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Center for Research, Training and
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Development and Human Rights

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SUBALTERNS

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Editorial

On 19 February, 2019, the Superior General of the Society of Jesus, Fr. Arturo Sosa SJ, announced four Universal Apostolic Preferences (UAP) for 2019-2029. One of them is "to walk with the poor, the outcasts of the world, those whose dignity has been violated, in a mission of reconciliation and justice". According to this preference, Jesuits and their collaborators "resolve to walk with individuals and communities that are vulnerable, excluded, marginalized, and humanly impoverished." The path that is sought to be taken is "one that promotes social justice and the change of economic, political, and social structures that generate injustice; this path is a necessary dimension of the reconciliation of individuals, peoples, and their cultures with one another, with nature, and with God." This calls for a greater commitment "to care for migrants, displaced persons, refugees, and victims of wars and human trafficking. This includes the commitment "to defend the culture of indigenous peoples." One of the strategies to achieve these goals is to strengthen "political democracy by imparting good civic formation, especially among those at the base of the social pyramid." Another strategy is to promote social organizations committed to seeking the Common Good in order to help counteract the diverse forms of neo-liberalism, fundamentalism and populism. Accompanying the impoverished requires credible

WALKING WITH THE POOR

studies, analysis and reflection in order to understand in-depth the economic, political, and social processes that generate such great injustice; and contribute to the elaboration of alternative models. The goal of this ten year effort is to promote "a process of globalization that recognizes multiplicity of cultures as a human treasure, protects cultural diversity, and promotes intercultural exchange." South Asia is plagued with issues of poverty and communities discriminated on the basis of caste, race, religion, ethnicity, gender, region and so on. The dalits are discriminated on the basis of their caste, occupation or descent, the tribals and other ethnic groups are discriminated on the basis of their ethnicity and the minorities are discriminated on the basis of their religion. Most of the poor of the South Asian region belong to the lowest strata of society with little possibility for upward social mobility. The call to "walk with the poor" provides many avenues for greater committed service for marginalised people of South Asia. Firstly, this call inspires us to renew our commitment to work towards empowerment of all marginalised sections of society through training, capacity building and awareness of their rights and entitlements in the country. There are several socially relevant legislations and welfare measures for the economically and socially disadvantaged people of South Asian countries, however, the poor have little or no access

to them due to corruption and bureaucratic hurdles. Therefore, it is the responsibility of civil society groups of South Asia to provide handholding support and assistance to these poor communities so that they may be able to access their rights and entitlements guaranteed to them by the State and the Constitution. Secondly, with the rise in fundamentalism that breeds narrow sectarian nationalism in South Asia, minorities and other vulnerable communities are at the receiving end of violence and oppression by State and non-State actors. Under these circumstances, the UAP inspires us to provide support or assistance to them and express our solidarity with the struggle of these communities for justice and a dignified life. Thirdly, due to natural disasters, violent conflicts, development-induced displacement and extreme poverty, there is large scale movement of people to safer and more prosperous or urbanised regions. They are known as distress migrants, refugees or even stateless people. These people are extremely vulnerable and totally dependent on others for assistance. The UAP urges us to accompany, serve and engage in advocacy for these people. It is hoped that keeping in mind the UAP, we might be able focus our energies and resources to accompany the poor in South Asia and give them hope for a better future. □

Denzil Fernandes

A deeper inroad into the lives of the tribal tea workers of Assam takes a backseat when it comes to the subject of the development of the working poor. Faraway from the mundane city streets, the exploitation of the tea tribes of Assam continues to take place even after 72 years of India's independence. Further sidelined are the issues concerning women workers in the tea gardens whose workforce participation is higher as compared to men and they act as the backbone of the industry. The women face a gamut of challenges while working in the tea gardens spending hours under harsh weather conditions. The untold hardships and invisibility of this category of women remain a point of concern as there is a lack of mainstream attention for their rights even after the struggle for women's rights has picked momentum in the current scenario.

