Article 45 in Directive Principles of State Policy. Initially this Article states that the State shall make provision within 10 years for free and compulsory education for all children until they complete the age of 14 years. The object of the directive was to abolish illiteracy from the country.

The RTE Act provides the legal framework for universalisation of elementary education as fundamental rights of children in the age group 6-14 years of age. The basic structure gives every citizen social justice and, education is a social aspect, which needs to be addressed by policymakers if the population is lacking behind literacy level than there will be no equality of opportunity to be a real provision. And if the person is not given the chance to make his/her life, free from misery and problems than one cannot be attained social transformation, which is the cornerstone of education. Spurred, by the *Unnikrishnan*^{vi} judgment and a public demand to enforce the right to education, the successive governments from 1993 worked towards bringing a constitutional amendment to make education a fundamental right. That led to the 86th amendment in December 2002. By way of Constitution (86th Amendment) Act, 2002, the right to education has been explicitly declared as a fundamental right and included in part III of the Indian Constitution under article 21-A.



The second provision as inserted by the Constitution (86th Amendment) Act, 2002 is the substitution of Article 45. Earlier it used to put mandate upon the State for free and compulsory education for all children until they complete the age of fourteen years. As now by 86th Amendment, the right to education itself has been inserted in Part III of the Constitution, that's why Article 45^{vii} has been substituted by 86th Amendment itself. Further the last provision which has been inserted by Constitution (86th Amendment) Act, 2002 was Clause (k) to the Article 51A which deals with Fundamental Duties in Part IV of the Constitution^{viii}. This provision puts a constitutional mandate upon citizen to provide opportunities for education to his child or, as the case may be, ward between the ages of six to fourteen years.

Provisions given in the Constitution promoting and strengthening the educational framework in India ---

- **Article 28:** In our Constitution Article 28 provides freedom to attend any religious instruction or religious worship in educational institutions.
- **Article 29:** This article gives equality of opportunity in educational institutions.
- **Article 30:** Acknowledge the right of minorities to establish and administer educational institutions.
- **Article 45:** This article mandate the state shall dispense to provide within a period of *ten years* from the inception of this Constitution for free and compulsory education for all children of this country until they complete the age of 14 years. The responsibility for providing elementary education lies with the scope under state Government, the central Government, the Local Bodies and authorities, and voluntary organizations or any other government organization.
- **Article 46:** Talks about the special care for the furtherance of education and economic interests of the Scheduled Tribes, Scheduled Caste, OBC and the weaker sections of society.
- **Article 337:** This article regulates the special provision with respect to educational grants for the benefit of the Anglo-Indian community.
- **Article 350B:** It provides for grants and offers for linguistic minorities.
- **Article 351:** This article deals with the development and promotion of the Hindi language.



Judicial Contribution towards Right to Free and Compulsory Education:

The judiciary showed keen interest in providing free and compulsory education to all the children below the age of 14 years. This was done in the case of *Mohini Jain v. State of Karnataka*^{ix}, where the Supreme Court division bench decided this case comprising of Justice Kuldip Singh and R.M Sahai held that: “Right to education is the essence of the right to life and directly flow and interlinked with it, and life living with dignity can only be assured when there is a significant role of education”. The above-stated case enumerated the right to education to be in part III being as a fundamental right.

The Supreme Court of India decided two PIL cases i.e. *Mohini Jain and Unni Krishnan* case in which the court enforced right to education. In reality, both cases concerned the impact of certain state laws on private educational institutions of higher learning. The court took the opportunity to develop a precedent that also governed the public provision of elementary education. In *Mohini Jain v. State of Karnataka*^x, popularly known as the ‘capitation fee case’, the Supreme Court has held that the right to education is a fundamental right under Article 21 of the Constitution, which cannot be denied to a citizen by charging higher fee known as the captivation fee. The right to education flows from right to life. In the instant case the petitioner had challenged the validity of a notification issued by the government under the Karnataka Education Institution (Prohibition of Captivation Fee) Act 1984 passed to regulate tuition fee to be charged by the private medical colleges in the state.

Subsequently, in *Unni Krishnan v. State of Andhra Pradesh*^{xi}, the Apex court was asked to examine the correctness of the decision given by the court in *Mohini Jain case*. The five judge bench by 3-2 majority partly agreed with the *Mohini Jain* decision and held that right to education is a fundamental right under Article 21 of the Constitution as ‘it directly flows’ from right to life. But as regards its content the court partly overruled the case, and held that the right to free education is available only to children until they complete the age of 14 years, but after the obligation of the state to provide education is subject to the limits of its economic capacity and development. The obligation created by Article 41, 45 and 46 can be discharged by State either establishing its own institutions or by aiding, recognizing or granting affiliation to private



institutions. Thus, the Supreme Court by rightly and harmoniously construing the provision of Part III and Part IV of the Constitution has made right to education a basic fundamental right.

In the case of *Bandhuwa Mukti Morcha v. Union of India and others*^{xii}, it has been held that it is the solemn duty of the state to provide basic education to children also working in different industries or factories and the court directed the government to take such steps and evolve scheme assuring education to all children either by the industry itself or in coordination with it. In the case of *TMA Pai Foundation vs. State of Karnataka*^{xiii} the scheme formulated by the court in the case of Unni Krishnan was held to be an unreasonable restriction within the meaning of Article 19(6) of the Constitution. Consequently, all order and directions issued by the state in furtherance of the directions in Unni Krishnan's case was held to be unconstitutional. The court observed that right to establish and administer an institution includes the right to admit students; rights to set up a reasonable fee structure; right to constitute a governing body; right to appoint staff and right to take disciplinary action.

The Supreme Court in the case of *Sikshak Sangh and Others v. Union of India*^{xiv}, also observed that establishment of High Schools may not be a constitutional function in the sense that citizens of India above 14 years might not have any fundamental right in relation thereto, but education as a part of human development indisputably is a human right. Chief Justice of India Dr. A.K. Lakshmanan rightly observed that education is perhaps the most important function of state and a local government^{xv}. Justice K. Ramaswamy and Justice Sagar Ahmad, has observed, Illiteracy has many adverse effects in a democracy governed by rule of law^{xvi}. Educated citizen could meaningfully exercise his political rights, discharge social responsibilities satisfactorily and develop spirit of tolerance and reform.

Thus, compulsory education is one of the duties of the states for stability of democracy, social integration and to eliminate social evils. The Supreme Court by rightly and harmoniously construing the provision of Part III and IV of the Constitution has made right to education a basic fundamental right. The Government of India by Constitutional (86th Amendment) Act, 2002 had added a new Article 21-A which provides that, "the state shall provide free and compulsory education to all children of the age of 6 to 14 years as the state may, by law determine"^{xvii}. It is submitted that on the basis of constitutional mandate provided in Article 41, 45, 46, 21A as well



as, as per the various judgments' of the Supreme Court, the Government of India has taken several steps to eradicate illiteracy, improvement the quality of education and make children back to school who left the schools for one or the other reasons^{xviii}.

Achievements of Right to Education Act, 2009:

- The RTE Act has successfully managed to increase enrolment in the upper primary level (Class 6-8).
- Stricter infrastructure norms resulted in improved school infrastructure, especially in rural areas.
- More than 3.3 million students secured admission under 25% quota norms under RTE.
- It made education inclusive and accessible nationwide.
- Removal of “no detention policy” has brought accountability in the elementary education system.
- The Government has also launched an integrated scheme, for school education named as *Samagra Shiksha Abhiyan*, which subsumes the three schemes of school education:
 - Sarva Shiksha Abhiyan (SSA)
 - Rashtriya Madhyamik Shiksha Abhiyan (RMSA)
 - Centrally Sponsored Scheme on Teacher Education (CSSTE)
 - Mid-Day meal programme , launched for Primary School
 - Scheme ‘Saakshar Bharat’

Limitation of Right to Education Act, 2009:

- Age group for which Right to Education is available ranges from 6 – 14 years of age only, which can be made more inclusive and encompassing by expanding it to 0 – 18 years.
- There is no focus on quality of learning, as shown by multiple ASER reports, thus RTE Act appears to be mostly input oriented.
- Five States namely Goa, Manipur, Mizoram, Sikkim and Telangana have not even issued notification regarding 25% seats for underprivileged children of society under the RTE.



