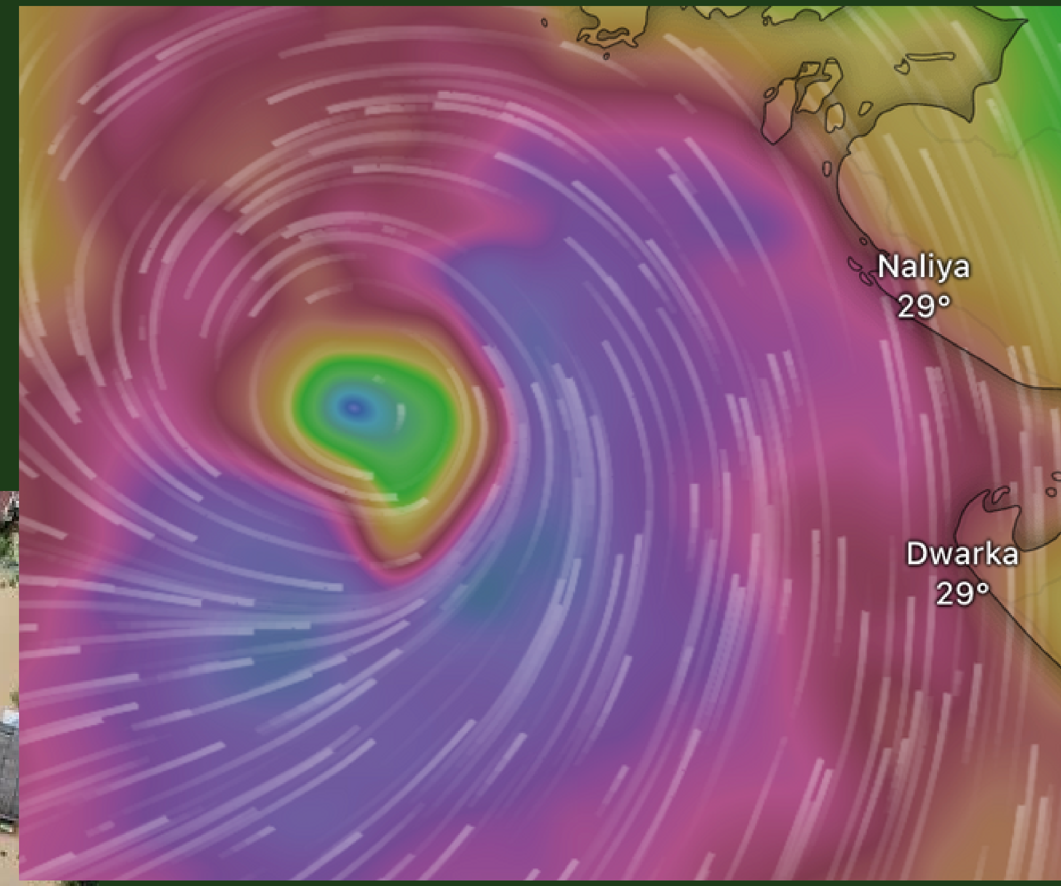
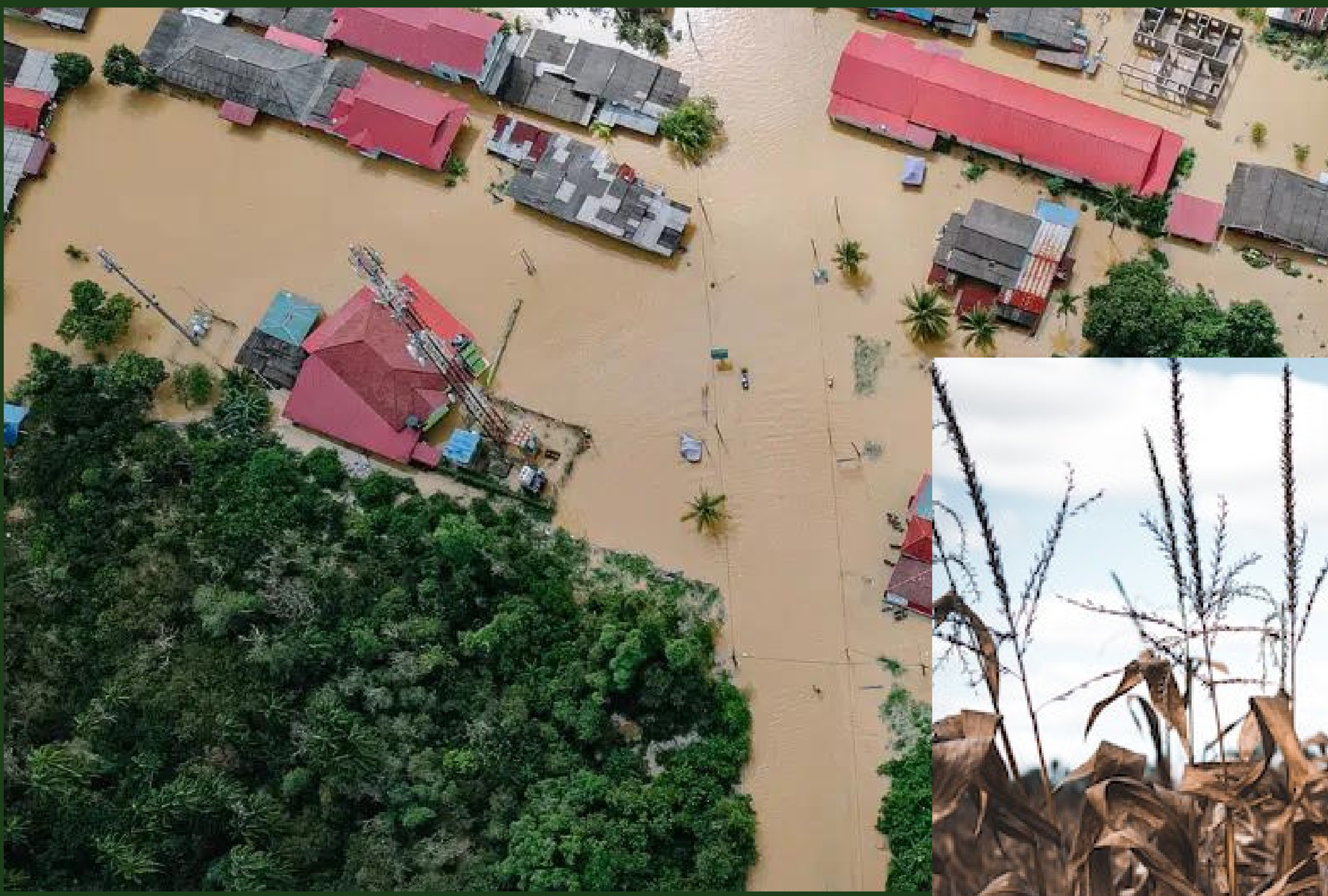
(e)ISSN: 2583-7184

Your Voice

The Dialogue Box Magazine

Volume 2 | Issue 2 | June 2023





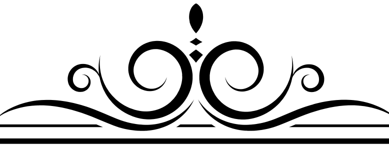
Theme: Climate Justice

Mission Statement & Editorial Process

We take pride in bringing various human rights and current affairs issues to the foray on a regular basis to our readers. The publication is a quarterly magazine which will be a compilation of essays, articles and artworks (including photo-essays and poems) written by practitioners, academics and students worldwide.

This is a thematic magazine and the entries are expected to critically reflect upon the individual themes concerned. This magazine will provide a platform to all ignited minds waiting to make their voices count through their writings and artwork.

Each entry will undergo a double-blind peer review on the content, style and originality by our experienced editorial team, comprising of academics, journalists, lawyers and students across the world. Contributions which do not meet the acceptable standards will be rejected and decisions of the editorial team will be final.



Editor in Chief:

Sandhya Kerketta,
PhD Scholar,
University of Sussex, United Kingdom.

Associate/Consulting Editor:

Ritabrata Roy
Doctoral Tutor,
University of Sussex, Law School

Nabeela Siddiqui
Assistant Professor ,
Christ University, Bengaluru

Dr. Mrinalini Banerjee
Assistant Professor,
Gujarat National Law University

Wayne Thomas Ramwell
Senior Tutor,
University of Manchester (Law School), United Kingdom

Editors:

Siddharth Mathur
Partner, Lex Protector L.L.P.

Rakshit Shrivastava
Advocate, Delhi High Court,
Partner (The Dialogue Box)

Shahzeb Ahmed
Head, Ace Law Chambers, New Delhi
Partner (The Dialogue Box)

Sevki Karaduman
PhD Scholar,
University of Sussex, United Kingdom.

Assistant Editor:

Bilal Khan
Alumna, Christ University, Bengaluru

Table of Contents

Editor's Note
Sandhya Kerketta Page IV

Tropical Cyclones and Climate Justice: Unveiling the Interconnectedness
Siddharth Mathur & Sukrati Rastogi Pages 1-3

Fractured Homelands: Unveiling Climate Injustice and the Resilience of Queer Communities in the Face of Environmental Turmoil
Shefali Bhatia Pages 4-7

Exploring The Corridors of Eco-Taxation in India
Pratik Nayak Pages 7-11

Undoing Injustice in the Sundarban Delta
Arunima Sengupta Pages 11-14

Tales and Tides: Climate Justice and Fishermen Community in Kerala
Malavika P. Pillai Pages 14-17

Short Articles

Sponsor Profiles
Shikhar Khanna Pages 18-20

2023 All rights reserved by The Dialogue Box. New Delhi.

Contact us:
Office: A - 51, Abul Fazal Enclave, Jamia Nagar, Okhla, New Delhi, Delhi 110025, India.
website. www.thedialoguebox.com.
Email: hr@thedialoguebox.com/
director@thedialoguebox.com

Our Social Media handles:-
Instagram - @ihrr2022
Facebook - @thedialogueboxofficial
Twitter - @_tdbofficial
LinkedIn - @thedialogueboxofficial

Editor's Note

Dear Readers,

As we embark on yet another edition of our esteemed magazine, we find ourselves compelled to shine a light on a topic of paramount importance: climate justice. In recent years, the issue of climate change has evolved beyond a mere environmental concern. It has become an urgent matter of social equity and human rights, giving rise to the concept of climate justice.

Indigenous communities, marginalized populations, and developing nations face disproportionate vulnerabilities and suffer from the impacts of climate change, despite contributing the least to greenhouse gas emissions. Climate justice seeks to rectify these inequalities by recognizing the interconnectedness of environmental issues and social justice, promoting fair and inclusive decision-making processes, and holding those responsible for unsustainable practices accountable.

The magazine, dedicated to climate justice, provides insightful interviews with inspiring activists, in-depth features exploring the links between climate change and poverty, gender, and racial inequality, and stories of communities worldwide dealing with climate change impacts. Their resilience, adaptability, and commitment to sustainable practices offer valuable lessons for us all.

Furthermore, we cannot address climate justice without examining the necessary policy reforms and systemic changes required to build a more equitable future. Our expert contributors offer thought-provoking analyses and innovative solutions that challenge the status quo and envision a world where environmental sustainability and social justice go hand in hand.

The magazine aims to foster dialogue, raise awareness, and mobilize collective efforts to shape a future that embraces both environmental sustainability and social justice.

We invite you to immerse yourself in the pages that follow, to engage with the stories, and to reflect on the urgent need for climate justice. Let us be inspired by the activists, empowered by the knowledge, and emboldened to take action.

