

Exploring Human Rights:

A Study of Anita Desai's *The Village by the Sea*

Prisha Gupta

Abstract

This paper aims at exploring the rights of the citizens and the violation of human rights at three levels. At the first level, the paper shall explore how rights are violated in a small village of Maharashtra, Thul, which acts as the macroscopic platform whose situational realities are universal in nature and can be seen as a visible reality in almost all the villages of India. At this level, the villagers are seen as a functional whole and how within that functional paradigm, elements of dis-functionalism creep up in absence of State authorities, leading to the violation of human rights of the villagers. The second level looks at the citizens or the villagers of Thul, and how they are affected by the carelessness and negligence of the authorities as individual indices, leading to the deprivation of their rights as ensured by the government of India and other international organisations. This section focuses on the deprivation of rights, specifically the right to work, right to education, and right to healthcare. At the third level, the paper aims to explore the ways where the State itself, in its supposed role as the enforcer and guardian of Human rights, deprives its common citizens of their private properties and resources with fake promises of development in the wake of globalisation, urbanity and the economic development of its people.

Keywords: Human Rights, Exploitation, Marginalisation, Globalisation, Poverty.

Arundhati Roy, in an interview with Karan Thapar, which aired on 7 July, 1999 argued, '...and in a way, I understand it: when you live in this country, you have to deaden your emotions to carry on living,

to carry on dealing with what you see on the streets.' (Roy 2006, 70) She further added that in villages like Jalsindhi and Neengavan, the people are poor, but they are quite self-sufficient. A little later, she adds, 'And when you take them away from that and dump them, smash their community links, they have no land, you give them some money and you call this development?' (71) India is the third largest builder of dams in the world. It is the rural India which bears the brunt of building dams, which takes away the natural resources from the villages upon their completion, but still around eighty percent of our villages don't have access to electricity. That's why she had earlier purported the idea that villagers are forced to grow what they can readily sell, without caring to grow what they can readily eat. This takes us back to the idea that the agro-based community of the rural India is self-sufficient in itself and really does not depend on the industrialisation or ensuing globalisation promoted by the State.

First published in 1982, Anita Desai's *The Village by the Sea* is a part of children's fiction and Desai was awarded the Guardian Children's Fiction Award for this work in 1982. The novel is set in a village named Thul. There is no protagonist and the major characters driving the thematic thrusts of the novel are all children. Therefore, the actions and events are looked through the pinhole view of children, particularly Hari and Lila. The novel operates at three different tiers and in each of these tiers, human rights of the villagers are violated by various agencies, mostly State agencies or in some specific case, by other individuals.

I

The first level at which the rights of the villagers are violated, is due to prevalent class system within the village of Thul and does not involve the State directly. The villagers are settled in accordance to the economical hierarchy. The fishermen community is extremely poor and live on one side, while on the other side are the swanky bungalows of the Bombay¹ businessman, Mr. De Silva. On the surface level, they are self-sufficient, being an agrarian society. They grow their own food, catch fishes, even brew their own toddy. Still, they are dependent on certain food items from outside the

village. Though the Ministry of Consumer Affairs, Food and Public Distribution has been set up by the Government of India to ensure that the poor people get food and non-food items at a subsidised rate, we find no such provisions in the village of Thul. This is in reference to the lack of ration shops whose provisions are there in our constitution, but in the fiction of Roy, we do not find any such shop being mentioned.

At the village level, the oppression and denial of human rights of the villagers takes place at a purely economic basis. Firstly, they are oppressed by the merchants of Bombay, who pay meagre prices for coconuts and fishes to the villagers. In one instance,² Hari sells six bunches of coconuts to the Malabar merchants of Bombay, as his sister Lila wants to buy some rice from the only village grocery shop. Later, we come to know that a coconut costs two rupees in the city of Bombay, but in their own village, they can't even afford to have belly full of rice two times a day. This instance shows that the villagers, just like Hari, are forced to sell their agricultural products at much cheaper rates, and therefore are unable to sustain themselves, as they are perpetually underpaid. Though The Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act of 1980 had already been established, the State fails miserably to hold these laws up, when it comes to the agrarian communities of Maharashtra. The Annual Report of 2013-14, issued by the Ministry of Human Resource Development, states that in Maharashtra, the total number of detainees regarding inequitable distribution of necessary commodities and black marketing in the year 2010 were just two people.