- More focus is being given over statistics of RTE rather than quality of learning.
- Lack of teachers affect pupil-teacher ratio mandated by RTE which in turn affects the quality of teaching.

RTE Amendment Bills:

The Parliament has given its assent for the Right of Children to Free and Compulsory Education (Amendment) Bill, 2018. The amendment bill does away with the no-detention policy mentioned in the law. Prior to this a child cannot be held back or detained until he completes his elementary education. But after the amendment its depend on the state to continue the policy of non-detention or not. Or the state may conduct the examinations either at the end of the 5th class or 8th class or both. The Student who failed in the examination will be given instruction and opportunity provided to appear for re-examination as per prescribe 2 months after the declaration of result.

- The Right to free and compulsory education to children (Amendment) Bill, 2017. The Bill provides to amend the Right of Children to Free and Compulsory Education Act (RTE), 2009 to extend the last date for teachers to acquire the prescribed minimum qualifications for the purpose of the appointment.

It needs to be ensured that all teachers at the elementary level have a certain minimum standard of qualification and that unqualified and untrained elementary teachers complete their training. It will help to ensure that all teachers have minimum qualifications as deemed necessary to maintain the standard of teaching quality.

Conclusion:

Presently, India could manage to provide school education to almost all the children of the country in the age group of 6-14 years, but the major challenge that the country faces is to provide quality education to the children. A quality education is a pre-requisite for national, regional and global development. Quality education produces quality human beings who become ready to accept the new challenges being thrown up by the age of globalization. Unfortunately, quality education in India has become elusive and the children in India are not able to get the



kind of education they actually require. It has been ten years since the implementation of RTE Act, but it can be seen that it still has a long way to go to be called successful in its purpose. Creation of a conducive atmosphere and supply of resources would pave the way for a better future for individuals as well as the nation as a whole. After making so many efforts, the right to education is still in the words of statute only. The standard of any country can be measured by the rate of its literacy, especially of the age group of 6-14 years. RTE is a great initiative but there are still major loopholes which need looking into otherwise the whole act will end up being only a sham. The government has definitely tried a lot to uplift the economically backward communities of the country but a proper structure is required because things are still quite haphazard until yet.

ⁱ https://www.researchgate.net/publication/311066157_Major_Reforms_in_Contemporary_Teacher_Education

ⁱⁱ See CESCR, *General Comment No. 13: The Right to Education*, UN Doc. E/C.12/1999/10, 8 December 1999, paras. 6, 7.

ⁱⁱⁱ Article 26 of UDHR: "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. Parents have a prior right to choose the kind of education that shall be given to their children."

^{iv} Article 29 of Convention on the Rights of the Child (CRC)

^v Article 10 of CEDAW

^{vi} *Unni Krishnan v. State of Andhra Pradesh*

^{vii} Article 45: Constitution of India, "Provision for free and compulsory education for children The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years".

^{viii} Right to education Constitution (86th Amendment) Act, 2002.

"21A. The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."

Substitution of new article for article 45.- For article 45 of the Constitution, the following article shall be substituted, namely:- .

Provision for early childhood care and education to children below the age of six years.

"45. The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years."

Amendment of article 51A.- In article 51A of the Constitution, after clause (J), the following clause shall be added, namely:-

"(k) Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years."

^{ix} (1992) 3 SCC 666.

^x (1992) 3 SCC 666.

^{xi} (1993) 1 SCC 6.

^{xii} (1991) 4 SCC 177.



^{xiii} AIR 2003 SC 355; (2002 AIR SCW 4957).

^{xiv} 2006 (2) SCC 545.

^{xv} Ajay Goswami vs. Union of India & Others, AIR 2007 SC 493

^{xvi} Bandhua Mukti Morhca vs. Union of India. (1991) 4 SCC 177.

^{xvii} Constitution of India, 1950, Article 21-A.

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The Voice of Margins: A Re-assessment of Rise and Decay of the Dalit Political Consciousness in Late Colonial India (1920-1947)

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Abstract:

The first half of the twentieth century in modern Indian history was the age of the movements and unrests. This period witnessed the participation of people from different groups, gender, caste, and social class into national politics in a massive scale. One positive outcome was that even the marginalized people of Indian society began to contribute in this time of turmoil. The essay has assessed the nature, form and gradual transformation of the political consciousness of untouchables/Dalits and their amalgamation with the mainstream Indian politics from 1920 to 1947. It has examined various factors and grounds which accelerated the growth of Dalit political consciousness in the context of colonial rule in India what Christophe Jeffrelot regarded it as “the silent revolution.”^[1] The essay establishes a claim that political consciousness of Dalits was deeply entangled with the colonial power structure and it had many more regional variations which ultimately resulted in their final failure to build a pan-India based confrontation against mainstream Indian politics. These pitfalls further alleviated the growth of their caste consciousness as well.

Keywords: Dalit, Dalit politics, caste, caste politics, colonial Bengal

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1. Introduction: A Feudal Caste Society

Caste is a very popular term in Indian society. It exists since the coming of Aryans in Indian subcontinent. In ancient India, Hindu society was divided into four Varnas: *Brahman*, *Kshatriya*, *Vaishyas*, and *Shudras*. Though the ‘untouchables’ or Dalits were not under the *varna* society, but they were the most suffered class and their position was beneath all the *varnas*. The Untouchability as a social custom raised in full form between the third century AD and sixth century AD.^[2] They were called *chandals*, *ati-sudra* by the upper Hindu caste. According to anthropologist Lewis Dumo, the caste systems arose because of the complex relation between religion and power in ancient India.^[3] When the Aryans settled themselves



from a pastoral community into an agricultural community, the people or communities who were associated with heavy physical labour or connected with various filthy works regarded as 'untouchables' due to their impurity. So their stand was beneath all the other *Varnas*.^[4] However, Dr. B. R. Ambedkar disagreed with many existing and popular theories about the origins of Indian caste system and gave his own theory in his famous lecture about caste formation in India at Columbia University just before the submission of his doctoral thesis in May 1917.^[5]

But this custom was being changed in time. In medieval India, Vakti and Sufi saint raised their voice against the Brahmanical system of caste. Many untouchables were converted into Islam. But the real condition changed after the coming of English into power in India. Though in the first stage of their rule they did not interfere into Hindu society but indirectly the spread of western education, railways, communication, new economic structures, modern laws, reforms, jobs etc., changed the social and economic position of untouchables and *Dalits*. After 1950 the government had tried to uplift their social position by introducing new laws and reservation policy.

2. Colonial Studies of Caste:

Historical study on caste communities, at its first stage, was initiated by colonial ethnographers. For example, the early work on caste was Francis Buchanan Hamilton's survey report published in 1838. Buchanan codified the socio-economic condition of some lower caste communities (*Rajbanshis, Koches, Khyenas, Malos* etc.) along with general people of Bengal. With the expansion of British rule in India, ethnographical research on the



Indian caste communities was further developed. Dr. James Wise's work *Notes on the Races, Castes and Trades of Eastern Bengal* (1883) was such an example. To the next, it was Risley's outstanding work *Tribes and Caste of Bengal* (1891).^[6] But perhaps the greatest contribution was 1901 census under the supervision of H. H. Risley. And here for the first time peoples from the lower communities were listed in government record according to their caste position in Hindu society.^[7]

On the contrary, there were also some Indian scholars who had tried to write the caste history. J. N. Bhattacharya's *Hindu Caste and Sects* (1896), S. Y. Ketkar's *History of Caste of India*, and N. K. Dutta's *Origin and Growth of Caste in India* were some of the remarkable achievements in the field. *Hindu Samajer Gadan* (1949) written by Nirmal Kumar Bose is also still important to understand the caste formation in India.

