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YOJANA

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INCLUSIVE DEMOCRACY

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Mani Shankar Aiyar

Equality and its Demands on Democratic Institutions
Aruna Roy & Rakshita Swamy

Inclusive Democracy: A Gandhian Perspective
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Special Article

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Why the Government Should Embrace the Public Domain
Pranesh Prakash

जन गण मन

Special Issue

Development Road Map

National Food Security Ordinance Promulgated

The National Food Security Ordinance was promulgated on 5th July 2013. The legislation seeks to provide legal entitlement to 67 per cent of the country's 1.2 billion population (75 per cent in rural and 50 per cent in urban India) to get 5 kg of foodgrains, rice, wheat and coarse grains, per person every month at highly subsidised rates of Rs 3, 2, 1 respectively through ration shops.

About 2.43 crore poorest of the poor families covered under the Antyodaya Anna Yojana scheme under the PDS would also get legal entitlement to 35 kg of foodgrains per family per month.

DETAILS

WHEN IMPLEMENTED	govt to spend Rs 1.25 lakh crore per year to supply 62 mn tonnes of grain to 67 per cent of population
FOOD GRAINS	requirement to go up from 56 million tones to 62 million tones
LAW GUARANTEES	5 kg of rice, wheat, coarse cereals per month per person at Rs 3.2,1 per kg respectively
RS 6,000	to be given as maternity benefit
HOME RATION	or hot cooked food for children aged 6 months to 14 years
CENTRE TO FUND	states if there is shortage of grains due to natural calamities
CENTRE TO HELP	states transport and handle grains

Iron Deficiency Anaemia Programme for Adolescents

The National Weekly Iron & Folic Acid Supplementation (WIFS) Programme for Adolescents was launched On 17th July 2013

The National Weekly Iron and Folic Acid Supplementation (WIFS) Programme is a unique initiative to protect the adolescent population in the age group of 10 to 19 years from Iron deficiency anaemia. 13 crore adolescents across the country would benefit from this programme.

Iron Deficiency Anaemia is the most widespread nutritional deficiency disorder in the country today Nearly 58 percent pregnant women, 50 percent women in reproductive age, 56 percent adolescent girls, 30 percent adolescent boys and 70 percent children under five years of age are anaemic Anaemia results in poor physical growth, reduced school performance & diminished concentration.

KEY FEATURES OF WIFS

- Coverage of 13 crore adolescent girls and boys
- Free distribution of IFA tablets at Govt. & aided schools and Anganwadi centres
- Supervised intake of IFA tablets on a fixed day every week
- Screening of adolescents for anaemia & referral to health facility
- Biannual de-worming
- Information and counselling on balanced diet and Iron rich food
- Nutrition and health education

DO YOU KNOW?

PRISM

PRISM refers to a surveillance programme started by the US' National Security Agency (NSA) in 2007. It was a secretly-run intelligence run-programme, details of which became public only after a leak in April 2013. The leak says that this allowed the NSA to "receive" emails, videos, photos, voice and video calls and other such data held by several US internet firms. The companies named by the leak include Microsoft and its Skype division; Google and its YouTube division; Yahoo; Facebook, AOL, Apple among others. It is estimated that the programme costs $20m (£13m) a year to run. While the NSA described it to be a part of counter-terrorism operations, the revelation of the existence of such a programme has led to the rise of privacy concerns in the cyber world.

Details about this were leaked by Edward Snowden, a 30-year-old former employee of the US Central Intelligence Agency. Snowden then fled the US after he was charged with "theft of government property, unauthorised communication of national defence information and wilful communication of classified communications intelligence."

According to the Washington Post, the NSA identifies suspect communications using search terms designed to give it a 51 percent confidence rating that the target is foreign. Several safeguards are in place to ensure that data regarding US citizens does not crop up. However, lack of such safeguards for citizens of other countries has led to major debates in the international arena with critics arguing this to be a gross violation of privacy rights of non-citizens.

Nitaqat

The 'Nitaqat' law makes it mandatory for local companies to hire one Saudi national for every 10 migrant workers. As a result of this law, a large number of people who were working without valid work permits and runaways have come under the scanner. The Saudi economy is dependent on the expatriate labour to a large extent as they are employed in both organised as well as the unorganised sector. However, several illegal immigrants are also working in Saudi. The new law aims to increase employment for natives while being tough on illegal immigrants.

