

## People's Movement, Social Change and Law: A Critical Analysis

*Dr. Diganta Biswas<sup>1</sup>*

*“WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC ...”*

*- Preamble to the Constitution of India.*

### *Abstract*

*Social change is continuous and ongoing. The broad historical processes of social change are the sum total of countless individual and collective actions gathered across time and space. Social movements are directed towards some specific goals. It involves long and continuous social effort and action by people. Social movements sometimes cause changes in the Law. The paper is going to discuss the issues of such change.*

**Keywords:** *Social Movement, People's Movement, Social Change, Law*

### **I. Introduction**

People's movement is a collective behaviour. The collective action derives from a population's central political processes. There are four primary forms of collective behaviour: the crowd,<sup>2</sup> the mass, the public and social movements.

---

<sup>1</sup> Secretary, PG Council, Raiganj University, Raiganj. He may be communicated at d78biswa@gmail.com.

<sup>2</sup> Turner and Killian (1993) identified four types of crowds. Casual crowds consist of people who are in the same place at the same time, but who are not really interacting, such as people standing in line at the post office. Conventional crowds are those who come together for a scheduled event, like a religious service or rock concert. Expressive crowds are people who join together to express emotion, often at funerals, weddings, or the like. The final type, acting crowds, focus on a specific goal or action, such as a protest movement or riot. Available at <https://opentextbc.ca/introductiontosociology/chapter/chapter21-social-movements-and-social-change/>, last visited Nov 11, 2019.

The political scientists and sociologists don't make any distinction between 'social' and 'political' movements. Many of the Sociologists assume that social movements include also those movements which have a clear objective to bring about political changes. However, some scholars like Andre Gunder Frank and Marta Fuentes, in their Nine theses on Social Movements, believe, that the social movements seek more autonomy rather than state power. The social movements aim to social transformation. The participants get mobilised for attaining social justice.<sup>3</sup> Interestingly, the first HR instrument in the world "*Magna Carta*"<sup>4</sup> was the outcome of people's movement in England against the autocratic and pressing attitudes of the English Monarchy. Another important incident was the French Revolution. We, in India, have adopted the democracy where people is sovereign unlike the Constitutional set up in the UK or USA. Here in under the Constitutional framework, the will of the people is of highest importance. To pay attention of the different issues of the common people the Supreme Court has devised the mechanism of Public Interest Litigation where any person even if writes a letter is also entertained. This paper aims at exploring the contribution of Social Movements to Social Change and Law in India during last two decades.

## II. Definition of Social Movement

The term "Social Movement" has been defined by a good number of social scientists. But just like any other definitions of a term in social science, there are a number of competing frameworks in the field and each conceptualize movements differently. The few important definitions are as under-

- **McCarthy and Zald:** "A social movement is a set of opinions and beliefs in a population which represents preferences for changing some elements of the social structure and/or reward distribution of a society."

---

<sup>3</sup>GHANSHYAM DAS (Ed.), Social Movements and the State, Sage Publication, New Delhi, 2002, at pg. 19

<sup>4</sup> Magna Carta, which means 'The Great Charter', is one of the most important documents in history as it established the principle that everyone is subject to the law, even the king, and guarantees the rights of individuals, the right to justice and the right to a fair trial.

- **Charles Tilly:** "A social movement is a sustained series of interactions between national powerholders and persons successfully claiming to speak on behalf of a constituency lacking formal representation, in the course of which those persons make publicly-visible demands for changes in the distribution or exercise of power, and back those demands with public demonstrations of support."
- **Blumer:** "Social movements as collective enterprises to establish a new order of life. A social movement is amorphous, poorly organized and without form."
- **Lang and Lang:** "Social movement is "a large-scale, widespread, and continuing, elementary action in pursuit of an objective that effects and shapes the social order in some fundamental aspect."
- **Turner and Killian:** Social movement is the "Collective acting with some continuity to promote or resist a change in the society or group of which it is a part. As a collectivity, a movement is a group with indefinite and shifting membership and with leadership whose position is determined more by the informal response of the members than by formal procedures for legitimizing authority".
- **King:** Social movement as "a group venture extending beyond a local community or a single event and involving a systematic effort to inaugurate changes in thought, behaviour, and social relationships,"

### III. Causes and Types of Social Movements in Society

There are a variety of protests in Society due to a number of reasons. A social movement requires sustained collective action over time. Such action is often directed against the state and takes the form of demanding changes in state policy or practice.<sup>5</sup> Collective action must be marked by some degree of

---

<sup>5</sup> Such activities help shared understanding, and also prepare for a feeling of agreement or consensus about how to pursue the collective agenda or a common social goal. Social movements also chart out campaigns that include lobbying with the government, media and other important makers of public opinion. Social movements also develop distinct modes of protest e.g. candle and torch light processions, use of

organisation. This organisation may include a leadership and a structure that defines how members relate to each other, make decisions and carry them out. Those participating in a social movement also have shared objectives and ideologies. A social movement has a general orientation or way of approaching to bring about (or to prevent) change. These defining features are not constant. They may change over the course of a social movement's life. Gandhi adopted novel ways such as ahimsa, satyagraha and his use of the charkha in the freedom movement.<sup>6</sup> Some of the examples of social movements may be sanskritisation, westernisation, the 19th century social reformers' efforts etc. An individual's psychological states and the characteristics of a society at a particular time may be considered as causes of social movements.<sup>7</sup> Social movements reflect the need to be addressed by the existing political system through the tool of law.

### III.I. Psychological Factors

The psychological factors contributing to eruption of social movement may be summed up as under-

- Failure to achieve a satisfying status and identity within normal membership groups may be such a factor.
- The prestige and sense of belonging, which such a person may gain as a member of a social movement, may be even more important to him than the values of the movement.
- Alienation, feelings of powerlessness, hopelessness, and estrangement from society may predispose an individual to participation. Political alienation, reflects a loss of faith in the political community and predisposes the individual to join a movement that challenges it.
- Deprivation, discontent, and frustration are frequently assumed to be sufficient causes for initiating or joining a social movement. The most

---

black cloth, street theatres, songs, poetry. Social movements at times take the shape of civil disobedience.

<sup>6</sup>Available at <http://ncert.nic.in/ncerts//lesy208.pdf>, visited on 13<sup>th</sup> November, 2019.

<sup>7</sup>Available at <https://www.britannica.com/topic/social-movement/Social-factors>.

deprived segments of a population are the most likely to participate in social movements.