Apart from the Bombay merchants, the villagers are exploited and their rights are denied by no other than a villager himself, Biju. Biju owns the best and the biggest fishing boat; and later in order to expand his business, he attempts to make a bigger boat, for which a diesel engine is procured from Bombay. He can be seen flaunting his wealth to the villagers. Interestingly, even though the villagers are jealous of Biju's wealth, and they concoct a story that Biju is a smuggler and that's the source of his wealth (though we find no proof of that in the novel itself), there is a collective consciousness of belongingness among the fishermen community. On a moral and ethical level, although their rights are violated by Biju who

is a member of their community, they share the common pride of owning the richest land in Maharashtra. Biju is sneered at, by the villagers of Thul as he takes the help of the workers from Alibag to build his fishing boat. The villagers are hurt as they themselves are masters of building fishing boats, but later when the time comes to launch the boat into the sea, he forces the strong men of his village community to launch it into the sea. He abuses them when they fail to do so, and even when they succeed finally, he doesn't pay anybody any money. However, when he is confronted by the caretaker of the fertilizer company, he argues that they own the best land in Maharashtra and there is no way that the government can just take away their land. During that time, the villagers feel a strange pride swelling in their hearts and they support Biju forgetting about his misdoings.

II

Let us look at the individual indices within the village of Thul. David Archard in *Children: Rights and Childhood*, notes that in the western conception of childhood, there is a preconceived notion of separateness between the world of children and the world of the adults. Children don't participate in the world of the adult politics and law. They represent the world of innocence while that of the adults is the world of knowledge. He aptly observes that these oppositional notions might not be true in what he refers to as, Non-Western societies. In non-western societies, children are not clearly exempted from the responsibilities of the adult world. In the novel, the protagonist, Hari and his siblings are children in their teens, but since the State fails miserably to ensure the rights of the people as a whole, the children themselves bridge the gap between the two worlds of adulthood and childhood and start contributing economically on various levels. The eldest brother, Hari leaves school and starts going for fishing and selling coconuts. Lila also drops out of school to take care of the household. The remaining two girls, Kamal and Bela are in primary school, but in a conversation between Hari and Lila, we come to know that their future education is in jeopardy, as they don't have money to buy new school books or the basic amenities required for their school.

Our constitution provides for free compulsory education from the age of six to fourteen years, but this Act was passed only in 2009, and it started operating officially from the first of April, 2010. Before this time period, the World Bank funded District Primary Education Programme (DPEP) was implemented in India, but the authorities responsible for implementing the schemes were accused of being corrupt, and State instead of ensuring this fundamental right of the children, played hand-in-gloves with the authorities. Hence, on the one hand, deprived the rural children, while on the other hand, misused the funds allocated to them by the World Bank.

Until 1982, the whole discussion about Children's Rights revolved around children who are 'deprived of parental care'. Later, it was suggested that 'parental care' should be replaced by the term, 'biological family'. Thus, though the aim was to broaden the ambit, the suggestion narrowed it down further more. It's only after India's and the United States of America's interference, the term which was finally used was, 'normal family environment'. It was only the Indian delegates who, for the first time, introduced alternative possibilities like foster placement, placement in the community and State child care institutions. Thus, through India's and the United States' interference, the ambit was broadened from a singular family unit to that of a State-run institution. This formula was finally approved and incorporated in Article 20 of the Convention on the Rights of the Child (CRC). CRC was adopted by the United Nations in 1989. Later, the United Nations mentions in Article 3 that the States are obliged to ensure that the parents are fulfilling their rights and duties regarding the protection and care of the child. Here, in the novel, the father is neither aware of his constitutional rights, nor his duties; and the State also takes no step to ensure that the rights of the father as well as his children are maintained.

Article 20 clearly states, 'a child temporarily or permanently deprived of his/her family environment, or in whose best interests cannot be allowed to remain in that environment, shall be entitled to special protection and the assistance provided by the State.'

Here, the four children are totally deprived of parental care. Their father being a drunkard, doesn't earn anything and their

mother is sick and bed-ridden. They take care of themselves, and from a very tender age, we see the psychological pressure, especially on Hari and the eldest sister, Lila. Lila drops out of school, and almost unconsciously, becomes the foster mother of the remaining two sisters and their own mother. Hari reeks under the pressure to earn for his family, becoming the foster father, though constitutionally, he is not even an adult. He is just twelve years old. Here, the State fails to uphold basic rights of its citizens on two levels. First, there are no employment opportunities in the village, though the Right to work is enshrined in the Universal Declaration of Human Rights (UDHR) and the Indian Constitution. Article 23.1 of the Universal Declaration of Human Rights clearly states, 'everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.'

