

**Minutes of the Research Workshop
On
Globalisation, Democracy, Gender and Citizenship
By**

Mahanirban Calcutta Research Group (CRG)

In collaboration with

Indian Council of Social Science Research (ICSSR)

5-6 March 2010

Venue: Hotel Sojourn, Kolkata.

Globalisation and Sustainability of Rights

5 March 2010

On 5 March 2010, the proceedings on “Globalisation and Sustainability of Rights” began with the welcome remarks by Samir Kumar Das who explained briefly CRG’s ongoing research programmes. Following this the Chair of the session Bhupinder Singh Brar invited Ranabir Samaddar to introduce the workshop. Ranabir Samaddar in his introductory remarks said that the two research segments on globalization and sustainability of rights and women and borders in South Asia should be able to address three themes and issues: Firstly, how the entire rights language has been re-negotiated in the last twenty years and how certain global way of re-conceptualising right have come into place. Secondly, the changes in the institutional profiles. Thirdly, we need to examine if we are overestimating the impact of globalization and violence in borderlands or whether what we see today is an extension of previous conditions. On 5 March 2010 eight papers were placed for discussion from the research segment “Globalization and Sustainability of rights”. In this workshop the first draft of the papers were send to the respective discussants in advance and in each session the papers were introduced by the discussants and the authors participated in the discussion.

In Session I, Samir Kumar Das raised the following points relating to the paper Spectacles of Emancipation: Liberalism, Governmentality and the Cul-de-sac of Social Jurisprudence in India by Oishik Sircar. The first observation was regarding the conservative turn of the judiciary. The historical turn needs to be explored further. Secondly, the explanation and relation of lack of justness and emergence of a spectacle is not clear. The paper needs to re-examine the specificities and how judicial behavior constitutes a “spectacle” and there is a need to treat “spectacle” and “discipline” separately. He suggested that Oishik could also examine in this context the representation of courts in hindi movies. Bhupinder Singh Brar in his comments on Rights, Globalisation and Rule of Law by Ashok Agrwaal pointed out that the paper could be read at three levels. Firstly, the author’s discussion on series of judgements poses three to four problems namely; decisions are contradictory, procedural problem relating implementation and finally if sustainable development is a combination of business and ecology could it have been more sensitive towards the forest people. Second point which is interesting is

universalisation of law regime, which poses three to four problems. Firstly, whether universalisation of law can lead to the creation of a vacuum in matters of public policy or not. Another focal point in the paper is where the author mentions the civil right activism in this country. In rights' movements the governments along with the courts are always blamed. However Brar feels that running to courts is a shortcut. There is an inherent tendency on part of the civil rights activists to involve the courts and blame them to publicize matters. Rule of law always acts in a hierarchical manner and therefore anyone in principle can move the court. Federal spirit can be one solution here. The third part of the paper needs to be worked out. This covers the aspect of globalization which does not properly fit in the paper. There is a reference to terms like Techno-Capitalism rather than globalization. If globalization is to be at all contested then it cannot be done on local, regional or ideological platforms. Finally Bhupinder Singh Brar pointed out that there is a need to elaborate on certain concepts like 'people', 'adivasis', issues of class and so on.

Observations/ Suggestions

If the two papers can be combined then we can say this is how Globalization would turn out to be. Like the question of Rule of Law. There are two problems with this notion – a) It is dominantly an English model. b) There is a concept of subsidiary. This is one impact of globalization. Three hundred years ago it was not conceived that society would be run by laws, it was rather regulations. Rule of persons is also not over. Rule of law negates rule of regulation and rule of persons. Ashok Agrawal touches on this but does not explain in detail.