Marginalization in the health system occurs in intersections. The health status of a family is linked with social status, gender and employment. This is the case for the vulnerable populations distinctively, like those from tea tribes' population of the tea gardens in Assam. The lineage of the tea tribes in Assam comes from the remote corners of Chhattisgarh, Jharkhand, Orissa, and Bihar who migrated during the British regime and after that. For generations, the work they do have been labour intensive with 8 working hours a day and their daily wage has been much lower as per the Minimum Wage's Act. The conditions of women's work are deplorable. They are afflicted with a considerable hidden burden

of disease which is often not accounted for in morbidity figures. Maternal mortality, early marriage, excessive alcoholism, and lack of access to basic healthcare are some of the issues that can be considered as the worst concerns among them. Maternal mortality exists at a high rate among the tea garden laborers as pregnant women continue to work in hazardous situations during pregnancy and occurrences of deaths due to anemia is widely perceived. They suffer from wretched health conditions primarily due to their negligence towards their health as well as the unsafe and less profitable working condition. The consumption of high salt tea by the workers to combat dehydration is extremely dangerous and demeaning as it leads to high blood pressure and makes them grapple with critical health issues. Furthermore, the basic needs of sanitation and hygiene are unaddressed which requires unswerving attention for the women working in the tea gardens of Assam. Structured toilets are still absent in the tea gardens. During menstruation, the women find it extremely difficult to work in the fields. One day leave due to the same, results in the loss of one day wage, which is unaffordable for them. Thus, access to healthcare and income has a direct relationship. Better the income level, better the access to healthcare and this becomes part of a vicious circle. Poverty promotes health issues and health issues reduce productivity resulting in poverty again. Breaking this chain is tough but essential.

The potential benefits promised with the Plantation Labor

Act, 1951, which aimed towards the welfare of labor and regulation of their working conditions, remain unachieved. The study done by the North Eastern Social Research Centre on the tea tribes of Assam delineated the violations and flaws in the Plantation Act. After the Government gave it a concrete form in Assam Plantation Labor Rules, 1956, it intended to provide welfare measures for the tea tribes like imposing restrictions on the working hours, welfare in health aspects, providing adequate drinking water, latrines and urinals separately for men and women, proper maintenance of the drinking water and sanitation system, etc. But, discrepancy in the law and its implementation exists broadly. The profit-making management didn't turn the theory of the laws into reality.

In Assam, there are around 800 tea estates along with thousands of smaller gardens that are widely mushrooming. As the tea gardens are growing, the demands for cheap laborers are increasing. Poverty, ongoing discrimination and oppression are the major challenges for these people. Lack of healthcare facilities, absence of education, poverty, continuous exploitation by tea garden management and further neglect from the part of the government contributes to the backwardness and makes them vulnerable sections of the society. The tea industry is a crucial part of the Indian economy and its major workforce being women, the sacrifice, toil and adversities of this particular section need special attention by comprehensively implementing the laws of the Government. □

The development paradigm adopted the world over excludes a large majority at the margins. The indigenous people, the rural poor, the migrants and the urban poor, the unorganized labourers, the vulnerable women, have all experienced discrimination and entrenched biases that have limited their educational, social, and employment opportunities. Over the last few decades, international human rights institutions, governments and civil society organizations have jointly adopted a few measures to eliminate exclusionary practices and to walk with the 'excluded'.

Universal Apostolic Preferences:

On 19th February, 2019, the Superior General of the Jesuits, Fr. Arturo Sosa, presented four Universal Apostolic Preferences (UAPs) to the Society of Jesus, as focal areas for the Society's engagement over the next ten years. The second UAP is: "To walk with the poor, the outcasts of the world, those whose dignity has been violated, in a mission of reconciliation and justice". To ensure that 'no one is left behind' and to 'walk with those who are left behind', Father Sosa suggests "going out to the human peripheries and to the margins of society, adopting a style of life and work appropriate to the situation so that our work will be credible". Hence, while promoting engagements that will "the change of economic, political and social structures that generate injustice", he invites us to build a relationship of solidarity with those on the margins.

Reality - How Things Stand:

"The outcasts of the world" include a large population

of affected communities globally. The majority of these communities experience 'Discrimination based on Work and Decent' (DWD) which affects over 260 million people across the globe today. The term DWD has been used by several UN human rights bodies, reaffirming that this form of discrimination is prohibited under international human rights law. Affected communities include the Dalits in South Asia.