In the Indian Constitution, Article 38 states, '... the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the [sic.] national life.' Furthermore, Article 43 of the Indian Constitution states, 'the State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas.' The State is bestowed with the responsibility of protecting unemployment, in which it fails miserably. Apart from that at Hari's age, he is to be regarded as a child labourer. Though he finds work in a shabby hotel in Bombay, he is underpaid there as well, earning just one rupee a day. Apart from that, his working environment is unhygienic exposing him to extreme heat. The constant heat and smoke from the kitchen make him feel suffocated. He lives in an inhuman condition in Bombay. Interestingly, it's not only him, but his two co-workers as well, who live and work in a similar situation. Though their names are not revealed, we come to know that their parents were killed in a train accident, making them orphans. Their rights are again violated by the State, as it fails to

provide childcare facilities to them. Hari's rights are violated, and he is emotionally tormented. At some point, he wishes that his father dies, particularly because he doesn't take any care of them, which is a part of his fundamental duties and he is just a burden on his tender and young shoulders. Thus, the right to work, is violated and this can be seen regarding not only Hari but also for the other elders of the village. The State takes no steps to ensure that the rights regarding work and earning are maintained. This negligence costs the villagers during the months of monsoon. Since monsoon in Bombay and the nearby areas continues for almost three months, the fishermen are forced to go out into the violent sea, where it is shown in the novel that three fishermen lost their life. Though they knew that the sea was not safe during that time, but their economic deprivation forced them to go for fishing, and subsequently they lost their lives.

Their mother, as a woman in independent India, is entitled to free medical facilities as ensured by the State. In the Article 21 of the Indian constitution, the Supreme Court guarantees the protection of life and personal liberty to every citizen, and it also includes Right to Health as an integral part of the Right to Life and these two can't be separated. The interpretation by the Supreme court clearly states that the government has constitutional obligation to provide for healthcare facilities to the citizens. If the government fails to do so, it shall be equivalent to the violation of the patient's Right to Life. The village of Thul lacks basic healthcare facilities. There are no doctors in the village, no hospitals, no medical facilities, which is violation of their basic rights. Therefore, the helpless villagers are forced to depend on a magic man, who has roots to treat people from the ailments. The magic man is a total fraud, and he forces Lila's mother to swallow balls of ashes that he makes out of the sacrificial fire, making her condition worse than ever before. Later, we come to know that Lila's mother was suffering from acute anaemia and had started developing tuberculosis, both of which were caused by lack of nutritious diet. He dupes Lila and takes the last ornament of silver that her mother owns as his fee. The villagers are under fear that the magic man has power beyond human knowledge and he can ruin them. The only hospital that Lila can finally gain access to is the government hospital of Alibagh, and it seems that it is only

after the interference of the benevolent Mr. De Silva, that Lila's mother gets proper treatment at the hospital.

III

The most complex level of the novel is when the news reaches the villagers that a fertilizer company is going to be set up in the village of Thul and the neighbouring areas. There is clear difference between the reactions of the old villagers and the young generation. On one hand, Biju, one of the wealthiest and an old farmer of Thul proclaims, 'no one can take our land' (Desai 2006, 60) and, 'You mean these boys are to give up their fathers' lands and boats and go to factories like city people?' (Desai 2006, 61). On the other hand, village kids like Ramu wants to be a part of the upcoming industry with the sole aim of alleviating his family from poverty. He argues, 'they will have to have men working in their factories – so we will get jobs,' (Desai 2006, 14) On the surface level, it might look as mere generation gap, with the younger generation swaying away under the awe of industrialisation and materialistic benefits associated with it. A deeper analysis reveals that Ramu, like others is aware of the fact, that they are economically deprived, but neither is he aware of his rights, nor is he aware of how his rights are being violated by the State. By the time Hari comes back to Thul from Bombay, Sayyid Ali tells him, 'you've lost the fight, you know – we lost the case in the court. The politicians won – so they can make plenty of money from the sale of land and licences in the name of progress.' (Desai 2006, 154) A little later, Ali further adds, 'everything is doomed. The fish in the sea will die from the effluents that will be pumped into the water. The paddy fields will be built over by factories and houses and trees.' (Desai 2006, 154) Adarkar tries to unite the villagers of Thul and the neighbouring villages. He tries to expose the hypocrisy of the State. He says, 'they will send their men to pacify you - to pacify you with lies. The men will tell you that you will get jobs. I tell you that they cannot give us all jobs. The factories will be run by trained engineers, by men with degrees from colleges in the city.' (Desai 2006, 62) Here, their right to property is jeopardised. The forty-fourth amendment of the Indian Constitution, deleted the right to property from the list