S. Kerketta

Sandhya Amrita Kerketta
Editor in Chief, Your Voice Magazine
Ph.D. Scholar (Gender Studies)
School of Media, Arts, and Humanities
University of Sussex, United Kingdom

OPEN ACCESS

CC BY NC

YOUR VOICE

Tropical Cyclones and Climate Justice: Unveiling the Interconnectedness

Siddharth Mathur & Sukrati Rastogi

Articles

Citation information:
Siddharth Mathur and Sukrati Rastogi, 'Tropical Cyclones and Climate Justice: Unveiling the Interconnectedness' (2023) 2(2) Your Voice Magazine 1-3.

Introduction

Tropical cyclones are powerful and destructive weather phenomena that regularly impact coastal regions across the globe. These intense storms, known as hurricanes in the Atlantic and northeastern Pacific, typhoons in the northwestern Pacific, and cyclones in the Indian Ocean, have long been a subject of scientific research and public concern due to their devastating consequences ("Hurricanes, Cyclones, and Typhoons Explained"). In recent years, an emerging field of study has shed light on the intricate relationship between tropical cyclones and climate justice, highlighting the disproportionate impacts experienced by vulnerable communities (Santer et al.). This article explores the interconnectedness of tropical cyclones and climate justice, emphasizing the need for equitable and inclusive approaches to address the challenges posed by these natural disasters.

Understanding Tropical Cyclones

Tropical cyclones are formed over warm ocean waters, fueled by evaporation and condensation processes. As the warm, moist air rises, it creates a low-pressure system that draws in surrounding air, resulting in powerful winds and heavy rainfall ("Tropical Cyclones"). The intensity of these storms varies, ranging from Category 1 (weakest) to Category 5 (strongest) ("The Saffir-Simpson Hurricane Wind Scale").

Climate Change and Tropical Cyclones

Climate change plays a significant role in the frequency and intensity of tropical cyclones. While it is challenging to attribute individual storms to climate change, scientific evidence suggests a link between rising sea surface temperatures and the increased intensity of cyclones (Knutson et al.). Warmer ocean waters provide more energy for storm development, potentially leading to more powerful hurricanes, typhoons, and cyclones ("Impacts of Super Typhoons and Climate Change"). Additionally, climate change influences atmospheric conditions, such as wind patterns and moisture content, which can impact cyclone formation and tracks (Knutson et al.).

Disproportionate Impacts on Vulnerable Communities

Climate justice emphasizes the fair distribution of the burdens and benefits of climate change, acknowledging that vulnerable communities are often disproportionately affected by its impacts (Lam). This principle applies to tropical cyclones, where marginalized populations face increased vulnerability due to various factors.

1.Geographic Location: Low-income communities and developing countries are often situated in hazard-prone coastal regions, where cyclone impacts are more likely. Limited resources and infrastructure make these areas more susceptible to the devastation caused by storms, resulting in higher death tolls, economic losses, and displacement (Lee).

2.Limited Preparedness and Resilience: Lack of access to early warning systems, evacuation routes, and resilient infrastructure further exacerbates the vulnerability of marginalized communities. Unequal access to resources hampers their ability to prepare for, respond to, and recover from tropical cyclones, leaving them disproportionately burdened (Dunlap and Brulle).

3.Social Inequities: Pre-existing social disparities, such as poverty, inequality, and inadequate healthcare, intensify the impacts of tropical cyclones. These storms can exacerbate food and water scarcity, increase the risk of disease outbreaks, and disrupt essential services, disproportionately affecting marginalized communities that lack the necessary resources to cope with such crises (Dunlap and Brulle).

Case Studies

In order to draw attention towards the disproportionate impacts of cyclones and typhoons on different nations, here are some case studies that highlight how some countries are more severely affected compared to others.

Bangladesh

Bangladesh, located in a cyclone-prone region, experiences the devastating impacts of cyclones frequently. Its low-lying coastal areas are highly vulnerable to storm surges, intense rainfall, and strong winds (Bernard et al.). For instance, Cyclone Sidr in 2007 caused extensive damage and claimed the lives of over 15,000 people (Howes). Bangladesh's high population density, limited infrastructure, and socio-economic challenges exacerbate the impacts of cyclones, resulting in widespread destruction and significant human suffering (Bernard et al.).

Image Credit: Shutterstock

THE DIALOGUE BOX
FACTS. OPINIONS. EXPERIENCE
OPEN ACCESS
CC BY NC
YOUR VOICE
EVERY VOICE COUNTS

The Philippines

The Philippines is one of the most typhoon-affected countries in the world due to its geographical location in the western Pacific Ocean. The archipelago nation experiences an average of 20 typhoons annually, with varying intensities ("Recent Typhoons in the Philippines"). Super Typhoon Haiyan in 2013 stands as a tragic example, causing catastrophic damage and claiming thousands of lives ("Super Typhoon Haiyan – 10 Years On."). The country's vulnerable coastal communities, poor infrastructure, and socio-economic disparities contribute to the disproportionate impacts, particularly affecting marginalized populations (Warren).

Image Credit: Pixibay

Small Island Developing States (SIDS)

Small Island Developing States, such as those in the Caribbean and the Pacific, face unique vulnerabilities to cyclones and typhoons (Bloemendaal and Koks). These nations have limited land area, fragile ecosystems, and high dependence on key sectors like tourism and agriculture. The intensity and frequency of tropical cyclones pose significant threats to their economies and livelihoods. For instance, Hurricane Maria in 2017 severely impacted Dominica, causing widespread devastation and estimated damages exceeding 200% of the country's GDP (World Bank Group). SIDS face challenges in terms of limited resources, remote locations, and limited access to financial and technical assistance, making recovery efforts more challenging.

Image Credit: Shutterstock

Mozambique

Mozambique, located along the southeast coast of Africa, is vulnerable to tropical cyclones originating in the Indian Ocean. In recent years, the country has experienced severe cyclones, such as Cyclone Idai in 2019 and Cyclone Kenneth in the same year ("Mozambique: Tropical Cyclones Idai and Kenneth - Emergency Appeal N° MDRMZ014, Final Report - Mozambique"). These storms caused extensive damage, including loss of life, infrastructure destruction, and disruption of vital services. Mozambique's limited resources, inadequate infrastructure, and socio-economic challenges make it particularly susceptible to the disproportionate impacts of cyclones.

India

India is surrounded by Arabian Sea in the west and notorious Bay of Bengal in the east. While latter has been a hot-bed of cyclones in the past, there has been a significant change in the Arabian Sea which is witnessing cyclones like never before. In 1999, India experienced the Super Cyclone which caused extreme devastation in the province of Odisha (OB Bureau). It was followed by cyclones like Amphan, Hud Hud and Phailin all of which happened in the Bay of Bengal (PTI). In the western coast, apart from severe cyclones, this time India is witnessing extremely severe cyclone, Biparjoy which is one of the most severe cyclone to ever hit the western coast (Team TOI).

These case studies illustrate how the impacts of cyclones and typhoons are not evenly distributed among nations. Factors such as geographical location, socio-economic conditions, infrastructure, and adaptive capacity play a crucial role in determining the severity of the impacts and the ability to recover. Addressing these disparities requires international cooperation, support for vulnerable countries, and the implementation of climate justice principles to ensure a more equitable and resilient future for all.

Image Credit: Pixibay

Promoting Climate Justice in Cyclone-Affected Areas

Addressing the interconnected challenges of tropical cyclones and climate justice requires multifaceted and inclusive approaches.

1. Mitigation: Reducing greenhouse gas emissions is crucial to mitigate the long-term impacts of climate change and subsequently limit the intensity of tropical cyclones ("Study: Climate Change Has Been Influencing Where Tropical Cyclones Rage"). International cooperation and efforts to transition to renewable energy sources can help vulnerable communities become more resilient to future storms.

2.Adaptation: Enhancing the resilience of coastal communities through adaptive measures is essential. This includes improving early warning systems, strengthening infrastructure, and implementing sustainable land-use practices. Ensuring the participation of marginalized communities in decision-making processes is vital to promote equitable adaptation strategies.

3.Disaster Risk Reduction: Investing in disaster risk reduction measures can save lives and protect vulnerable populations. This involves improved urban planning, the establishment of safe shelters, and community-based initiatives that empower local communities to better withstand and recover from cyclones (Taylor).

Conclusion

Tropical cyclones and climate justice are intricately intertwined, with vulnerable communities bearing the brunt of the disproportionate impacts. Recognizing the interconnectedness of these issues is crucial for fostering climate resilience and promoting equitable responses to cyclone-related challenges. By prioritizing climate justice principles, such as equitable adaptation and disaster risk reduction measures, we can work towards a future where the impacts of tropical cyclones are more justly shared, protecting the most vulnerable among us.

Works Cited

Bernard, Aurélia, et al. "Bangladesh's Vulnerability to Cyclonic Coastal Flooding." *Natural Hazards and Earth System Sciences*, 2019.

Bloemendaal, Nadia, and Elco Koks. "Current and Future Tropical Cyclone Wind Risk in the Small Island Developing States." *Springer eBooks*, 2022, pp. 121–42. https://doi.org/10.1007/978-3-031-08568-0_6.

Dunlap, Riley E., and Robert J. Brulle. *Climate Change and Society: Sociological Perspectives*, Oxford UP, USA, 2015. pp. 127-47.

"Explained: Why Cyclone Biparjoy is so Unusual and Deadly." The *Times of India*, 14 Jun. 2023, www.timesofindia.indiatimes.com/india/explained-why-cyclone-biparjoy-is-so-unusual-and-deadly/articleshow/100968929.cms?from=mdr.

Howes, Nathan. "Cyclone Sidr Killed 15,000 in Bangladesh, According to Estimates." *The Weather Network*, 1 Feb. 2023, www.theweathernetwork.com/en/news/weather/severe/this-day-in-weather-history-november-15-2007-bangladesh-beaten-down-by-sidr.

Hurricanes, Cyclones, and Typhoons Explained. www.education.nationalgeographic.org/resource/hurricanes-cyclones-and-typhoons-explained.

"Impacts of Super Typhoons and Climate Change." *Climate Adaptation Platform*, 12 Jan. 2022. www.climateadaptationplatform.com/impacts-of-super-typhoons-and-climate-change.

Knutson, Thomas R., et al. "Tropical Cyclones and Climate Change." *Nature Geoscience*, vol. 3, no. 3, Nature Portfolio, Feb. 2010, pp. 157–63. https://doi.org/10.1038/ngeo779.

Lam, Curtis. "What Is Climate Justice and Why Is It Important?" *Earth.org*, Apr. 2023, www.earth.org/what-is-climate-justice.

Lee, Marvin. "Climate Justice: Should Developing Countries Be Held to the West'S Standard?" *Earth.org*, Dec. 2021, www.earth.org/climate-justice-should-developing-countries-be-held-to-the-wests-standard.

"Mozambique: Tropical Cyclones Idai and Kenneth - Emergency Appeal N° MDRMZ014, Final Report - Mozambique." *ReliefWeb*, 6 Dec. 2022, www.reliefweb.int/report/mozambique/mozambique-tropical-cyclones-idai-and-kenneth-emergency-appeal-ndeg-mdrmz014-final-report#:~:text=Cyclone%20Idai%20has%20since%20been,in%20the%20same%20cyclone%20season.

OB Bureau. "23 Years to the Devastating 1999 Super Cyclone That Hit Odisha." *Odishabytes*, 29 Oct. 2022, www.odishabytes.com/23-years-to-the-devastating-1999-super-cyclone-that-hit-odisha.

