

# **SOC481: INDIAN SOCIETY AND SOCIAL PROBLEMS**

## **COURSE NOTES**

Gurpreet Singh  
([guggu@iitk.ac.in](mailto:guggu@iitk.ac.in))

# 1. SOCIETY AND SOCIAL PROBLEM

## 1.1. Stages of a Social Problem

Any social problem goes through the following stages

1. Emergence of the social problem
2. Legitimation of the social problem
3. Mobilisation of action
4. Formation of an official plan of action
5. Implementation of the official plan

There may be a huge leap between 'Formation of a plan' and 'Implementation of the plan'.

## 1.2. Modern Society

French Revolution and Industrial Revolution changed the European Society drastically.

**Industrial Revolution:** Home and workplace got separated (zoning).

**French Revolution:** Liberalisation and introduction of democracy.

The first Indian writings were cave carvings from the Indus Valley Civilization (3000 BC), but the first scholarly accepted writings from pre-Ashokan empire were from (400-600 BC).

The modernisation of society was ruled by the shift from status to contract

**Gemeinschaft → Gesellschaft**  
(Status is more important) → (Contract is more important)

## 1.3. Indian Society

Indian society is given a structure by three institutions

- **Caste** → Gives identity
- **Village** → Economic structure (*jajmani*)
- **Family** → Links to hierarchy, division of labour, property, gender, etc.

## 2. CASTE SYSTEM

### 2.1. Social Stratification

According to Karl Marx, any society is divided into two parts - *Superstructure* and *Base*. The sort of superstructure is determined by economy.

Marx also argues that the modernisation of society is going through the process of *rationalisation*.

In India, there are 4 major castes

- Brahmins
- Kshatriyas
- Vaishyas
- Shudras
- Ati-Shudras (not considered within the social framework)

**Sanskritisation:** The process of upliftment of a caste as a whole.

Different castes have different sets of rules and regulations. This is known as the *segmental division of society*.

The caste system in India is based on stratification based on occupation. Therefore, there is a lack of unrestricted choice of occupation, and individual identity. However, on the other hand, it maintained a balance in society. Castes also prove to be vote banks for political parties.

### 2.2. Caste and Marriage

Castes are divided into sub-castes. There are, in general, endogamous units of society. Marriage provides a strong boundary for caste.

In case of hypergamy, the rules of *anuloma* marriage are followed, wherein, a woman marries a man of a higher caste. The opposite is known as *pratiloma* marriage, and is generally not practiced within the framework of caste.

### 2.3. Caste and Food

Generally, the acceptance of water and ordinary foods cooked in water from members of lower-ranking castes incurs the greatest pollution. In North India, such foods are known as *kaccha khana*, as contrasted with fine foods cooked in butter or oils, which are known as *pakka khana*.

For purity and soul strength, a *satwik* (vegetarian) diet is followed, whereas for agility and body strength, a non-vegetarian diet is followed.

## **2.4. Rise of Caste Politics (BSP)**

Ambedkar wished for a pan-Indian Dalit Party, although he could not make an impact since the segregated Dalits refused to come together. In the wake of consolidating the Dalit vote bank, Kanshi Ram founded the Bahujan Samaj Party (BSP) in 1984.

BSP has emerged as a full-fledged Dalit Party. The party considers the Political Order as quite undemocratic, and believes it needs revised reforms and rules for proper upliftment and affirmation of the backward communities in India.

BSP emerged as a majority in U.P. in the 2007 elections. BSP tries to ensure that Dalit personalities are glorified by various means. BSP has successfully been able to club the Dalits as well as gain the allegiance of many Muslim communities.

## **2.5. Social Impact of BSP**

BSP tried three steps to ensure the horizontalisation of the *Vertical Social Order*.

1. Take pride in one's own identity and publicly showcase Dalit caste identity
2. Adopt individual caste titles/identities
3. Adopt upper caste titles

With the strict implementation of Prevention of Atrocities Act and the collective pride Dalit community has led to near annihilation of the vertical order in many regions.