of Fundamental Rights, and now it's just a part of Constitutional Rights. This step was hugely criticised by the farmers of our country, and they demanded that right to property be put back in the list of Fundamental rights. When they went to meet the Chief Minister, they are shooed away by the State police claiming that they are good back in their own villages. Overall, there is a rampant hostility that the villagers face from the people of Bombay, who are mostly scared that more people shifting to Bombay shall result in more dependency on limited and minimal resources that the city of Bombay has to offer. Apart from that, the State police is anyway tired of its duties and doesn't want any more trouble. Basically, none of them are able to reap any benefit of being a part of a democratic and socialist republic of India.

When it comes to Thul, Hari is advised by Mr. Panwallah, the watch mender in Bombay to adapt to the new situations. What Hari decides, reminds us of Arundhati Roy's statement that farmers are gradually forced to grow what they can sell, not what they can eat. Here, Hari also plans for a poultry farm, to supply meat to the factory workers. It looks like he is going to adapt for the future. Here, it's not only the rights of the villagers which are being denied, they are duped into believing that the State shall ensure them jobs leading to a betterment of their lifestyle.

This situational reality is reflected in the recent case of Nandigram in West Bengal. The Communist Party of India (Marxist) acquired agricultural fields from the farmers and tried to set up a chemical hub by the Salim group of Indonesia. The farmers were not supportive of this movement, and this gained a stronghold under the Maoist leadership of Bhumi Raksha Committee. In the ensuing violence between the villagers and the State police force, fourteen innocent farmers were killed, and more than seventy were injured. All they were demanding was to let them continue with their agricultural fields. The government had planned to expropriate 10,000 acres of land to be developed into special economic zone. In *The Village by the Sea*, Adarkar can be seen as the forerunner of an organisation which works for the betterment of the farmers, with the ultimate aim of ensuring their rights.

Conclusion

India and the United States of America played a major role in the formation of CRC, but India is unable to implement the benefits that people are entitled to, both on a humanitarian ground as well as on a constitutional ground. The State fails completely and miserably as a welfare state. It fails in ensuring that the poor children get access to education which is their Right. So does the State fail to ensure employment. At the same time, the State takes no steps regarding the social development and empowerment of women. UNICEF in their book, *Protecting the World's Children: Impact of the Convention on the Rights of the Child in Diverse Legal Systems* specifically mentions that in South Africa and India, NGOs are very much active and they need to act as the middlemen whenever State fails to uphold the human rights of its citizens. UNICEF has documented in the World Education Report, 2000 that whereas in 1950, in India 71 percentage of boys and 91 percentage of girls below the age of fifteen were illiterate, this percentage fell down to 36 percent boys and 61 percent of girls in 1990. Though there has been substantial improvement in literacy rate in India since 1950, Rights of the people, including children are still violated by various agencies.

The rights of people continue to get violated, but with the help of their own people they can at least manage to survive the hardships. This novel raises many questions that need to be addressed by the society and the State together. It showcases the lived experiences of the fishing community. These experiences can easily be extended to other communities and societies. As far as the novel is concerned it ends on a hopeful note, compensating for the bleakness that surfaces throughout.

Notes

1. Throughout the novel, Desai uses 'Bombay' instead of Mumbai, probably because of the time when she was writing, the name Mumbai had not yet been officially approved by the government. Therefore, I am also using the term, 'Bombay' instead of the present name, Mumbai.
2. Here, I am assuming that there are ten coconuts in a bunch, and that makes sixty coconuts that Hari sells to the

merchant from Bombay. Since we know that each coconut costs two rupees in Bombay, we can assume that the whole lot shall be sold for one hundred and twenty rupees in Bombay. Hari is undoubtedly exploited by the merchants who act as middlemen, and therefore, Hari's family cannot even afford two proper meals a day.

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Prisha Gupta is an MPhil Scholar at the Department of English, Jamia Millia Islamia