Hany Kenawi, in his article, 'Nitaqat, the New Localization System for Jobs in the Kingdom of Saudi Arabia', explains that this law "divides the labour market into 41 activities and each activity into 5 sizes (giant, large, medium, small and very small) to have a total of 205 categories. Nitaqat classifies these establishments into ranges (Excellent, Green, Yellow and Red) based on the ratio of the citizens working in the establishment. The Excellent and Green range, which are the ranges with the highest localization ratios, will be rewarded, while the system deals firmly with the Red range, which is the range with the lowest localization ratio and gives more time for the Yellow range to adjust their positions, being the medium range."

The primary purpose of this law is to resolve the problem of unemployment in the country. However, it has led to panic and fear as several immigrants might lose their jobs if they do not regularise their status as per the Saudi law. Over two million Indians are currently working in Saudi Arabia. The Arab country is home to more than nine million expatriates from countries like Yemen, India, Pakistan and the Philippines.

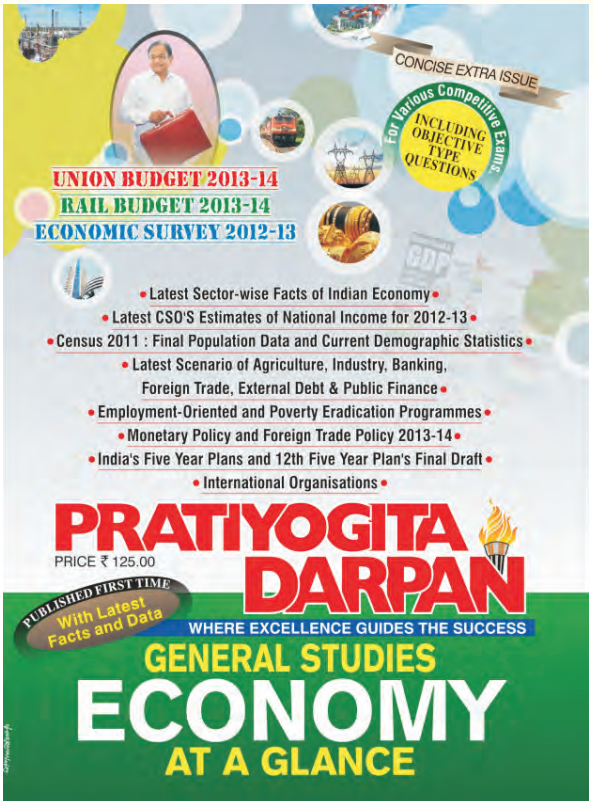
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Let noble thoughts come to us from all sides
Rig Veda

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UNTO THIS LAST



It was 1904. Gandhi was travelling from Johannesburg to Durban on a train. His friend Henry Polak had given him a book by John Ruskin named '*Unto this last*'. He read this book during the long journey. This short book contained four essays written in 1860. The book drew from a parable of New Testament which was interpreted by Ruskin as a critic of the industrial society of late 19th century Britain. The book had a profound impact on Gandhi. He translated and paraphrased it as '*Sarvodaya*'. Debunking the utilitarian principle of 'greatest good of the greatest number of people', Gandhi insisted that true happiness of a society can be realised only by making the person standing at the lowest rung happy. The good of the individual is contained in the welfare of all. This idea of inclusion forms the moral underpinning and the core of Gandhian concept of Swaraj.

Indeed to redeem its tryst with destiny, India needed to infuse its democracy with the energy of inclusiveness. Undoubtedly, the foundation of this inclusiveness was laid with the solid edifice of democracy that was built brick by brick by the founding fathers of our democracy like Jawaharlal Nehru and Baba Sahab Ambedkar. But this has not been an easy process. Perhaps India could build the structure of its democratic institutions propelled as it was, by the anti-colonial struggle of our people. But to infuse it with the life blood of inclusiveness required much greater effort, much deeper commitment to navigate the complexity of the emerging globalized world.