### III.II. Social Factors

While the existence of widespread poverty and suffering, the conditions of deprivation may serve as the impetus for the formation of a social movement. More general theories of the origin of social movements, such as those of Smelser, Turner, and Killian, believes that *a social change may be resulted from strains or conflicts in one or more crucial aspects of the social order*. According to them,<sup>8</sup>

- Normative strain arises when changing conditions create a situation in which the established norms no longer lead to the attainment of important, accepted values.
- Strain in values arises among immigrants, minorities, or the younger generation, when the values themselves seem to interfere with the satisfaction of the important needs of such section of the society. Even with little change in norms and values, changes in social structure reflected in the failure of important functionaries to play their roles adequately may lead to discontent.
- The general nature of the belief system existing in the culture of a society affects the likelihood that social movements will arise and defines the type that will occur.
- Sometimes, the success of other people similarly situated, such as victorious revolutionaries in a neighbouring nation, may be another source of hope. For example, in January 2011, Egypt erupted in protests against the stifling rule of longtime President Hosni Mubarak. The protests were sparked in part by the revolution in Tunisia, and, in turn, they inspired demonstrations throughout the Middle East in Libya,

---

<sup>8</sup>Available at <https://www.britannica.com/topic/social-movement/Social-factors>, accessed on 2<sup>nd</sup> July, 2020.

Syria, and beyond. This wave of protest movements travelled across national borders and seemed to spread like wildfire.<sup>9</sup>

#### IV. Social Movements and Changes in the Legal System

Social movements in the world has brought about a number of changes in the political system in the world. Many of such movements have led to the changes in the legal system of a nation even. Social change is continuous and ongoing. The broad historical processes of social change are the sum total of countless individual and collective actions gathered across time and space. Social movements are directed towards some specific goals. It involves long and continuous social effort and action by people. Spontaneous, disorganised protest cannot be called a social movement either. The changes in Society at many a time is driven by social movements. Individuals are obliged to follow the law (or at least those laws that are not excessively unjust). Now let's have a look over the different understandings of philosophers over the ages in terms of social movements-

- **Marxian Ideals:** Marx argued that movements grow out of basic social and economic relations which establish the bases of power in a society. He believed, in a society, where capital plays an important role in the economic framework, the main contradiction that inevitably leads to efforts geared toward structural change is the existence of two classes namely bourgeoisie and proletariat with mutually exclusive interests which culminate into a revolutionary conflict between workers and capitalists. He stated, as the workers organize themselves into a class for itself being suffered by different exploitative measures by the capitalist class, the legislatures begin recognizing the interest of workers, and internal differences among the Bourgeoisie intensify. In the next stage, enlightened segments of the bourgeoisie join the ranks of the proletariat

---

<sup>9</sup>Available at <https://opentextbc.ca/introductiontosociology/chapter/chapter21-social-movements-and-social-change/>, accessed on 13<sup>th</sup> November, 2019 at 4.35 PM.

and finally, the proletariat engages in successful revolution against the bourgeoisie and class conflict dissipates.<sup>10</sup>

- **Max Weber's View:** Max Weber spoke about Charismatic movements in society which is propelled by the leaders. Charismatic leaders are paramount because their extraordinary personal qualities lead people in stressful situations to treat them as if they possess superhuman powers. The charismatic leader attracts followers because they identify with his divine mission believing that its realization translates into their own wellbeing. He conceptualized the charismatic movement as a social change force, arguing that "within the sphere of its claims, charismatic authority repudiates the past and is in this sense a specifically revolutionary force". These are nonroutine forms of collective action that emerge outside of pre-existing social organizations, norms, and bureaucracies. Such movements are inherently unstable because the pure charismatic element provide them with resources and solidarity only during their early stages.<sup>11</sup>
- **Resource Mobilization Theory:** The resource mobilization theory, argues that the success of social movements rests mainly on the resources that are available to it; this means forming coalitions with already-existing organizations, securing financial support, and mounting effective and organized campaigns of political pressure.<sup>12</sup>

---

<sup>10</sup> Aldon Morris and Cedric Herring, THEORY AND RESEARCH IN SOCIAL MOVEMENTS: A CRITICAL REVIEW, available at <https://www.scholars.northwestern.edu/en/publications/theory-and-research-in-social-movements-a-critical-review>, accessed on 24<sup>th</sup> July, 2020.

<sup>11</sup> Aldon Morris and Cedric Herring, THEORY AND RESEARCH IN SOCIAL MOVEMENTS: A CRITICAL REVIEW, available at <https://www.scholars.northwestern.edu/en/publications/theory-and-research-in-social-movements-a-critical-review>, accessed on 24<sup>th</sup> July, 2020.

<sup>12</sup> Aldon Morris and Cedric Herring, THEORY AND RESEARCH IN SOCIAL MOVEMENTS: A CRITICAL REVIEW, available at <https://www.scholars.northwestern.edu/en/publications/theory-and-research-in-social-movements-a-critical-review>, accessed on 24<sup>th</sup> July, 2020.

- **Relative Deprivation Theory:** Unlike collective behaviourists and mass society theorists, relative deprivation proponents have not focused attention on social movements, per se. Rather, they study episodes of political violence and revolution; thus their interest are more limited than collective behaviourists and mass society theorists. Gurr, a leading proponent of relative deprivation, states that his research is concerned with political violence -- "all collective attacks within a political community against the political regime, its actors ... or its policies."<sup>13</sup>
- **Collective Behaviour Theory:** The Collective behaviour theorists view social movements as noninstitutionalized social change efforts. The movement in collective behaviour approaches is conceptualized as a phenomenon sui generis with its own properties, processes, and internal logic. In short, collective behaviourists view social movements as non-routine forms of collective action geared toward social change. They cannot be explained by prior social organization, norms, and culture because movements are emergent forms that acquire organization during their life cycles. Once such forms become institutionalized, they cease to be objects of inquiry as social movements.<sup>14</sup>
- **Mass Society Theory:** Mass society theorists (e.g., Kornhauser, 1959) argue that "mass societies" are characterised by detachment and isolation. In contrast to pluralist and well-integrated societies, mass societies lack strong networks of secondary groups which cross check their members and lead them to be selective in their political participation. Moreover, such societies have a shortage of intermediate groups to penalize individuals for engaging in illegitimate means to attain their (often fanatical) goals. Finally, because the levels of group

---

<sup>13</sup> Aldon Morris and Cedric Herring, THEORY AND RESEARCH IN SOCIAL MOVEMENTS: A CRITICAL REVIEW, available at <https://www.scholars.northwestern.edu/en/publications/theory-and-research-in-social-movements-a-critical-review>, accessed on 24th July, 2020.