3. Political Participation of Dalits or Untouchables in Colonial India:

We can notice that from the early stage of the colonial rule in India the caste was an emerging and sensitive issue to the company government. This part of the essay will discuss the gradual rise of the political consciousness among the low caste people or Dalits in colonial India through shedding light upon their movements and participation in Indian politics.

3.1 The Progressive South:

While discussing the lower caste politics in South India, French scholar Christophe Jaffrelot truly pointed out the core difference between the nature of caste in North India and



South India. According to him, for many reasons caste factor was not properly diluted with South Indian society. The possible reasons are as follows:

First, the kind of land settlement that the British introduced in South India was mostly different from the other Indian land settlements. In contrast with the *Zamindari* system prevailed in North India, the British introduced *Raiyatwari* system which was systematically implemented in the South India. It was unique from the rest in its characteristics. In the North when the colonizer went to levy estate taxes, they often used *Zamindars* (earlier worked as a tax collector- a post created under the Mughals). These intermediaries of the central authorities were mostly belonged from upper caste Rajput. They were again recognized by the British as landowners in exchange for the responsibility of collecting the taxes in rural areas. But in the South where Mughal administration was less powerful, the British neither found any intermediary group nor a dense network of *Zamindars*. Therefore the British tended to select individual farmers as direct tax payers. So the land system of South India was more egalitarian than of the *Zamindari* system in Upper India.

Second, in Hindi or North Indian belt the caste system was much closed to or formed by the Vedic Varna model. While in South India caste system did not emerge in the same path (the warrior and merchant class were poorly represented in their agendas and writings). Also the vast coastal regions of South India were largely connected with the other countries by maritime trade. From classical times the people of South India were more accustomed with or familiar to a non-caste based society of the outer world. Also, numbers of the upper Brahmans were fewer in the South than in the North. For example, according to census of



1931 only 3% of the total population of Tamil Nadu and Andhra Pradesh were belonged from higher caste Brahmin.^[8]

The first phase of caste politics in India began after the census of 1901 where for the first time various caste and sub-caste groups were listed according to their social status. They occupied position/rank in the list according to Hindu caste law. In this first phase, some caste associations were set up to put pressure on the administration in order to improve one's caste rank in the census table. Those associations also started to claim new advantages from the colonial State through implementation of quotas in the education system and administration. In terms of social transformation, the most remarkable achievement of those caste associations was the creation of unity among the different caste groups in India.

In Maharashtra, *Dalit* movement against Brahmin and upper caste was initially started by Jyotiba Phule. Phule was a popular leader of Mali caste who founded Satyashodhak Samaj in 1873. He boldly believed that excessive representation of upper caste in government jobs and power was the only reason behind the *Dalits'* backwardness. He claimed that Brahmans are not the indigenous people of our country. Invader Aryans was their ancestors and that is why they (Brahmans) are foreigner. Phule also tried and succeed to take support of Kunbi caste, an agrarian caste of Maharashtra.^[9]

Such another trend of Caste politics in India was the creation of Non-Brahmin Samiti which was formed after 1919 led by some elite and business class people purely belonged from untouchable caste. Though they started their movement against Indian National Congress (INC) and believed in positive/benevolence effect of British rule in Indian society



but soon after 1930 they gradually began to support the INC and finally within years in 1938 at Bitharva the Samiti decided to give full support to INC. But after all, it should be noted here that all of the movements had a strong sense of Maratha ethnicization.

In Madras Presidency, anti-Brahmin and Dalit movement started since the beginning of the twentieth century. Two of their mottos were the glorification of Tamil language and their Dravidian identity. Here the picture was more complicated as only 3% Brahmins of the total population hold 42% of the government jobs.^[10] This chaotic situation probably led to form another political party. Justice Party was formed in 1916 and demanded separate seats for election to win for non-Brahmin representatives in legislative assembly. In 1919, the British Government granted 28 seats for reserved category. Justice Party owned 63 seats among 98 in Madras Presidency and formed the government without the support of INC. Though Justice Party formed the government but within years it ruined. As told earlier, the leaders were mostly from elite and merchant class people and they did not think about the interest of the Dalits. That is why very soon a major number of Dalit people left the party under the leadership of M. C. Raja. In 1926 Justice Party failed to achieve success against the Swaraji. Finally, in 1946 the party completely lost its importance in electoral politics as it could not stand any representatives in election against the INC.^[11]

Among all the caste based movements in South India, the most unique was the 'Self Respect Movement'. It was started by E. V. Ramaswami Naicker who had left the INC in 1925 for the policy of conciliation to Brahmanical concept of Varnas imposed by M. K. Gandhi. Glorifying Tamil language and Dravidian culture, disgracing Sanskrit, taking the story of *Ramayana* as a destroying process made by evil Aryans, burning *Manusmṛiti* openly



were the real tools and mottos of the Self Respect Movement. But some western scholars pointed out that at the end the Self Respect Movement became a separatist regional movement because it demanded a separate State for non-Brahmin Dalit caste.^[12]

3.2 North India:

In North India, both caste and the caste based associations did not prepare the ground for any significant ethnicization process; instead they remained within the framework of *Sanskritization*.^[13] North India adopted specially *Sanskritization* - a cultural tool to protest against the upper caste hegemony and hierarchy. The famous social scientist M. N. Srinivas has defined the term *Sanskritization* as the process in which a low Hindu caste or a tribal group changes its customs, rituals, ideology, and way of life by adopting the same characteristics of the upper caste.^[14] This movement initiated in 1893 and re-launched at several points during the first two decades of the twentieth century. It attracted many Yadavs of U.P. who were anxious to emulate the upper caste culture.^[15]

The foundation of All India Deprived Class Association at Nagpur in 1926 could be regarded truly as the important mark of Dalit political consciousness. Ambedkar however left it soon and built his own All India Deprived Class Congress. These associations demanded reserved seats only for Dalits but Gandhi was the main obstacle for them and that ultimately led to the settlement of Poona Pact in 1932. The pact gave them 151 seats reserved for the S.Cs. Ambedkar later established Independent Labour Party and he had won 11 seats among 15 at Bombay election. Again in 1942 he established All India Scheduled Caste Federation. Three years later Ambedkar published an important book named *What Congress and Gandhi*



Have Done to the Untouchables (1945) where we find his political stand and views towards the mainstream Indian politics.^[16] (An interesting chapter of this book is ‘Gandhism-The Doom of the Untouchables’!). Unfortunately, after all the successful efforts, Ambedkar became fragmented from the mass support and also from the British government. History shows that within years during the time of Independence he supported the Congress and accepted their nomination for a seat in the Constituent Assembly.^[17] At the last stage Dalit political movement became very unpopular to Indians/Indian politics that perhaps made the Ambedkar to convert into Buddhism in 1956.^[18]

3.3 Bengal:

Truly speaking, before 1970s historical studies about the pre-independence caste based Bengal politics did not get proper attention to historians. It was the growth of the subaltern studies that gave considerable attention to the pre- independence politics of scheduled caste in Bengal. It is a fact that on several aspects of colonial politics, Bengal appeared to fall outside the general all-India pattern. Whether the issue of caste played a significant role in mass mobilization or not is a debatable issue among some critiques. Historian Nihar Ranjan Ray argued that caste were not as strict in Bengal as in North India because of the long presence of Buddhism in Bengal and also for the spread of Vaishnavism and conversion into Islam in medieval period.^[19]