Project, Borgen, and Borgen Project. "Super Typhoon Haiyan – 10 Years On." *BORGEN*, Jun. 2023, www.borgenmagazine.com/super-typhoon-haiyan.

PTI. "Phailin to Amphan: Deadliest Cyclones That Hit India in Last 10 Years." *The Times of India*, 15 Jun. 2023, www.timesofindia.indiatimes.com/india/phailin-to-amphan-deadliest-cyclones-that-hit-india-in-last-10-years/articleshow/101017767.cms.

"Recent Typhoons in the Philippines." *Worlddata.info*, www.worlddata.info/asia/philippines/typhoons.php#:~:text=On%20average%2C%20they%20happen%20about,occur%20in%20August%20and%20September.

Santer, Benjamin D., et al. "Forced and Unforced Ocean Temperature Changes in Atlantic and Pacific Tropical Cyclogenesis Regions." *Proceedings of the National Academy of Sciences of the United States of America*, vol. 103, no. 38, National Academy of Sciences, Sept. 2006, pp. 13905–10. https://doi.org/10.1073/pnas.0602861103.

"Study: Climate Change Has Been Influencing Where Tropical Cyclones Rage." *National Oceanic and Atmospheric Administration*, 4 May 2020, www.noaa.gov/news/study-climate-change-has-been-influencing-where-tropical-cyclones-rage#:~:text=Greenhouse%20gases%20are%20warming%20the,and%20build%20up%20tropical%20cyclones.

Taylor, Michael. "As Typhoons Get Stronger, Asia Must Build Better, Experts Say." *PreventionWeb*, 21 Sep. 2018. www.reuters.com/article/us-typhoon-asia-resilience-idUSKCN1M11BS.

The Saffir-Simpson Hurricane Wind Scale. education.nationalgeographic.org/resource/saffir-simpson-hurricane-wind-scale.

"Tropical Cyclones." *World Meteorological Organization*, 12 Apr. 2021, public.wmo.int/en/our-mandate/focus-areas/natural-hazards-and-disaster-risk-reduction/tropical-cyclones.

Warren, James. "Philippine Typhoons Since the Seventeenth Century." *Palgrave Series in Indian Ocean World Studies*, 2016, pp. 105–41. https://doi.org/10.1057/978-1-349-94857-4_5.

World Bank Group. "A 360 Degree Look at Dominica Post Hurricane Maria." *World Bank*, Nov. 2017, www.worldbank.org/en/news/feature/2017/11/28/a-360-degree-look-at-dominica-post-hurricane-maria.

About the Authors

Siddharth is an entrepreneur who happens to be a lawyer. He loves exploring his interests that very often have nothing to do with one another. His interest in mental health issues and climate change drove him to find some time from his busy Law Firm schedule and get associated with The Dialogue Box. Since then, there has been no looking back. He often manages to squeeze some time for his interest in painting and loves to play with graphite sticks and paintbrush when not working on his Law Firm projects.

Sukrati is a dedicated advocate for addressing climate change and water sanitation issues. Working tirelessly in a non-profit organization, she channels her passion for sustainability and social justice into meaningful action. Through education, awareness programs, and partnerships, she strives to foster resilience and sustainable practices. Sukrati's unwavering interest in her work and commitment to inclusivity ensures that marginalized voices are heard and their rights protected. Her work exemplifies the power of individual action in creating a more equitable and sustainable future for all.

OPEN ACCESS

BY NC

YOUR VOICE
EVERY VOICE COUNTS

Fractured Homelands: Unveiling Climate Injustice and the Resilience of Queer Communities in the Face of Environmental Turmoil

Shefali Bhatia

Citation information:
Shefali Bhatia 'Fractured Homelands: Unveiling Climate Injustice and the Resilience of Queer Communities in the Face of Environmental Turmoil' (2023) 2(2) Your Voice Magazine 4-7.

Introduction

In an interview with Grace Banu, an influential Dalit and trans rights activist and writer from India, Suman Saurav writes how, "one's access to resources is dictated by their social identity and location. Even those resources which have the potential to save one's life". This statement conveys the reality that in times of crisis, it is not the fittest that survives, but rather those who secure the finest means of survival by virtue of their occupation of highest position within the social hierarchy. While disaster may affect everyone indiscriminately, the ability to receive rescue and display resilience in the face of adversities is distributed undemocratically. This unfortunate truth resonates strongly in the context of climate justice in India. The concept of climate justice acknowledges that the climate change impacts unequally and unfairly across the society. It primarily underscores that the burden of climate change falls on the most vulnerable and marginalized communities, despite them contributing the least to its causes. While substantial body of research work acknowledges the relevance of intersectionality when examining the groups most affected by climate change, there remains a notable lack of attention given to the transgender community.

Some scholars have rightly pointed out that the marginalization of queer people is amplified during disasters, as pre-existing inequalities are magnified (Gorman-Murray et al. 238). The aftermath of Hurricane Katrina in New Orleans where the community faced homelessness and extreme poverty is one example. Prior to this catastrophic event, they were already facing distinctive discrimination and a lack of societal acceptance, rendering them more susceptible to catastrophic displacement events (Mark et al. 23). This highlights the urgent need to address the unique challenges faced by queer people, including loss of home, displacement, rebuilding, among others.

Image Credit: Shutterstock

This essay examines the issue of transgender people experiencing homelessness during disasters and delves into the various ways it impacts them and facets that are often overlooked in disaster literature. Drawing upon the sociological concept of "loss" and "solastalgia", the essay expands the understanding of 'home' to argue that losing one's home is more than just the physical loss of property. It is, in fact, loss of ontological security and the psychological functions that it provides, including self-identity and agency. While losing one's home in a disaster is devastating to anyone, unsheltered transgender people encounter social stigmatization that deprives them of their dignity, and so, for them it becomes an experience that is tainted by cruel structural discrimination from society. This reality is essentially poignant for transgender people from Dalit-Bahujan-Adivasi communities, "who face the double brunt of Brahmanical patriarchy... and transphobia" (Saurav).

Climate Justice and the Transgender Community: Unique Challenges of Climate Change

In the aftermath of disaster, transgender individuals just like other marginalized communities, lose their livelihoods, however, the obstacles they face in accessing food and jobs are more challenging. Furthermore, the detrimental effects of air and water pollution disproportionately impact them, particularly those, who have undergone gender-specific surgeries and hormonal treatments. Climate change emergencies are also intricately linked to psychological distress, for instance, night time heat is linked to poorer sleep, which in turn can deteriorate mental health and hot days are associated with self-harm incidents (Mariwala and Rizwan 1). Not having a safe shelter further intensifies the impact of these crises.

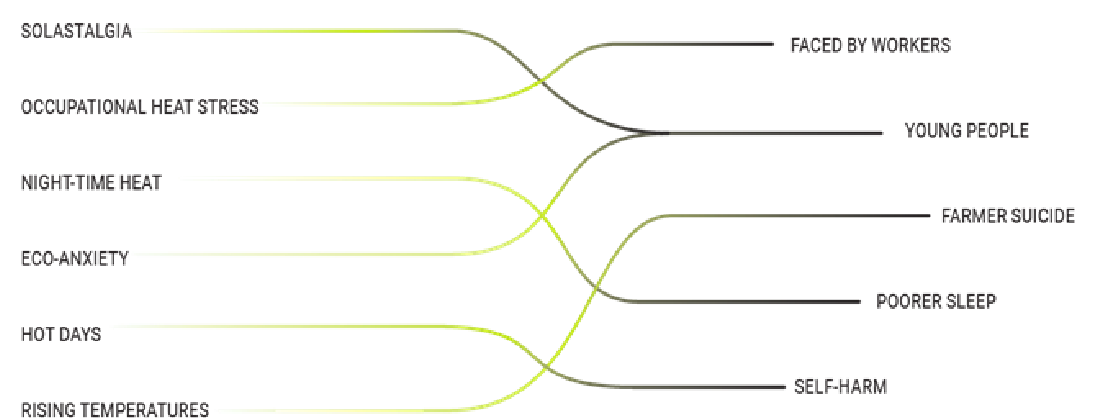


Fig. 1. Raj Mariwala and Saniya Rizwan, Climate Change and Mental Health

Although the progressive circles claim to recognize the institutional injustice faced by the transgender community and its historical abandonment by society, a particular degrading reality remains: their absence in statistical data. Considering the pivotal role that statistics play in informing policies and initiatives at structural level, absence of their representation sheds light on the irresponsible attitude of patriarchal and caste-ridden society.

Banu, in the above-mentioned interview notes that the 2011 census in India documented a population of over 4,90,000 transgender individuals, however, this is only the recorded number. Transgender activists assert that the actual number is six to seven times higher. It is noteworthy that the census was conducted ten years back and it's been seven years since Supreme Court of India legally recognized and upheld the fundamental rights of transgender individuals (Saurav). To make this situation worse, as per a report by Dalberg, a consulting firm, around 102 million people in India, including 30 percent of the homeless population and more than a quarter of its third gender citizens do not have Aadhar (Chandran). The lack of Aadhar disproportionately impacts the most marginalized peoples who are also most likely to experience errors in their Aadhar documentation. These errors can lead to denial of welfare services and exclusion from important support systems.

Both policy and cultural norms have perpetuated exclusionary practices against transgender community. Taking the case of the Green New Deal, despite its commitment towards social reforms to liberate vulnerable communities, it explicitly failed to include transgender people as a community that is affected by climate change. Thus, even within a policy framework considered as progressive and inclusive, there exists climate injustice towards the queer community (Mark et al. 23). According to Bhardwaj, the international framework for disaster management as well explicitly denies the concerns of transgender individuals. The Sendai Framework for Disaster Risk Reduction 2015-2030 claims inclusivity in prevention of disaster, reduction, and rehabilitation, however, it itself is limited by binary gender assumptions and thus, remains exclusionary in nature (1).

Image Credit: Shutterstock

Unveiling the Mosaic of Home: Trans People Resilience and Disruption in the Face of Disaster

For many transgender individuals, searching for a secure home is deplorable experience due to discriminatory housing policies. Voluntarily or involuntarily many trans people leave their birth homes and stay in public parks, or in makeshift places provided by queer friends or queer organizations until they find a more permanent and stable shelter (Moudgil 3).

Andrew Gorman-Murray and colleagues explain how the concept of 'house' and 'home' intersect with social relations and emotions and at the same time, with the idea of private and public. According to them, the privacy and agency of home can be influenced by dominant norms, surveillance mechanisms and government agendas and thus, homes of queer people are not inherently private but are instead subject to external sanctions, with constant monitoring (243). In spite of everything, queer people invest in constructing a sense of home that provides them a protected space for self-affirmation and identity support. In this way, home is a site of resistance for the entire queer community against heteronormative social norms where despite societal approval, what blooms is deference, an affirmation of queer identity and desire, and beautiful relationships and communities. By making home, therefore, queer community provide themselves and their families, protection against the adverse effects of discrimination and harassment and by managing such external encroachments, homes of queer populations produce means of resilience (Gorman-Murray et al. 251).

When disaster strikes, the intensity of emotional and structural distress faced by them becomes all more profound. Queer communities find themselves struggling with a magnified external pressure as disaster management policies – with the need to distribute scarce resources – often overlook marginalized populations and disregard the needs of "non-normative" queer households They frame policies that favour heterosexual nuclear families and neighbourhoods. Multiple forms of exclusion and mistreatment that Aravanis, a transgender community of India, faced following the 2004 Indian Ocean tsunami is an example of this. Not only were they excluded from crucial rehabilitation programs but were also denied entry to shelters and were discredited in death records.