<sup>14</sup> Aldon Morris and Cedric Herring, THEORY AND RESEARCH IN SOCIAL MOVEMENTS: A CRITICAL REVIEW, available at <https://www.scholars.northwestern.edu/en/publications/theory-and-research-in-social-movements-a-critical-review>, accessed on 24<sup>th</sup> July, 2020.

memberships are so low, high levels of alienation and anxiety are pervasive and the detached members of these societies are inclined toward extremist activities.<sup>15</sup>

- **Rational Approach:** The rational approach theory argues that movement participation is guided by the utilitarian cost-benefit calculations. This approach is akin to formulations by Mill (1950) and other utilitarians(e.g., Smith, 1910; Bentham, 1789) which explain collective action in strictly self-interested individualistic terms.<sup>16</sup>
- **Organizational Entrepreneurial Model:** McCarthy-Zald's organizational-entrepreneurial model has become one central focus within the resource mobilization approach. The model argues that these movements are best conceptualized as professional movements relying on the affluent middle class for funds, entrepreneurial leadership, and professional movement organizations.
- **Political Process Model:** The Political process theorists do not view the social movement as the unit of analysis. They believe that the different forms of collective action are part of the regular processes of struggle. Collective actions are generated by interest groups, some are by just routine politics, some are by social movements, other are by just crowds.
- **New Social Movement Theory:** The second theory is interpreted as struggles against the social inequalities, the dominance of the mass media, and other features of post-industrial capitalism and the welfare state which include youth, feminist, peace, and ecological movements, as well as the rise of group conflicts based on ethnicity and race. Jürgen

---

<sup>15</sup> Aldon Morris and Cedric Herring, THEORY AND RESEARCH IN SOCIAL MOVEMENTS: A CRITICAL REVIEW, available at <https://www.scholars.northwestern.edu/en/publications/theory-and-research-in-social-movements-a-critical-review>, accessed on 24<sup>th</sup> July, 2020.

<sup>16</sup> Aldon Morris and Cedric Herring, THEORY AND RESEARCH IN SOCIAL MOVEMENTS: A CRITICAL REVIEW, available at <https://www.scholars.northwestern.edu/en/publications/theory-and-research-in-social-movements-a-critical-review>, accessed on 24<sup>th</sup> July, 2020.

Habermas, a German sociologist, interpreted such movements as protests against the excessive size and rationality of the state and its bureaucracies and their intrusion into the private worlds of individuals.<sup>17</sup>

People have an obligation to use the proper legal channels of political participation – petitioning the government not to breach its promises and, in the end, elections to overthrow such governments that constantly and shamelessly override their law given boundaries – before resorting to disobedience and protests, be those peaceful or not. This type of obligation is known as political obligation. Now, let's have a look at the issue of people's movement in the context of political obligation-

- **Social Contract Theory:** The Social contract, in political philosophy, an actual or hypothetical concept, an agreement, between the ruled and their rulers, defining the rights and duties of each. The Englishmen Thomas Hobbes and John Locke and the Frenchman Jean-Jacques Rousseau have attempted to justify and delimit political authority on the grounds of individual self-interest and rational consent.<sup>18</sup> According to Hobbes (*Leviathan*, 1651), the state of nature was therefore a state of war, which could be ended only if individuals agreed (in a social contract) to give their liberty into the hands of a sovereign, who was thenceforward absolute, on the sole condition that their lives were safeguarded by sovereign power. Locke (in the second of the *Two Treatises of Government*, 1690) described the state of nature as one in which the rights of life and property were generally recognized under natural law, the inconveniences of the situation arising from insecurity in the enforcement of those rights. He therefore argued that the obligation to obey civil government under the social contract was conditional upon the protection not only of the person but also of private property. Sovereigns who violated these terms could be justifiably

---

<sup>17</sup> Available at <https://www.britannica.com/topic/social-movement/Social-factors>, accessed on 2<sup>nd</sup> July, 2020.

<sup>18</sup> The Editors of Encyclopaedia Britannica, POLITICAL PHILOSOPHY: Social contract, Available at [https://www.britannica.com/topic/social-contract?utm\\_campaign=b-extension&utm\\_medium=chrome&utm\\_source=ebinsights&utm\\_content=Social%20contract](https://www.britannica.com/topic/social-contract?utm_campaign=b-extension&utm_medium=chrome&utm_source=ebinsights&utm_content=Social%20contract), visited on Nov 6, 2019.

overthrown. Rousseau, identified sovereignty with the general will or the common interests of the community. He, in *Du Contract social* (1762; *The Social Contract*), held that in the state of nature humans were unwarlike and somewhat undeveloped in their reasoning powers and sense of morality and responsibility. When, however, people agreed for mutual protection to surrender individual freedom of action and establish laws and government, they then acquired a sense of moral and civic obligation. In order to retain its essentially moral character, government must thus rest on the consent of the governed, the *volonté générale* (“general will”).

- **Auguste Comte:** According to **Auguste Comte** (19 January 1798 – 5 September 1857), “*Men have ever been associated in groups and it was in social group and not in isolated individuals that the impulses originated which culminated in the establishment of law and government*”. He reconciled individual and collective interests by means of the principle of levers of social motion. The more perceptive social-contract theorists, including Hobbes, invariably recognized that their concepts of the social contract and the state of nature were unhistorical and that they could be justified only as hypotheses useful for the clarification of timeless political problems.
- **Herbert Spencer:** The English Philosopher **Herbert Spencer** (27 April 1820 – 8 December 1903) opined that Law arises from four sources: inherited usages with quasi- religious sanctions, injunctions of deceased leaders, the will of the predominant man and collective opinion of the community. Her further stated, there are three fundamental laws of society: the principle of the persistence of force, the indestructibility of matter and continuity of motion. The combination of these principles with other laws results in the process of evolution.
- **Duguit:** Duguit (February 4, 1859–December 18, 1928) considered, that the whole idea of sovereignty is meaningless. All power is limited by the test of social solidarity. After Duguit, rule of law exists whenever the mass of individuals composing the group understands and admits that a reaction against the violation of the rule can be socially organized.

- **Roscoe Pound:** According to **Roscoe Pound** (October 27, 1870 – June 30, 1964), “... *Themaking, interpretation and application of laws take account of social facts. In order to achieve that end, there should be a factual study of the social effects of legal administration, social investigations as preliminaries to legislation...*”. He also said, the aim of social engineering is to build as efficient a structure of society as possible which requires the satisfaction of the maximum wants with the minimum of friction and waste. It involves the balancing of competing interests. Interests many a time is projected through landing of movement by people. After Roscoe Pound, interests need only be considered as and when they arise in a dispute. Theories of the social contract differed according to their purpose: some were designed to justify the power of the sovereign, while others were intended to safeguard the individual from oppression by a sovereign who was all too powerful.
- **John Rawls:** The principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favour his particular condition, the principles of justice are the result of a fair agreement or bargain. For given the circumstances of the original position, the symmetry of everyone's relations to each other, this initial situation is fair between individuals as moral persons, that is, as rational beings with their own ends and capable, I shall assume, of a sense of justice. The original position is, one might say, the appropriate initial status quo, and thus the fundamental agreements reached in it are fair. This explains the propriety of the name "justice as fairness": it conveys the idea that the principles of justice are agreed to in an initial situation that is fair. The basis of equality is taken to be similarity in these two respects. Systems of ends are not ranked in value; and each man is presumed to have the

requisite ability to understand and to act upon whatever principles are adopted. The first statement of the two principles reads as follows.<sup>19</sup>