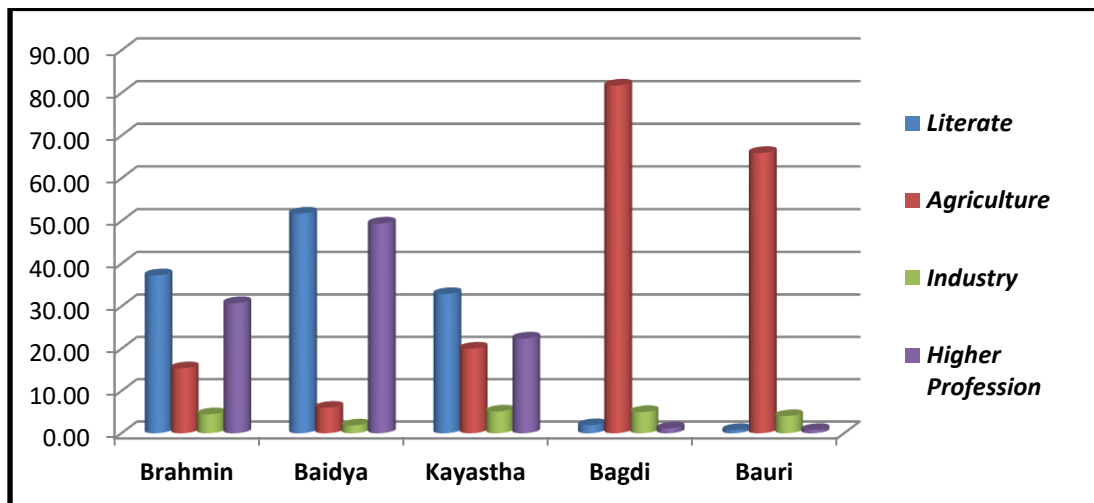
4. Hierarchy of Bhadraklok:

Social scientist Partha Chatterjee shows very well that though social mobility of the caste communities of Bengal was stimulated in colonial period due to the spread of English



education and jobs but till 1920s the lower caste people of Bengal were still in the margin. Although various new waves of opportunities were opened up by European trade, land settlement and expanding network of bureaucracy, the people of the Hindu upper caste still seized most of the proportion (Chart No.1). By the second half of the nineteenth century the ubiquitous *Bhadralok* (Gentleman Bengali people) had established unchallenged command over every field of public life. They had a rentier interest in land and were belonged mainly from three upper caste - Brahmin, Baidya, and Kayastha. Though the three upper castes were less in proportion to the total population of Bengal, but they were more literate than the other castes and the proportion even grew in later times-

Chart No. 1 Caste participation in various sectors in Bengal, 1931



#Source: Data taken from Nirmal Kumar Bose, *Hindu Samajer Gadan* (Calcutta, 1949).



Again in the nineteenth century when organized politics of the modern kind made its appearance, those *Bhadralok* were the key dominant class within mainstream Indian politics. It was the Swadeshi movement in 1905 that mass agitation and mobilization became the part of the organized politics. Chatterjee farther mentioned that from 1905 when a new trend of movement called revolutionary terrorism emerged, it was again confined almost exclusively within upper caste Hindu *Bhadralok* or youth. Until 1920s, the terrorist groups consciously shunned mass activity. Ideologically the reason was, as Chatterjee argued, they (upper caste Hindu revolutionary leaders) hold considerable skepticism, even a big contempt about the political maturity of the lower caste people.^[20]

5. Rise of the Dalits in Politics:

According to Chatterjee, it was the early 1920s, when non-cooperation and khilafat movement inaugurated the process of bringing wider section of Bengal's peasantry or the low caste people into the fold of organized political movements. The former exclusiveness, the *Bhadralok* politics was no longer tenable.^[21] The Congress launched various movements in different parts of South-Western Bengal during the peak period of Indian National Movement. In this crucial time, the leadership at local and district level went into the hands of the peasantry- many of whom were low caste people. For instance, in Midnapore where the movement was particularly strong, the main leadership was belonged to Mahishya caste.^[22]

Although caste was an important element in the success of the Congress leadership in Midnapore, there are evidences of caste conflict within the Congress organization. There was



admittedly one such area of conflict between the district leaders of Midnapore and the provincial leaders of the Congress in Calcutta in the period following the death of C. R. Das in 1925. However it could be marked as a conflict between a metropolitan political aristocracy and the provincial rural leadership because when the conflict arose, they operated not along the caste lines but on the issues of agrarian relation - tenancy, tax, interest etc. Also in Manbhum (at present Purulia district), the movement spread rapidly among the predominantly Kurmi - Mahato peasantry who were belonged from the low caste. By the Tenancy Act of 1928 both the Hindu scheduled caste people and the Muslim peasant came closer with each other because of their similar social position.^[23]

But post 1928s history is more crucial for understanding the SC's political movement. The declaration of Separate Electorate became a serious issue of Bengal politics. By the Poona Pact of 1932, the SCs got 30 reserved seats in Bengal. Therefore, Congress paid much attention to the scheduled caste people (it is very interesting to note that at the same time Gandhi published some newspapers named Harijan, Harijan Sevak, Harijan Bandhu etc). But reservation for the whole of India got legal shape only in 1935 when India adopted the Government of India Act. This act had taken major steps for the social development of the lower castes through the reservation of seats in the educational institution, public service and in political sphere.^[24] Namasudra, Rajbanshis, Mals, Bagdis, Bauris, Chammars etc., also came to participate in the electoral politics under the reservation system. Thus, from 1937 to 1947 the formation of government in Bengal province was appeared impossible for any political parties without mobilizing the SC's MLAs, who were elected under their caste based organizations.^[25]



According to Sekhar Bandyopadhyay, Namasudra established themselves as a strong political force in Bengal since 1937 because of their victory in the election particularly in the allocated reserved seats. They joined the Fazlul Haque Government and organized a separate block called Independent Scheduled Caste Party (ISCP). But unfortunately like the Justice Party, many Namasudra leaders later joined INC for disunity among them and the situation became further worst in 1946 election when INC (or backed by INC) had won most of the SC reserved seats of Bengal. So the SC population of Bengal at last lost their position from power.

6. Observation and Conclusion:

The essay has discussed some basic characteristics or features of the nature of Dalit politics in India before the independence. It is worthwhile to point out that in all the cases (in the North and South India and also in Bengal) though the Dalits had raised their political consciousness by participating election but at the end they all failed to form a unique ethnicity or identity according to their caste representation in politics. Because all of their formulated parties either had to compromise with the mainstream Indian politics e.g. INC or failed to win the election without the support of INC. Thus, mainstream Indian politics played a vital part in their ups and downs. Secondly, if we look at Bengal we can see that caste consciousness was more prominent than other Indian Dalit movements as because most of the Bengal's peasantries were belonged from low caste Hindu or Muslim communities. One of the key differences between the South Indian and North Indian Dalit movement was the issue of Vedic origin. The Tamils tried to claim themselves as the indigenous and non-Vedic people of our country and imposed the claim that the Aryans were invaders and



destroyer of our Indigenous civilization.^[26] On the contrary, the Yadavs of Upper India tried to prove themselves as Aryans. Another difference was also the language issue. It was a main motto of the Dravidian-Tamil movement in Madras Presidency; the same did not play any role in Bengal politics. Where South India, Bengal and Bombay continuously avoided the *Sanskritization* process, North India dexterously adopted it. So there were many regional variations among the Dalit politics in India. There was not a single or common pan-India pattern which might have impacted their colossal failure in Indian politics. Post independent era further exposed their political oscillation, even more explicitly than before, which many political parties often used to win the election.^[27]

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The Growth and Evolution of Administrative Space in Provincial Bengal (Circa 1757-1857)

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Abstract:

The English East India Company operated primarily as a trading agency in India up to the mid-eighteenth century. After this, following continuing frictions with Nawab Siraj-ud-daula (the provincial governor of Bengal, Bihar and Orissa), the Company finally won a decisive victory at the Battle of Plassey in 1757 under the leadership of Colonel Robert Clive. In 1764, the further ground was gained by the East India Company with another victory over the rebellious Nawab Mir Qasim at the Battle of Buxar. These developments ensured a colossal strengthening of the Company's position in the region. In 1765, the East India Company was granted the 'Diwani', or the sole rights of agricultural revenue collection, for the provinces of Bengal, Bihar and Orissa by the Mughal emperor, Shah Alam. This paper discusses how for the logistics of revenue collection and administering justice in this vast tract of land, the territory was divided into revenue districts by the Company. The allocation of power underwent numerous shifts between 1772 and 1786, continuously moving between attempts to centralise and decentralise revenue administration. It was not until 1786 that the administrative apparatus was finally substantially decentralised and the Collector invested with a huge amount of administrative power. It was also in 1786 that a large number of districts – 24 in all – were delineated again, based on earlier Collectorships invested with a considerable amount of administrative power. The 'District' thus became one of the most significant territorial units of British revenue administration machinery, and later on – after the assumption of full governance of India by the British Crown in 1858 – it also served as the basic political-administrative unit for imperial governance itself. This paper also points out how the domain of governance, along with spaces directly or indirectly related to it, clearly one of the key instruments through which the principles enjoying formal authority attempted to establish mechanisms of controlling the other.