It might sound redundant to preface democracy with inclusiveness. After all, democracy presupposes involvement of people in the process of governance. However, the idea of democracy is open to multiple interpretations. It is true that parliamentary democracy with universal adult franchise is the most acceptable form of democracy in the world today, but it is often more representative than participatory. The representative democracy has been criticised for retaining the form of democracy but lacking in the substance which can come only through reducing the layers of mediation between the people and the state. The state, even in a democratic system, must derive its legitimacy from the degree to which the people feel capable of shaping their own destiny, their own institutions, articulate and realise their aspirations effectively. It is inclusiveness which works as the bridge between a representative democracy and a participatory democracy.

The concept of inclusiveness works at multiple levels which are deeply enmeshed with each other. You can't have economic inclusion if large sections of society suffer social discrimination. Similarly, inclusive democracy presupposes the freedom to various social and religious groups to practice their faith without any fear. All this requires a structure of democracy that has institutionalised the values of freedom, equality, secularism and social justice. It is quite obvious that inclusiveness is premised on a fundamental change in the power structure of state and society to empower the marginalised and rework their relationship in a non-hierarchical and equitable manner.

In order to make inclusiveness an integral part of the values that guide our polity, India has embarked on a rights based approach to social entitlements. A number of recent legislative measures such as Right to Information, Right to Education, Right to Food, MGNREGA etc. have had a positive impact on promoting social and economic inclusiveness as well as empowering the people. The latest round of NSSO figures show that poverty levels across India decreased by 15 percent over the period 2004-05 to 2011-12 which is significant. However, more than 25 crore people still live under poverty in India. We are quite low in terms of Human Development Index which reflects the quality of life of a nation. Instances of caste oppression, exploitation of the tribals and Dalits, and social exclusion are not uncommon.

We have come a long way. We have to go a long way. Inclusiveness is the future. Power to the people is the future. Perhaps the time has come to redeem the pledge to our destiny really substantially. Let us keep our ears to the ground and listen to the horizon whispering ever so softly..*'the meek shall inherit the earth.*' ❑

LEAD ARTICLE

Towards Holistic Panchayat Raj

Mani Shankar Aiyar



Arguing that "bad Panchayat Raj is perhaps worse then no Panchayat Raj", the report stresses that Panchayat Raj must not deteriorate into sarpanch raj. To this end, the Report urges that PRIs be structured legally and administratively to function as collegiate bodies, with all elected members being involved in preparing programmes, key decisions being taken by the Panchayat as a whole and not at the whim and fancy of the President, and implementation being under the effective supervision of the Panchayat members concerned and not just the sarpanch

It is not by coincidence that this article carries the same title as our Report[1], for this is by way of an introduction to a Report that we believe should be essential reading for all those who would like to see the fulfillment of Gandhiji's dream for independent India. Replying to a query on his "Dream for Independent India", he wrote in his journal, *Young India*, 10 September 1930:

"I shall work for an India in which the poorest will feel it is his country, in whose making he has an effective voice"

This vision is inscribed on the cover of the Report and constitutes its leitmotif.

There is no way in which the *aam admi*, let alone the poorest Indian, can have a sense of belonging in a Parliament in which his MP represents 15-20 lakh others, or an effective voice in decisions are taken in remote State capitals or Delhi, let alone even in the inaccessible reaches of the Collector's office. 65 years after Independence, almost every Indian feels alienated from the political and administrative process, the sense of alienation being the greater the lower down the economic scale and social hierarchy that person finds himself or herself in, and also the more distanced he or she is geographically from the imposing Bhawans where his or her future is decided. Six and a half decades of democracy leave most individuals as distant from having an "effective voice" in the making of their country as their parents and grandparents were under colonial rule.

The one ray of hope is a return to Gandhian first principles. Gandhji wanted our democratic institutions to be built on the foundations of Panchayat Raj, as evidenced in the 1946 publication by Shriman Narayan Agarwal, *A Gandhi Constitution for Independent India*, that Gandhiji himself endorsed in entirety in the Foreword he wrote to the book.

After many travails, Parliament eventually incorporated key elements of the Gandhian vision in our scheme of government, by passing, virtually unanimously, the 73rd and 74th amendments to the Constitution in December 1992 followed by The Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 [PESA] in December 1996, as required by Part IX (The Panchayats) of the Constitution. The Constitution describes PRIs as "institutions of self-government", not self-governance, a distinction vital to the effective empowerment of the Panchayats.