- **First:** each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.
- **Second:** social and economic inequalities are to be arranged so that they are both-
  - a. reasonably expected to be to everyone's advantage, and
  - b. attached to positions and offices open to all.
- **Amartya Sen:** Prof. Amartya Sen in his iconic work "Identity and Violence: The Illusion of Destiny" while discussing about the violence, cited multiple examples. He said, "In times of insecurity they tend to retreat into closed, hostile groups. Along with many liberal philosophers, he seems to believe human conflict is a result of intellectual error. But if the error of solitarism<sup>20</sup> is so blatantly obvious, why do large numbers of people continue to believe in it and act on it? He invoked the myriad identities within each individual. Because all of us contain multitudes, we can choose among our identities, emphasizing those we share with others rather than those we do not."<sup>21</sup> He referred repeatedly to manipulation by malevolent propagandists. He believed, "violence is fomented by the imposition of singular and belligerent identities on gullible people championed by proficient artisans of terror."<sup>22</sup> He also commented "the violence of identity was extraordinarily hard to grasp."

<sup>19</sup> John Rawls, A Theory of Justice, available at <https://www.csus.edu/indiv/c/chalmersk/econ184sp09/johnrawls.pdf>, accessed on 4<sup>th</sup> July, 2020 at 2.37 PM.

<sup>20</sup> 'Solitarist' approach to human identity, which sees human beings as members of exactly one group.

<sup>21</sup> Available at [https://economistsview.typepad.com/economistsview/2006/05/amartya\\_sen\\_ide.html](https://economistsview.typepad.com/economistsview/2006/05/amartya_sen_ide.html), accessed on June 5, 2020.

<sup>22</sup> John Gray, Thinking out of the box, available at <https://www.theguardian.com/books/2006/aug/05/highereducation.shopping1>, accessed on 5<sup>th</sup> August, 2020 at 2.42 PM.

And, he confesses, "it is not particularly easy even for a still bewildered elderly adult."<sup>23</sup> He sensed, freedom may be a universal value, it is far from being an overriding human need. Humans want freedom but they also fear it, and in times of insecurity they tend to retreat into closed, hostile groups. Reason can help us understand this process, but it cannot be reasoned away. Why should people who have lived together peaceably suddenly turn on one another in years of violence that cost hundreds of thousands of lives? How could the poor day-labourer be seen as having only one identity - as a Muslim who belonged to an "enemy" community - when he belonged to many other communities as well?

People's involvement into a movement is the indication of addressing their demand to recognise an interest. They demand for considering their claim before the political system. Rudlof von Ihering (22 August 1818 – 17 September 1892) believed that *Human conduct is determined not by a 'because' but by a 'for' by a purpose to be effected, the 'for' is as indispensable for the will as is the 'because' for the stone. The stone cannot move without a cause, no more can the will operate without a 'purpose'*. Professor Joseph Raz believed, "*A person who says to another 'I have a right to do it' is not saying that ... it is not wrong to do it. He is claiming that the other has a duty not to interfere.*"<sup>24</sup> He exemplified, "X has a right if X can have rights, and, other things being equal, an aspect of X's well-being (his interest) is a sufficient reason for holding some other person(s) to be under a duty".

## V. Social Movements and Change in Law

The purpose of law is that it should aim at the welfare of the people in this world and also from salvation after death. There are two main theories of the function of rights: the will theory and the interest theory. Will theorists maintain that a right makes the rightholder "a small-scale sovereign"<sup>25</sup> while the Interest

---

<sup>23</sup> Available at [https://economistsview.typepad.com/economistsview/2006/05/amartya\\_sen\\_ide.html](https://economistsview.typepad.com/economistsview/2006/05/amartya_sen_ide.html), accessed on June 5 2020.

<sup>24</sup> (Raz 1994, 275).

<sup>25</sup> (Hart 1982, 183)

theorists maintain that the function of a right is to further the right-holder's interests. An owner has a right, according to the interest theorist, not because owners have choices, but because the ownership makes owners better off. In a number of occasions people's movement have played a pivotal role in changing society. Magna Carta, e.g. the English Great Charter, charter of English liberties granted by King John on June 15, 1215, under threat of civil war and reissued, with alterations, in 1216, 1217, and 1225. By declaring the sovereign to be subject to the rule of law and documenting the liberties held by "free men," the Magna Carta provided the foundation for individual rights in Anglo-American jurisprudence.<sup>26</sup> Another important incident in word history was the French Revolution which lasted 10 years from 1789 to 1799 and was caused by widespread discontent with the French monarchy and the poor economic policies of King Louis XVI, who met his death by guillotine, as did his wife Marie Antoinette.<sup>27</sup> Now let's have a discussion over the different peoples' movement those India has witnessed in recent times-

### **V.I. Land Acquisition Movements**

The Land Acquisition Act, 1894 did not provide a strong component of proper rehabilitation for the oustees from the land which is to be acquired. According to a study by CPR's Land Rights Initiative, more than three-fifths of the cases in the Supreme Court related to Central and state land acquisition laws between 1950 and 2016 had to do with compensation. In 445 cases, the Supreme Court offered compensation that was on average over 600% higher than the government's.<sup>28</sup> According to Land Conflict Watch, there are 585 land-related conflicts in India, with investments totalling Rs 13 trillion and affecting 6.7

---

<sup>26</sup> Available at <https://www.britannica.com/topic/Magna-Carta>, accessed on 1<sup>st</sup> June, 2020 at 11.19 PM.

<sup>27</sup> Available at <https://www.history.com/topics/france/french-revolution>, accessed on 1<sup>st</sup> July, 2020 at 9.51 PM.

<sup>28</sup> Available at [https://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/theres-no-mine-but-is-it-all-fine-on-niyam-hills/articleshow/63763978.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/theres-no-mine-but-is-it-all-fine-on-niyam-hills/articleshow/63763978.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst), accessed on 5<sup>th</sup> July, 2020 at 7.50 PM.

million people.<sup>29</sup> Now let's have a look over the different important movements which paved the framework for an enactment replacing the earlier one i.e. the Land Acquisition Act, 1894.