Key words: Sadar, Daroga, District, judicial, acts.

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British India in 1818 comprised three Presidencies: Bengal, Madras, and Bombay. The Bengal Presidency or, officially speaking, the Presidency of Fort William embraced (i) the districts of Sylhet and Goalpara in Assam, (ii) the present East and West Bengal, except for Darjeeling district, the northern half of Jalpaiguri, and a few other territories, and of the Dutch, French and Danish settlements, (iii) the whole of Bihar, including Chotanagpur, (iv) the eastern districts of Orissa, (v) the present Uttar Pradesh, excluding Oudh, (vi) the tracts round about Delhi, and (vii) the Saugor and Narbada territories, just received from the Bhonsle. Within the next forty years, the Presidency's frontiers were extended by the following major territorial acquisitions:

- (a) Arakan, Tenasserim and parts of Assam, ceded by the king of Burma in 1826;
- (b) the principality of Cachar and the territories of the Raja of Jaintia (in Assam), annexed in 1832 and 1835, respectively;
- (c) Darjeeling, presented by the Raja of Sikkim in 1835, and the strip of land immediately south of it, ceded in 1850;
- (d) Sambalpur and the estates of Jhansi and Nagpur, annexed in 1849 and 1853, respectively; and (e) the dominion of the Nawab of Oudh annexed in 1856.

Besides, there were minor accretions from some of the foreign settlements.¹ Finally, Punjab, including the North-West Frontier Province-annexed during 1846-49² and Pegu or Lower Burma conquered in 1853, was administered, more or less, as appendages of the Bengal Presidency. The Presidency of Fort St. George or Madras stretched from the borders of Orissa in the north to the Tinnevelley district in the south and also included Malabar and Canara on the west coast and the



ceded districts of Belariy and Cuddapa³ in the interior. To these were added in 1834 and 1839, respectively, the principality of Coorg and the nawabship of Kurnool. The Bombay Presidency, which had-previous to our period -encompassed the town and island of Bombay, Salsette and the islands in Bombay harbour, Bankot in the Southern Konkan, Surat and certain portions of Gujarat, was enlarged in 1817-18 by the addition of extensive territories, obtained from the Peshwa in Gujarat, Khandesh and the Deccan (including the Konkan), thus making a total area of about 65,000 square miles. After 1818 it was further reinforced by the acquisition of Aden (1839), Satara (1848), Bijapur (1848), and a few lesser tracts.⁴

To shape the government of these vast and varying possessions was no very easy task. British administrators, therefore, adopted from the beginning what appeared to be the wisest and safest course, namely, avoiding, as far as possible, a sharp departure from the established practices. Such changes as had to be introduced were, for the most part, slow and cautious. Any innovation was almost invariably preceded by discussion and investigation. The keynote of British policy during this epoch seems to have been to maintain a balance between the respect for traditional institutions and the desire to import western administrative ideals. In particular instances, time-honored institutions were swept away in the interest of the good of the governed, for the generation shared Lord Lawrence's opinion: "In doing the best we can- for the people, we are bound by our conscience and not by their".⁵ The good of the governed, according to "our conscience," as well as expediency, demanded that due stress be laid on local or customary differences.⁶ Uniformity for the sake of uniformity was more often than not disregarded. On the other hand, paradoxical as it may appear widely different functions were joined together in disregard of the principle of separation of powers.⁷ For all that, the administration, in some



respects, showed a gradual improvement as years went by and after the discontinuance of the Company's trade by the Charter Act of 1833, increased attention was paid naturally to the problem of governance.

The Governor-General, who had direct charge of the administration of Bengal, was styled the Governor-General of the Presidency of Fort William in Bengal By the Act of 1833 he became the Governor-General of India. The Governor-General in Council was the executive, legislative, and commercial head of the Company's Indian possessions in general and of the Bengal in particular. His executive duties embraced the management of the public revenue, the superintendence of the general finances of India, and of the army, and the infinite variety of miscellaneous business which falls under the cognizance of the executive authority in every government".⁸ In his legislative capacity, he not only framed regulations applicable to the Bengal but had the right of veto over the legislation of the subordinate Presidencies, which, however, was in practice little exercised. As chief representative of the Company in its commercial capacity, he had until 1833 the power to superintend its commercial concerns in Bengal, and he exercised a general control over the provision of the investment in Madras and in Bombay, besides giving "a considerable degree of attention to the affairs in China", Benkulen, the Prince of Wales Island, the Cape of Good Hope and St. Helena.

For purposes of local administration, each of the Presidencies was divided into districts- whose number varied from time to time. In 1829 there were sixty-six districts in the Bengal Presidency. These were under European officers, who belonged to the Company's covenanted civil service. In the regulation districts, as distinguished from the non-regulation ones, which had a special type of administration, there were, as far as the Bengal was concerned, at first two



district officers, the judge-magistrate with judicial, magisterial and police powers, and the collector with fiscal powers only. But under Regulation IV of 1821, collectors of land revenue could, in certain cases, be empowered to perform the duties of a magistrate or joint magistrate, and likewise, magistrates and joint-magistrates could be employed in the collection of revenue.⁹ Further, by a regulation of 1831, civil judges were invested with the duties of sessions and relieved of their magisterial functions, which were transferred to the collectors.¹⁰ The offices of magistrate and collector continued to be in the same hands till 1837 when they have separated again, except in the three districts of Orissa and in the North-Western Provinces. In Bombay and Madras, the magistrate collector held the charge of the district throughout the period. The distinctions arising from the absence of uniformity were sometimes carried to absurd lengths. Thus in 1858, there were in Bengal, Bihar, and Orissa 25 magistrates, 25 collectors, three magistrates and collectors, eight joint-magistrates, and deputy collectors holding independent charge of districts, and one magistrate and jail-superintendent.¹¹ Immediately below the district officers, there were at this time in Bengal European assistants, as well as joint-magistrates and deputy collectors (other than those holding the charge of districts), in Madras sub-collectors and in Bombay one sub-collectors and several assistants.¹² They were all members of the covenanted service. But Regulation IX of 1833 provided for the recruitment of uncovenanted deputy collectors in Bengal, for which Indians were declared eligible. In 1818 there were in Calcutta a revenue board, a board of trade, a military board, a marine board, and a medical board. In 1819 the board of trade's functions was split up by the creation of a separate board of customs, salt, and opium, but after 1833, the board of trade was abolished. Regarding the system of administration by boards, it was uniformly stated before the Select Committee of the House of Commons 1832 that they operated "as clogs upon business," which could be better performed by



individuals.¹³ An important innovation introduced in 1829 was the division of the Bengal Presidency into a number of administrative units (divisions), higher than districts, each being placed under a commissioner of revenue and circuit.¹⁴ The commissioners were directly subordinate to the board of revenue, and their preliminary function was to supervise the work of the collectors. In 1831 they were relieved of their circuit or sessions to work, now transferred to the civil judges, but they had to do police work in addition up to the end of the period. In 1858 there were fourteen commissioners of revenue and police in the Bengal Presidency.¹⁵

