



Sensitive and precise

Highlights:

1. Undoubtedly, trafficking is a pernicious offence, one that societies and governments must have zero tolerance for, and yet, handling the offence of trafficking needs precision, not a sledgehammer.
2. In its current form, the draft Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021 seems to be lacking in nuance, even if well intentioned, to stamp out exploitative trafficking.
3. The Bill, which will shortly be introduced in Parliament, aims at preventing and countering trafficking in persons, particularly women and children, to provide for care, protection and rehabilitation to the victims, while respecting their rights, and creating a supportive legal, economic and social environment for them.
4. This is the Bill's second iteration; the first was passed in the Lok Sabha, in 2018, but then meandered into nothingness as it was never introduced in the Upper House. Notably, the Bill has expanded the area under coverage to include offences taking place, not only within India but also outside it.
5. It envisages the setting up of anti-trafficking committees at the State and national levels to implement the provisions, when passed.
6. In the days the Bill was up in the public domain for comments, civil society activists and legal experts have criticised its various provisions, and submitted that an overzealous approach would blur the nuances and an understanding of the contributing factors, including vicious poverty, debt, lack of opportunity, and development schemes missing their mark.

Concerns over the Bill

1. Vociferous opposition has arisen over the key aspect of handing over the investigation in trafficking crimes to the NIA both by those who believe that it would burden the already stretched unit further, and those arguing that this move would be an attack on federalism, by removing local enforcement agencies out of the picture.

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2. Another key criticism of the Bill has been its broad definitions of victims, smacking of refusal to consider consensual sexual activity for commerce. This would only land up criminalising sex work and victimisation of the exploited.
3. Bringing pornography into the definition of sexual exploitation would not allow even for any adult consumption of non-exploitative, consensual material.
4. Reporting of offences has been made mandatory with penalties for non-reporting, but those with an understanding of the tortuous processes, point to the fact that victims often do not want a complaint to be recorded.
5. The mention of the death penalty for various forms of aggravated trafficking offences needs to be flagged too. The Government would do well to scan and incorporate the responses to its Bill in order to ensure that the fence does not eat the crop.
6. While sexual exploitation and trafficking can be ghastly crimes invoking public horror, for the state to not employ a wholesome approach, cognisant of the causative factors, one that would be sensitive and precise, would be equally horrific.

A 'tolerant' India can be majoritarian

Mere toleration or an empirical plurality of cultures is not the same as a conscious democratic project of multiculturalism. B.R. Ambedkar once said, "... fraternity can be a fact only when there is a nation. Without fraternity, equality and liberty will be no deeper than coats of paint."

Pew Research Center Survey:

1. In a recent comprehensive face-to-face survey (of nearly 30,000 people) on religious identity, nationalism and tolerance in Indian society, and conducted in 17 languages between late 2019 and early 2020 by the reputed United States-based Pew Research Center, 85% of Hindus affirmed that "respecting all religions is very important to being truly Indian."
2. But, paradoxically, 64% of Hindus think "it is very important to be Hindu to be 'truly' Indian". And 80% among them say, "it is very important to speak Hindi to be truly Indian", giving credence to the slogan of Hindutva.



3. Rather than celebrating toleration, or seeing the paradoxes as a peculiarity of the Indic mind, it is crucial to recognise that a virulent majoritarianism can coexist with the professions of tolerance.
4. It is misreading to treat the latter as a paradox because mere toleration or an empirical plurality of cultures is not the same as a conscious democratic project of multiculturalism or composite culture.
5. Thus, in the last two Lok Sabha elections, not a single Muslim has been elected on a Bharatiya Janata Party ticket. This obliteration of political representation of a significant minority (numbering 200 million) — which arguably has no parallel in any established democracy in the world — has become completely normalised in India, and is not a matter of discussion at all.