### **West Bengal**

Land acquisition in Bengal is a very touchy issue in West Bengal. Some of the violent movements are Singur, Nandigram, Andal etc. Conversion of agricultural land in Singur for the Tata project had been a great controversy in recent times. Eventually the TATAs abandoned the project and the on the directives of the Supreme Court, the land acquired by the Government of WB returned the land to the owners.<sup>30</sup> After Singur, another controversy developed regarding the acquisition of land in West Bengal. At the root of the controversy was a notification regarding the acquisition of land for setting up of a Chemical Hub in the area. Finally, the Government backed out from project. In Andal, the people giving up their land for the aerotropolis project voiced their support for the aerotropolis project and combat any move to excavate new coal mines in the area along with a demand for higher price and better compensation for their land. Here, the landowners were willing to directly deal with the Authority to fix the price of land to be acquired and the compensation cum rehabilitation package. With the entry of global IT majors like Infosys and Wipro, the land price had been soared like never before in Rajarhat. As a result, the farmers who have sold off their lands few a year ago feel cheated; middlemen, working for private firms, are buying land from the farmers and selling it to the firms;<sup>31</sup> In some cases,

---

<sup>29</sup> Available at [https://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/theres-no-mine-but-is-it-all-fine-on-niyam-hills/articleshow/63763978.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/theres-no-mine-but-is-it-all-fine-on-niyam-hills/articleshow/63763978.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst), accessed on 5<sup>th</sup> July, 2020 at 7.50 PM.

<sup>30</sup> Shreeja Sen, Singur case: Supreme Court declares land acquisition for Tata plant illegal, available at <https://www.livemint.com/Politics/YrI5OkSielfVHttG4AajM/CPM-govts-acquisition-of-land-for-Tata-Motors-in-Singur-ill.html>, accessed on Aug 9, 2020.

<sup>31</sup> Suman Chakraborty and Caesar Mandal, Land prices hit the roof at Rajarhat: The Times of India: 29<sup>th</sup> April, 2008 at pg. 05

lands fall in the middle of these acquired/ purchased plots are under pressure to sell their lands too just like the *enclosure movement*<sup>32</sup> in England nearly a century back. Further, with the private companies directly acquiring land from the land owners the bargadars and other '*persons interested*'<sup>33</sup> are peeved. Thus, they would become losers in the process.

### Odisha

With the aim to achieve rapid economic growth and to bring new developmental activities in the state of Orissa, the government came up with the certain innovative projects over a period of time which caused the organisation of movements over the period of time.

**POSCO PROJECT:** This is one of the peculiar projects among the projects in Orissa. The South Korean steel company Pohang Steel Company (POSCO) signed a Memorandum of Understanding in 2005 with the Government of Orissa to set up an integrated steel plant and a captive port in the Ersama Block of Jagatsinghpur District, Orissa.<sup>34</sup> The total area required for the project is around 4,004 acres out of which 438 acres is required from private individuals and remaining land is owned by the government as "under forest" or "anabadi" which is under the possession of local people. Almost 471 families in the three villages in Jagatsinghpur district had been displaced, among which 90% of the people's life was completely dependent on the land and farming. During the statutory public hearings in April 2007, the State stationed 15 platoons of armed paramilitary forces in the area thus silencing the expression of

---

<sup>32</sup>**Enclosure** or **inclosure** is the process which was used to end some traditional rights, such as [mowing meadows](#) for [hay](#), or [grazing livestock](#) on land which is owned by another person, or a group of people. In [England and Wales](#) the term is also used for the process that ended the ancient system of [arable farming](#) in [open fields](#). Under enclosure, such land is fenced (enclosed) and deeded or entitled to one or more owners. By the 20th century, unenclosed commons had become largely restricted to rough pasture in mountainous areas and in relatively small parts of the lowlands. <http://en.wikipedia.org/wiki/Enclosure> visited on 24th mApril, 2009 at 3.56 PM.

<sup>33</sup> Section 3 (b): the Land Acquisition Act, 1894.

<sup>34</sup> Available at [www.shodhaganga.inflibnet.ac.in](http://www.shodhaganga.inflibnet.ac.in), accessed on 11<sup>th</sup> September, 2019 at 5.30 PM.

local opposition to the project. The Amnesty International issued a report<sup>35</sup> urging the Government of Orissa against the use of force, and to follow the democratic process. After due protests erupted in violent form against the project by Orissa BachaoAndolon (OBA), the Government of Orissa has accepted most of the demands of the people came out through the movement.

VEDANTA PROJECT: There was also one more project involving bauxite mining in the Niyamgiri hills of Orissa for Vedanta Aluminium project. Several tribal groups including the DongriaKondh, the KutiaKondh, an associate tribe, and Dalits live in the 112 villages that would have been affected by mining. The villages' decision followed a landmark Supreme Court verdict on April 18, 2013. The court said forest clearance to the mining project, which had been withdrawn by the Environment Ministry in 2010, could be given only after taking the consent of the gram sabhas, or village councils, in the region and since all the 12 villages selected by the state government voted against the project, and a plea by OMC in 2016 to hold fresh gram sabhas was quashed by the Supreme Court.<sup>36</sup>

### ***Outcomes of the Movements***

Experience says, the chemical hubs spread over Asia, such as those in the Port of Rotterdam, Jurong Islands, Sanghai, Dahej in Gujrat have been instrumental in bringing about a socio- economic change in the area by the amount of investments they fetch and their huge employment potential. However, the issues concerning the displaced people requires to be addressed are- landlessness, homelessness, marginalization, joblessness, food insecurity, increased morbidity, loss of access to common property and social disarticulation. Hence, providing the best package to each of the project affected family by improving their quality of life in the project area through a

---

<sup>35</sup> Orissa should avoid forced evictions in Jagatsinghpur, instead consult farmers protesting against displacement," Amnesty International Statement on State force build-up in Jagatsinghpur, Orissa. April 11, 2007. <http://sanhati.com/news/193/posco>, visited on 30<sup>th</sup> March, 2008 at 4 PM.

<sup>36</sup> <https://economictimes.indiatimes.com/industry/indl-goods/svs/metals-mining/theres-no-mine-but-is-it-all-fine-on-niyam-hills/printarticle/63763978.cms>, last visited July 5, 2020.

better infrastructure, sustainable income, better skills and to make them a part of the development process, to create goodwill for the organisation for a long-term relationship; to ensure that the rights of individual and society, particularly those belonging to the weaker sections of society are adequately protected; creating employment opportunities for local people through various self-employment schemes or indirect employment in project activities, as also to deliver prompt assistance to the local people in extreme hardships are the call of the day. In India, particularly, in connection with the acquisition of land these movements marked as the milestones in the development of policy and law on the point. Now let's have a look over the contributions of such movements in building up the concept for the scheme of Compensation-Rehabilitation and Resettlement.