During the period of Cornwallis's Governor-Generalship, important changes were made in all branches of administration, including the judicial system. On 3 December 1790, he recorded a long minute on the subject of criminal justice. He drew up a body of regulations that were considered by the members of the Council, and the Code was approved and put into force. The basic principles underlying the Cornwallis Code of 1793 were the divorce of revenue from civil jurisdiction, the separation of judicial from executive functions, and the multiplication of judicial courts. As for the first, the Collector had hitherto tried cases relating to the rights of the landlord and tenant. These judicial functions were taken away from him and transferred to the Judges of the Zilla or district courts. The latter was also invested with the power to try criminal cases, the Darogas, who had exercised the powers of Magistrates, being reduced to the position of police officers. As regards the second reform, Cornwallis found that the administration of justice was regarded as a subordinate duty attached to the office of the Collector of revenue, to which all salaries and emoluments were annexed. The Collector received no salary either as Judge or District Magistrate. These two offices, he said, were considered appendages to those of the Collector. Considered



By Regulation 11 of 1793, the Collector was deprived of his judicial duties, and his function was henceforth confined to the work of revenue administration. His Revenue court was abolished. He ceased to be a Magistrate. The judicial and revenue departments of the government were separated.¹⁶ Cornwallis vested the collection of revenue and the administration of justice in separate officers. There were now of revenue two chief officers in each district, the Collector with executive duties concerning the collection of revenues and the purchase of merchandise for the Company, and the Judge-Magistrate with the civil and criminal jurisdiction. Provincial Courts of Appeal were established at Calcutta, Dacca, Murshidabad, and Patna. Cornwallis also established the important principle that the Collectors and other officers of the government were amenable to the civil courts for acts done in their official capacity.¹⁷

One noticeable feature of these reforms was the exclusion of Indians from responsible offices. Cornwallis had no faith in Indian agency and narrowed the field of their employment, relegating them to subordinate positions, such as those of the police Daroga or the Qazi and the Pandit, who advised the judges on Muhammadan and Hindu law, respectively. Cornwallis declared that he could no longer leave the criminal courts in Indian hands.¹⁸ This policy was confirmed by the Charter Act of 1793, which reserved the principal offices for civil servants recruited in England, who were known as "Covenanted" from the covenants into which they entered engaging not to trade, receive presents, etc. This has rightly been described by Marshman as the impolite system which closed against Indians the prospects of legitimate and honorable ambition.¹⁹



The change in the system of criminal justice, involved a constitutional innovation. Criminal supervision was exercised through the Naib-Nazim. This office was abolished, and Cornwallis announced that he had "resolved to accept the administration of criminal justice throughout the province". This change was overdue. There had been a scandalous delay in the trial of offenders sent before the Daroga by the Magistrates. Since 1786 the Daroga had the power to try petty cases of pilfering, assault, and abuse, and to impose a sentence of four days' imprisonment, but were otherwise simply police officers. The Darogas were corrupt. Wealthy offenders could purchase immunity for atrocious crimes. Murderers could escape prosecution by compounding with the heirs of their victims. Moreover, the Muhammadan Law was left intact. A Regulation, issued in 1790, opposed the western ideas of justice, order, and progress. The penal code contained extraordinary disparities of punishment and approved the most terrible mutilations.²⁰ Such penalties were abolished in 1791 when seven years' imprisonment was substituted for the loss of one limb and fourteen years for the loss of two. Otherwise, the Muhammadan Law was left intact. A Regulation issued in 1790 lay down that the decisions of the courts should, in all cases, be regulated by the Muhammadan Law.²¹

A Code of regulations for the guidance of the different courts was compiled by Sir George Barlow, who succeeded Cornwallis as the Governor-General. This was practically an enlarged edition of Impey's Code.²²

Cornwallis system was thus based on the Permanent Settlement of revenue, the separation of revenue administration from the judicature and the employment of Europeans in higher offices. But the weakness of the plan lay in the fact that recourse to the courts was wholly



ineffective as a means of protecting the rayats against the zamindars, while their existence encouraged among the richer Indian's love for litigation.²³

The Permanent Settlement did not work well. At first, litigations choked the courts, and the sale of estates became frequent. To cure this congestion in the court's various strategies were tried, mostly in the direction of swelling the number and influences of subordinate Indian judges, in limiting appeals and expediting proceedings. In 1801 the Sadar Diwani Adalat was handed over to three judges, ending thus the judicial activity of the Governor-General-in-Council. In 1807 provision was made to augment the number of puisne judges in accordance with the need. In 1814 and between 1821 and 1823 Munsiffs and Sadar Amins were given wider powers in civil cases. A fifth judge was added to the Sadar Diwani Adalat, and work was appropriated among the judges.²⁴ The number of Zila judges was increased, and slowly some revenue matters were referred to the Collectors. In criminal justice, the government was specially permitted to authorize Collectors to act as Magistrates.²⁵

The measures of reform affected in criminal justice, between 1793 and 1813, were designed to remove the defects arising from want of co-operation on the part of zamindars, to solve the inadequacy of the stipendiary police, to impart efficiency and speed to criminal law.

Provision for the appointment of police Amins was made by Regulation XII of 1807, which authorized the Magistrate to recommend respectable Hindus and Muhammadans for appointment as Amin's or Commissioners of Police to assist the Daroga in the maintenance of law and order. The appointment of police Amins was intended to unite the influence of the zamindars with the power of Darogas. The appointment of a Superintendent of Police for the divisions of Calcutta,



Dacca, and Murshidabad was made under Regulation X of 1808. The authority of the Superintendent of Police extended to the Patna Division under Regulation VII of 1810, which also provided for the appointment of a separate Superintendent of Police for the districts included in the Banaras and Bareilly Divisions. By regular communication with the local Magistrate and the Indian agencies operating under them, these Superintendents of Police were to keep themselves constantly informed of the actual state of law and order and to submit the periodical report to the government with suggestions for improvement.²⁶

To reduce the weight of criminal business, Regulation XVI of 1810 provided for the appointment of separate Magistrates, as well as for vesting certain Magistrates with a concurrent jurisdiction as Joint-Magistrates to assist in the suppression of crime. It also provided for the appointment of Assistant Magistrates in certain districts to discharge the general duties of the office of Magistrates. Its object was to increase the efficiency of administration and render justice in petty cases comparatively quickly and cheaply.²⁷

The general policy underlying the modification of Muhammadan criminal law was to make examples by inflicting severe punishments. Consequently, exemplary and severe punishments were laid down even for crimes like perjury, the subordination of perjury or forgery. Another important feature of the legal reforms of this period was to increase the discretionary authority of the criminal courts in the passing of sentence independently of the fatwa of law officers²⁸.



Under the Marquess of Hastings, considerable progress was made towards improving the judicial machinery by the introduction of native agency, but the foundation of the Bengal system still remained the same.²⁹ At his instance, the several rules-which had been from time to time enacted for the guidance of some of the judicial officers-were revised and consolidated into Regulation XXIII of 1814. Its object was to add to the efficiency and respectability of the Indian officers and to render justice locally available to the people through them. This measure was expected to diminish the pressure of civil business before the European Judges of Zilla and city courts.³⁰ The enactment marked an important step towards the restoration of vigor and character in the Indian officers of justice, whose decay and disintegration had continued ever since the decline of the Mughal Empire. Warren Hastings had, in fact, tried to revitalize the Indian official organs of justice, but they were virtually eliminated under Cornwallis. The result was that although judicial officers continued in Parganas by heredity, "their duty was in several cases performed by proxy, and the person who did it was often ignorant and illiterate."³¹

Regulation XXIII of 1814, therefore, emphasized the judicial functions of the Munsif to the exclusion of two of his remaining duties as referee and arbitrator, which were discontinued.³² On the recommendation of the Zilla and city judges, the Provincial Court of Appeal was authorized to sanction a new establishment of Munsifs, whose local jurisdiction was to correspond exactly with that of a thana or local police jurisdiction. Their nomination and selection were made by the Zilla and city judges, but their final appointment was vested in the Provincial Courts of Appeal. They could try cases of money and personal property to the extent of Rs. 64 instead of Rs. 50 as they previously did. The distinctive feature of advance, however, lay in the original jurisdiction which the new enactment vested in them for the cognizance and



trial of local civil suits. To increase the efficiency of the Munsifs, the rules of their process and proceedings were carefully defined. Besides their normal judicial duties, the Munsiffs could also be entrusted with the work of investigating questions of local rights and usages and sale of personal property under orders of the judge. The Zilla and city judges could also direct them to make a report on the sufficiency and otherwise of securities and indigence of paupers. They could also be asked to hand over real property to the respective decree holders.³³