Nearly a quarter century later, we have some Panchayat Raj but not "holistic" Panchayat Raj. Our Report aims at correcting that deficiency.

The author is a Member of Parliament in the Rajya Sabha after having served three five-year terms in the Lok Sabha as also Minister of Petroleum and Natural Gas (2004-06), Youth Affairs and Sports (2006-08), Development of the North-East Region (2006-09) and Panchayati Raj (2004-09). He was awarded the Outstanding Parliamentarian' award. by the President in 2006. He served for 26 years in the Indian Foreign Service (1963-89).

More specifically, it aims to ensure far greater efficiency in the delivery of public goods and services by shifting the burden of bottom-up planning and last-mile delivery to the Panchayat Raj Institutions (PRI) from a bureaucratic mode of delivery that has patently failed.

How dramatically the present system of delivery has failed is well illustrated by two sets of irrefutable facts. One, whereas Central budgetary expenditure on social sector and anti-poverty programmes has grown by 25 times since the onset of economic reforms (from around Rs. 7500 crore in 1992-93 to over Rs. 2 lakh crore in the current budget), our ranking on the UN Human Development Index continues to hover around 135 as it did at the start of economic reforms. We appear to be like Alice in Wonderland: the faster we run, the more we remain where we were. The Report characterizes this as "treadmill growth".

The second set of facts derives from the Twelfth Five-Year Plan documents: that whereas our economy has grown at nearly 8 per cent over the previous Plan period, the rate of poverty alleviation, which languished at under 0.8 per cent in the previous eleven years, is now averaging no more than 1.5 per cent per annum. Thus, widening disparity and inequality has been compounded by gross failure to make optimal use of the additional Government revenues generated by reforms even if the Union Government has evolved over 150 Centrally Sponsored Schemes, with very much higher budgetary allocations than could have been conceived of 25 years ago. This appalling waste of resources is much more disturbing than the so-called "leakages" affecting subsides or even the falling growth rates in the face of "stimulus" through revenues foregone in the amount of over Rs.25 lakh crore furnished to the productive elements of our economy since 2007.

Neither growth nor justice will be secured without more equitable sharing of resources between the 70 percent "poor and vulnerable" segments of our population, identified by the late Dr. Arjun Sengupta in his celebrated 2007 Report, and the better-off segments of our people on whom we are increasingly relying to enlarge the national cake.

While promoting equity in the distribution of incremental national income falls outside the ambit of our Expert Committee's Terms of Reference, the more efficient delivery of public goods and services, particularly the 29 public goods and services listed in the Eleventh Schedule as the illustrative domain of Panchayat Raj, constitute the essence of what we have to say.

Neither growth nor justice will be secured without more equitable sharing of resources between the 70 percent "poor and vulnerable" segments of our population, identified by the late Dr. Arjun Sengupta in his celebrated 2007 Report, and the better-off segments of our people on whom we are increasingly relying to enlarge the national cake.

We find that, notwithstanding the inclusion of many areas covered by Centrally Sponsored Schemes (CSS) in the State List of the Seventh Schedule, in practice, the bulk of the funding for these programmes comes from the Central Government and is governed by CSS guidelines that are astonishingly detailed and have to be adhered to if funding to States under CSS is to be smooth and continuous. Indeed, one witness maintained that about 80 per cent of the work-time of a Joint Secretary in Delhi concerned with these programmes is taken up in ensuring that installments are released and Utilization Certificates (UCs) are examined in conformity with the guidelines.

Unfortunately, CSS guidelines only very rarely oblige State governments to effectively devolve Functions, Finances and Functionaries to Panchayat Raj Institutions. PRIs are occasionally mentioned as an option but in such a passing and casual manner that State bureaucracies prefer to themselves be the delivery agency or set up parallel bodies to do their bidding as registered societies (whose accounts are not subject to local or CAG audit). This leaches the entire delivery system of any responsibility to the intended beneficiaries. In the absence of accountability to the local community, and the transparency in transactions that such accountability would impose, while vast sums of money are expended and a widening network of gigantic mechanisms of delivery are devised, the beneficiaries themselves are, for the most part, reduced to beggars with their begging bowls or silent spectators to decisions that intimately impinge on the welfare of themselves and their families.