In Session II Virginius Xaxa in the paper on Forest Rights Act and Polemics of Correcting Historical Injustices by Madhuresh Kumar pointed out that at the outset it is important to look into the historical context of how the act came into place. While on one hand it is a radical act it is important that the paper examines and takes a detailed look into the larger social causes that shaped the act. The paper needs to closely examine whether the Act takes into account Scheduled Tribes. The historical background in this context plays an important role particularly to look into if there is a linkage between pre-independence policies and the post independence legislations and how is a way one has reinforced and influenced the other. There is a need to distinguish between British India and princely states particularly in the context of acquisition of forests by government and its implications. He also added that the paper also needs to look at the parallel acts like Conservation Act and their impact on forest dwellers and indigenous people. There is a need to revisit the tension between scientific and traditional forest knowledge. The debate on production of knowledge should be brought to the forefront. As far as the question of rights is concerned there is a need to look into the mechanism of justice delivery, one cannot ignore the question of violence. One needs to examine how the civil society aligns with the various ministries like Ministry of Tribal Affairs, Ministry of Environment. The paper seems to forcefully include the discourse of globalization into the debate. One way of bringing in the discourse of globalization would be to bring in the discussion of the United Nations Declaration of Rights of Indigenous People. Lastly the paper needs to capture the contradictions inherent in the parallel laws to show how this contradiction impacts understanding of rights.

Sanjay Chaturvedi in his comments on “An Enquiry into the Functionality of Local Institutions through a Study of the Common Property Resources: The Question of Sustainability of Rights in a Globalized Economy” by Suha Priyadarshini Chakraborty suggested that the title needs to be reworked. The paper he argued was a very good attempt to map out even and transnational geographies of liberalism and here the term “glocal” does not fit into the analysis because the global is subsuming the local and the site is a set of contested politics. In the neo liberal state the violence has become invisible and often the violence is formalized in new legal terms. Globalisation has its impact on rights and the extending it to the study of common and commons Suha addresses the question whether common is an extension of Common property resources through the case study of Jadugoda. There needs to be a section on methodology. He suggested that the paper needs to take a detailed look into how pre-colonial geography of spatial framing is being producing new centres of power. The hegemony of transnational liberalism and its impact on local geography needs to be examined in detail. The nature of the “post” in postcolonial needs to be examined in the paper. The concept of “land alienation” needs to be probed further. In this context one could look at David Harvey’s work on displacement through accumulation. Secondly the paper needs to look at the politics and geopolitics of place making and how the new elites are asserting themselves and in the name of “welfare” Jharkhand’s natural resources are being exploited. Secondly, the paper fails to draw connections between the larger debate on climate change and how the uranium industry is trying to use that debate to facilitate uranium related industries. There is a need to elaborate on certain terms used in the paper like fulcrum of ‘rights’ etc.

The remaining observations and suggestions of the paper were

- The question of customary rights needs to be re-examined. Do we have renewed phase of codification? How the local institutions are shaping rights needs to be looked at.
- The relationship between rights and violence has to be examined closely.

In Session III, Pradeep Bhargava in his comments on “Access to Information and Sustainability of Rights in a Globalising India” by Sabyasachi Basu Ray Chaudhury made the following observations. Pradeep Bhargava argued that democracy by its presence is not enough, it should have content to empower people. Right to Information Act fulfils that linkage and reinforces political accountability and checks corruption. The paper tries to evaluate the strength of that check. It was pointed out that one need to take into account how this specific right was born and what were the proactive disclosures that were made to pave the way for the right to be put in place. Also, one needs to look at the systems put in place to enable such proactive disclosures on part of the administrative mechanism. It was pointed out that knowledge about right to information was not common. Therefore, one might observe how such communication took place at the ground level so that people came to know about the existence of this right by virtue of which one might extract information from the administrative bodies. A question was raised whether the civil society is again not subjecting itself to the regimen of the state by virtue of this right? To a common man, the act is as much a monster as the Collector. What then, should be the nature of the public sphere where the act is employed? When we talk about globalization in the context of information, there are a number of areas one needs to see:

Financial markets which needs standardization of national information flow, with which bodies like the IMF work.

Trade, GATT, WTO: Through these regimes, participating countries were made to be more open and specific about information they pass and access. This is because; one's data must be available to one's global partners. This operates in different ways at different levels of data emission and access. Now, participants in such data exchanges are individuals also, in addition to national and international bodies.