Regulation XXIII of 1814 raised the powers and status of the SadarAmins, whose office had been reconstituted in 1803. It authorized the Zilla and city judges to refer to the original suits for money and personal property to the amount of Rs. 150. They could also decide on reference appeals from the decision of the Munsifis, which the Zilla and city judges themselves were unable to settle quickly. Their decision is referred to appeals was to be final, except when the judges found reasons to admit special appeals. But no Sadar Amin or Munsiff could take cognizance of cases in which any British European subjects or European foreigners or Americans constituted a party.³⁴

To expedite the general administration and relieve the pressure of business in the Zilla and city courts, provisions were likewise made by Regulation II of 1821 to increase the numerical strength and powers of the Munsiffs.³⁵

These extensions to the powers of Indian judicial officers not only contributed to speed in the adjudication of suits but also reduced the pressure of business in the courts of European judges. The policy of progressive Indianization of judicial service received a temporary setback



on the departure of the Marquess of Hastings, who had encouraged the employment of Munsiffs and SadarAmins from motives of policy and economy. During the short administration of John Adam in January 1823, greater emphasis was once again laid on Europeanization with a view to increasing the efficiency of judicial service.³⁶

In the field of criminal justice, the duties and powers of police Darogas were defined and specified by Regulation XX of 1817, which is regarded as the first police manual drawn up by the British Government in India. The several rules, enacted from time to time for the guidance of police officers, were revised and framed into one regulation.

The main feature of reform in the office of Magistrate was the increase of his authority over police Darogas and Kotwals, whose appointment and the transfer was now to proceed from him under Regulation XVII of 1816. In the exercise of his powers, the Magistrate could also suspend or dismiss them without making any report to the Court of Circuit.³⁷ In the same way, the Superintendent of Police was given the power to appoint and dismiss the subordinate ministerial officers under him. He was also authorized to impose fines on police officers and even suspend them if they were found guilty of misconduct, negligence, or incompetence.³⁸

Despite his preoccupation with political affairs, Hastings effected by 1823 considerable changes in the system of Cornwallis. The chief requirement, as Cornwallis assessed it, was far from being fulfilled. Though the Permanent Settlement had rendered the task of the Collector easier, the undefined character of rights and tenures had opened the food-gates of litigation. So the problem still was how to separate Megistracy from the office of the judge, in order to enable the latter to devote his time and energy exclusively to the disposal of civil suits. In the districts of



Hooghly, Jessore.Nadia.Purnea and Tirhut, where the number of pending suits was exceedingly large, a provision had been made for such separation. But the state of the service stood in the way, and the operation of that provision could not extend to other districts.

Hence in a minute, dated 12 June 1823, Adam recommended that the number of Registrars and European assistants should be increased in every district so that the judges and Magistrates might get some relief. But shortly afterward, Lord Amherst joined in place of Adam. And on 22 July 1824, he promulgated a Regulation by which the SadarAmins were given the authority to execute their own decrees and also those passed by the Munsiffs. There was no further increase in the number of powers of the Munsiffs.³⁹

Whatever were the other results of Adam's policy, it definitely raised a controversy delaying the progress of further Indianization in the Company's judicial service. The Anglo-Burmese War, which came in the midst of this controversy, also slowed the progress of reforms until the Zilla and city judges were directed on 12 September. 1827 to report on the state of administration under the Munsiffs. By a Regulation of 27 December 1807, however, the Governor-General-in-Council authorized the SadarDiwaniAdala to invest SadarAmins with powers, when and where necessary, to try claims to the extent of Rs. 1000.⁴⁰

Like the Court of Directors, the Zilla and city judges recommended that the number and powers of the Munsiffs should be generally increased, that the number of their emoluments should be considerably augmented and that they should be paid by salary, and not by a fee. The usefulness of the Munsiffs and SadarAmins was likewise appreciated by W. B. Bayley, a



member of the Council, who had distinguished himself in the judicial branch of the Company's service. He was chiefly instrumental in the enactment of regulations, designed to enlarge their powers, ever since he took over as Judicial Secretary to the Government in 1814. In a minute of 5 November 1829, Bayley pointed out that of every twenty original suits instituted in the civil courts of the Company, nineteen were determined by Indian officers themselves. He spoke highly of the services rendered by the SadarAmins, who were appointed on the basis of their merit and competence for the post. Caste or religious considerations did not have any importance in their appointment. In the case of the Munsifs also, it was found that those who got an appointment on merit turned out to be very useful officers.⁴¹

The existing state of the service and the growing accumulation of pending suits in the several courts thus dictated the expediency of extending the powers of the Mumsiffs and the SadarAmins. The extensions of covenanted service involved financial considerations. But the wars of the Marquess of Hastings had already produced a financial crisis. The Anglo-Burmese war under Amherst made the financial situation more serious.

Therefore, the first concern of Lord William Bentinck, who assumed control of the government in July 1828, was to reconstruct his administration to gain the maximum economy. He introduced "great and sweeping" changes in the judicial system of the country. In November of the same year, he established civil and military finance committees to suggest money-saving changes in the administration and constitution of government. He abolished the Provincial Courts of Appeal and Circuit. These courts had, in the course of time had become very different from what Cornwallis and Barlow originally contemplated in their creation. Both of them were



eager to raise the dignity of the judicial character by appointing to these Provincial Courts the ablest men in the country. And yet Lord William Bentinck spoke of them "as the resting places for those members of the service who were considered unfit for higher responsibilities."⁴²

The fact is that the revenue branch of the service, under successive administrators, had been gradually treading down the judicial. The very evil which Cornwallis and Barlow had sketched so forcibly in their minutes had been asserting itself, with progressive virulence, ever since their removal from the scene of activities. And now Bentinck found the Provincial Courts of Appeals and Circuit, which were to have been objects of ambition to the ablest and the best men of the Company's civil service, little better than "refuges for the destitute and incapable."⁴³

Moreover, as Courts of Circuit, the Provincial Courts were especially defective. They had a gaol-delivery twice in every year. The period between commitment and trial was infinitely too long. The prisoner was kept for months in confinement. Therefore, any measure, the effect of which was to increase the number of gaol-deliveries, could not fail to be a consecration to the people. But he did much more than this. He hit at the very root of the system which Cornwallis had initiated, not merely at the mode of procedure. It was a great thing to increase the number of gaol-deliveries, but it was not necessary to this end that the functions of the judge and the tax-collector should be combined in the same person Bentinck abolished the Provincial Courts and turned the Revenue Commissioners into Judges of Circuit. They were to superintend both the finances and the criminal justice of their different divisions. They were to look after the Company's coin, and they were to sit in judgment upon the gang-robberies-a blending of Somerset House and the Old Bailey.⁴⁴



But this plan was not a successful one. Some of the ablest and most experienced members of the Court of Directors protested against it, and Lord William Bentinck himself soon found that it was a mistake. So he transferred the duties of the Sessions to the Civil Judges and decreed that they should hold a gaol-delivery every month. But the difficulty was that the Civil Judges were also the Magistrates. It was necessary, therefore, to divest them of their magisterial duties. So, another class of functionaries was to be found to take up these dropped responsibilities, and these were flung on the Collectors. But this arrangement also failed, because the responsibilities of the criminal Judge and the police Magistrate were thrown about from one class of public functionaries to another as though it mattered not by whom they were assumed as an appendage to other graver duties.⁴⁵

The plan of increased Indianization of judicial service also conforms to the object of economy, as much as it fulfilled the ends of justice. As early as 1824, the Court of Directors had observed: "We are satisfied that to secure a prompt administration of justice to the natives of India in civil cases, native functionaries must be multiplied..." The wishes thus clearly expressed were subsequently many times repeated. But it was not until the year 1831, that, under the administration of Lord William Bentinck, any steps were taken in India to give effect to the recommendations of the Court of Directors. Until Bentinck's time, Indians were not trusted with large powers. They were said to be of doubtful intellect and morals. The changeover was immediately preceded by a minute recorded by Holt- Mackenzie, who strongly favored an increasing use of the services of Indians, not only from motives of the economy but as a matter of sound principles of administration. He said: "Even indeed were I forced to admit that, in their



present state of intellect and morals, the natives cannot be safely trusted with large powers, I should still be in favor of gradually enlarging the sphere of their authority at the risk of some temporary evil, and this apart from all the financial considerations that so imperiously call for their employment. Men are everywhere what their circumstances make them, and if we would raise the character of the people, we must begin with raising their condition.⁴⁶ Thus, for the first time, the claims of the people of the country to due participation in the duties and emoluments were publicly recognized. The plan of reform proposed by Bayley took concrete shape in Regulation V of 1831, by which Bentinck placed into the hands of the Indian judicial officers a large share of the judicial duties of the country.⁴⁷ This greatly improved the effective working of the machinery of justice.