The Dalits are the worst victims of graded inequality based on birth. They occupy the lowest rung in the social hierarchy. They were ascribed only to the menial and 'unclean' occupations. Their exclusion is ensured through spatial segregation and the discrimination is sustained through the practice of untouchability. These communities have segregated living spaces, with severely restricted access to public and private services of housing, water and sanitation, health, education, land and employment. This often leads to a high incidence of poverty among them and precludes them from meaningful participation in public life.

However, there has been a visible change in the situation with the enactment of the Constitution of India, which officially abolished the practice of untouchability and provided some safeguards to the Dalits. A large section of them are included in the Scheduled Caste category and are entitled to the constitutional provisions. Yet, owing to their religious beliefs, a section of Dalits are not included in this category. According to the 2011 census, 'Scheduled Castes' constitute 201 million people among the Hindus,

Sikhs and Buddhists. The Dalit converts among Muslims and Christians are totally excluded from the Scheduled Caste list. Nevertheless, the Dalits (both SCs and otherwise) still remain at the margins. Of the over 1.2 million Indians engaged in manual scavenging, over 95% are Dalits. Those who have moved out of their traditional occupation often face discrimination in their workplace and are subjected to hate crimes and sexual violence. The shadow of caste hounds them even in premier education institutes, resulting in the institutional deaths of Dalit youth.

Our Response:

The Society of Jesus has a long-standing history of engaging at local, national and global levels, championing the cause of the world's most vulnerable and the excluded, even in the remotest of areas where state institutions may be absent. Jesuit institutions have established themselves as important actors in development services. They have acquired wide ranging experience and credibility in the development field, especially through educational and health institutions, social and research centres, etc.

Indian Social Institute has been engaged in Dalit issues as a major thrust area through the activities of the Department of Dalit Studies (DDS). The DDS designs and implements research studies on the conditions of Dalits, in partnership with academic institutions and grassroots community organizations. DDS also aims at the development of Dalit communities, by giving voice to their struggles for rights and contributing to policy making,

through publications, networking and advocacy interventions. Over the last few years, the DDS is investigating intensively into exclusion and discrimination of Dalit communities engaged in 'unclean' occupations across India in twelve States. Besides the research on exclusion in education, DDS has been conducting seminars, workshops and training programmes for social organizations as well as grassroots social activists.

The Search for New Possibilities of Inclusion:

The UAPs are an example of the Society's response to

the needs of the world today, giving a direction and agenda to its members to engage. In this endeavour, the Society must search for new possibilities for walking with the excluded. The Society needs to assess and connect its development initiatives, especially those that are now well defined in the UAPs, with the global development discourse i.e. the Sustainable Development Goals (SDGs). With its wide geographical reach, engagements at the grassroots with marginalized sections, and well-organized development works, the UAPs provide

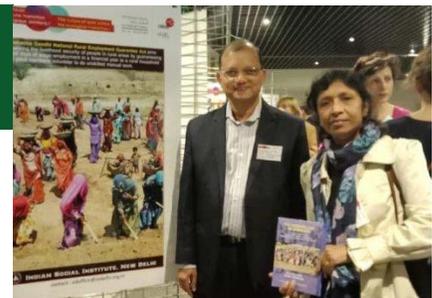
opportunities for the Society to partner, collaborate and network with the 193 UN member States, which laid out 17 SDGs and 169 related targets to end extreme poverty, fight inequality and injustice, and protect our planet. Thus, despite the present scenario, hope remains for the marginalised if concrete policies and programs are drafted by governments and universal bodies initiating genuine processes of social inclusion that are able to give birth to a new form of solidarity towards a more inclusive and humane development. □

International Colloquium on "The Future of Work within the Ecological Transition"

The International Colloquium on 'The Future of Work within the Ecological Transition', organised by Centre for Research and Social Action (CERAS), Paris, and the University of Namur was held at the UNESCO Headquarters, Paris (France) on 20-22 May, 2019. It was an event held in the context of the centenary celebrations of the International Labor Organization (ILO). The environmental challenges like climate change, pollution, declining biodiversity, etc. and social challenges like growing inequalities, lack of corporate social responsibility, etc. are issues that affect work and employment. This International colloquium, the outcome of nearly two years of research and action, was an occasion to evaluate opinions, points of view, explorations and interpretations on the issue of decent work in the ecological transition. At the same time, various representatives of diverse associations, unions, social centers, NGOs and church based agencies,

organisations and movements from all over the world intended to lay emphasis on the importance and exigency of a necessary transformation of the world of work. While considering the invisible workers, future generations and the care of the planet, this colloquium dealt with and addressed issues including the link between social suffering and environmental destruction, the double penalty of workers subjugated in a polluted environment, new economies with shared aims, corporate social responsibility and environmental responsibility, the surfacing of robotic work, etc.