When the state created the right to information, it did not know what this will lead to in the subsequent stages. The right to information is now also being used by citizens who seek to transform the role of the state altogether. In that way, the sword of accountability becomes double edged. It was asked that the right to information makes the state accountable. But how does such a measure empower the people? Information disseminated by the state is codified and therefore cannot be accessed by all. Moreover, the people should have access to information about not only the decisions being made but also the processes of making such decisions, which will ensure transparency by suitably modifying the processes themselves. Right to information it was argued becomes another tool of control by the clause of inclusion of a vociferous minority while the majority remains unheard. The globalization of information that occurs through the web, excludes the majority from its fold. It was suggested that one could have a Foucauldian explanation of Habermas's theory. The people never had the kind of agency and information, while certain other information could only be accessed virtually. This element of virtuality debarred them from gaining actual benefits from the right.

Dipankar Sinha in the paper on "Globalisation and Right to Information: The Indian Scenario" suggested that certain sections should be fused: sections 2 &3, sections 4 &5, sections 6 & Subheadings are needed in each of the sections. It was also pointed out that information is perceived as a kind of secret treasure by the powers that be, irrespective of ideological and political affiliations, the Government imagines itself to be a locker. Citizens go through a pendulum motion between administrative secrecy and transparency. It was observed that the paper should have some more detail about the factor of globalization and its effect on information dissemination and access. Reference was made to the edited volume "Critique of Information" by Scott Lash, where the author points out that globalization has created a disinformed society. This should be analysed and substantiated in the paper. A question was raised, to what extent do acts lead to the desired consequences? In this context, it was observed that a law is only as good as one can recognize his/ her own struggle within the praxis of the law. Therefore, more information is not always the end.

In Session IV Sharit Bhowmik in his comments on "Labour Out-flow and Labour Rights: A Case-Study of West Bengal" by Swati Ghosh pointed out that there is a need to elaborate certain details on control over labour process. The discussion on circular migration through this case study is interesting and there is a need to look at the social background of the workers in detail to understand the control over labour process. He suggested that in cases of migrant workers there is a need to contrast the experiences of the migrant workers in their place of work and their home town. He suggested that responses and reality projected by migrant workers might be different.

T.C.A. Anant in his comments on “Negotiating Rights within Falta Special Economic Zone” by Ishita Dey pointed out that the paper needs to look more closely into three issues what has been the change in the language of rights in Special economic zones, institutional practices responsible for the change and the continuity of the pattern of the zone. He suggested Ishita to look into the differentiated citizenship rights from two perspectives: right to labour and right to citizenship. It would be interesting to see how SEZ limits certain certain rights such as citizenship rights , residency rights and labour rights because rights has a multiplicity of agents. Residency right for instance is a civic right and in this context its will be interesting to contrast how civic rights in SEZ is constituted in terms of industrial township and industrial establishment and how it differs from conventional municipalities. As far as Falta SEZ is concerned he suggested that the paper lacks a vivid description of Falta, the people living there and what is the nature of relationship between people staying in neighbouring areas of Falta and SeZ. The paper looks into detail the problem with contract work but how much of this contract work is different in case of scenarios outside SEZ. The details of SEZ management and relationship with local institutions are missing. The paper needs to look into detail the relationship between the contractor and unions. The role of the unions and relationship of the trade union with the contractor needs to be explained in detail.

Decisions taken

- Submission of Papers: 31 May 2010
Word Limit: 8000-10000 words

- For Journals
Word Limit: 3000-5000 words

Reference Style: Chicago Manual Style (See Annexure 2)

- Publication Plan: The articles received will be reviewed and will be published in two formats books and journals.
- Following the proceedings in the consultative workshops in Kolkata and Bhubaneswar where it was agreed upon that the researchers should present a directory of the sources used for the respective papers; the list of documents and photocopies of select documents along with the revised essay should reach CRG by 31 May 2010. The list and documents will be added to the CRG archives open to use for all researchers.

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All sessions will begin with the discussant introducing the respective papers with their comments. This will be followed by general discussion in which the authors of the papers will also join.

5 March 2010

9.30 – 9.40am Welcome Remarks by Samir Kumar Das, Calcutta Research Group and University of Calcutta
Introduction to the Programme by Ranabir Samaddar, Calcutta Research Group
Chair: Bhupinder S Brar, Punjab University

9.40-11.00am Session I

(i) Spectacles of Emancipation: Liberalism, Governmentality and the Cul-de-sac of Social Jurisprudence in India by Oishik Sircar, O.P. Global Law School, Delhi

Discussant: Samir Kumar Das.

