



HUMAN RIGHT: REGIONALISM AND THE LAW

Harshadkumar Dalichandbhai Barot¹ & Dr. K. M. Upadhay²

¹Research Scholar (Ph.D.), Swaminarayan University, Gujrat.

²Research Guide, Swaminarayan University, Gujrat.

Corresponding Author: Harshadkumar Dalichandbhai Barot

Email ID: harshadbarot168@gmail.com

DOI - 10.5281/zenodo.8350084

ABSTRACT:

Region as a social system, reflects the relation between different human beings and groups. Regions are an organized cooperation in cultural, economic, political or military fields. Region acts as a subject with distinct identity, language, culture and tradition. Regionalism is an ideology and political movement that seeks to advance the causes of regions. As a process it plays role within the nation as well as outside the nation i.e. at international level. Both types of regionalism have different meaning and have positive as well as negative impact on society, polity, diplomacy, economy, security, culture, development, negotiations, etc. Regionalism can be explained as an 'insider-outsider' thought process where the loyalties are tied to the region of origin. Movements which are regional in nature are a type of 'identity movements' where the demands include special privileges or self-rule. Prolonged deprivation or neglect (real or perceived) unites people into asserting in a pronounced way for their regional identity viewing that as the solution for the state's unfavourable policies towards them. Regionalism depends on the social setup, geography among other factors. At times, Regionalism can promote healthy competition and be a precursor to nationalism. However, it can also lead to bitterness and petty politics such as the case of numerous river water disputes in India.

WHAT IS REGIONALISM?

Regionalism is the expression of a common sense of identity and purpose by people within a specific geographical region, united by its unique language, culture etc.

In a positive sense, it encourages people to develop a sense of brotherhood and oneness which seeks to protect the interests of a particular region and

promotes the welfare and development of the state and its people.

In the negative sense, it implies excessive attachment to one's region which is a great threat to the unity and integrity of the country.

REGIONALISM IN INDIA:

While there is an innate sense of a pan-Indian identity, various foreign sociologists/scholars have noted the

fixation on caste, tribe, language and community. Counter points include that regionalism has given rise to multi-party politics in India, deepening federalism. Regionalism is not necessarily 'anti-nation' or even 'anti-people' but there are both functional and dysfunctional aspects to consider. We can trace back to the divide and rule colonial policies which sowed the seed in India. In the last 100 years, there have been many regional movements in India with demands following into the following broad categories:

- Secessionist Demands – Extreme form – Militant/Fundamentalist Groups – a new country separate from India
- Separatist Demands – A new state to be formed which can better serve the linguistic/ethnic minorities in the region.
- Full Statehood – Over the years, several Indian Union Territories got full statehood.
- Autonomy – demand for more power versus political interference from the central government.

In India's political structure, regionalism is not a new phenomenon. It was used by the British in the pre-independence days. The British encouraged people in various regions to think in terms of their region rather than the nation as a whole, to continue

their control over India during the national movement. Following independence, the leaders attempted to create in the people a sense of belonging to a single nation. The framers of the Constitution hoped to accomplish this by establishing universal citizenship. A united court, all Indian services, and a powerful central government were all supplied with the same goal in mind. However, given the diversity of the country and cultures, regionalism quickly emerged in India. The desire for the linguistic reorganisation of states was the beginning of regionalism, but a major factor of regionalism was the DMK's win in Tamil Nadu in the 1960s. Initially, the central leadership believed that regionalism was a minor political phenomenon limited to Tamil Nadu, and hence did not harm national unity. The Akali movement quickly gained momentum in Punjab, while Sheikh Abdullah resurrected the National Conference in Jammu and Kashmir. During these early years, all Indian political parties continued to work with these regional groups in the hopes of absorbing them into their organisations. The Indian National Congress, which had a monopoly on power from 1947 to 1967 and had a policy of going back and forth with regional forces, contributed to the rise of regionalism in India. To boost their power, local Congress leaders supported the expansion of

regionalism and tightened their influence over local party organisations. The central and regional leadership built a strong bond. The development of regionalism was aided by the close relationship between the central and regional authorities.

IMPACT OF REGIONALISM IN INDIA:

Positive:

Regional recognition in terms of state hood or state autonomy gives self-determination to the people of that particular region and they feel empowered and happy. Internal self-determination of community, whether linguistic, tribal, religious, regional, or their combinations, has remained the predominant form in which regionalism in India has sought to express itself, historically as well as at present time. Regional identities in India have not always defined themselves in opposition to and at the expense of, the national identity, noticed a democratic effect of such process in that India's representative democracy has moved closer to the people who feel more involved and show greater concern for institutions.