Thus, the principal reason for the failure of our systems of governance to make "the poorest feel it is their country, in whose making they have an effective voice" is that, notwithstanding the 73rd and 74th amendments, Panchayat Raj has little or no role in CSS. There are two exceptions to this generalization: MNREGA, that has given a place under the sun to the Village Panchayat (or, at any rate, to the village sarpanch) and the Backward Regions Grant Fund that makes grassroots planning the "*sine qua non*", as Prime Minister Dr. Manmohan Singh has said, of the BRGF. If district planning in accordance with Constitutional provisions can be obligatory and mandatory for the most backward districts of the country, why can this not be done for the more advanced districts or, indeed, for other CSS in the same backward districts?

This failure in CSS has attained the most alarming proportions in tribal districts infected with Left-Wing Extremism (LWE). Notwithstanding the searing indictment in the Debu Bandyopadhyay Committee Report of 2008 on *Development Challenges in Extremist-Affected Areas* of the maladministration of development programmes in Fifth Schedule areas

(that are almost co-terminus with LWE districts), the Integrated Action Plan for LWE districts, now under consideration for merging into BRGF, by-passes both Constitutional provisions as also PESA, thus alienating the local community from participative development. Without participative planning and implementation, there can be no inclusive growth. Inclusive growth without inclusive governance is the inevitable consequence of relying more on the bureaucracy and less on the people to set or attain development goals.

Our Report emphasizes that, notwithstanding various failed initiatives undertaken in the past decade, what appears to fundamentally confound the higher echelons of the bureaucracy in orienting CSS towards PRIs is an inadequate understanding of the processes involved in effective devolution. Therefore, the heart of the Report is the presentation of model Activity Maps for eight key CSS *(National Livelihoods Mission ; National Drinking Water Mission and the Sanitation component of the Nirmal Bharat Yojana; Accelerated Irrigation Benefit Programme and Command Area Development Programme; Sarva Shiksha Abhiyan ; National Rural Health Mission; Integrated Child Development Services; Additional Central Assistance for Tribal Sub-Plans; Rajiv Gandhi Vidyutikaran Yojana)* to demonstrate how to ensure an adequate role for PRIs in planning and implementation by devolving to them the 3 Fs (Functions, Finances and Functionaries) in a scientific, clear-cut manner on the basis of the principle of subsidiarity reflected through the prism of the basic principles of sound public administration.

The principle of subsidiarity holds that whatever can be done at a lower level must be done at that level and no higher level. Reciprocally, the principle of subsidiarity also holds that whatever cannot be done at a lower level must be done at the appropriate higher level and no lower. To determine the appropriate level for any given activity, the principles of sound public administration are invoked to provide for the categorization of activities to facilitate the process of deciding the appropriate level for devolution.

Where the Activity Maps included in Volume 4 of the Report go further conceptually than earlier exercises is in their going beyond Functions to also incorporate the parallel and simultaneous devolution of Finances and Functionaries to provide the PRIs with the wherewithal to effectively and efficiently undertake the duties that would devolve on them through the mandatory inclusion in CSS guidelines of Activity Maps for each CSS. Thus, for example, the Committee's examination of the Guidelines for the Sarva Shiksha Abhiyan reveal that, as per the extant Guidelines, some 325 "activities" have to be undertaken before the teaching of "A for Apple; B for Ball" can even begin. Of these, approximately 200 activities must necessarily be undertaken at the Central or State level, and about 100 have necessarily to be performed at the district or sub-district or individual school level. The Committee's Model Activity Map for SSA details which activity could ideally be attributed to which of the six levels of government involved (Centre, State, district panchayat; intermediate panchayat; village panchayat; and school-level) without, however, losing expert technocratic support as the existing registered societies (such as the School Management Committee) would either be brought under the PRIs or established with an integral relationship to the PRIs to render them accountable and responsible to the local community through Gram/ Ward Sabhas. The Map also details which activity would require what share of finances and which agencies (Functionaries), bureaucratic or expert, for the optimal performance of the task. The Report recommends that explicit provision be made for all CSS Activity Maps to be projected as "models" to the States, leaving it to the States to modify the Activity Maps to suit local conditions. Thus, at the stage of implementation, Activity Maps would assume the character of State-specific Activity Maps that can be adjusted over time at the discretion of State governments or in consultation with the Centre, but all CSS would have State-specific Activity Maps carving out the domain of the PRIs in that State for each CSS.