### 3. VILLAGE IN INDIA

#### 3.1. Views on Village

The village (*jajmani*) system came to be an institution during the British Raj. There are differing views on the village system

- **Gandhi:** Believed that the village system would have been the core of Swaraj India, and the concept of occupational relation through generations should be continued.
- **Nehru:** Believed that we couldn't have operated on low-scale instruments, and therefore needed to shift to a more urban platform, while combining the aesthetics of village (unity and constituency) with industrialization.
- **Ambedkar:** Claimed that the villages are the sites of practice of prejudice and oppression, and goes very astray from democracy. The village republic is a degradation of society.

Villages as their own constituency would only uplift the upper castes, and would allow them to dominate over lower castes. Ambedkar had a more Utopian vision, hoping for a complete overturn of the village system.

#### 3.2. Jajmani

The landowners or employers are known as the *jajmans* and the labourers or employees are known as the *kamins*.

The tradeoff in the jajmani system and capitalisation is that the exploitation of kamins was very high, however they had more job security, as there was no concept of downsizing.

## 4. THE MAOIST REVOLUTION

### 4.1. Rise of Maoists

The Communist Party of India (CPI) was formed during British raj, opposing the rise of *zamindars*. It widely supported the Congress Party, and collaborated with the Congress Socialist Party. With the government under Nehru, CPI split into two parts, one approving of the Congress Party, whereas the other emerging as the biggest opposing party in the 1957 elections.

With the Telangana Struggle and the border war, the differences worsened, and CPI split, forming Communist Party of India (Marxist) or CPI(M) in 1964. While CPI continued to support Congress, CPI(M) viewed Congress to be collaborating with foreign capital.

With the rise of green revolution, and the continued exploitation of zamindars, even after the Land Reform Act (1955), the radicals of CPI(M) led a violent revolt in 1967, in West Bengal, in which peasants attacked local landlords, occupied land, burned records and cancelled previous debts. This led to the rise of Naxalites. Some of the Naxalites formed All India Coordination Committee of Communist Revolutionaries (AICCCR), later Communist Party of India (Marxist-Leninist) or CPI(ML), while some retained a separate identity and formed the Maoist Communist Centre (MCC), inspired by China's chairman Mao.

The Maoists sought to launch a "people's war" of the peasantry through armed warfare. Later, in 2004, the MCC and the People's War Group joined to form the Communist Party of India (Maoist), the largest Maoist rebel group in India.

### 4.2. Spread of the Maoists

The Maoists spread to eastern and central parts of India, especially the tribal areas, particularly hilly areas of Jharkhand, and Bihar, where they practiced Guerrilla Warfare, and expand the war to seize the state. With the proposal of Special Economic Zones<sup>1</sup> (SEZ) for capitalists, the condition worsened, with the Maoists aiming to turn every SEZ into a battlefield.

In Chhattisgarh, *Salwa Judam*<sup>2</sup> was initiated, which appointed 16 year olds as Special Protection Officers (SPO), who were asked to assist the Central Reserve Police Force (CRPF) in fighting Naxalites, and were commanded to kill their own tribal mates, on the promise of a permanent government job in the police force. The police had also started to take prisoners as an attempt to torture information off them.

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<sup>1</sup> Areas with relaxed tax reforms, and lesser power for the state

<sup>2</sup> Purification hunt

The local *adivasis* are being trapped within these battles against the police and the Maoists. However, the violence imposed by Maoists in urban areas hasn't been random, and the officials were only targeted when they were engaged against the Maoists. The violence acts of Maoists in urban areas were specific and targeted. Opposing to popular belief, the bombings held by Maoists were only in empty areas, such as schools , but only at night.

Meanwhile, this is not the case in rural areas. The violence is more random, and unexplainable. However, the Maoist struggle is not spreading due to the theoretical understanding of the Marxist and Leninist ideologies, but is because of the concept of extended family, and the idea of revenge.

## 5. PROBLEM OF PRODUCTION

### 5.1. Spectacle

All professionals and experts believed that the problem of production has been solved with modern technology. The common belief is that all the imperfectness in the system is only because of human wickedness, and the imperfections in the political system.