(ii) Rights, Globalisation and Rule of Law by Ashok Agrwaal, Lawyer and Jurist

Discussant: Bhupinder S Brar, Punjab University

Chair: Virginius Xaxa, University of Delhi

11.00-11.30am Tea Break

11.30-1.00pm Session II

(iii) Forest Rights Act and Polemics of Correcting Historical Injustices by Madhuresh Kumar, National Alliance of Peoples Movement, New Delhi.

Discussant: Virginius Xaxa.

(iv)An Enquiry into the Functionality of Local Institutions through a Study of the Common Property Resources: The Question of Sustainability of Rights in a Globalized Economy by Suha Priyadarshini Chakraborty, Calcutta Research Group.

Discussant: Sanjay Chaturvedi, Punjab University

Chair: Sharit K. Bhowmik, Tata Institute of Social Sciences, Mumbai.

1.00-2.00pm

Lunch Break

2.00–3.30pm

Session III

(v)Access to Information and Sustainability of Rights in a Globalising India by Sabyasachi Basu Ray Chaudhury, Calcutta Research Group & Rabindra Bharati University.

Discussant: Pradeep Bhargava, GB Pant Social Science Institute, Allahabad

(vi)Globalisation and Right to Information: The Indian Scenario by Sibaji Pratim Basu, Shree Chaitanya College, Habra

Discussant: Dipankar Sinha, University of Kolkata

Chair: T.C.A. Anant, University of Delhi

3.30-4.00pm

Tea Break

4.00-5.30pm

Session IV

(vii)Labour Out-flow and Labour Rights: A Case-Study of West Bengal by Swati Ghosh, Rabindra Bharati University

Discussant: Sharit K. Bhowmik, Tata Institute of Social Sciences, Mumbai

(viii)Negotiating Rights within Falta Special Economic Zone by Ishita Dey, Calcutta Research Group.

Discussant: T.C.A. Anant.

Chair: Samita Sen, Jadavpur University

6 March 2010

9.00- 10.00am

Session V

(ix) Further Studies on Bengal Borderlands by Paula Banerjee, Calcutta Research Group & University of Calcutta

Discussant: Bhaskar Chakraborty, University of Calcutta

Chair: Bharati Ray, University of Calcutta

10.00 -10.30 am

Tea Break

10.30- 12.00 PM	<p>Session VI</p> <p>(x)Women Voices on Borders (J&K) by Anuradha Bhasin Jamwal, The Kashmir Times</p> <p>(xi)Borderlands and Borderlines: Renegotiating Boundaries through a Gender Lens in Jammu and Kashmir by Sumona Das Gupta, Women in Security, Conflict Management and Peace (WISCOMP), Delhi</p> <p>Discussant: Rekha Chowdhary, Jammu University</p> <p>Chair: Sanjukta Bhattacharya, Jadavpur University</p>
12.00-1.00pm	<p>Session VII</p> <p>(xii) Melting the Barbed Wire: Engendering the Lives Along the Border... by Anjuman Ara Begum, Gauhati University.</p> <p>Discussant: N.Vijaylakshmi Brara, Manipur University</p>
1.00 – 2.00pm	Lunch
2.00-3.30 pm	<p>(Continued)</p> <p>(xiii)Women of a Border Town: Moreh by Chitra Ahanthem, Imphal Free Press</p> <p>(xiv)Burmese Migration into Mizoram through the Legal Lens by Sahana Basavapatna, Independent Legal Researcher</p> <p>Discussant: Bodhisattva Kar, Centre for Studies in Social Sciences, Kolkata</p> <p>Chair: Samir Kumar Das.</p>
3.30-4.30pm	<p>Session: VIII</p> <p>(xv)Women and Borders: The Indo-Bangladesh Border by Aditi Bhaduri , Independent Journalist</p> <p>(xvi)Narrated Time: Constructed Space by Anasua Basu Ray Chaudhury, Calcutta Research Group</p> <p>Discussant: Subhoranjan Dasgupta, IDSK, University of Calcutta</p> <p>Chair: Pradip Kumar Bose, Calcutta Research Group</p> <p>Tea (to be served during the session)</p>
4.30-5.00pm	<p>Concluding session</p> <p>Discussion of the future plan by Paula Banerjee and Sabyasachi Basu Ray Chaudhury</p> <p>Chair: Ranabir Samaddar</p>

Vote of Thanks.