Other findings and paradoxes

1. The Survey abounds in other paradoxes: 80% (across all religions, in the almost the same proportion) think that respecting other religions is a very important part of their own religious identity, 91% assert that they are free to practise their religion, 77% of Muslims believe in the Hindu notion of karma, but when it comes to inter-religious marriages, friendships and neighbours, there is a marked tendency to keep communities separate.
2. Thus, 67% of Hindus and 80% of Muslims believe it is important to stop women of their communities from marrying outside; 86% of Hindus have their close friends come mainly or entirely from their religion.
3. It is a mistake to see the electoral success of religious majoritarianism in recent years as constructed in a vacuum.
4. Instead, it is precisely the decades-long compartmentalisation of different religious communities, and the absence of solid-state and civil society arrangements in educational pedagogy, personal relationships, workplace, to facilitate inter-cultural interaction, and based on equality and respect, even under supposedly secular regimes, that has made the soil politically fertile for the demonisation of the minority, especially the Muslim (and occasionally the Sikh, as in the recent farmer protests).
5. This is despite the Survey breaking the Hindutva appellation of the anti-national Muslim. In fact, 95% of Muslims (and Sikhs) declare that they “are very proud to be Indian”.



India's 'skyboxification'

1. The American philosopher Michael J. Sandel argued that under rising extreme inequalities of capitalism, there is a "skyboxification of American life", in which the affluent classes and people of poor means have no connection at all, and they "live and work and shop and play in different places" and their "children go to different schools".
2. In India, this plays out differently not just in economic terms, but also in religion, and more starkly, caste, the fundamental divide.
3. Every religion is riven by caste. Like with religion, 64% say that it is "very important" to prevent women from crossing caste boundaries in marriage, and 70% affirm that "most or all of their close friends share their caste".
4. Again, the Survey brings to the fore the central contradiction of a democratic nation that is divided by compartmentalised hierarchies.
5. Thus, it is vital to note that amidst the gathering clouds of majoritarianism, it is a minority of upper castes that holds the reins of power, across religions, and it is the lower castes among the religious minority that face the brunt of majoritarian attacks. Glossing over this reality, ironically, reinforces religious majoritarianism, and reduces conflicts to merely religion.

Caste boundaries

1. This can only be overcome by the unison of social groups, especially the oppressed, across, religious and caste boundaries. As B.R. Ambedkar recognised a long time ago, the central barrier to the making of a nation is "separation in social life".
2. It cannot be eliminated simply by elements like, as the Survey shows, a quarter of Muslims and a third of Christians believing in the purifying power of the Ganga, or the same kind of numbers believing in reincarnation, etc.
3. The antidote to the fear of other social groups, especially minorities, often is increased interaction among them in a variety of public and private settings. This is demonstrated in earlier Pew surveys in India, and those elsewhere.
4. In the United States and West Europe, there is a big difference in positive attitudes towards other social/religious groups when members of those groups are personally known.



5. Despite anti-Muslim sentiments, much higher numbers than India are willing to accept Muslims as neighbours. In the Pew Survey on 11 Emerging Economies including India, a higher percentage of the majority community in countries such as Lebanon, Venezuela, and South Africa interact with the minorities than India.

Attitudes in South India

1. But contrary voices to the majoritarian and segregated vision can be seen within the present Survey too. In several aspects such as the superiority of one's own religion, having friends and neighbours from other religions, preventing inter-religious marriages, the importance of being a Hindu and speaking Hindi to be a true Indian, prohibition of beef, the attitudes in South India differ, not by a small, but a substantial margin to the rest of India, especially the North and the Central parts.
2. This enhanced willingness to break differences permeates both Hindus and Muslims in the South, showing the wider reinforcing effects of increased mutual interaction. Since culture affects politics, Hindu nationalism has had much less electoral success in the South, at least so far.

Social reality and complexity cannot be reduced to numbers. After all, one cannot compare the attitudes of different social groups blandly without understanding power differences. But quantitative surveys are still necessary tools. Majoritarianism, accompanied by mere tolerant acceptance of minority communities as non-interacting enclaves, is the death knell of democracy. To the extent that the Pew Survey hints at majoritarian attitudes and compartmentalisation, it can only be ignored at our own peril.