This is attributed to man's attitude towards nature, as he does not consider himself to be a part of nature. The technological advancements show natural resources to be infinite. Every economist and business takes utmost care in applying capital and income, but are inconsiderate when it comes to polluting and exploiting natural resources, which is truly irreplaceable.

### 5.2. Critique on Marxism

Marx has considered labour and technology in the capital required for the free market, however ignored the most important, irreplaceable and far larger requirement, nature.

Marx believed that the Utopian society would be a communist one. The order being

**Primitive Communism → Slavery → Feudalism → Capitalism → Socialism → Communism**

which is realized due to rationalisation and modernisation (technological advancement) of the society.

However, with the advancement of society, we are having a more skewed distribution of wealth, which in turn, uplifts capitalism. Marx claimed that capitalism is indeed a well society, however, capitalism is a reason for this scaled exploitation of natural resources.

### 5.3. Farmers Against Globalization

M.D. Nanjundaswamy, the president of Karnataka Farmers Association, campaigned against multinational corporations, which are responsible for intensive agriculture, and demanded the decentralisation of agricultural policies and empowerment of rural *self-management* of agriculture.

In his view, western capitalism is more developed than Indian capitalism, and due to colonial oppression, India has lower rates of import and export. This is a major reason of Globalization to be considered as a failure for the agriculture industry.



#### **5.4. Refusal of Genetically Modified Seeds**

GM seeds increase the cost of input, and the crops are more prone to attacks from pests. However, in hopes of generating more revenue, farmers tend to use these seeds, fall into the traps of seed racketeering, and thus are trapped with debts.

## 6. FARMER SUICIDES IN INDIA

### 6.1. Durkheim's Types of Suicide

Happens due to social factors, namely *Social Regulation* and *Social Integration* or in other words *Individualism* and *Integration*

#### 1. Fatalistic

- Denotes the kind of suicide due to social regulation.
- For example, persons with futures pitilessly blocked
- Least important type

#### 2. Altruistic

- Altruistic suicide occurs when the weight of the society is brought to bear on one person
- With the idea of individuality spreading, this form of suicide becomes less interesting

#### 3. Egoistic

- Egoistic suicide occurs when the ties binding the individual to others are slackened and there is absence of adequate social integration
- Conditions of egoism are found in the existence of social values promoting individualism
- Larger the family size, lesser is the risk of suicide
- Happens when a person becomes individualistic in his activities

#### 4. Anomic

- Anomic suicide occurs when social regulation is too weak
- When a person's social wants exceed the possible means for attaining them, the individual remains in perpetual danger of suffering from the disproportion of his aspirations and his achievements

### 6.2. Agrarian Change in India

Before the British rule, the agriculture was mostly specific to local needs, and were grown according to the suitability of climatic conditions. The social framework of agriculture was organised within caste, family and kinship.

The British colonialism introduced commercialization of agriculture, with new land tenure. The focus shifted now to cash crops, like cotton, sugar-cane, etc.

#### 1. Caste and Land Reform

The rich and the upper caste people reaped the benefit of the expanded forces

of production because of their large-scale landholding and economic position. The loss of crop was covered by lowering wages of agricultural labourers, which usually belonged to lower classes and tribal areas.

British colonialism did not change this structure, rather worked within (assigning positions) this framework itself. High caste people were landholders and intermediaries of the British administration, the medium caste people were the cultivators, and the lower caste people were the labourers. The *jajmani/balutedari* system, therefore, was continued.

Post independence, the economic planning and land reform<sup>3</sup> led to the crumbling of the solidarity within rural areas, however it showed some positive impact in a few states.

## **2. The Green Revolution**

There was significant technological advancement in agriculture during the 1960s. This broadened the economic and social horizon of all categories of farmers.

With this, however, the cost of cultivation increased, and there needed to be more awareness about the correct usage of fertilizers and pesticides. The lower caste farmers were weak in dealing and coping with these modern institutions.