Furthermore, when it comes to crisis followed by a climate disaster, while the material aspects of damage are reported, its immaterial aspects are often overlooked. As Brown argues that alongside physical damages individuals also struggle with the changes in the relationship between themselves and their environment (1). It is therefore important to take into account the symbolic implications of climate disaster and destruction, essentially in the case of queer people as they deeply relate to the idea of place as meaningful landscapes arising from social processes.

In the context of place of home of transgender people specifically, it comprises of both – material and immaterial aspects, including history, relationships and cultural traditions. The link between a transgender person and their landscape does not exist in isolation; their perception of self is influenced by those they share the place with and those they set themselves apart from.

Loss of place in a disaster can therefore translate into loss of identity, social networks, and emotional attachments. The concept of "solastalgia" holds particular importance to examine this. Introduced by Glenn Albrecht and colleagues in 2007, solastalgia is the emotional distress experienced when people are unable to find solace in their "negatively perceived" environment or witness its loss. Some aspects of place are indeed personal but studying it within and across communities can highlight socio-ecological dynamics (Brown 3). For transgender people, home is beyond mere physicality and encompasses a sense of ontological security. Truly remarkable here is the expansive nature of their homes that stretches across different scales and that embraces different sites, from the intimate streets and neighbourhoods to the vibrant public spaces, cities, and even nations (Gorman-Maurer et al. 244). Thus, the sense of meaningful home here incorporates the intricate web of neighbouring connections, shared financial arrangements, and warm embrace of family and friendships. It is within this multidimensional meaning of home that they weave threads of identity, resilience, and a shared longing for a place that they can call their own.

The location of community organisations dedicated to transgender people is an essential reflection of both vulnerability and resilience in various disaster situations. Manthithoppu Transgenders Milk Corporation Society in Sandeep Nagar, Tamil Nadu is an excellent example here. Banu highlights that over 85 trans people are there in this community who initially lacked access to even basic resources, including identification documents. However, with the help of the District Collector, they were able to get proper documentation that brought positive changes. With the establishment of the corporative society, over 85 trans people have become successful entrepreneurs, owning their own lands and cattle. They now earn a livelihood by selling cow milk and are living a life of dignity. Some have even pursued government job opportunities, with many supporting each other. Banu says that it is a welcoming community where those who left their homes will always find a place to belong (Saurav).

It is recognized in media and NGO reports that spaces built by queer communities provide a profound sense of home and belonging. But these spaces are equally vulnerable to the impact of disasters. When we consider the sociology of loss, as Rebecca Elliott underscores, we come to understand clearly that the consequences of climate change encompass both quantitative and qualitative aspects.

While quantitative loss may entail less money at both household and national level, loss of biodiversity etc.; qualitative loss would be disappearance of entire ways of life, landscapes, and cultures (305). While it may be easier to quantify and measure quantitative losses, addressing qualitative loss require a more nuanced approach to disaster management. It is important to note that the most marginalised bear the biggest brunt of these qualitative losses. Thus, it becomes crucial to develop strategies to document qualitative loss, as once these aspects are lost, they can never be fully recovered or compensated.

When we consider the qualitative loss of vital spaces made by queer communities, we can understand the disproportionate amount of psychological and structural injustice they go through. During and subsequent to disasters, the loss of these spaces has the potential to heighten their vulnerability. However, such spaces can also serve as examples of resilience. They become places where the community comes together and provide support and shelter and safety to those who have been displaced from their homes (Gorman-Murray et al. 254). A notable instance of this was demonstrated by Living Smile Vidya, a transgender woman who opened her home for her people in the aftermath of Chennai floods in 2015. Her intension was to create a safe space and comfortable environment specifically for trans persons (Das 1). In a similar vein, Dr Aijaz highlighted the support within the transgender community of Kashmir. He says that they are a close-knit group that provides emotional and psychological help to each other. However, during times of disasters, they often have to rely on external support which presents challenges (Mattoo and Shabir 6).

The interconnectedness between loss and society is evident from these examples. Sociology of loss, therefore, provides an important theoretical framework for understanding the intricate levels of devastation caused by climate change. It allows the uncovering of not only tangible and visible losses but the intangible and less apparent impacts of climate injustice as well.

Evolving Horizons: Nurturing Equity and Resilience in Climate Action

There is an urgent need for "just" climate action, which requires systemic transformative change. This transformative change aims to disrupt unequal power relations and prioritise socially just pathways. To achieve this, it is crucial for researchers and policymakers to move beyond portraying local communities solely as "victims" or "beneficiaries" and instead invest in enhancing their social and material capabilities (Srivastava et al. 103). Horizontal reservation that reserves a percentage of seats in education and employment for transgender individuals across various social categories is one approach that would empower communities to determine their own futures in the face of climate change.

Srivastava and colleagues contend a "place-based, bottom-up perspective" that values the viewpoints and experiences of marginalized populations as they are essentially needed to address climate change (104). Despite being disproportionately affected by the impacts of climate change, queer populations are often excluded from decision-making processes due to various forms of injustices. By recognizing and addressing these injustices, we can foster inclusive and equitable climate action that promotes the well-being and agency of all individuals and communities

OPEN ACCESS
CC BY NC

YOUR VOICE

Works Cited

Bhardwaj, Vani. "Queering Disasters in Light of the Climate Crisis." *Gender in Geopolitics Institute*, Feb. 2023. igg-geo.org/?p=10929&lang=en.

Brown, Adrienne S. "'Homesick for Something That's Never Going to Be Again': An Exploratory Study of the Sociological Implications of Solastalgia," *Society & Natural Resources*, vol. 36, no. 4, Taylor and Francis, Jan. 2023, pp. 349–65. https://doi.org/10.1080/08941920.2023.2165205.

Chandran, Rina. "Ten Years on, India's Biometric ID Excludes Homeless, Transgender People." *The Jakarta Post*, 2018, www.thejakartapost.com/life/2019/11/27/ten-years-on-indias-biometric-id-excludes-homeless-transgender-people.html.

Das, Monalisa. "The News Minute | Tamil Nadu." *The News Minute*, 4 Dec. 2015, www.thenewsminute.com/article/transgender-woman-opens-home-chennai-flood-affected-36561.

Elliott, Rebecca. "The Sociology of Climate Change as a Sociology of Loss." *European Journal of Sociology*, vol. 59, no. 3, Dec. 2018, pp. 301–37, https://doi.org/10.1017/s0003975618000152.

Gorman-Murray, Andrew, et al. "Queer Domicide." *Home Cultures*, vol. 11, no. 2, Taylor and Francis, July 2014, pp. 237–61. https://doi.org/10.2752/175174214x13891916944751.

Mariwala, Raj, and Saniya Rizwan. "Building Solidarities: Climate Justice and Mental Health." *The Mariwala Health Initiative Journal*, no. 5, 2022, www.reframe2022.mhi.org.in/revisions/indigenous-climate-justicebuilding-solidarities-climate-justice-and-mental-health.

Moudgil, Manu. "No Place Like Home." *Queerbeat*, 2021, www.queerbeat.org/stories/no-place-like-home.

Saurav, Suman, and Grace Banu. "COVID-19 and the Trans Community in India: A Conversation with Grace Banu." *Resurj Blog: Reflections by Younger South Feminists*, 2021, www.resurj.org/reflection/covid-19-the-trans-community-in-india-grace-banu.

Mattoo, Fahim and Sadaf Shabir. "Trans People Battle Discrimination to Rise Above Natural Disasters." *India Times*, 25 May 2023, www.indiatimes.com/explainers/news/trans-people-battle-discrimination-to-rise-above-natural-disasters-603712.html.

Srivastava, Shilpi, et al. "Climate Justice for Whom? Understanding the Vernaculars of Climate Action and Justice in Marginal Environments of India." *IDS Bulletin*, vol. 53, no. 4, 7 Dec. 2022, pp. 101-23. https://doi.org/10.19088/1968-2022.141.

About the Author

Shefali Bhatia is a graduate with Masters degree in Sociology from Jawaharlal Nehru University (JNU). Her research interests entail history, urban sociology, gender and sexuality, migration, media studies, and sociolinguistics among others.

We also publish blogs on different topics relating to Human Rights and Social Science.
To publish with us please send your manuscripts at blogs@thedialoguebox.com.

Exploring The Corridors of Eco-Taxation in India

Pratik Nayak

Citation information:
Pratik Nayak, 'Exploring The Corridors of Eco-Taxation in India' (2023) 2(2) Your Voice Magazine 7-11.

Introduction

Throughout the past century, sustainable development and environmental protection have increasingly become the focal point on the policy agendas of both developed and developing nations. While governments have traditionally focused on strengthening legislation to address environmental degradation, recent debates have centered on the potential role of fiscal policy instruments, such as taxes and subsidies, in mitigating environmental issues.

Green tax, also known as environmental taxation or pollution tax, is a type of levy imposed on goods and activities that contribute to environmental pollution. The primary goal of these taxes is to internalize externalities, meaning to account for the social and environmental costs associated with these goods and activities. These taxes are often referred to as Pigouvian taxes, named after Arthur Cecil Pigou, an economist who advocated for government intervention through taxes to address negative externalities in pricing (Folloni and Zelinski).

OPEN ACCESS
BY NC
YOUR VOICE

Eco-taxation aims to incentivize consumers to reduce their consumption of polluting goods and shift towards environmentally sustainable alternatives, rather than solely generating revenue for the government. In this sense, a decrease in tax revenues from environmentally taxed products and activities is seen as a positive sign of the policy's success. For example, if a tax is implemented on household waste disposal to encourage waste reduction, the tax would be proportional to the number of garbage containers produced, rather than a flat fee (Chaturvedi et al.) A decrease in tax revenue from this tax would indicate a reduction in waste generation. Furthermore, environmental taxation can create a "double dividend" by not only reducing polluting activities and increasing social welfare but also improving the revenue system by reducing reliance on distorting taxes such as income and sales taxes in the market economy.

Eco-taxation offers a significant cost-effective advantage as it enables the achievement of environmental objectives at a minimal expense. By reducing the consumption of harmful products, eco-taxes incentivise resource-efficient consumption and encourage investment in innovative technologies to reduce emissions. Overtime, environmental taxes can increase the demand for eco-friendly alternatives such as public transportation and unleaded petrol, resulting in economies of scale and ultimately reducing their cost.

Image Credit: Shutterstock

History of Eco-Taxation: Global Developments

The use of eco-taxation was first endorsed by the 1992 Rio Declaration under Principle 16 which requires states to "promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of the pollution". In 1992, the Fifth Environmental Action Program of the European Union identified the use of economic instruments as a key strategy for achieving sustainable development. This approach was further emphasized in the United Nations Environment Program Green Economy Report, which highlighted taxes and market-based instruments as one of the six key factors for achieving a green world economy. The report was prepared in anticipation of the United Nations Conference on Sustainable Development, also known as Rio+20.

Despite a general consensus over the benefits of eco-taxation, its focus has been defined differently by the OECD (Organisation of Economic Cooperation and Development) and the European Environment Agency (EEA). For instance, the OECD defines environmentally-related taxation as follows: "Environmentally related taxes are defined as any compulsory, unrequited payment to the general government levied on tax bases deemed to be of particular environmental relevance."

On the other hand, the EEA focuses on correction of the tax base in defining eco-taxation: "Environmental tax reform of the national tax system where there is a shift of the burden of taxation from conventional taxes, for example from taxes on labour, to taxes on environmentally damaging activities, such as resource use or pollution. The burden of taxes should fall more on 'bad' than 'goods'".