Negative:

Regionalism is often seen as a serious threat to the development, progress and unity of the nation. It gives internal security challenges by the insurgent groups, who propagate the

feelings of regionalism against the mainstream politico-administrative setup of the country. Regionalism definitely impacts politics as days of collation government and alliances are taking place. Regional demands become national demands, policies are launched to satisfy regional demands and generally those are extended to all pockets of country, hence national policies are now dominated by regional demands. E.g. MSP given to sugarcane, it was helpful for farmers in Maharashtra but it was implemented across all states resulting agitations of farmers belonging to UP, Punjab and Haryana. Meanwhile it sowed seed of defection among ministers and targeting corresponding minister. Some regional leaders play politics of vote bank based on language, culture, this is certainly against healthy democratic procedures. This always leads to demand for separate state and it has observed that after creating small states only few political leaders could run efficient government else alliances run government which ultimately makes administration machinery ineffective. Developmental plans are implemented unevenly focusing on regions to which heavy weight leaders belongs are benefitted, hence unrest is generated among rest regions. Law and order is disturbed, agitations with massive violence take place ultimately

government is compelled to take harsh steps; hence wrong signals are emitted about government authorities. Regionalism, also becomes hurdle in the international diplomacy, as in 2013 we saw how Tamil Nadu regional parties were against the Prime Minister of India, attending the Commonwealth heads meeting(CHOGM) in Sri Lanka. These actions have their direct implication on the relation of India with Sri Lanka or other countries of the forums or in case of Mamata Banerjee not agreeing to Land Boundary agreement and Teesta River Water sharing, when the leaders at centre level were ready to do it. The regionalism induced violence disturbs the whole society, people are killed, students cannot attend the schools & colleges, tourism cannot be promoted, etc. This impacts the development of human resource, governments need to deploy extra forces to control the situation and it has direct implication on the economy of the nation. Impacted societies remain aloof from the mainstream development and then the regional variations and backwardness is clearly reflected.

REGIONALISM: CAUSES AND GOVERNMENT EFFORTS:

Regional economic inequality is a potent cause against national unity and take shape of regionalism, because of government steps, which focused on the

political stability and the reason for regionalism, But, this potential cause did not balanced regional development and fulfilled the aspiration of states, like. The Industrial Policy, 1956 , National Integration council , 1961 , Transfer of financial resources to poorer states on the recommendation of Finance commission . The central government has categorized states on the basis of backwardness and accordingly gives grants and loans Regular public investment by central government through centrally sponsored schemes have focused on development of necessary infrastructure and poverty eradication , integrated rural development , education , health , family planning etc. For example Prdhan Mantri Gram sadka yojana , Mid-day meal , MGNREGA , etc. Government at centre and states give incentives to private players to develop in backward states through subsidies, taxation, etc. Nationalization of banks , granting new banking licenses , making man datory for banks to open rural branches are few other steps for inclusive development and balanced regional development . There are certain discrepancies at the implementation part of these schemes. Few areas have been neglected like irrigation, which has created agricultural disparity. Rain fed and dry land agriculture also have been neglected , which became cause for

suicide of farmers in various states In reality , the interstate industrial disparity , agricultural disparity , number of BPL , etc. are decreasing . But, more actions are needed to completely eradicate the disparities.

CONCLUSION:

Regionalism refers to the ideology where one promotes one's regional identity over the national identity. It can be positive and negative if taken too far. Regionalism in India is usually believed to be a negative factor since it harms the unity of the nation. Several reasons including geographical factors, historical factors, linguistic factors and even political factors have led to the growth of regionalism in India. There are various forms of regionalism such as secessionism, state disputes, and demands for autonomy. Political leaders, in their need for power, have tried to create feelings of regionalism. This problem needs to be effectively handled for unity and a common national identity.

REFERENCE:

1. Kishor Prasad-Problems & Solutions On Criminal Law Third Edition - 1 January 2016
2. Souvik Bhadra and 1 more -Red-Handed: 20 Criminal Cases That Shook India
3. Edwin H. Sutherland and Donald R. Cressey
4. R.V kelkar's books for Criminal Procedure.
5. Ratanlal & Dhirajlal : The Indian Penal Code
6. Social Science Research Network<https://papers.ssrn.com>
 › papersRole of Victims in Criminal Justice System: A Critical Analysis from ...
https://www.google.com/url?q=https://papers.ssrn.com/sol3/papers.cfm%3Fabstract_id%3D2814578&sa=U&vedahUKEwi0nJ0o98mAAxVe2TgGHSFzAJEQFnoECBIQAQ&usg=AOvVaw2UQkX1m3xTzZyEf1JQHxv3