## **3. Rural Credit and Price Policy**

Although the agricultural policy was earlier meant to mitigate the impact of any undue rise in prices on the vulnerable sections of the population, the price policy in 1990s changed the situation drastically. Public investment in irrigation went down, and low-input low-output prices were inverted.

With the increase in tariffs, the share of agriculture in GDP fell. Loans

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<sup>3</sup> Land reform is the statutory division of agricultural land and its reallocation to landless people.

became easier, and the feeling of anomie rose.

#### 4. A New Social Order

Joint family was the backbone of the agrarian society, providing support in times of crisis. With the growth of individuality (the new social order), families are different from those of 1950s and 60s.

Large landholders partitioned their families into small units in order to escape ceiling laws<sup>4</sup>, which encouraged a shift towards nuclear family. As a result, in most cases, a single person bears the burden of having to eke out a satisfactory livelihood. This compounds a sense of loneliness, and therefore leads to egoistic and anomic suicides.

#### 5. New Agriculture

As new methods came into use, the old and traditional cultivators, who were earlier consulted for agricultural operations, lost their traditional authority, and remained isolated from the larger community.

Also, the continuous prejudice against the lower castes from the upper castes increases the isolation of the low-ranking new agriculturists. Modern agriculture has led to the disintegration of the society. Thus cumulative effects of agrarian change led to the emergence of anomic suicides in the context of growing egoism in rural society.

In conclusion, there are two types of farmer suicides that are found

- the disappointment and despair that resulted from the disproportion between achievements and aspirations (*loss of social regulation - **anomie***), and
- the isolation and weaker ties with family (*loss of social integration - **egoism***)

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<sup>4</sup> Part of land reform, which ceiled the maximum amount of landholding.

### 6.3. Industrially Centered Suicides

Generally, a person becomes a victim to suicidal temptations when he can't elude from reasons such as addiction, sexual philandering, family tension, debt, etc. However, it is not because on only one, but multiple reasons, where one exacerbates the other.

Another major reason for suicide is illicit love affairs. As a marriage in India is not joining of two individuals, but a joining of two families, inter caste marriages are, and have been, a major concern for families. The social regulations on couples to stay separated because of boundaries established by mere caste has been a major reason for suicide attempts.

The frequency of urban suicides is on par with those of agrarian nature, however are much less interesting to study.

Suicides committed by members of the family in order to escape from debt, to help their sons get government jobs<sup>5</sup>, etc.

Although, the exact reason of suicide is never known, however is concluded as not multiple, but a single factor, which causes inaccuracies in the collected statistical data.

There are also false accusations on accounts of suicides, as there is, by law, upto 10 years of imprisonment for abetting or instigating suicide. This results in skewed data, and poses a problem in ensuring proper laws and reforms to help prevent suicides.

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<sup>5</sup> In case of factories, if a parent dies, the son inherits that job, given he is eligible

## **7. WATER SCARCITY INDUCED MIGRATION**

### **7.1. Importance of Agriculture**

The migration induced by water scarcity is indirectly due to lack of agriculture. Sluggish agriculture ceases reduction in poverty, and thereby development as a whole. Also, growth in agriculture also propels growth in non-farm sectors as well.

### **7.2. Distress Migration**

People involuntarily migrate away from water scarce regions to water rich regions. This involuntary migration is known as *distress migration*. This out-migration is not temporary, and therefore, is of great concern.

There is a negative depreciation of such lands, as out-migration reduces the labour available to maintain water scarce lands, which causes them to further reduce in terms of productivity.

Also, due to huge in-migration, the migrating families only end up in slums. Due to overpopulation, the living conditions available for them are inhumane. Also, this results in overcrowding of the recipient regions, causing heavy pressure on the state.

### **7.3. Watershed Development**

Watershed Development Projects provide a high benefit-to-cost ratio, and can be helpful in reducing the scarcity of water in water scarce regions. Not only would they reduce out-migration, but would also help in uplifting the employment in such regions.

However, these projects do have some shortcomings. First of all, the employment in these (temporary) projects is confused with sustained employment. A significant decline in out-migration is only achieved only when there is a substantial increase in the irrigation and productivity constraints of the land.