The suggested methodology for scientific devolution on the basis of objective criteria would end the apparent confrontation between State interest and PRI interests that has thus far stymied effective devolution. All six levels become cooperators in a joint endeavour to secure best results. No one is left out; all are included, and the Gandhian dream is progressively realised.

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The suggested methodology also gives the lie to the common perception, reflected in the Twelfth Plan document, that Panchayat Raj being the responsibility of the States, there is little the Centre can (or should) do to push matters forward. In fact, had there not been the required "political will", the longest and most detailed amendments ever to the Constitution could hardly have been passed virtually unanimously in both Houses of Parliament. If there were no "political will", the approval to the amendments of half the State legislatures required before securing Presidential assent for the entry into force of the Bill would not have been obtained within four months, as actually happened. If there were no "political will", there would not have been that large

measure of adherence to mandatory Constitutional provisions in respect of Panchayat Raj as has actually been the case – such as the passage of State-level conformity legislation, regular Panchayat elections, reservations, independent State-level election commissions, State-level finance commissions, local and CAG audit and social audit. Nor would we have seen as many as 15 States increasing reservations for women from 33 per cent to 50 per cent, as has actually happened.

Finally, it needs to be emphasized that although the pattern of devolution to PRIs has been extremely uneven, with some States like Kerala and Karnataka (and, recently, Maharashtra) in the lead and others like UP and Jharkhand as laggards, a bird's eye survey of Panchayat Raj over the last two decades shows Panchayat Raj as advancing everywhere and some laggards leap-frogging over more advanced States to give remarkable returns. Several examples spring to mind: Kerala itself, that went in one leap in the second half of the 1990s from virtually no Panchayat Raj to first position; Tripura that undertook the same Great Leap Forward in the past decade; Bihar that has zoomed ahead in recent years converting despair into hope; Haryana, Himachal and Rajasthan, that have made remarkable progress. Some Hill States like Sikkim and Uttarakhand have shown it can be done; others like Arunachal Pradesh are still to set their house in order. Some of the smaller States like Goa have performed well although problems remain. The Union Territories, a Central responsibility, have been among the worst laggards. Assam, Andhra Pradesh, Madhya Pradesh and Gujarat are among the bigger States that had a head-start but have since stagnated. Barring Maharashtra in recent years, all nine States with Fifth Schedule areas have turned in a most disappointing performance in respect of implementing PESA provisions. The list is incomplete, but illustrative of the important point that 'political will' is not entirely lacking, as so easily assumed by many.

What is more relevant is that "bureaucratic will" has been woefully lacking, especially in Delhi. The Report quotes at length from the path-breaking inaugural address by Prime Minister Dr. Manmohan Singh at the first conference of chief ministers he convened within a month of assuming office on "Rural Prosperity and Poverty Alleviation through Panchayat Raj" (29 June 2004) in which he laid out such a cogent and comprehensive road map for Panchayat Raj that the Committee have adopted the Address as the template for their own Report. Note is then taken of the Prime Minister's directive to the Cabinet Secretary to circularise all Secretaries in charge of CSS to modify their respective CSS guidelines to bring them in conformity with Constitutional provisions. The Cabinet Secretary did so on 8 November 2004, with the added proviso that the exercise must be completed within two months and reported to him personally.

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That, alas, was the end. Three years later, finding that no Central Ministry was taking the Prime Minister's directive seriously, the Union Panchayat Ministery persuaded the Cabinet Secretary to set up a committee comprising a secretary from the Cabinet Secretariat and the Panchayat Raj secretary to interact with their counterparts and produce the first round of Activity Maps to facilitate effective devolution to the PRIs under their respective CSS. 15 schemes were selected, accounting for more than two-thirds of all CSS expenditure, and in full consultation with the secretaries concerned, finalised and submitted to the Cabinet Secretary on 22 January 2008. However, no action has followed. For the last five years, the exercise has remained deadlocked with the Cabinet Secretariat saying it will not do it and a hapless Ministry of Panchayat Raj pleading that it cannot do it.