**Jharkhand:** The state of Jharkhand<sup>37</sup> prepared a draft Rehabilitation Package by the Department of Industry, which inter alia includes-

- (a) **Process for calculating the Compensation amount:** The industrial houses willing to invest in the state, are required to pay price of the land as fixed by the relevant Gram- Sabha. The very industrial houses must have to run their factories for at least 30 years and pay landowners Rs. 1000 per annum for each acre of land. Whatever may be the price of the land, a premium of Rs. 1.5 lakh per 1.5 acres of land acquired will be paid to the land less for 30 years.
- (b) **Monthly relief:** In Jharkhand, the land- losers apart from being provided elsewhere with one- tenth of the land acquired get Rs. 1000 an acre every month for 30 years with a cap of Rs. 10,000 a month for an individual.
- (c) **Sharing of Profit:** The investors give 2% of their profit to the state government every year, in which, the state gives 1% to the land losers. Additionally, the state government will share 50% money

---

<sup>37</sup> Reported in The Ananda Bazar Patrika: 2<sup>nd</sup> August, 2008 at pg. 09. & The Times of India: 21<sup>st</sup> October, 2008 at pg.4.

from the peripheral developmental tax with the displaced farmer or land loser.

- (d) **Investment in equity of the company requiring land:**The land givers will enjoy the option to invest 50% of the compensation money as the equity of the industry that is set up in the land given by the very person.
- (e) **Local area development:** Further from the time of the project to be operationalised, 1% of the net profit will compulsorily have to be spent by the relevant corporate body for the social development of the said locality.
- (f) **Special attention to homeless persons:**The homeless persons will get homestead land.
- (g) **Continuous relief to the nominees in case of death of the land looser:**To satisfy the minimum requirement of the land losers, if necessary the owner or in case of his death his nominees will get assistance upto 30 years.
- (h) **Deadline for completion of the project:**Within 15 years from the date of the acquisition of the land the project work must have to be accomplished.
- (i) **Option for buying of land of abandoned project:**Again, if the party purchasing the land for setting up of the project is not willing to set up the same and sell it to the third party then, a proposal of purchasing the very land at 80% of the price at which the said land was purchased, is to be given first.
- (j) **Job Guarantee:** In addition to the monetary compensation one person from each family will get job in the relevant project. The government is expected to survey the persons badly affected especially those who lost their livelihood due to the land given for the relevant project and will arrange for job alternative livelihood means.

**Orissa:** The people agreed to give up their land for the Posco steel plant on January 5, 2008 with the conditions as under-

- A sum of 5% share in the profits of the company.
- A sum of Rs. 25 lakh per acre for the agricultural lands and Rs. 40 lakh per acre for their homestead land.
- Job guarantee for the land less which include Rs. 1000 monthly allowance to the people above 60 and Rs. 3000 per month fro the families who do not have members eligible for jobs, including the landless who were employed as daily wagers in the betel farms.

Against the demands, the POSCO Authority has announced the package which includes inter alia, the followings-

- (i) The betel leaf cultivators will get unemployment relief for six months.
- (ii) The other agricultural labourers will get pension.
- (iii) At least one person from the project affected families will get direct or indirect employment.
- (iv) The oustees from the vested land will get home in the rehabilitation colony because they will not get monetary compensation against the land which is being owned by the government.

In addition to the above, the following concepts were developed at the governmental level to avoid any conflicts. The government of Arunachal Pradesh in addition to the National Hydro- Electricity Policy, 2008 also announced that if the project affected families do not require so much electricity they will be provided with the cash price of the rest amount of electricity allotted for them.<sup>38</sup> The Himachal Pradesh Cabinet<sup>39</sup> approached further to prepare reports on a socio- economic baseline for each project through independent surveys. The policy includes- Providing of 100 units free power every month to each of the project affected families for 10 years; Entitlement to

---

<sup>38</sup> Reported in The Ananda Bazar Patrika: 12<sup>th</sup> July, 2008 at pg. 04.

<sup>39</sup> Reported in The Hindu: 11<sup>th</sup> January, 2009 at pg. 07.

draw a resettlement grant ranging from Rs. 25 thousand - Rs.2.5 lakh as a onetime relief in addition to compensation for the land; In addition to these, the SC and ST families, if settle outside the district would be entitled to an additional resettlement grant of 25%. The government of **Uttar Pradesh** considered the package for the farmers losing land for the Ganga Expressway project included offer of shares up to 10% of the value of the land lost.

***Main features of Land Acquisition, Rehabilitation and Resettlement Act, 2013***

Now let's have a look over the outcome of these movements in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013-<sup>40</sup>

- **Consent:** For government projects, no consent is required while consent of 70 per cent of landowners is required for Public-Private Partnership (PPP) projects and 80 per cent for private projects.
- **Social Impact Assessment:** In the case of a land acquisition (irrespective of the ownership of project), Social Impact Assessment is necessary unless and until there is an urgency. If the project is for irrigation, then Environmental Impact Assessment is required. It is in public interest and that is seen by social impact assessment.
- **Irrigated multi-cropped land:** In case the land in question is irrigated multi-cropped, it cannot be acquired beyond a limit specified by the state government.
- **Limitations:** The Central Act of 2013 was brought to give effect to pre-existing fundamental right to livelihood of citizens. It ensures that livelihood will not be taken away unless
- **Safeguards:** State Governments have to set up dispute settlement Chairman and he should be a district judge or practising as a lawyer for 7 years. The Act also has provision for the establishment of Land

---

<sup>40</sup>Available at <https://www.indiatoday.in/education-today/gk-current-affairs/story/what-is-2013-land-acquisition-act-and-why-social-activists-filed-a-petition-against-state-amendments-to-the-law-1407978-2018-12-12>, last visited July 5, 2020..

Acquisition, Rehabilitation and Resettlement Authority for speedy disposal of disputes.

- **Return of land:** If the project doesn't start in 5 years, the land acquired under the Act has to be returned to the original owner or the land bank.
- **Compensation:** Compensation varies with the market rates. In the case of rural area, it is four times the market rate and for an urban area, it is two times. Affected artisans, small traders, fisherman etc. by the land acquisition are given one-time payment even if they do not own any land.
- **Rehabilitation and resettlement:** There is also provision for rehabilitation and resettlement award which includes employment to one member of an affected family. The affected citizens are given rehabilitation.
- If Government acquires the lands for a private company, the said private company will be responsible for relief and rehabilitation of the affected people along with an additional rehabilitation package for SC/ST owners.
- In case someone is not satisfied with an award under the Act, they can approach the Land Acquisition, Rehabilitation and Resettlement (LARR) Authority.
- Fertile, irrigated, multi-cropped farmland can be acquired only in last resort.
- If such fertile land is acquired, the Government will have to develop an equal size of wasteland for agriculture purpose.

Thus, we can clearly understand the movements erupted in last two decades in regard to the acquisition of land paved the platform for the development of a legislation through shaping a change in the society in an equitable manner.