This policy of associating Indians with the administration of justice was further illustrated when RussomoyDutt, a Bengali gentleman of Calcutta, was appointed a Commissioner of the Court of Request during the absence of one of the European judges. Auckland took this step, although he anticipated much clatter from it.⁴⁸ Another important reform carried out during Auckland's administration was the substitution of the vernaculars for Persian in the courts of law. The language of pleading was to be the vernacular of the country where the court was held, but in the SadarDiwaniAdalat, it was to be Hindustani. Although the idea of substituting the vernaculars for Persian originated in a desire for the economy and was put into effect through a desire to make judicial proceeding intelligible to the mass of the people, yet it gave a great impetus to education, especially vernacular education. This measure destroyed what importance Persian still had, and enabled the students to turn their attention more effectively to English education. It also led to the rapid improvement of the vernaculars, which were now taught in all institutions of western learning.⁴⁹ This measure also improved the administration of civil justice,



because the Indian Judges, on who fell the main burden of deciding original cases, were henceforth recruited more and more from persons having a wide liberal education-free from the narrowness and parochialism of purely classical education.⁵⁰

CONCLUSION:

The annexation of Bengal was primarily the result of the desire for economic gain on the part of the company's servants (sub-imperialism). This must be coupled with the fact that the servants and the court of Directors were aware that Bengal was crucial, in economic terms, to their trading network, and that their position in, and access to, the province would have to be strengthened and expanded against pressure from other European company's and hostile local rulers.

Thus in retrospect, after the granting of Diwani in 1765, the first twenty years of the East India Company's administration was marked by a continuous dilemma as to whether administrative power should be largely placed in the Company headquarters in Calcutta, or whether it should be dispersed more at the district level. As a result of the reforms of 1786, a number of districts were formally constituted out of the former Collectorships (i.e. the territorial revenue-units formed in 1772) and the post of the District Collector was revived with a substantial allocation of power to him. By 1793, through a fresh set of reforms, provincial governance was shaped into a more decentralised, yet oligarchic form of district administration, with two crucial centres of power – the District Collector (in charge of revenue matters) and the District Judge (in charge of civil justice) – in every District. Magisterial power for the administration of criminal justice was at different periods of time combined either with the Collector's or the Judge's duties. However, even after this degree of decentralisation, the very



nature of colonial administration – arranged hierarchically from the headquarters at Calcutta to the district headquarter and sub-divisional towns, and then down to the tax collection estates in the countryside, entailed continuous movement of people between city, town and country. The apparatus of British colonial governance was actively harnessed in attempts to manage, reshape and indeed ‘reform’ Indian society. However, while the overall power equations may have been tilted in favour of the colonisers, the process was hardly just black-and-white – instead, it involved many negotiations and ‘gives and takes’. Governmental and other related spaces in the domestic and public domain provided the physical ground in which these operations and power structures of governance and societal functioning were encoded and sometimes institutionalised.

References:

¹In 1824 the Dutch settlements and factories at Fulta, Chinsura, Kalkapur Dacca, Balasore, Patna and other places in Bengal were, as the result of a treaty transferred to the English Company. (See in this connection, Datta, K. K..The Dutch in Bengal and Bihar, pp 153-62). In 1845 the Danish settlement of Seram pure was sold to the Company.

²A portion of the Punjab, including the Jalandhar Doab, was conquered and annexed in 1846; the rest was annexed in 1849.

³Bellary and Cuddapa were called ceded districts because they had been ceded to the Company by the Nizam.

⁴These included the estate of Mandvi in Surat and the PanchMahals (obtained by lease from the Sindhia in 1853).

⁵Quoted in *Modern India and the West* (edited by L.S.S.O.' Malley).

⁶See Malcolm's observations on this point in *Political History of India*, Vol. II, pp. 180-81.



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- ⁷Holt Mackenzie's *minute* of 1 October, 1830, Appendix to Select Committee's Report (1833).
- ⁸Wellesley's letter to Court, 9 July, 1800 (A. B. Keith, *Speeches and Documents on Indian Policy*, 1750-1921, p. 190.)
- ⁹Clarke, *Bengal Regulations* (1854), Vol.I, pp 619-21.
- ¹⁰Bengal Regulations, Vol. II, pp 904-07.
- ¹¹*Annals of Indian Administration*, Vol. IV, part II (1860), p 157.
- ¹²*Ibid*, pp. 157-61.
- ¹³*Report from Select Committee on Affairs of E.I.C.* (1833), p 18.
- ¹⁴Reg. 1, 1829, (Bengal Regulations, Vol. II. pp 835-41
- ¹⁵*Annals of Indian Administration*, Vol. IV, part I (1860), pp 153-54.
- ¹⁶Aspinal, A., *Cornwallis in Bengal*, p 187.
- ¹⁷O'Malley, L. S. S., *History of Bengal, Bihar and Orissa Under British Rule*, pp. 280-82.
- ¹⁸Aspinal, op cit, p 70.
- ¹⁹O'Malley, op cit, pp 282-83.
- ²⁰Aspinal, op cit, PP 53-69.
- ²¹O'Malley, op cit, pp 283-84.
- ²²*Ibid*, p 285.
- ²³Keith, A., *Constitutional History of India*, p 143.
- ²⁴*Regulation XXIII* of 1814 and *V* of 1831.
- ²⁵*Regulation IV* of 1821.
- ²⁶Mishra, B. B., *The Central Administration of the East India Company*, 1773-1854, pp 341-56.
- ²⁷*Ibid*, p 356.
- ²⁸*Ibid*, pp 357-58.
- ²⁹Campbell, G., *Modern India*, p 181.
- ³⁰*The Cambridge History of India*, Vol. V, p 458.



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- ³¹Mishra, B. B., *The Central Administration, etc.*, p 274.
- ³²*Regulation XXIII* of 1814, Secs. 3-4.
- ³³Mishra, B. B., *The Central Administration, etc.*, pp 274-75.
- ³⁴*Regulation XXIII* of 1814, Secs. 68-75.
- ³⁵*Regulation II* of 1821, Sec. 4.
- ³⁶Mishra, B. B., *Central Administration, etc.*, pp. 276-77.
- ³⁷*Regulation XVII* of 1816, Sec. 7.
- ³⁸Mishra, B. B., *Central Administration, etc.*, p. 367.
- ³⁹*Ibid.*, pp 277-78.
- ⁴⁰*Regulation IV* of 1827, Sec. 2.
- ⁴¹Mishra, B. B., *Central Administration, etc.*, pp. 280-81.
- ⁴²O'Malley, *op cit*, p 351.
- ⁴³Kaye, J. N., *The Administration of the East India Company*, p. 346.
- ⁴⁴*Ibid.*, pp. 346-47.
- ⁴⁵*Ibid.*, pp. 347-48.
- ⁴⁶Cited in Mishra, B. B., *Administrative History of India*, p 509.
- ⁴⁷*Regulation V* of 1831.
- ⁴⁸*Ibid.*, p. 293.
- ⁴⁹*Ibid.*, p. 304.
- ⁵⁰*Ibid.*