There were more than seventy speakers, who were researchers, community leaders, trade unionists, representatives of companies, elected representatives, leaders from grassroots organizations working in the field of labor and ecology, who addressed the various sessions at the Conference. In the opening session, Dr. Pierre-Martinot



Lagarde, an ILO delegate, spoke on future of work after Laudato Si and Dr. Vandana Shiva, an environmental activist, reflected on the link between social suffering and environmental destruction. In the subsequent sessions, experts from various panels, presented concrete incidences, cases with examples, testimonies and experiences of their realities, and of what is happening on the ground. At the colloquium, Indian Social Institute was represented by Dr. Denzil Fernandes and Dr. Archana Sinha. During the Colloquium, the first session dealt with the question: Why do ecological and societal realities call for a redesigning of tomorrow's work?. At this session, Dr. Denzil Fernandes made a presentation on "Precariousness and the Exposure to Risk: The Double Socio-Environmental

Penalty - Perspective from India". The other co-panelist was Mr. Hyacinthe Naré, a policy analyst for The International Council on Clean Transportation, Ougadougou, Burkina Faso. Mr. Guillaume Almeras, from Caritas France, was the moderator at the session. The presentations from India and Burkina Faso indicated that from the perspective of the world of work, achieving environmental sustainability is a question of social justice as women and the most vulnerable people in the world are exposed to the risks associated with environmental degradation,

despite contributing to it the least. At the poster exhibition in the UNESCO Headquarters, the poster on Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) by Indian Social Institute attracted a lot of attention from the delegates at the Colloquium. On the occasion of the one hundredth anniversary of the ILO, this colloquium provided an opportunity to think deeply about the demands of our present circumstances, the existing economic and political situation and its social concerns and ground realities. It also addressed the



challenges associated with the future of work. The discussions and recommendations that emerged on the future of work will be referred to the high-level Global Commission on the Future of Work. □

Archana Sinha

The 18th session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) was held in the United Nations Headquarters, New York from 22nd April to 5th May 2019. Around 2000 indigenous peoples from across the world gathered for this mega event. The theme of the conference was "Traditional Knowledge: Generation, Transmission and Protection." Three indigenous people, Dr. Anabel Benjamin Bara, Dr. Vincent Ekka, from Indian Social Institute, New Delhi and Advocate Nicholas Barla, Indigenous Peoples Forum, Odisha, participated in this session from mainland India representing indigenous people from India.

In the first week of the session many side events and regional dialogues took place. Reports on the issues based on Rights of Indigenous Peoples were presented, discussed and tabled to the Special Rapporteur, Ms. Victoria Tauli-Corpuz, Chair for UNPFII, Ms. Anne Nuorgam, and other office bearers of the UNPFII. From India three papers were presented; 'Violation of Forest Rights' and the Recent Judgement by Supreme Court of India' by Advocate Nicholas

18th Session of the United Nations Permanent Forum on Indigenous Issues



Barla, 'Violation of Human Rights and Indigenous Rights' by Dr. Anabel Benjamin Bara and 'Identity of Indigenous Peoples' by Dr. Vincent Ekka.

people from India got the opportunity to speak to the UNPFII office bearers personally and put the concerns of indigenous people in India. The major concern was on the recent judgement by the Supreme Court of India on 13th February 2019 on Forest Rights Act to evict tribals and other forest dwellers from the forests. This judgement would affect around twenty lakh tribal and forest dweller families. Although a stay order was put on this judgement on 28th February 2019, however, the states were asked to submit the reports and evict illegal occupants from the forests by following the

proper procedures before 9th July 2019. Concern related to not recognizing tribals of India as the indigenous peoples in the United Nations were also raised. The next day an urgent meeting was called with the Indian mission in United Nations to discuss this issue. In that meeting UNPFII office bearers and indigenous people's delegates from India were also present. The meeting was fruitful. Reports and papers were submitted to the UNPFII office and were shared with the Indian mission.