## **V.II. Movements Towards the Establishment of Right of Pollution Free Environment**

An environmental movement can be defined as a social or political movement, for the sustainable management of natural resources or for the improvement of the state of the environment. The terms 'green movement' or 'conservation movement' are alternatively used to denote the same. The movements often stress the protection of the environment via changes in public policy. Some of such examples are as under<sup>41</sup> -

- **Bishnoi Movement:** This movement was led by Amrita Devi, a female villager could not bear to witness the destruction of both her faith<sup>42</sup> and the village's sacred trees started during 1700. There were 363 Bishnoi villagers killed in this movement. Being deeply moved by the situation, the king rushed to the village and apologized, and declared the Bishnoi state as a protected area, forbidding harm to trees and animals. This legislation still exists today in the region.
- **Chipko Movement:** The Chipko movement or 'hug the tree movement' started in the Chamoli district and later at Tehri-Garhwal district of Uttarakhand. The movement was led by Sundarlal Bahuguna, Gaura Devi, Sudesha Devi, Bachni Devi, Chandi Prasad Bhatt, Govind Singh Rawat, Dhoom Singh Negi, Shamsheer Singh Bisht and Ghanasyam Raturi who enlightened the villagers with the importance of trees in the environment which checks the erosion of soil, cause rains and provides pure air. The Chipko movement gathered momentum in 1978 when the women faced police firings and other tortures.
- **Silent Valley Movement:** The Kerala State Electricity Board (KSEB) proposed a hydroelectric dam across the Kunthipuzha River that runs through Silent Valley. Several NGOs strongly opposed the project and urged the government to abandon it since the project would submerge 8.3 sq km of untouched moist evergreen forest. In January 1981, bowing

---

<sup>41</sup> Priyanka Sunil, 7 Major Environmental Movements in India, available at <https://www.clearias.com/environmental-movements-in-india/>, last visited Aug 4, 2020.

<sup>42</sup> The Bishnoi tree martyrs were influenced by the teachings of Guru Maharaj Jambaji, who founded the Bishnoi faith in 1485 and set forth principles forbidding harm to trees and animals.

to unrelenting public pressure, Indira Gandhi declared that Silent Valley will be protected and in 1985, Prime Minister Rajiv Gandhi formally inaugurated the Silent Valley National Park.<sup>43</sup>

Apart from the major unrest among the people with a demand of protecting environment- forests several movements in recent time have caught the attention of people which includes- *Save Dehing-Patkai Movement*<sup>44</sup>, *Climate Action Strike*<sup>45</sup>; *#Right to Breathe Protest*<sup>46</sup> etc.

### V.III. Sabrimala Case

The centuries-old tradition of the shrine in Sabrimala temple was that "Women between the age of 10-50 were not allowed due to their "impurity" (during

---

<sup>43</sup> Priyanka Sunil, 7 Major Environmental Movements in India, available at <https://www.clearias.com/environmental-movements-in-india/>, last visited Aug 4, 2020.

<sup>44</sup> This movement began as a protest against the April 2020 decision by the National Board of Wildlife (NBWL) to allow North-Eastern Coal Fields (NEC) to do opencast mining in 98.59 hectares of Dehing-Patkai Wildlife Sanctuary. Which is known as the 'Amazon of the East,' the 111.19 hectare sanctuary is home to over 40 species of fauna, over 300 species of birds, 40 species of reptiles and 100 varieties of orchids. The hashtag #SaveDehingPatkai led to online protests by people across the country including prominent personalities like Adil Hussain, Randeep Hooda, and Joi Barua. Jadav Payeng, known as the Forest Man of India, appealed to the Centre to reconsider its decision. NEC has temporarily halted coal mining operations and the Guwahati High Court has ordered both the Centre and the State to submit all relevant documents.

<sup>45</sup> The third week of September, 2019 saw students across big cities like Delhi, Mumbai, Bengaluru, Kolkata and Chennai stage peaceful protests at prominent city centers, heeding to Greta Thunberg's call for mass protests to urge governments to take definitive action on the issue of Climate Change. The point was to spread awareness about the impact a mere 2-degrees shift could have on the planet.

<sup>46</sup> The nation's capital throttled into an environmental crisis as the Air Quality Index (AQI) plummeted to 494. Toxic smog choked the city with mere breathing in Delhi being considered a hazard to one's health. The protest, organised as a result of various movements on social media, saw over 1,500 people gather at Amar Jawan Jyoti, India Gate on November 5. Leonardo DiCaprio highlighted the success of these demonstrations in triggering climate action by the government. A special panel was set up to address the issue, Supreme Court ordered the state governments to address the crop and waste burning issue, Centre agreed to use the Green fund to combat toxic air pollution but the air quality was still abysmal.

menstruation) they were not entitled to perform Vratam.<sup>47</sup> On October 15, 2018, a protest was organised against Supreme Court's verdict over women's entry in Kerala's Sabarimala Temple. The devotees said that they aren't against the Supreme Court but feel that age-old customs should not be altered. Herein before a five-judge Constitution bench, headed by former Chief Justice of India Dipak Misra, on September 28, lifted a century-old ban on the entry of women of menstrual age into the shrine. The Supreme Court lifting the ban in its judgment stated that the practice is discriminatory on grounds of gender. The 4:1 majority held that the temple's practice of excluding women is unconstitutional. It held that the practice violated the fundamental rights to equality, liberty and freedom of religion, Articles 14, 15, 19(1), 21 and 25(1). It struck down Rule 3(b) of the Kerala Hindu Places of Public Worship Act as unconstitutional. Rule 3(b) allowed for Hindu denominations to exclude women from public places of worship, if the exclusion was based on 'custom'.<sup>48</sup> However, the court has agreed to hear a review of its decision in January, but refused to stay the lifting of the ban until then. But unfortunately, the protests by the temple's followers continued which prevented any women from visiting the site, even when accompanied by police protection. Broader protests against the Supreme Court decision have taken place across the state, during which some 3,700 people had been arrested.<sup>49</sup>

---

<sup>47</sup>Vratam is a 41-day fast which is performed by all devotees to show love to Lord Ayyappa. It is a belief that whoever performs Vratam should enter the temple. During this fast, devotees cannot mourn death. It is also said that a devotee cannot enter a house where a child has taken birth. Family life isn't possible for anyone who is performing the Vratam. During this, one cannot shave and must travel barefoot in a jungle. Like Ayyappa, devotees also have to live like a saint, following brahmacharya and becoming a vegetarian during Vratam. Ram Kinkar Singh, Sabarimala temple: Here is why devotees of Lord Ayyappa are protesting in Delhi, Available at <https://www.indiatoday.in/india/story/sabarimala-temple-here-is-why-devotees-of-lord-ayyappa-are-protesting-in-delhi-1368109-2018-10-15>, last visited Nov 11, 2019.

<sup>48</sup> Indian Young Lawyers Association & Ors vs. The State of Kerala & Ors. Writ Petition (Civil) No 373 of 2006, Decided on 28<sup>th</sup> September, 2018.