This, also, will only result in the decrease of migration, and cannot act as the solution to the problem of migration. Weather and climate induced uncertainties can only be regulated to a small extent using such projects.

### **7.4. Common Property Resources**

Watershed projects work for only small regions. In order to cover this, Common Property Resources were used, which could successfully transfer resources to a wide audience. The problem is of encroachment and management, which could be, upto some extent, handled by some policy implications.

### 7.5. Policy Implications

1. Provide *limited irrigation for all*. Water should be available, for not only private lands, but also for community land, and new technologies should be used to ensure the efficient use of water.
2. Distribution of water should be stretched across large number of farms, and different sources of water should be used in conjunction.
3. There should be macro-level planning for water conservation so that there is an organised network of check dams, to avoid internal conflicts.

## 8. REFLECTIONS ON DOWRY

Dowry and burning of women in India is most relevant in the region around Delhi.

### 8.1. Marriage in India

#### Reformed Marriages

Marriages are reformed as religions are reformed.

#### Dowry Prohibition Act, 1961

This legislation provides for a penalty if any person gives, takes or abets giving or receiving of dowry. The punishment could be imprisonment for minimum 5 years and a fine more than ₹15,000 or the value of the dowry received, whichever is higher. Dowry in the Act is defined as any property or valuable security given or agreed to be given in connection with the marriage.

*The penalty for giving or taking dowry is not applicable in case of presents which are given at the time of marriage without any demand having been made.*

#### Hindu Code Bills

The Hindu Code Bills were several laws passed in the 1950s that aimed to codify and reform Hindu personal law in India. There were four successfully passed bills, including Hindu Marriage Act (compelling monogamy).

### 8.1. Problems of Studying Dowry

Dowry illustrates the problems a sociologist studying his own culture faces. Some of these are as follows

1. The first is that the concept of dowry is ambivalent for the sociologist studying it. On one hand, it is an unmitigated evil, whereas, on the other hand, the sociologist studying it cannot help but being fascinated by it.
2. Dowry is an institution perhaps best studied by women.
3. Dowry affects kin relations, and cannot be understood without reference to the caste system and the emulation of the higher castes, which affects the economic behaviour of couples having daughters.

### 8.2. Working of Dowry

Detailed knowledge of the working of dowry among diverse groups is an essential condition to its removal. This will help us in understanding the emulation of the



higher castes by the lower castes in the spread of dowry. In most cases, dowry is an investment to secure good treatment for the girl within the.

In northern parts of India, dowry prevails in hypergamy<sup>6</sup>. There is asymmetry between affinal<sup>7</sup> groups, with the improvement of the status of the bride's kin and the accumulation of cash for the groom's kin.

This asymmetry is absent in the south (with the exception of Kerala). The marriages are isogamous.

Weddings are occasions for exchanges, generally asymmetrical, among affinal groups.

Until a few decades ago, marriage was the only occupation for women, except for the landless labourers, in which case, women worked in daily wage jobs. Young men with salaried jobs were seen as scarce commodities and this situation was exacerbated with the rule of jati endogamy and the need to marry a girl before she came of age.

The bride's kin are considered to be the inferior party. Kanyadan is accompanied with cash, and stridhan refers to gifts given to the woman by her natal kin.

### **8.3. Differences between Pre-British and Modern Dowry**

Traditionally, in South India, these gifts were the bride's to be disposed of. However, in modern society, the monstrosity of dowry is legitimized by linking it to an ancient respected and humble tradition.

M.N. Srinivas claims that education (literacy) is not a solution to these social evils. The candidates for the traditional dowry system were poor, mendicant and priestly Brahmins while for the modern society are the Western-educated sons of the elite.

The rich exchanged cash, whereas there was *bride price*<sup>8</sup> for the lower strata, or marriage by exchange, direct (marrying each other's sisters) or indirect (other parties). Parents of girls born in the lower grades pay dowry to get them married to men of the higher grades while men in the lower grades pay bride price, or resort to exchange, to be able to marry girls in their own grades.