In the regional dialogue of Asia-Pacific, topics like traditional knowledge generation, promotion and preservation were discussed by the member states. Government delegates of the member states were also invited to respond to the concerns that were raised by the indigenous peoples from their respective countries. The 18th session of the UNPFII ended with the cultural dance and traditional gathering in the UN Headquarters, New York on 5th May 2019. □

Anabel Benjamin Bara

A Way Out for the Communities Engaged In "Unclean" Occupation

One of the prime objectives of the Department of Dalit Studies is to spread its research outcomes with different stakeholders. Towards this objective, the department has planned to organise a series of workshops at national and regional level across the country. In the month of March, the department had organized a two-day workshop at ISI, New Delhi. This brought together 30 representatives of over ten states. In the next move, the department in collaboration with ISI Bangalore had organized a one-day regional workshop at ISI Bangalore exclusively for the southern states comprising grass root activists, and those holding expertise in negotiation, planning and advocacy from Karnataka, Tamil Nadu, Andhra Pradesh, and Telangana, on 14th May 2019. There were 30 participants for the workshop.

The main agenda of this workshop was to discuss the problem of the communities engaged in "Unclean" occupations and to deliberate the ideas for a way out, and to address the problem of discrimination and exclusion of the children who are the future of the community. One motivational news shared at the inaugural session was that of a young girl - Sushma Verma coming from a family engaged in "Unclean" occupation, who at the age of fifteen was enrolled for a PhD program in Babasaheb Bhimrao Ambedkar University. This news has shown a new hope to the participants.

The state representatives shared the problems faced by communities engaged in "unclean" occupations. They also highlighted their efforts and initiatives which could provide a way out to the



community. Some of the examples were: lobbying with Government Authorities for helping them access their rights, continued advocacy with the government for effective implementation of laws, preparing advocacy materials for the community, running BhimShalash-the night schools for dropouts, and the skill training centers for the youth.

Further the workshop encouraged the participants to organize such workshops at the local level and to have one annual convention at the national or regional level. The participants agreed to form a regional and national level platform to share their joys and grievances as concerned citizens. □ **-Ratnesh Katulkar**



Para-Legal Training

A five day Para Legal Training was conducted by the Centre for Human rights and Law (CHRL) in the premises of Indian Social Institute, New Delhi, from 15th March to 19th March 2019. There were 39 social activists from eight states who participated in it. The main resource persons in the training were Dr. M.P. Raju, Adv. Joy Karayampuram, Adv. Tresa Paul and Adv. Ravi Sagar.

Dr. Denzil Fernandes, Executive Director of the Institute, welcomed the participants on the first day and made them aware of

the long history of Indian Social Institute in the field of defending human rights. The training began with the detailed explanation of the Preamble to the Constitution followed by Fundamental Rights, Directive Principles of State Policy and Fundamental Duties. The main focus of the training is to give a deeper understanding of the Constitution which is the basic law of the country. The theme of the Constitution followed on the second day also. The participants were made aware of the various writs that are available to every citizen to be used when their fundamental rights are violated by the State. After the detailed discussion on the Constitution of India, various

important laws were discussed in the training. One of the major concerns of the participants was regarding criminal law. They had a lot of queries about the practical aspects of criminal justice system. The resource persons gave a detailed understanding of the classification of crimes, General exceptions and presumptions, structure of the courts, the procedures when a crime is committed etc.

Some very important laws also were discussed during the training. The main laws dealt with in the training were: Domestic Violence Act, Dowry Prohibition Act, Sexual harassment of Women at Workplace Act, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Human Rights Protection Act, Consumer Protection Act and laws dealing with the prevention of Human

Trafficking. All the Participants were very attentive during the sessions. Many of them asked several questions on the various topics. Each day one participant volunteered to write the report of that day and the same was read before the starting of the session

on the next day. This was found to be a great help in comprehending the topics dealt on the previous day. On the last day, an evaluation was conducted and participants expressed their great appreciation for the training programme and they requested that the duration could be

increased to ten days so that they could go deeper into the practical aspects of defending human rights. At the end, all the participants were given a certificate of participation and the training ended with the National Anthem sung by all. □