Environmental taxes have been utilised extensively despite varying viewpoints on the approach. The European Union was the first to implement environmental fiscal reforms, with Nordic countries leading the way in the early 1990s, followed by other countries such as Germany, UK, France, and Italy. These countries have enforced taxes on carbon, transportation fuel, electricity, motor vehicles, solid waste, air pollutants, agricultural and industrial chemicals, among others. Although the specifics of these taxes differ from one country to another, environmental taxes have generally proven successful in reducing resource consumption in most European nations.

At present, the emphasis is on expanding the scope of environmental taxes to reflect the 'user pays principle' rather than the 'polluter pays principle.' Under the user pays principle, taxes are intended to apply to a broad range of ecological services used, as opposed to only pollution-causing activities. Thus, the scope is more extensive than that of the 'polluter pays principle,' which only targets environmentally harmful activities through taxation. Recently, taxes have also become a critical tool for achieving environmental goals in Asian nations, with some countries such as Vietnam drafting specific legislation for environmental taxation.

BEFORE ECO TAXATION   AFTER ECO TAXATION

OPEN ACCESS
CC BY NC

YOUR VOICE

Advantages of Eco-Taxation

Eco-taxes have been considered better alternatives to the traditional command-and-control measures, such as legislations and regulations, for a number of reasons.

1. Taxation measures provide continuous incentives to reduce emissions, while command-and-control regulations do not incentivize progress beyond the legally required level. Moreover, government-prescribed approaches towards environmental remediation, as prescribed by command-and-control regulations, can prevent polluters from pursuing more cost-effective alternatives. Additionally, these regulations carry significant risks of becoming suboptimal due to ever-changing technological conditions. Economic instruments align more with the 'precautionary principle' because they encourage the prevention of pollution-causing activities even before conclusive proof of their harmful effects.[1] In contrast, command-and-control regulations tend to prescribe reactive measures rather than proactive ones, which can lead to suboptimal outcomes and may not incentivise the adoption of cleaner technologies.
2. Enforcing environmental legislation can be a costly and challenging task, especially in developing countries. Factors such as lack of awareness and inadequate regulatory resources for monitoring purposes make compliance challenging. In contrast, economic measures aim to secure compliance by promoting attitudinal changes. This means that desirable behaviour is not generated through the threat of penalties and sanctions but through measures that appeal to the rational considerations of consumers and procedures.
3. Environmental legislations often impose heavy penalties, including monetary fines and closure of industries, for non-compliance. Unfortunately, these penalties can negatively impact poor employees who are not responsible for the faults committed by the industry-owners. Developed countries with more advanced environmental policies seek to use market forces to drive environmentally beneficial changes. This approach aims to incentivise businesses to prioritise environmental responsibility and sustainability, ultimately leading to a cleaner and healthier environment for all.

Although economic instruments have emerged as a viable approach to environmental management, it is important to note that command-and-control measures cannot be entirely replaced. This is because environmental taxes do not provide absolute certainty regarding emissions reduction.

Eco-Taxation in India

Background

Since the 1990s, India has been considering the implementation of green taxes. The topic gained attention with the release of the Policy Statement for Abetment of Pollution by the Ministry of Environment and Forests in 1992, which emphasised the need to address pollution through fiscal measures. The Tax Reforms Committee report of the same year recommended the levying of taxes on certain raw materials for the purpose of conserving and protecting the environment, further fuelling the debate on the potential impact of taxes on environmental outcomes.

In 2006, the National Environmental Policy of India also highlighted the importance of utilising economic instruments for environmental regulation. The policy recommended implementing a natural resource accounting system to assess the rate of depletion of natural resources caused by economic development. It further stressed the need to consider the environmental costs and benefits associated with different activities when making policy decisions. By doing so, policymakers could make informed decisions that account for the environmental impact of various actions.

Existing Eco-Taxes in India

Currently, India employs only a few fiscal instruments, such as the Water Cess collected under the Water (Prevention and Control of Pollution) Cess Act of 1977. This Act mandates the collection of a cess from specified industries listed under Schedule I of the Act, as well as from local bodies. Industries that consume water within the prescribed limits or have established effluent treatment plants receive a 25% rebate. The Central Government has the power to amend Schedule I to include industries that consume water and discharge pollutants, but this power has seldom been exercised. As a result, the Schedule only applies to sixteen industries. To improve the effectiveness of the Act, it is recommended that the government expand its scope to include more hazardous industries and make periodic revisions to the cess rates changed.

State boards in India often charge fees instead of granting permission for the discharge of pollutants into the environment. Under the Water Act, municipal corporations and certain industries must obtain consent from the state board before discharging sewage or trade effluents into water bodies. The state board has the authority to impose fees and establish conditions for the discharge, such as the nature and composition of the sewage. Similar fees are also charged under the Air (Prevention and Control of Pollution) Act of 1981. However, these fees generate very little revenue as rates are infrequently revised, and the funds collected are not effectively utilised for managing the polluting activity. It is, therefore, necessary to review and update these fees regularly and allocate the generated funds towards the proper management of the associated pollution.

Starting from 2010, the Indian Central Government has imposed a Clean Energy Cess on coal used in electricity generation, including imported coal, at a rate of INR 50 per ton, which was later increased to INR 200 per ton in 2015. The government has also offered tax exemptions and waived custom duties on eco-friendly resources such as solar cells and solar lanterns in its budget. Additionally, machinery that helps in controlling pollution is eligible for a depreciation allowance under the Income Tax Act of 1961. The government is exploring newer forms of eco-taxes, such as the imposition of Advance Recycling Fees (ARF) on electronic goods sales since 2012 to generate funds for the establishment of e-waste disposal infrastructure.

State and municipal authorities in India use various other fiscal instruments for environmental regulation. For example, in some states, green taxes are imposed on electricity consumption. Monthly waste generation charges are also levied on households and shops in many cities. Some states, like Kerala, have waived taxes on paper bags while increasing taxes on hazardous items, such as plastic bags.

The government also provides environment-friendly subsidies to encourage the use of sustainable technologies. These subsidies may include promoting eco-friendly public transport or offering financial support for treating effluents generated by small-scale industries located in clusters. For instance, the Ministry of Environment and Forests has initiated a financial support scheme that covers 50% of the capital cost for effluent treatment, with the concerned state government covering 25%, and the industry bearing only 25% of the cost. Although subsidies strain the public budget and can hinder the natural market development, they are effective in bringing about desirable changes in consumption patterns in a shorter period of time

Challenges in the Indian Context

The implementation of eco-taxes or green taxes in India has faced numerous challenges. These challenges need to be addressed if eco-tax reforms are to be successfully implemented in India.

1. One of the primary challenges is the lack of political will. The Indian government has been hesitant in implementing eco-taxes due to various reasons such as the fear of losing popularity among citizens, lack of awareness among the masses, and reluctance to affect the businesses of influential lobbies.
2. Another challenge is the lack of proper infrastructure for collecting and utilizing eco-tax funds. In many cases, the funds generated from eco-taxes have been diverted to other government projects or remained unutilized. This undermines the very purpose of eco-taxes, which is to promote sustainable development and mitigate the negative impacts of pollution.
3. Another significant challenge is the lack of awareness among citizens about the need for eco-taxes and the importance of sustainable living. Due to this, citizens may not take eco-taxes seriously, and this may lead to non-compliance or evasion of these taxes.
4. The complexity of tax laws and regulations is also a major challenge in implementing eco-taxes. Businesses may find it challenging to comply with these regulations, leading to non-compliance or evasion of these taxes.
5. Finally, the lack of coordination and cooperation among different government agencies at the central and state levels may lead to a lack of clarity and consistency in the implementation of eco-taxes.

To address these challenges, the Indian government needs to take concrete steps to create awareness among citizens about the need for eco-taxes and sustainable living. It is essential to create a proper infrastructure for collecting and utilising eco-tax funds to ensure that they are used for their intended purpose. The government also needs to simplify tax laws and regulations to encourage compliance and reduce evasion.

Conclusion

Eco-taxation has emerged as a cost-effective policy instrument for preventing environmental degradation. It has the potential to contribute significantly towards achieving environmental goals without the need for penalties or sanctions. Despite the benefits that eco-taxes offer, they have not yet become an integral part of mainstream environmental regulation policies in India.

The evidence clearly indicates that eco-taxes can effectively prevent environmental degradation. They offer a cost-effective approach to regulating industries that have a negative impact on the environment. Moreover, they provide a means of encouraging businesses to adopt environmentally-friendly practices, thereby promoting sustainable development.

One of the key advantages of eco-taxes is that they are not punitive in nature. Instead, they incentivise businesses to adopt eco-friendly practices by reducing the tax burden for companies that operate in an environmentally responsible manner. This approach ensures that companies are not penalised for their environmental impact but are instead encouraged to take measures to minimise their environmental footprint.

Despite these benefits, eco-taxes have not been widely adopted in India. This is due to a range of factors, including a lack of awareness about the benefits of eco-taxation and the perceived administrative burden associated with its implementation. Additionally, some stakeholders may be resistant to change and reluctant to adopt new policies that could potentially affect their bottom line.

To overcome these challenges and promote the adoption of eco-taxes in India, there is a need for greater awareness and education about the benefits of eco-taxation. This can be achieved through targeted campaigns that educate stakeholders about the cost-effectiveness of eco-taxes and their potential to promote sustainable development.

In conclusion, eco-taxation has the potential to become a significant policy instrument for preventing environmental degradation in India. Despite the benefits that eco-taxes offer, they have not yet become a mainstream policy instrument in the country. To promote the adoption of eco-taxes, there is a need for greater awareness and education about their benefits and potential to contribute towards sustainable development.

OPEN ACCESS
CC BY NC

YOUR VOICE

Works Cited

Chaturvedi, Ashish K., et al. "Environmental Fiscal Reforms," *Iimb Management Review*, vol. 26, no. 3, Elsevier BV, Sept. 2014, pp. 193–205, https://doi.org/10.1016/j.iimb.2014.06.004.

European Environment Agency, "Market-based Instruments for Environmental Policy in Europe," 21 Jan. 2006. ieep.eu/publications/market-based-instruments-for-environmental-policy-in-europe/.

Folloni, André, and Renata Brindaroli Zelinski, "Environmentally Oriented Tax Law and the Brazilian Tax Species," *Veredas Do Direito*, edited by Dom Helder, May 2016, https://doi.org/10.18623/rvd.v13i25.571.

"Organization for Economic Co-operation and Development, Glossary of Statistical Terms: Environmentally Related Taxes," *OECD Statistics*, 2004, stats.oecd.org/glossary/detail.asp?ID=6270, Accessed 25 Jan. 2017.

United Nations, General Assembly, A/CONF.151/26 (Vol. I) Report of The United Nations Conference on Environment and Development, 12 Aug. 1992, *United Nations*. www.un.org/esa/documents/ga/conf151/aconf15126-1.htm. PDF download.

About the Author

My name is Pratik Nayak. I am currently studying in Xavier Law School, XIM UNIVERSITY BHUBANESWAR. I enjoying reading and writing about social issues. From a very young age I have been taking part in various occasions where I get a chance to voice my opinions.

With a knack for being restless, often indecisive but at the same time, passionate, I am always ready to take up new endeavors to challenge myself. Scrolling various Jstor articles to documentaries on my Screen, I hope to write more and open new pathways for learning of all sorts of topics.

Undoing Injustice in the Sundarban Delta

Arunima Sengupta

Citation information:
Arunima Sengupta, 'Undoing Injustice in the Sundarban Delta' (2023) 2(2) Your Voice Magazine 11-14.