M.N. Srinivas mentions that demographic history is woefully neglected in India and there is not even awareness of the fact that it is neglected.

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<sup>6</sup> Act of marrying a girl into a higher caste

<sup>7</sup> concerning or having a family relationship by marriage

<sup>8</sup> Groom's kin to bride's kin as a price for the bride

#### **8.4. Bride Price**

Bride price is the compensation the Groom pays to the parents of the bride as a compensation for the lost services that the bride could have provided. This is prominent in the lower classes and the poor sections of the upper class.

The sum paid is small in contrast to Dowry

## 9. Economies of Dowry

*(Vijeyandra Rao)*

The cost of a daughter's marriage is loosely called Dowry. It is an investment to assist the newlyweds in setting up their homes. It is also a pre-modern bequest, giving the daughter 'stridhan' as a replacement for the lack of inheritance rights. But mostly, in the modern setting, dowry is a "groomprice"

### 9.1 Dowry as Groomprice

The fundamental reasons, as given by Rao, for Dowry are patriarchal, as listed below

- A woman's primary role in society is to be a mother and a daughter, leaving little to no options outside of marriage
- A woman, if stays unmarried for a long time, adds to the social cost of the parents
- Divorce is non-existent
- A marriage is seen as a bonding of two families, and not individuals, and therefore is weighted by the interests of the parents
- Women are denied inheritance rights.

A demographic explanation to Dowry was given by Jack Caldwell based on "marriage squeeze", which is caused due to the increasing population. Since men usually marry 5-10 years younger, there are more number of women in the marriage market than men. Therefore, there is competition for the groom, and therefore the existence of groomprice.

M.N. Srinivasa offered the explanation of Dowry as a caste emulation, an attempt to "Sanskritization" but Rao disagrees as it is not plausible that Brahmin-emulation is any longer the aim, and also, there is little to no evidence that Brahmins practiced Dowry.

Another explanation, offered by Anderson was that brides usually wish to marry into the higher castes, as caste is determined patrilineally. Since there is division based on economic status as well, rich brides would wish rich high-caste grooms, and poor brides poor high-caste grooms. Prices paid for poor grooms is lower, however still does not fall below a threshold, since there is competition for brides from below, which serves as the lower bound for a higher caste groom.

### 9.2 Wedding Celebrations

If grooms are from different localities, there is more reason for more lavish wedding celebration, as a status signal. Since the in-laws are not from the region, their status is not known, and therefore in order to announce that the groom is from a higher caste, more money is spent on the wedding celebrations.

### **9.3 Dowry and Domestic Violence**

A rationale husband would weigh the costs and benefits of beating their wife. In case of rich in-laws, the chance of wife beating increases as the man would want the in-laws to pay high dowry, and only in this case would the resources extracted could outweigh the social and legal costs. The beating acts a signal that the husband is of a violent type, and institutes a regime of terror.

## **10. Changes in the Family and the Elderly**

Most research is centered around the middle class, and too simplistic and repetitive.

### **10.1 Household vs Family**

A family can be divided into multiple households. It is not that they are disintegrating, they are simply divided in terms of house holds. Therefore, to understand the situation of the elderly, we need to consider whether they belong to a household or not.

Inter-household family relations are not as strong as household relations, and as parents grow old, they face the consequences of this distinction. Hindu Law states that the members of the joint family are entitled to receive maintenance from the property. Financial support may thus be available to the elderly, however this cannot remove the distress of isolation.

### **10.2 Lower Life Expectancy**

Before 1950s, the average joint household size was low because

1. Shorter life expectancy
2. Poverty and lack of property to serve as a proper economic base
3. Lack of Sanskritization in the lower classes, and therefore the masses

This increased post 1950s.

### **10.3 Joint Household**

Households with one or more widowed members are often not considered within the definition of joint household.

Economic development of 1947 has increased the possibility of accumulating household assets, providing an economic better base for development of joint household.

The joint household life is declining within the westernised, professional, middle class in urban centers. This is a brought on effect of urbanization.