Joy Karayampuram

It was a long awaited promise come true. Fr. Pascal from HLDR, Matigara, has been asking for a training for the tea garden workers of Jalpaiguri area. Finally our team of Adv. Ravi Sagar, Adv. Tresa Paul and Adv. Joy Karayampuram arrived in Matigara on the morning of 21st June 2019. About 80 tea garden workers and their animators assembled in Loyola Pastoral Centre. As usual, we gave a deeper understanding of the Constitutional values to the participants. It was the first time many of them were hearing the

Legal Awareness Training in New Jalpaiguri

name of the word "Constitution" itself. The participants were made aware of their rights as a citizen of this country. The Minimum Wages Act with a special reference to West Bengal was explained to them and they were told that nobody can employ any one of them without paying at least the minimum wages. Plantation Labour Act was another topic which was dealt with in detail. Besides these, Scheduled Castes and Scheduled Tribes (Prevention

of Atrocities) Act and a general understanding of the criminal justice system of our country was also given to the participants.

From our short interaction with the people from the closed tea gardens, we found that there is a lot of injustice taking place in those areas. They need more awareness programmes and legal help to fight against the injustices they suffer from the tea garden owners and other middlemen. □ - Joy

Celebration of the International Labour Day (May 01, 2019)



The newly elected 'Staff Forum Committee', thanked the outgoing Staff Forum members. The former Secretary of the Committee, Mr. Praveen Kumar shared his experience in carrying out the tasks during his term. The Executive Director of the Institute honoured the outgoing Staff Forum members with a stole (shawl) in recognition of their work. The newly formed committee also introduced their team members along with their mentor, Dr. Paul D'Souza.

The next segment of the programme was the Celebration of Labour Day. The Labour Day in India is celebrated in order to honor the contribution of working men and women in their respective fields. It is also known as 'May Day' as it falls on May 1 of every year. The Hindi version of the day is known as the Antarrashtriya Shramik Diwas (International Labour Day). The Indian Social Institute organized a special programme in order to honour the contribution of the staff members who rendered

their services in the development and growth of the Institute by keeping in view its vision and mission of the Organisation. Around 60 participants, participated in the programme. The programme began with the sharing of the importance of the Labour Day by Dr. Denzil Fernandes, the Executive Director of the Institute. The objective of the programme was to reflect on 'How does the staff of ISI understand their work?' The staff members of different departments expressed their views on this theme. A short video show was also presented on this occasion. The get-together was an interactive one and a pleasant one. Everybody shared their views and participated in joyful manner. The programme concluded with refreshments. □

Satyabhama Srinivasan,
Secretary, Staff Forum Committee

FAREWELL TO MS. FELCY RANI SELVARAJ



On May 30, 2019 the Institute organized a farewell to Ms. Felcy Rani Selvaraj who provided her valuable services to the Institute for 34 years. Ms. Felcy Rani was accompanied by her family members, her husband, daughter

and son. Felcy's sisters also came all the way from Tamil Nadu to be part of the farewell. During her tenure, Ms. Felcy Rani Selvaraj, served four Executive Directors. To appreciate and recognize her services, she was felicitated with a bouquet and a gift. Dr. Paul D'Souza presented a shawl and a cheque in recognition of her commendable service. The Executive Director, Dr. Denzil Fernandes, handed over the letter of appreciation which was read by Sr. Tresa Paul both in Hindi and English. A Farewell Greeting card duly signed by the management and the staff of the Institute was given to Ms. Felcy Rani by Ms. Agatha Soreng. Staff members shared their feelings on this occasion, and sang songs in groups. There was short video film prepared by Mr. Ruben Minj, titled, "The Golden Moments of Felcy". Ms. Felcy Rani

shared her gratitude in her speech to former Directors and the present Executive Director. One of her sisters also shared her views and thanked the Management and the staff members for the wonderful farewell. Dr. Denzil Fernandes thanked Ms. Felcy for her services for nearly three and a half decades in his farewell message. Finally, the Farewell program concluded with a vote of thanks by Ms. Furzee Kashyap, which was followed by High Tea, and snacks. -**Satyabhama Srinivasan**

Mr. Kamalkant Prasad



"The Staff and Management of Indian Social Institute express our grief and sorrow at the passing away of our ex-staff member, Mr. Kamalkant Prasad on 20th July, 2019. May His Soul Rest in Peace."

BOOK POST

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