Climate action is one of the 17 sustainable development goals formulated and put forth by the United Nations, effective to be entirely implemented by 2030. One of the foremost objectives of this goal is to "educate" communities at a grassroots level regarding their immediate environmental needs and effective ways to sustain available resources. Such a target invariably presupposes that the understanding of their immediate surroundings by grassroots-level communities or those indigenous to a location is somewhat lacking. The two lakh "tribal" people currently facing a perpetual threat of climate-induced migration in the Sunderban delta they call home are victims of this very dismissal of their pre-existing knowledge systems owing to policies of the Indian and Bangladeshi governments to homogenise and instruct the Adivasi communities of the land in conservation and climate awareness.

The idea of the Anthropocene defines an era where "human" and "environment" are separate, solitary entities where human effects on the environment alter it to a great extent. The issue with the majoritarian discourses emerging from this understanding completely ignores indigenous communities' cultural and ritualistic belief systems.

Michael Wessels wrote on Southern African indigeneity, "The idea of the environment is a modern one, the product of a certain separation from a life lived on the land and the formations of consciousness that attended the shift to urbanisation" (119). The politics of loss and conservation of the environment have thus been under the manipulation of colonial and capitalist devices since they encroached upon the land and rights of the Adivasis. One fails to unsee this long-drawn connection between the realm of territorial inhabitation and that of the belief systems of these communities. Indeed the initial conflict between Orientalists and indigenous tribes was not so much over land as it was about what was considered and recognised as knowledge. The earliest weapons of colonisation were missionaries that preached the gospel. This aim to define indigenous cultures in European terms is what created the binary of the primitive, superstitious tribal as opposed to the Western-educated, scientific colonisers. The ramifications of such a hegemonic formulation still persists — as is evident from the displaced adivasis of the Sundarban delta — in the form of a loss of land, resources, and of dignity, owing more to an unfair, inequitable approach of policymakers towards these areas and its inhabitants rather than fluctuations of climate.

OPEN ACCESS
CC BY NC

The settlers of the Sundarbans need hardly to be enlightened on the adverse effects that climate, coupled with imperial exploitation, has had on their environment since the 18th century. Like the periodic cyclonic storms that have long invaded this area, the British government has been the founding cause of severe deforestation of natural vegetation in these parts. Home to the world's largest mangrove forest, the Sundarbans have a preliminary layer of protection from the cyclones ravaging this area at frequent intervals. However, the revenue policies of the then magistrate of Jessore ensured the complete destruction of what he saw as "totally unproductive" forests. The power to reap benefits from these lands was wholly vested in the landowners — a tradition that continues to this day. The same devices that disregard the Adivasi's rights over their land are the ones that recognise the Midnapuris as the upper echelon of the Sundarbans society. The landowners of present-day - these people are not among those indigenous groups that have been set in a state of constant flux over the last two decades since cyclone Aila hit the Bangladesh coast in 2009, causing severe damage to life and property in the Sundarban delta.

The 2011 Census recorded the Adivasi population in this region at 2,11,927. Current records show the number dwindling at an alarming 1,79,719. Of the 102 recorded islands that form a part of this delta, 54 are currently uninhabitable due to thick mangrove growth and submersion due to flooding during the storms and rising sea levels (Basu). The discourse of climate "educators" of this area directly levy charges of the irresponsible use of land and agricultural practices on the alarmingly decimating Adivasi population as the cause for Sundarban's current state. This statistical education, of course, fails to account for the fact that the tribal communities of this area receive little to no aid from the government and are virtually left alone to recuperate after the cyclones, each larger and more catastrophic than the last, ravage their homes.

Image Credit: Shutterstock

This attempt to redefine the realities of the Adivasis has been rampant since the infiltration of capitalism. In the 1940s, anthropologists Evans-Pritchard and Malinowski recognized the functional significance of tribal belief systems in the organisation of society. They observed that religious beliefs and practices played a major role in regulating social interactions, maintaining social order, and supporting economic activities in tribal communities (Prasad 11).

Image Credit: Shutterstock

Their research highlighted the intricate interconnections between religion, economy, and social organisation within these societies. The inseparable nature of religion and economy becomes a point of distinction between capitalism and pre-capitalist societies. The conflation of the base and the superstructure in the Adivasi economy becomes evident in anthropological studies that attribute norms of wealth accumulation and distribution to customs and religious beliefs. While Indian Marxist scholars might not necessarily agree with this, an analysis of the primitive myths of the Sundarbans Delta elucidates this distinction quite easily.

The main deity worshipped by the people in the delta is Bonbibi. Though her origins are disputed, Bonbibi is "worshipped" by Hindus and Muslims alike as the protector of the sacred mangrove forests, protecting the land from all harm — be it violent storms, external threats, or the man-eating tigers that inhabit these forests. Interestingly the main adversary of Bonbibi and her brother Shah Jongoli is the tiger-shaped monster, Dokkhin Rai. In various retellings of this myth (dating back to the Ray Mangal Kabya of 17th century Bengal), Dokkhin Rai was originally an upper-caste Hindu priest who wanted to gain control of the land that belonged to the Adivasis who were ostracised in their own territory. Bonbibi defeated the treacherous Dokkhin Rai in battle and banished him deep into the forest.

A corollary to this myth is the lore of Dukhi and Dhona and how Bonbibi came to be regarded as the patron saint of the people of these marshlands. Dukhi and Dhona, both poor honey collectors, had travelled far in search of good quality honey. Once they reached Dokkhin Rai's territory, the demon revealed himself to the greedy Dhona and asked him for a human sacrifice in exchange for all the honey and wealth that the land had to offer. Tempted, Dhona left the island, leaving Dukhi to be devoured by the demon. The helpless Dukhi prayed to Bonbibi, who came to his rescue, once again banishing Dokkhin Rai back into his demarcated territory. Dukhi was rewarded for his faith, only in lieu of his promise that none of his people would ever venture into these lands to exploit its resources ever again (Haldar).

OPEN ACCESS

CC BY NC

YOUR VOICE

The myth of Bonbibi thus treats the forests of Sundarbans as a symbolic source of both religion and of the means of production that sustains the people. Violating the law of Bonbibi becomes concurrent with a violation of the Adivasi's homeland. The belief system of the indigenous communities whose realities shape their folkloric traditions finds a solid grounding in this myth. The people of this land have been exploited and terrorised by various versions of Dokkhin Rai — the demonic priest, for centuries, be it in the form of colonisers, governments, or powerful landowners. With the induction of capitalism came the infiltration of caste in these communities. According to various socio-cultural studies conducted in the Sundarbans, the second stratum of the societal order comprises both Hindus and Muslims — mostly refugees from East Pakistan post-Partition (1971). These migrants are no strangers to the marginalisation that seems to grip these parts, having suffered massacres at the hands of the Left government of West Bengal in Morichjhanpi. However, most of these settlements were formed at the cost of hundreds of displaced adivasis that were the original inhabitants of these lands. The current census records various Adivasi sects like Chandals, Bagdis, and Nomoshudras residing in these parts (Basu). However, most of them have had to adopt the homogenised surname Sardar to be recognised as one collectively marginalised *jaati*.

The material realities of the Adivasis inhabiting these parts have long been placed at loggerheads with their value systems. The main point of contention of the aforementioned Indian Marxists is thus that these very systems of hierarchy that exist in tribal society become the means by which they are incorporated into the capitalist regime of exploitation of resources and of labour (Prasad 11). Where the rituals and practices of these communities used to be a mode of subversion of power structures, the very norms of the folk culture were pitted against its own people and used as a tool to justify external hierarchies and integrate them into these systems of oppression. The oath to Bonbibi has long been violated, and their sacred forests have been drained dry of its bounteous yield. The Adivasi has been deceived of their own rights and manipulated to believe that putting their faith in the forest deity and her army of spirits was partially responsible for the undoing of their land and livelihood.

A quick internet search will tell you that the Sundarban delta is submerged (quite literally) under the weight of a vast multitude of climatic dysfunctions, varying in severity and requiring immediate action. In the case of the Adivasis of Sundarbans, their lack of internet facility hardly deters them on this account as they are at any given time surrounded by a host of climate change messiahs that are more than ready to give them a blow-by-blow of the ill effects of the storms, the rising water level and increasing salinity; the flaw in their agricultural practices (one that was imposed upon them to expedite and maximise production) that is depleting their own land of more resources than the cumulative efforts of 2 governments; above all the surviving human population is in a dialectical relationship of destruction with their own islands — the adverse conditions here slowly decimates their population while their desperate attempts at survival ensure the annihilation of its resources.

Image Credit: The Statesman

Even though the Adivasis never had any rights over their own homeland, the onus of sustaining it and restoring it to its former glory somehow falls upon them. With huge directives issued by the state and other saviours, the people are being told what to do in order to avoid suffering more loss than they already have. The people of the Sundarbans are a cautionary tale unto themselves.

It is hardly fair to bring in the question of justice where people have been denied their basic rights for so long that receiving enough aid to survive harsh every day realities seem like acts of great providence. For a group that is struggling to recuperate from three centuries worth of systemic deprivation, a demand for them to be "environmentally aware" is surely a huge ask. It is thus far from just to introduce new methods of land cultivation and water use, imposing strict laws of conservation for a people who have never known the plenitude of their own realm. For a community that congregates over the faith in their folkloric traditions, recurrent calamity, and misfortune have successfully shaken their faith in the Bondevi that swore to protect them for eternity. As Dokkhin Rai's bloodlust increases and the once lush jungles of terrifying beauty make immeasurable sacrifices to appease his ravenous hunger, the Adivasis are robbed of any sense of security or hope for a future.

Talks of climate justice are no doubt welcome here. I would even say that it is necessary. However, what needs to be reconsidered is the very definition of this term that has been universalised for far too long. I believe a reversal of years of erasure of the people of these islands, their rituals, culture, and practices is foremost in order. Justice, one that is long overdue, once meted out to the people of this land, will be the only kind of justice that can save these parts from the throes of adverse climate. Dictates of the Anthropocene, pitting man against nature, fail in the land of lush mangroves where people lead an amphibious existence between the natural and the material. Bonbibi still reigns undefeated in the hearts of these forests and its people alike. If you ever have the good fortune to visit these parts, you will know that they are one and the same.

Works Cited

Basu, Jayanta. "What Ails the Tribals of Sunderbans?" *The Telegraph Online*, 28 Dec. 2019, www.telegraphindia.com/west-bengal/what-ails-the-tribals-of-sunderbans/cid/1731018. Accessed 1 June 2023.

Halder, Suddhasil. "The Parable of Bon Bibi and 'Being' in the Sundarbans." *NiCHE*, 29 Nov. 2022, www.niche-canada.org/2022/10/25/the-parable-of-bon-bibi-and-being-in-the-sundarbans.

Prasad, Archana. "Ritual and Cultural Practice Among Indian Adivasis." *Environment and Belief Systems*, edited by G. N. Devy, 1st ed., Taylor and Francis, 2020, pp. 10–30.

Wessels, Michael. "Indigeneity, the Environment and Africa." *Environment and Belief Systems*, edited by G. N. Devy, 1st ed., Taylor and Francis, 2020, pp. 115–19.

"What Is Climate Justice? And What Can We Do Achieve It?" *UNICEF Office of Global Insight & Policy*, www.unicef.org/globalinsight/what-climate-justice-and-what-can-we-do-achieve-it.