AM Shah comments that the pretty picture presented to us of the past is really not a clean picture, but only the nature of tensions within a household have changed. The earlier case where parents could not visit the daughter's house (in-laws' house) is now changing, not only on towns, but also in villages. This has also been pushed through changes in Hindu Law.

Although, with the concept of nuclear families, the support from relatives, close or distant, has reduced.

The increase in the marriage also renders tensions since the habits and priorities of the daughter-in-law, being an adult, have already been formed. However, there is now more accommodation and adjustment observed within both the generations, however the major problems arise with adjusting with the daughter-in-law.

## **11. Healthy, Insecure, and Dependent Elders**

India's public health policy is focused on reproductive and child health, and there is no attention paid to the impending pressure on the public health systems.

Although the per capita income of India has increased, this has not really affected the elderly, but only the new entrants of the society. The pension schemes are offered to a very small proportion. Consequently, their economic dependence rise with age.

### **11.1 Dependence of Elderly**

1. Economic dependence and lack of income security have strong implications on the health outcomes of the aged, with the women likely to suffer more.
2. Another kind of dependence is the lack of motor skills in the elderly, which further depends on their health outcomes. Women have more problems, due to their poor reproductive health.
3. Elders bear most of the disease burden, majorly affected by blindness and deafness
4. There is a lack of public policy concerning elders. Therefore, the resource poor and physically unfit lose the small healthcare to the richer and younger.
5. Public policies have not considered the living conditions of these elders.

### **11.1 National Schemes for the Elderly**

An important programme for the elders is the National Old Age Pension Scheme (NOAPS), a centrally sponsored programme managed by the Ministry of Rural Development. According to it, any elder above the age of 65 and below the poverty line will get Rs. 300 per month, a meagre amount. Also the number of elders that can fall under the scheme, at the moment, has a cap.

Most schemes are centered around reproductive and child health, and the remaining on diseases. The different disease pattern of the elderly is not considered. The only place elders have is attributed to the cultural and traditional values of the society.

### **11.2 National Social Assistance Scheme, 1995**

This scheme had three components

1. National Old Age Pension Scheme
2. National Family Benefit Scheme
3. National Maternal Benefit Scheme

The National Old Age Pension Scheme applies under the following conditions

1. Age of the applicant must be more than 65
2. The application must be a destitute
3. The amount per month is Rs. 300
4. There is a ceiling on the number of people covered under the scheme

There were many who were not covered under the above scheme. Therefore another scheme was introduced.

### **11.3 Annapurna Scheme**

The elderly who were eligible for NOAPS would be covered under this scheme, and would be provided with 10kg of rice or wheat per month.

Poverty alleviation schemes alone cannot help the status of the elderly, and special attention must be given to social factors.

### **11.4 Criticisms for the Schemes**

There is no uniformity in the amount of pension. The state adds to the amount, with the lowest being 60, and the highest being 300. The standard fixed amount from the center is 75.

Eligibility age also varies, with 55 in Rajasthan to 74 in Sikkim.



## 12. Social Science Perspective

### 12.1 Utilitarian Logic

1. extensive financial care required for the medical establishment, the State as well as the family
2. does not only include the monetary funds, but the financial cost lost to the time spent with the ill, as well as the emotional energy spent

### 12.2 Aruna Shanbaug

1. bedridden in the KEM hospital in Mumbai, for last 38 years
2. request for euthanasia rejected on the conditions
3. Aruna's medical conditions do not qualify as "brain dead", and she breathes on her own
4. only the KEM staff who have been the sole caregivers for so long are entitled to the plea
5. Allowed to live, unlike Terry Schiavo, US

In India, issues of life and death are left, in addition to the doctors, in the hands of superior forces.

Some questions -

1. When does a patient consider euthanasia? Observed in cases of losing complete autonomy, and even in cases where intensive care from the family is provided
2. Is the ill patient in an appropriate mental state to decide?
3. Who should take the decisions?
4. In case of infants, the doctors feel the parents should not have a say as their decision will be emotional

Important the decision to end one's life is not in a vacuum, but within the context of social roles. Even on the deathbed, a person is a social being and is vested with social obligations and privileges towards them.