Annexure 2

Chicago Manual Style

The more concise author-date system has long been used by those in the physical, natural, and social sciences. In this system, sources are briefly cited in the text, usually in parentheses, by author's last name and date of publication. The short citations are amplified in a list of references, where full bibliographic information is provided.

Below are some common examples of materials cited in both styles. Each example is given first in humanities style (a note [N], followed by a bibliographic entry [B]) and then in author-date style (an in-text citation [T], followed by a reference-list entry [R]). For numerous specific examples, see chapters 16 and 17 of *The Chicago Manual of Style*, 15th edition.

Online sources that are analogous to print sources (such as articles published in online journals, magazines, or newspapers) should be cited similarly to their print counterparts but with the addition of a URL. Some publishers or disciplines may also require an access date. For online or other electronic sources that do not have a direct print counterpart (such as an institutional Web site or a Weblog), give as much information as you can in addition to the URL. The following examples include some of the most common types of electronic sources.

Book

One author

T:

(Doniger 1999, 65)

R:

Doniger, Wendy. 1999. *Splitting the difference*. Chicago: University of Chicago Press.

Two authors

T:

(Cowlshaw and Dunbar 2000, 104–7)

R:

Cowlshaw, Guy, and Robin Dunbar. 2000. *Primate conservation biology*. Chicago: University of Chicago Press.

Four or more authors

T:

(Laumann et al. 1994, 262)

R:

Laumann, Edward O., John H. Gagnon, Robert T. Michael, and Stuart Michaels. 1994. *The social organization of sexuality: Sexual practices in the United States*. Chicago: University of Chicago Press.

Editor, translator, or compiler instead of author

T:

(Lattimore 1951, 91–92)

R:

Lattimore, Richmond, trans. 1951. *The Iliad of Homer*. Chicago: University of Chicago Press.

Editor, translator, or compiler in addition to author

T:

(Bonnefoy 1995, 22)

R:

Bonnefoy, Yves. 1995. *New and selected poems*. Ed. John Naughton and Anthony Rudolf. Chicago: University of Chicago Press.

Chapter or other part of a book

T:

(Wiese 2006, 101–2)

R:

Wiese, Andrew. 2006. "The house I live in": Race, class, and African American suburban dreams in the postwar United States. In *The new suburban history*, ed. Kevin M. Kruse and Thomas J. Sugrue, 99–119. Chicago: University of Chicago Press.

Chapter of an edited volume originally published elsewhere (as in primary sources)

T:

(Cicero 1986, 35)

R:

Cicero, Quintus Tullius. 1986. Handbook on canvassing for the consulship. In Rome: Late republic and principate, edited by Walter Emil Kaegi Jr. and Peter White. Vol. 2 of University of Chicago readings in western civilization, ed. John Boyer and Julius Kirshner, 33–46. Chicago: University of Chicago Press. Originally published in Evelyn S. Shuckburgh, trans., *The letters of Cicero*, vol. 1 (London: George Bell & Sons, 1908).

Preface, foreword, introduction, or similar part of a book

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T:

(Rieger 1982, xx–xxi)

R:

Rieger, James. 1982. Introduction to *Frankenstein; or, The modern Prometheus*, by Mary Wollstonecraft Shelley, xi–xxxvii. Chicago: University of Chicago Press.

Book published electronically

If a book is available in more than one format, you should cite the version you consulted, but you may also list the other formats, as in the second example below. If an access date is required by your publisher or discipline, include it parenthetically at the end of the citation, as in the first example below.

T:

(Kurland and Lerner 1987)

R:

Kurland, Philip B., and Ralph Lerner, eds. 1987. *The founders' Constitution*. Chicago: University of Chicago Press. <http://press-pubs.uchicago.edu/founders/>.