About the Author

Arunima Sengupta is an Undergraduate student of English and Cultural Studies at Christ University, Bengaluru. Her love for city spaces extends to her research interest which includes Spatiality and Urban Studies from the perspective of literary and cultural theory. Besides being an avid reader, she likes taking long walks and indulging in amateur photography.

Tales and Tides: Climate Justice and Fishermen Community in Kerala

Malavika P. Pillai

Citation information:
Malavika P. Pillai, 'Tales and Tides: Climate Justice and Fishermen Community in Kerala' (2023) 2(2) Your Voice Magazine 14-17.

ഏലേലൊ ഏലബലേലോഏലേ ഏലേലോ

ഏലേലൊ ഏലബലേലൊ ഏലേഏലേലോ

കടലേ കലിതുള്ളണതെന്തേ നിന്റെകലിയടങ്ങിലേ

കരകൾ കരകവിഞ്ഞൊഴുകും കുടികൾകടലു കൊണ്ടാവും ഏലേലോഏലബലേലോ ഏലേ ഏലേലോ

ഏലേലൊ ഏലബലേലൊ ഏലേഏലേലോ

Elelo Elabalelo Ele Elelo
Elelo Elabalelo Ele Elelo
Are you still angry, Oh sea
When you overflow, our huts will be washed away
Elelo Elabalelo Ele Elelo
Elelo Elabalelo Ele Elelo

For the past few years, the anguished songs of fishermen have been echoing along the shores of Kerala. In the tumultuous battle against coastal erosion, a crucial narrative of climate justice and its denial has emerged from the fishing communities in the state. Various fishermen's families started a rallying call for justice, demanding a fair and equitable response to the impending crisis.
Climate justice, a concept firmly rooted in the recognition of historical inequalities, requires an understanding of intersecting socio-economic factors. From the drought-stricken communities in Africa to the hurricane-ravaged islands of the Caribbean, marginalised populations who have contributed the least to the problem bear the brunt of environmental degradation disproportionately.

With hundreds of families losing their homes and several people being relocated from their residences, coastal erosion has become a grave threat to the residents on the shore. It primarily affects the fishing community, which is socially and economically marginalised but has a long tradition of earning a livelihood from the sea. This problem forces them to choose between the ocean and the giant – either dealing with ongoing problems caused by erosion or giving up their fishing profession and moving to urban areas. Their situation is considered a grave injustice because coastal erosion has been worsened by thoughtless human activities done in the name of progress. In order to cater to the demands of a specific group in society, the livelihoods of fishermen have been abandoned and left without support.

Fishermen live in specific coastal regions where they adapt to the unique geographic characteristics of those areas. They participate in traditional practices and rituals to live in harmony with the ocean. These activities are not merely a source of income for them but are also deeply ingrained in their way of life. The customs and way of life of fishing communities differ from one coastal area to another. The causes and outcomes of coastal erosion are influenced by various development activities specific to each location. For instance, in the case of Chellanam, a fishing village in Ernakulam district, the erosion problem can be attributed to government projects such as the expansion of the Cochin port, as highlighted by researchers from the Kerala University of Fisheries and Ocean Studies. The drastic reduction in beach sand availability, along with the presence of strong and high seawalls built in Chellanam between 1978 and 1982, exacerbates coastal erosion. The dredging activities for the Cochin port have disrupted sediment availability, with most of it accumulating on the northern side of Cochin Harbour. Additionally, coastal works like groynes or stone embankments designed to break water flow for the protection of INS Dronacharya, the Indian Navy's gunnery school, contribute to the instability of seawalls. The lack of proper design considerations to rebuild the seawalls led to issues such as blocked drainage canals and subsequent flooding (John).

Image Credit: Deccan Herald

Another example is Alappad, a small fishing village in Kollam district, which has experienced a significant reduction in size over the past 50 years. The decrease from 87.5 square kilometres to 8.7 square kilometres can be attributed to the beach wash mining process undertaken by state-run companies, IRE and KMML. These companies collect sand from the beaches but do not replenish the areas, causing the sea to erode the coastline (Rawat). According to the Shoreline Change Assessment for Kerala report by the National Centre for Sustainable Coastal Management, erosion is prevalent along a major stretch of Kerala's coastline, with Thiruvananthapuram experiencing the highest erosion rates (John). Areas like Valiyathura, Poonthura, and Puthiyathura of the district witness progressive erosion that happens during turbulent times and is not offset by natural replenishment during calmer seasons. Apart from these, Cyclone Okhi and the sourcing of quarry stone for the construction of Vizhinjam harbour have contributed to the destruction of coastal areas and hills in these regions. Cyclone Okhi hit the shores of Kerala in 2017, aggravating life near the shores for the fishing community. Due to the cyclone and subsequent coastal erosion, numerous people had to relocate.

Image Credit: Deccan Herald

The unwillingness to relocate is pertinent among the elderly inhabitants who showed discontent with the alternate housing plan proposed by the Kerala government to construct flats in various parts of the state (EJ). Even though this would save their lives from the vigorous impacts of coastal erosion, most of the local residents expressed their reluctance to move to an alternate house. They suggest having a solid seawall to protect the shores where they had lived for ages from further erosion (EJ).

Surviving away from the sea is difficult for the locals as they are emotionally and economically dependent on the sea. Many families of fishermen, who have been displaced from their homes as a result of Cyclone Okhi and severe sea erosion, currently reside in camps or rented accommodations under extremely distressing circumstances. But the fear of moving away from their shores, which would alienate them from their livelihood, culture, and lifestyle, looms over them.

Various fishermen communities have made efforts to keep this tradition alive and pass it down as oral narratives to subsequent generations. For instance, fishermen portray the Kadalamma (Mother Sea) as a powerful entity and resist the attempts of scientists and government activities to tame or control the sea. A story associated with this issue is the tale of the thirsty crow, a popular story among fisherman communities. The story explains that the water level in a nearly full pot rose when the crow put stones into it, just like how the water level in Eravipuram village in the Kollam district has risen with coastal developmental projects that involved tossing boulders into the sea to construct sea walls. This unfortunate situation is shared by several other villages in the district, like Alappad, Azheekal, and Vellanaturuth. These villages claim that illegal black sand mining supported by the state has significantly harmed the coastal ecosystem and their livelihoods. Large sand dunes, which served as natural barriers against coastal dangers, have been destroyed as a result of sand mining. This destruction has had a profound impact on the composition of the shore, affecting the fishermen's ability to engage in fishing activities.

Fishermen, through their longstanding coexistence with nature, have acquired a deep understanding of its capacities and have adjusted their methods to responsibly harness the available resources while maintaining ecological balance. Having relied on the sea for sustenance and economic purposes for generations, fishermen have acquired profound knowledge of the marine ecosystem.

OPEN ACCESS

CC BY NC

YOUR VOICE

They possess an intimate familiarity with the sea, being able to discern changes in wind patterns and water currents, to navigate by observing celestial bodies, to predict fish availability based on lunar cycles, and to identify fish shoals based on colours and seasonal occurrences.

Image Credit: The Statesman

For instance, fishermen across Kerala tend to personify various elements of nature, believing that they can influence their lives positively or negatively (Houtart and Nayak). Hindu fishermen in Trivandrum, Kollam, and southern Ernakulum follow rituals like Ponkala, a yearly festival honouring the mother sea by offering puffed rice, jaggery, pulses, ghee, and coconuts to appease the wrath or retaliation of natural forces (Kelkar-Khambete). The fishing community's culture and mindset are deeply influenced by their natural surroundings, particularly the sea, which fosters a sense of unity among them and shapes their collective memory. In cases where communities derive their unity and distinctiveness from geographical factors, the attachment to their environment plays a significant role in their psychological well-being when faced with changes to the landscape. However, due to the increased displacement of older people as a precaution against shore encroachments, this practice has been disrupted and is now unfamiliar to younger generations.

The tendency to abandon traditional practices or beliefs with factual explanations occurs through the transmission of informal stories within family networks, preserving collective and communal identities through religious and communal practices. Yet another instance is the recent photography exhibition on the life of Chavittu Nadakam artists, a highly colourful art form combining dance, music, and storytelling, which held a mirror to the link between the artists and the sea, as well as the rich heritage of the art form (Menon). This art form is believed to have originated in the coastal regions of Kodungallur-Kochi-Alappuzha during Portuguese rule. Numerous artists inhabit the outskirts of the Kochi-Chellanam coast, depending on the sea to sustain their livelihoods. Nevertheless, they persistently encounter the difficulties posed by the shifting climate. Even the traditionally peaceful month of December brings about tidal flooding in the area.

The living conditions of artists sharply differ from the roles they embody on stage, such as kings, queens, and warriors. Such narratives and art forms retain the identity and conception of their livelihood as one's perception of who they are now and what they want to become affects what they think they have been in the past.

Climate change affects different regions and communities disproportionately. Vulnerable populations, including those living in poverty or marginalized groups, often lack the resources and infrastructure to adapt to or mitigate the effects of climate change. This exacerbates existing inequalities and manifests the intersection of environmental issues with economic and other hierarchy-based injustices in the society. The fishermen's cry for climate justice echoes their need to remain in the place they have considered home for decades. And most importantly, it is an emotional plea to save and preserve their socio-cultural memory and traditions. This is one of the most overlooked aspects of climate justice. Most people reduce it to materialistic claims, whereas what is actually lost is the art, culture, and many memories formed from the contact interaction of a group of people with their immediate geography. Fishing is not only an occupation but also a deeply rooted cultural activity for fishermen. Despite external pressures from hegemonic or capitalist forces, the fishermen's intrinsic need for continuity in their identity as fishermen cannot be overridden. Even in adverse situations, such as the encroachment of the sea, individuals remain loyal to their traditional beliefs, as abandoning these practices would mean a transformation of their very selves.

During the recent flood in Kerala, the fishermen's potency was evident through their heroic rescue efforts. The media celebrated them as Kerala's own "army," and the highly praised Malayalam film by Jude Anthany Joseph, 2018 (2023) depicted the suffering of people from Kerala during a flood and highlighted the heroic actions of fishermen who emerged as saviours, actively participating in rescue operations. Yet, they have not received substantial support from the government or others to protect their homeland from being washed away. In the face of the catastrophe, they voluntarily utilised their invaluable assets—indigenous knowledge and experiences with the sea—to save people from being swept away. This knowledge, derived from the collective memory of the fishermen, is shared with society through the oral tradition, serving as a means of remembrance and preservation.

Image Credit: The Statesman

To truly understand the urgency of climate justice, we must acknowledge that climate change is not a standalone issue — it is deeply interconnected with human rights, equity, as well as cultural memories and identity crises. This interconnectedness is etched into the experiences of frontline communities, whose struggles against environmental degradation serve as a stark reminder of the urgent need to address climate change in a manner that leaves no one behind. Since they are put in this situation by fellow human beings, the profound significance of climate justice unfolds. The government or authorities should adopt a vision that seeks to rectify the injustices perpetuating environmental degradation and build a future where every individual, regardless of their socio-economic or occupational status, can thrive in a sustainable world.

Works Cited

EJ, Ashfaque. "600 Days into Hunger Strike; Kerala Coastal Village Continues Protest Against 'Eviction'" *MaktoobMedia,* 21 Jun. 2021. www.maktoobmedia.com/india/600-days-into-hunger-strike-kerala-coastal-village-continues-protest-against-eviction/, Accessed 18 May 2023.

EJ, Ashfaque. "This was a Man-Made Disaster: Residents of Kerala's Flood-Ravaged Chellanam Village." *The Caravan Magazine*, 28 May 2021. www.caravanmagazine.in/environment/this-was-a-man-made-disaster-residents-of keralas-flood-ravaged-chellanam-village. Accessed 18 May 2023.

