

**RURAL DEVELOPMENT AND HUMAN RIGHTS IN SOUTH ASIA** (1984). A Publication of International Commission of Jurists, Geneva and Human Rights Institute (Lucknow). N.M. Tripathi Private Ltd., 164, Samaldas Gandhi Marg, Bombay-400 002. Pp. vii +280. Price Rs. 25.

THE SOCIO-ECONOMIC structure at village level in South Asia condemns the rural poor to a life of abject poverty, intimidation and exploitation. Only a strong political will allied to solidarity among the rural poor and their self-reliant organisation can give them the power to combat those who dominate them. This will enable them to improve and develop the quality of their lives.

The present book<sup>1</sup> is based on the contributions made at the seminar organised jointly by the International Commission of Jurists (I.C.J.), Geneva, and Human Rights Institute, Lucknow held at Lucknow in December 1982. The participants included lawyers, judges, law teachers, economists, political scientists as well as members of grass-roots non-governmental organisations coming from Bangladesh, India, Nepal, Pakistan and Sri Lanka. The seminar covered a variety of topics touching the rural poor, viz., (i) socio-economic structures at village level and organisation of rural workers<sup>2</sup> (ii) agricultural and economic policies;<sup>3</sup> (iii) land tenure and land reform;<sup>4</sup> (iv) landless labour and bonded labour;<sup>5</sup> women's role in rural development,<sup>6</sup> legal aid and legal services in rural areas.<sup>7</sup> The book compiles all the working papers on the above topics and sets out in full the conclusions and recommendations of the seminar.

This is a novel venture providing an insight into the functioning of socio-economic structures at village level. The power structure at village level varies from country to country. However the problems of farmers, labourers, etc., are common in all these countries. The small and marginal farmers are exploited by the rich ones. An attempt is to be made to protect the interest of such weaker sections and to strengthen their bargaining power. Further the rural poor should have access to the means of development and greater participation in the decision-making.

The I.C.J. has done a tremendous job for the last three decades in the

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1. International Commission of Jurists and Human Rights Institute, *Rural Development and Human Rights in South Asia* (1984).

2. *Id.*, paras 1-23.

3. *Id.*, paras 24-43.

4. *Id.*, paras 44-60.

5. *Id.*, paras 61-92.

6. *Id.*, paras 123-144.

7. *Id.*, paras 188-199.

promotion and protection of the rule of law and human rights in all parts of the world. It has organised several big international conferences which set out to define principles of the rule of law. The Lucknow seminar was one such gathering which brought together experts with grass-roots experience in rural development as well as human rights lawyers to consider how lawyers and law can contribute to the liberation of the rural poor.

Most of the South Asian countries adopted the theme of social welfare state and necessary changes have been introduced by legislation in the areas of agricultural policies, fixing of prices, land reforms, social conditions of village labour, *etc.* The effect of such legislation on the rural development can be a subject of study and the papers of seminar devoted considerable attention to this aspect. It is evident, however, that mere passing of law and legislation cannot bring the needed social reform, unless a proper infrastructure is created for its implementation. Further these policies have often resulted in benefitting the rich or middle class peasants rather than the poor. It is a matter of debate whether policies like pricing of inputs and agricultural products, taxation, subsidies and marketing have really benefited the rural masses.

An interesting topic dealt with in this book is on land tenures and reforms.<sup>8</sup> These measures have been introduced in most of the South Asian countries and are meant, (i) to facilitate production; (ii) encourage the tillers of the land; and (iii) make equitable distribution of power. The main achievement of such policy in the region has been the abolition of intermediary tenures. Other objectives of land reform such as providing security of tenure regulation of rent and imposition of ceilings on holdings remain largely unimplemented. It is noteworthy that women have virtually been excluded from the land reform programme.

The problems of village farmers and labourers attracted the attention of participants of the seminar and several committees were formed to discuss issues like organisation of farmers,<sup>9</sup> bonded labour<sup>10</sup> landless labour. The major problem facing the landless labour relate to wage rates, hours of work, medical care, old-age benefit and other social security measures. It seems that these workers usually migrate in search of employment and hence are subject to extreme form of exploitation and human indignities. The bonded labour<sup>11</sup> is another form of human exploitation prevalent in this region. Though the Government of India enacted the Bonded Labour System (Abolition) Act 1976 dealing with the problem of bonded labour, the system still continues. The rural poverty, caste, social inhibitions have been the major contributing factors to the present village structure. The

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8. *Supra* note 4. See also, conclusion and recommendation, *id.* at 44-60.

9. Committee II. See *id.* at 125-143.

10. Committee III. See *id.* at 146-165.

11. See Swami Agnivesh, "Bonded Labour in India", *id.* at 146.

constitutional guarantees and protections given under the various enactments have failed to break the shackle of rural exploitation.

The role of women in rural development<sup>12</sup> cannot be underestimated and there seems to be a unanimity on the issue that they play a crucial role in rural agrarian economy. The myth that they cannot do certain types of work is baseless. It is true that in recent years the developmental plans and modernisation of agriculture have had a negative impact on their participation. There is no need to isolate them and make special plans especially, with regard to income generating programmes. Certain important issues like, (i) absence of women's participation in decision-making, (ii) growing violence on women, (iii) laws increasing discrimination against women, have been touched upon by the committees.

The cherished human rights and fundamental freedom do not carry any conviction to the rural poor unless they are adequately provided with legal aid and legal services.<sup>13</sup> The present legal system has its own drawbacks.<sup>14</sup> It is designed to provide legal capabilities and resources only to certain sections of the society. The rule of law will have no meaning unless its benefits are extended to the people living in rural areas. An attempt must be made to educate the rural poor about their legal rights and give them legal aid and advice. An important contribution is made by the legal aid scheme recently introduced by the Government of India in several states. Another noteworthy development is the recent judicial activism of the Supreme Court in public interest litigation.

The book is informative and will be an effective guide for lawyers, teachers of law and those who show concern for rural development.

*K. Shrinivas Rao\**

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12. See the 5 working papers contributed, *id.* at 166-83.

13. See working papers, *id.* at 231 to 251.

14. See Upendra Baxi, *The Crisis of the Indian Legal System* (1982) and "Legal Assistance to the Poor: A Critique of the Expert Committee Report" X *E.P.W.* 1005 (1975).

\*Principal, University College of Law, and Head, Department of Law, Osmania University, Hyderabad.