<sup>49</sup> Adam Withnall, Sabarimala temple protests: India braces for clashes between women's rights activists and traditionalists, Available at <https://www.independent.co.uk/news/world/asia/india-womens-rights-protests-sabarimala-temple-activists-pray-clashes-a8637001.html>, last visited Nov 11, 2019.

### V.III. Citizenship Issue

In India the picture of illegal migration is very grim. Our population growth is already high, 17.19% in a decade according to last Census of 2011.<sup>50</sup> With more than 130 crores of population our resources are over stretched, infrastructures are bursting to the seams. There is water shortage, fewer works for hands. The Citizenship Amendment Act, 2019 has awarded the persons belonging to minority communities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who have been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any order made thereunder, shall not be treated as illegal migrants for the purposes of that Act and shall be eligible to apply for naturalisation under section 6.” Moreover the migrants from these communities were earlier given protection against legal action in the years 2015 & 2016 and long term visa provision was made for them.<sup>51</sup> Interestingly, the Government of India unlike any other country in the world has taken a positive stand by recognising a huge number of illegal migrants particularly belonging to the religious minorities who have been subjected to religious persecution in those neighbouring countries in neighbouring countries as citizens of India through the Amendment of 2019.

The protests against the Citizenship Amendment Act (CAA) occurred in at least 94 districts across 14 States. Close to 48% of protests recorded at least one violent incident or police action such as detention/lathi charge or both.<sup>52</sup> In Delhi the violence due to the anti CAA protest at least 47 people were

---

<sup>50</sup> Available at [https://www.business-standard.com/article/economy-policy/census-2011-population-growth-rate-declines-to-17-111040100090\\_1.html](https://www.business-standard.com/article/economy-policy/census-2011-population-growth-rate-declines-to-17-111040100090_1.html), last visited Jul 5, 2020.

<sup>51</sup> Available at [https://www.business-standard.com/article/current-affairs/explained-citizenship-amendment-bill-vs-nrc-vs-clause-6-of-assam-accord-119010900621\\_1.html](https://www.business-standard.com/article/current-affairs/explained-citizenship-amendment-bill-vs-nrc-vs-clause-6-of-assam-accord-119010900621_1.html), last visited Mar 8, 2020,.

<sup>52</sup> Available at <https://www.thehindu.com/data/data-how-many-people-died-during-anti-caa-protests/article30494183.ece>, last visited June 5, 2020.

killed.<sup>53</sup> Prior to the violence in Delhi, at least 30 people were killed, and hundreds arrested for protesting the new citizenship law and citizenship verification process, all in BJP-governed states: 23 in Uttar Pradesh, 5 in Assam, and 2 in Karnataka. Most of those killed were Muslims, including an 8-year-old boy in Uttar Pradesh who reportedly died in a stampede as protesters fled a police crackdown. Several policemen were injured. Following protests in December 2019, opposition-led governments of West Bengal and Kerala states suspended all work updating the National Population Register. Several other state governments have said they will not conduct a citizenship verification process. Over 140 petitions have been filed in the Supreme Court contesting the constitutionality of the amended citizenship law. In March 2020, the UN High Commissioner for Human Rights filed an intervention application as *amicus curiae* (third party) in the Supreme Court, urging it to take into account international human rights law, norms, and standards in the proceedings related to the Citizenship Amendment Act.<sup>54</sup> However, the Supreme Court refused to stay the controversial Citizenship Amendment Act (CAA) yet again on a fresh plea that it was inconsistent with the Assam Accord, which was designed to prevent the local Assamese from becoming a demographic minority in their own states. “No interim order,” the CJI said after hearing.<sup>55</sup>

#### V.IV. Ayodhya Case

Ayodhya was a long-standing dispute on the issue of Ram Janmbhoomi- Babri Masjid. Recently the issue had been settled by the Hon'ble Supreme Court. In this regard the major issues have taken place on 6<sup>th</sup> December, 1992 and on 27<sup>th</sup> February 2002. In 1992, the disputed Babri Mosque was razed to the ground by karsevaks. This led to some of the deadliest riots across the country which led to the deaths of more than 2,000 people. The central government, headed by PV Narasimha Rao, formed a commission of inquiry under Justice MS

---

<sup>53</sup> Available at <https://www.msn.com/en-in/news/newsindia/delhi-violence-47-killed-here-is-the-full-list-of-deceased/ar-BB10BZ1c>, accessed on 8<sup>th</sup> July, 2020.

<sup>54</sup> Available at <https://www.hrw.org/report/2020/04/09/shoot-traitors/discrimination-against-muslims-under-indias-new-citizenship-policy>, accessed on 12<sup>th</sup> July, 2020.

<sup>55</sup> Available at <https://economictimes.indiatimes.com/news/politics-and-nation/supreme-court-refuses-to-stay-cao-yet-again/articleshow/75855684.cms>, last visited July 2, 2020.

Liberhan. Later on, in 2002, an attack took place on a train from Godhra in Gujarat, believed to be carrying karsevaks to Ayodhya, at least 58 people were killed. Riots erupted across the state and about a thousand people were said to have been killed during it.<sup>56</sup> Finally, the bench, also comprising Justices S A Bobde, D Y Chandrachud, Ashok Bhushan and Sabdul Nazeer, said possession of the disputed 2.77 acre land rights will be handed over to the deity Ram Lalla, who is one of the three litigants in the case. The possession however will remain with a central government receiver. The apex court said the mosque should be constructed at a “prominent site” and a trust should be formed within three months for the construction of the temple at the site many Hindus believe Lord Ram was born.<sup>57</sup>

## VI. Conclusion

Hence, we may now conclude that the people’s movement have changed societal dynamics in a great extent. In other sense, it may be stated that a people movement aiming the social change in the form of law may be understood as the failure of existing system addressing the demand of the society since, Law is considered as a spontaneous product of individual consciousness, inspired at the same time by social necessity and the sentiment of justice. In our Constitution we have adopted the principle of flexibility which includes the provision under Art. 368 to subside the eruption of any revolution. Our Constitution today is subjected to Amendment save the Basic Structure and in the similar pattern all the legislative instruments can be put for amendment time to time as per the demand of society. In many of the cases, the people’s movement resulted into the change in laws through the Constitutional Amendment, legislative intervention while in some of the cases through judicial influence.

---

<sup>56</sup> Ayodhya verdict: Chronology of events from Mughal era to present times in Ram Janmabhoomi-Babri Masjid land dispute, available at <https://www.firstpost.com/india/ayodhya-verdict-chronology-of-events-from-mughal-era-to-present-times-in-ram-janmabhoomi-babri-masjid-land-dispute-7629981.html>, last visited Nov 11, 2019.

<sup>57</sup> M Siddiq (D) ThrLrs v. Mahant Suresh Das &Ors, Civil Appeal Nos 10866-10867 of 2010.

*PEOPLE'S MOVEMENT AND SOCIAL CHANGE*