Houtart, François and Nalini Nayak. *Kerala Fishermen: Culture and Social Organization*. South India Centre D'Analuse Sociale de la Culture, 1998, pp 1-18.

John, Haritha. "Coastal Erosion Is Chipping Away at Homes in Kerala, Displacing Hundreds." *Scroll*, 27 June 2018. www.scroll.in/article/884068/coastal-erosion-is-chipping-away-at-homes-in-kerala-displacing-hundreds.

Kelkar-Khambete, Aarti. "Traditional Fisherfolk of Kerala - An Article About Their Socio-economic Organisation and the Special Relationship they Share with the Sea and the Environment." *India Water Portal*, 2012. www.indiawaterportal.org/articles/traditional-fisherfolk-kerala-article-about-their-socio-economic-organisation-and-special. Accessed 5 May 2023.

Kerala University of Fisheries and Ocean Studies (KUFOS). "Restoration of Chellanam Panchayath." *kufos.ac.in*, 2021. www.kufos.ac.in/wp-content/uploads/2021/07/Restoration-of-Chellanam-Interim-Report-15th-July-2.pdf. Accessed 5 May 2023.

Menon, Anasuya. "Kings and Climate Change | K.R. Sunil Photographs Chavittu Nadakam Artistes in Kerala who Are Facing Rising Sea Levels." *The Hindu*, 15 Dec. 2022. www.thehindu.com/entertainment/art/kr-sunil-kochi-muziris-biennale-chavittu-nadakam-artistes-chellanam-kerala-rising-sea-levels-a-boiling-vessel-aazhi-archives-photographer-mattancherry/article66233714.ece.

Rawat, Bhim Singh. "Kerala Sand Mining 2018: How a 17 Year Allapad Girl became Anti Sand Mining Icon." *SANDRP*, 17 Feb. 2019. www.sandrp.in/2019/02/17/kerala-sand-mining-2018-how-a-17-year-allapad-girl-became-anti-sand-mining-icon.

About the Author

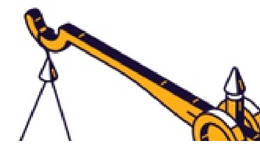
Malavika P Pillai is an independent researcher with a Master's degree in English Language and Literature from Mahatma Gandhi University, Kerala. Her research interests include Memory Studies, Environmental Humanities and Postcolonial Studies from the vantage point of South Asian socio-political conditions. With demonstrable experience as editor, writer, teacher and researcher, she aims to revive hitherto unexplored events and narratives of the overlooked sections of society through her writings.

We are indexed at:

We thank you:

Practice Areas

1. Constitutional Law
2. Civil & Commercial Litigation
3. Arbitration & Dispute Resolution
4. Criminal Investigation & Trial
5. Insolvency & Bankruptcy
6. Intellectual Property Rights
7. Consumer Law



Ace Law Chambers is a new age Indian Law chambers established in 2021. It has its head office in New Delhi and has branch office in Noida. Ace Law Chambers is known for its innovative, pragmatic, holistic and simple approach to serving its clients. We strongly believe in keeping our clients' interest at the forefront of our work. Our strength lies in our core values of professional integrity, honesty, conscientiousness and encouraging open dialogue and participation by all. Client satisfaction and win-win outcomes are hallmarks of our reputation and Ace Law Chambers have your back when it comes your case. With a philosophy of providing sustainable legal solutions for our clients at its core, we adopt technology and international best practices to a deeply Indian business philosophy.

Practice Areas

The chambers have expertise across several practice areas being:

1. Constitutional Law

At Ace Law Chambers, we are dedicated to protecting the rights of the clients as mandated by our legal framework. The Constitution is the foundation of many people's lives and we prepared to act at any time when a threat to their right arises.

2. Civil & Commercial Litigation

The Ace Law Chambers' litigation practice encompasses advocacy and advisory work across a broad range of civil and commercial areas. The Chambers is well equipped to handle Matrimonial cases, cheque bouncing matters, international commercial disputes, recovery matters, movable and immovable property matters, urgent injunction matters, rights, immigration laws, real estate laws, construction laws, contract laws, creditors, tax laws , wills, trusts etc. The team is highly experienced in the drafting of various contracts, deeds and other documents involved in litigation on original and appellate side.

The Chamber has represented clients across multiple jurisdictions, courts and tribunals including:

- *Supreme Court*
- *High Courts*
- *NCLT, NCLAT,*
- *CCI*
- *SEBI and Securities Appellate Tribunal*
- *Consumer Courts and National Consumer Disputes Redressal Forums*
- *Tax Tribunals*

3. Arbitration & Dispute Resolution

Ace Law Chambers specialises in the whole gamut of corporate and commercial dispute resolution services- right from the pre-arbitration stage till the enforcement of the arbitral award. We have considerable experience in domestic and international arbitration matters across sectoral practices such as Oil & Gas, Shipping, Maritime & Admiralty, Mining & Construction, Taxation, Infrastructure & Telecommunications.

The Chambers has dealt comprehensively with cross border strategies for disputes and has advised several multinational corporations, international financial institutions and corporate houses. Our expertise is multi-jurisdictional and extends to mediation, conciliation, negotiation assistance and settlement as well.

4. Criminal Investigation & Trial

The Chambers has comprehensive experience in reposting clients in all types of Criminal matters across all stages and before various forums across the country. The team has dealt with matters relating to defamation, economic offences, white collar crimes, bail, appeal and revision cases, cybercrime and much more. The Chambers possesses considerable experience in advising clients on anti-corruption laws in India. We also provide assistance with foreign anti-graft laws having extra-territorial implications, including advising and providing assistance on legal issues and corrupt practices investigations by both internal and/or external agency.

5. Insolvency & Bankruptcy

The Chambers has a well-rounded practice of both litigation and non-litigation work in the area of Insolvency and Restructuring. Ace Law Chambers advises corporate debtors, financial and operational creditors, for a range of services which includes strategizing and advising the client from the perspective of the Insolvency and Bankruptcy Code, fling/defending insolvency petition before the National Company Law Tribunal (NCLT) and the National Company Law Appellate Tribunal (NCLAT), restructuring the corporate debtor and strategizing its revival including, preparation or assisting in examination of resolution plans, Initiating/ defending proceeding against guarantors/mortgagors of the corporate debtor, advising and action on behalf of the resolution professional and advising client on the different facets of the insolvency and liquidation process. We also provide advisory on informal restructuring and help in drafting, negotiating and finalizing restructuring plans, transactions documents including Debtor Creditor Agreements, Inter-Creditor Agreements, Syndicate Loan Agreements, Master Restructuring Agreements etc. We also advise on the enforcement of securities under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 as per the client's requirements.

6. Intellectual Property Rights

The team is renowned and recognised for its work in providing strategic advice on IP protection, development, commercialisation and litigation matters. From registration to strategy, the team does it all and ensures maximisation of value. Our team provides advice on the full suite of Intellectual property issues: from Trademarks, Copyrights, Patents, Geographical Indicators and Industrial Designs. We also advise on issues of unfair competition, domain name licensing, IP infringement over the internet and IP related to advertising and media. We assist our clients in doing extensive IP audits to review the scope, status and implications of their IP assets, registered and unregistered, and to address issues like employee know-how, confidentiality, trade secrets and more.

7. Consumer Law

Our lawyers are seasoned and well versed with consumer litigation and practice. Our team has solid experience across all consumer forums and helps clients with end-to-end solutions for various consumer matters. We specialize in preparation and review of consumer contracts, advisory on product liability, warranties, false advertisement, appearing before the forums and pre and post litigation documentational support. Our practice also extends to handling cases pertaining to e-commerce businesses and help both consumers and the e-commerce business. We also advise and represent developers, agents and homebuyers under RERA and assist our clients with registration as well as compliances under RERA.

l Fazal Enclave, Okhla, New Delhi - 110 025
219, Sector - 83, Noida, Uttar Pradesh

shahzeb.ahmed@acechambers.in

+91 9911 150 016

We thank you:

LEX PROTECTOR

is a

Paperless

LAW FIRM

International Trademark Filings and Prosecution
DMCA Takedowns
Patent Draftings and PCT Filings
Industrial Designs

www.lexprotector.com

India | United States | United Kingdom | Estonia

OPEN ACCESS

We thank you:

PROFILE OF AHUJA LAW OFFICES

Ahuja Law Offices is a multidisciplinary boutique law firm offering personalized, transparent, dedicated and ethical services in the field of Dispute Resolution, Corporate litigation and advisory, MSME law, Insecticides and Seeds Act, Real Estate, Family Law, Senior Citizen law and Estate Planning matters to clientele across India and Hong Kong.

We offer a strong competitive edge to our clients through expert legal advisory services, backed by unmatched expertise, strong IT enabled team and a vision that enables us to handle cases smoothly and efficaciously. As a team, we bring on the table seven decades of collective legal experience.

FIELDS OF SPECIALIZATION

* Commercial Laws
- Contract Act
- SARFAESI Act
- Negotiable Instruments
- IBC Code
- Intellectual Property rights
- MSME Act
* Companies Law
- Share Holder Disputes
- Winding UP
- Mergers and Acquisition
- SEBI
* Civil Laws
- Transfer of Property
- Recovery Disputes
- Consumer Protection
* Real Estate Laws
- RERA
- Real Estate Consumer disputes
* Insecticides and Seeds Act

NON LITIGATION SERVICES

Drafting and Vetting of Agreements :-
* Builder Buyer Agreement Agreement for sale and Purchase of Land, JointVenture Agreements, Collaboration Agreements, Share Holding Agreements, Venture Capitalist Agreements, Branding Agreements, Lease agreements, sale deeds, finance agreements, work contracts, franchise agreements, technology know-how agreements, software development agreements, service agreements, guarantees, trademark licensing agreement, Royalty and International Arbitration agreement etc.

Due Diligence :-
Due diligence of the land for the purpose of purchase and lease, due diligence related to risk assessment of the contracts and Companies Legal Health Check.

Compliances :-
Company Law Compliances, Industrial relations and Labor Law, Environment, Health and Safety Laws, Commercial Laws and Municipal and Local Laws.

CONTACT DETAILS

A-219 LGF, Defence Colony,
New Delhi-110024
Website: www.ahujalawoffices.com
Email: alo@ahujalawoffices.com
Office No. 011-49096435
Mobile :
TS Ahuja - 9811586723,
Varun S. Ahuja- 9971673660

2023 All rights reserved by The Dialogue Box. New Delhi.

Contact us:
Office: A - 51, Abul Fazal Enclave, Jamia Nagar, Okhla,
New Delhi, Delhi 110025, India.
website. www.thedialoguebox.com.
Email: hr@thedialoguebox.com/
director@thedialoguebox.com

Our Social Media handles:-
Instagram - @ihrr2022
Facebook - @thedialogueboxofficial
Twitter - @_tdbofficial
LinkedIn - @thedialogueboxofficial

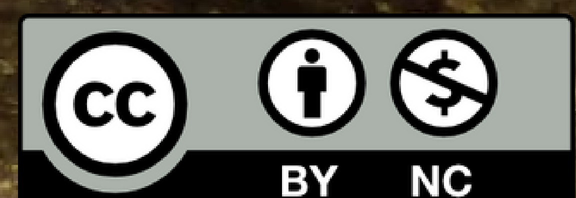


Photo credit: Ritabrata Roy
Doctoral Researcher, University of Sussex, Unuted Kingdom