Journal article

Article in a print journal

T:

(Smith 1998, 639)

R:

Smith, John Maynard. 1998. The origin of altruism. *Nature* 393: 639–40.

Article in an online journal

If an access date is required by your publisher or discipline, include it parenthetically at the end of the citation, as in the fourth example below.

T:

(Hlatky et al. 2002)

R:

Hlatky, Mark A., Derek Boothroyd, Eric Vittinghoff, Penny Sharp, and Mary A. Whooley. 2002. Quality-of-life and depressive symptoms in postmenopausal women after receiving hormone therapy: Results from the Heart and Estrogen/Progestin Replacement Study (HERS) trial. *Journal of the American Medical Association* 287, no. 5 (February 6), <http://jama.ama-assn.org/issues/v287n5/rfull/joc10108.html#aainfo> (accessed January 7, 2004).

Popular magazine article

T:

(Martin 2002, 84)

R:

Martin, Steve. 2002. Sports-interview shocker. *New Yorker*, May 6.

Newspaper article

Newspaper articles may be cited in running text (“As William Niederkorn noted in a *New York Times* article on June 20, 2002, . . .”) instead of in a note or an in-text citation, and they are commonly omitted from a bibliography or reference list as well. The following examples show the more formal versions of the citations.

T:

(Niederkorn 2002)

R:

Niederkorn, William S. 2002. A scholar recants on his “Shakespeare” discovery. *New York Times*, June 20, Arts section, Midwest edition.

Book review

T:

(Gorman 2002, 16)

R:

Gorman, James. 2002. Endangered species. Review of *The last American man*, by Elizabeth Gilbert. *New York Times Book Review*, June 2.

Thesis or dissertation

.

T:

(Amundin 1991, 22–29, 35)

R:

Amundin, M. 1991. Click repetition rate patterns in communicative sounds from the harbour porpoise, *Phocoena phocoena*. PhD diss., Stockholm University.

Paper presented at a meeting or conference

T:

(Doyle 2002)

R:

Doyle, Brian. 2002. Howling like dogs: Metaphorical language in Psalm 59. Paper presented at the annual international meeting for the Society of Biblical Literature, June 19–22, in Berlin, Germany.

Web site

Web sites may be cited in running text (“On its Web site, the Evanston Public Library Board of Trustees states . . .”) instead of in an in-text citation, and they are commonly omitted from a bibliography or reference list as well. The following examples show the more formal versions of the citations. If an access date is required by your publisher or discipline, include it parenthetically at the end of the citation, as in the second example below.

T:

(Evanston Public Library Board of Trustees)

R:

Evanston Public Library Board of Trustees. Evanston Public Library strategic plan, 2000–2010: A decade of outreach. Evanston Public Library. <http://www.epl.org/library/strategic-plan-00.html>.

Weblog entry or comment

Weblog entries or comments may be cited in running text (“In a comment posted to the Becker-Posner Blog on March 6, 2006, Peter Pearson noted . . .”) instead of in a note or an in-text citation, and they are commonly omitted from a bibliography or reference list as well. The following examples show the more formal versions of the citations. If an access date is required by your publisher or discipline, include it parenthetically at the end of the citation, as in the first example below.

T:

(Peter Pearson, The Becker-Posner Blog, comment posted March 6, 2006)

R:

Becker-Posner blog, The. <http://www.becker-posner-blog.com/>.

E-mail message

E-mail messages may be cited in running text (“In an e-mail message to the author on October 31, 2005, John Doe revealed . . .”) instead of in a note or an in-text citation, and they are rarely listed in a bibliography or reference list. The following example shows the more formal version of a note.

N:

2. John Doe, e-mail message to author, October 31, 2005.

Item in online database

Journal articles published in online databases should be cited as shown above, under “Article in an online journal.” If an access date is required by your publisher or discipline, include it parenthetically at the end of the citation, as in the first example below.

T:

(Pliny the Elder, Perseus Digital Library)

R:

Perseus Digital Library. <http://www.perseus.tufts.edu/>.