In India, processes of life and death are carried out in social contexts, particularly religion.

With the notion of family, the decision is their and they might not opt for euthanasia for a variety of reasons. For example, in Hindu society, there is a huge difference in the social and ritual status, rights and privileges of a married woman as compared to a widow.

## 13. Moral Basis for the Right to Die

Religion vs Individual - Sanctity of Life vs Right to Life

After Aruna Shanbau's case, 2011, rules allowing Passive Euthanasia under certain conditions were laid out (following United Kingdom House of Lords) which had otherwise been illegal since 1860, considered to be homicide

### Types of Euthanasia

- Passive - steps taken to induce death
- Active - withdrawing life support to let nature take its course

Active vs Passive - Killing and Letting Die

Sanctity of Life does not just mean the life must not be ended. According to Denan J, SOL also can mean respecting the patient's wish. Prolonging life using Artificial means, defies the concept of SOL, and therefore Euthanasia is not really a violation of SOL.

In case of incompetent patients, the court must respect the wishes of the patient. He must not be treated as a second-class citizen. The approaches available currently are

- **substituted judgement test** - decision maker acts as a surrogate in case the incompetent patient cannot determine for himself
- **best interests test** - decision maker is required to follow whatever course should be in the best interests of the patient (explicitly approved)

### 13.1 Moral Paradox

The SOL principle prohibits inducing death using a single lethal injection, but only by dehydration, starvation or other slow means of death. (Lord Brawn-Wilkinson)

## 14. Is the 'Next Friend' the Best Friend?

In 2011, the Shanbaug judgement appealed the Parliament to decriminalize suicide. It held that fundamental rights such as freedom of speech also includes freedom to not speak. Similarly, freedom of life should include the decision to not to live. Also, the concept of suicide does not go against Religion (Lord Ram, Mahavira, Lord Buddha achieved death by seeking it). However after Gyan Kaur case, 1996, Supreme Court overruled that death is not be compared with life. An act that extinguishes life is inconsistent with continued existence of life.

There was no distinction between suicide committed out of prolonged deliberation or impulsively. A Bill to repeal Section 309 (that criminalised suicide) of Indian Penal Code (IPC) was passed in 1978, but revoked in 1979. Abatement of suicide would still be punishable under Section 306.

Minoo Misani founded the Society for Right to Die with Dignity in 1981, to assert the right to choose to live or die.

The Court has devised the mechanism of high court benches and Court appointed expert panel of medical experts as safeguards in cases where an appeal is made to withdraw life support to an incompetent person, since there is a chance of misuse, however this should not be a ground to oppose legalizing euthanasia.

The Medical Treatment of Terminally Ill Patients Bill, 2006 was passed based on the recommendations in the report of the same name submitted by the Law Commission under the chairmanship of M Jagannadha Rao. The report clearly distinguished between "Euthanasia and Assisted Suicide" and "Withholding of Life Support Systems". The report defines euthanasia as an act of any person of intentionally killing a person who is terminally ill by inducing death.

Euthanasia and Assisted Suicide are considered unlawful, whereas withholding of life support to terminally ill patients is looked upon as lawful, under an informed decision.

The opinion that India is (religiously) not ready for passive Euthanasia to be legal seems misinformed considering the number of practices of voluntary termination of life, such as *Mahaprasthana* or *Santhara*

The case of Aruna also contradicts the verdict passed in the Suchita Shrivastava case, given that the decision in this case was only based on the interests of the guardians (other nurses) without considering the interests of the patient.

There is also a utilitarian view on this, considering the commercialization of healthcare. The hospitals tend to emotionally blackmail guardians to force the patients to live under Life Support.

## DICTIONARY

- **Fair Trade:** *Fair Trade* refers to the proper flow of cash down the hierarchical structure in an industry in the free market model, so that even the workers at the lowest of the hierarchy receive a fair share.
- **Social Reproduction:** Introduced by Karl Marx, social reproduction refers to the structure and activities which transmit social inequalities from one generation to the next.