The Planning Commission had evinced considerable interest in taking forward District Planning as envisaged in the Constitution. A committee was constituted under the chairmanship of the legendary champion of Panchayat Raj, Shri V. Ramachandran, former Vice-Chairman of the Kerala State Planning Board. Based on the V.Ramachandran committee recommendations, the Planning Commission issued detailed guidelines to the State governments, saying all State plans had to include the component of district planning before being brought to the Planning Commission for approval. Unfortunately, the Planning Commission then put its own guidelines into cold storage and now appears to have abandoned the exercise altogether, notwithstanding the Manual for District Planning circulated by the Planning Commission on 1 April 2009. The unanimous Report of the NDC's Empowered Sub-Committee on Panchayat Raj also languishes unimplemented in the cupboards of the Planning Commission.

We thus see that it is bureaucratic recalcitrance rather than any lack of political will that is the main hurdle. Alternatively, it is perhaps bureaucratic ineptitude, a lack of understanding of the methodology for effective devolution, that is holding up the appropriate modification of CSS guidelines as ordered by the political authority nearly a decade ago. This lacuna has now been filled by our Report demonstrating, with respect to eight key CSS, how effective devolution can be promoted by ensuring the inclusion of model Activity Maps in all CSS guidelines.

Besides Activity Mapping, the Committee have undertaken a detailed

survey of the policy issues and sectoral issues involved in working towards "Holistic" Panchayat Raj. In successive chapters of the first Part of the Report dealing with broad policy issues, the Report has focussed on State action on devolution; the technicalities of District Planning; the Finances of the Panchayats; the intricacies of training and capacity building (the longest chapter in the Report); women in the Panchayats; and disadvantaged sections of the population, such as SC/ST, people with disabilities, and religious minorities in the Panchayat system, including, at some length, the rampant transgression of the legal and constitutional rights secured by the tribals through the Fifth Schedule, the 73rd amendment, the Forest Rights Act and PESA.

In the second Part, the Report takes up sectoral issues by compartmentalising CSS into seven chapters covering the gamut of the subjects mentioned in the Eleventh Schedule. These relate to rural livelihood; rural infrastructure; the productive sectors of the rural economy; education; health; women-related programmes; and schemes for the disadvantaged. The last chapter summarises the principal Observations and Recommendations of the Committee.

It would be impossible to incorporate into an article of 3500 words the range of recommendations in a Report running to 1500 pages and five volumes. But three sets of what the Report calls "Collateral Measures" stand out.

First, arguing that "bad Panchayat Raj is perhaps worse then no Panchayat Raj", the report stresses that Panchayat Raj must not deteriorate into sarpanch raj. To this end, the Report urges that PRIs be structured legally and administratively to function as collegiate bodies, with all elected members being involved in preparing programmes, key decisions being taken by the Panchayat as a whole and not at the whim and fancy of the President, and implementation being under the effective supervision of the Panchayat members concerned and not just the sarpanch. While this will secure transparency of transactions, it would also enable accountability to the Gram/Ward Sabhas and the effective exercise of social audit responsibilities by Gram/Ward Sabhas. The fulcrum of the system is the Gram/Ward Sabha. It needs to be statutorily empowered to undertake supervisory functions, reflecting community needs and community satisfaction with the planning and implementation of schemes of economic development and social justice as envisaged in Articles 243G and 243ZD read with the Eleventh Schedule. The Report points to the "holistic" nature of the 73rd and 74th amendments and, therefore, the necessity for a holistic approach to the implementation in letter and spirit of the provisions of the Constitution.

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Second, the Report dwells at length on the "sound finances" of the PRIs. Apart from important recommendations for the functioning of State Finance Commissions and the processing of SFC recommendations, as well as accounting and audit of Panchayat finances, and measures to encourage PRIs to raise their own resources, the Report commends successive Finance Commissions for having emerged as the single most important source of untied funds for the PRIs. Stressing the importance of incentivising, on the one hand, State governments to devolve, and, on the other, for PRIs to adopt transparency and accountability in their transactions, the Committee have requested the current Fourteenth Finance Commission to raise the share of PRIs in the divisible pool from the present level of 2.5 per cent to 6-7 per cent, and to restructure the current pattern to provide for (i) basic and performance grants to States to incentivise them to devolve and (ii) similar basic and performance grants to PRIs to incentivise them to adopt transparent and accountable practices. This will both impart stability to PRI finances and reduce the scope for corruption.

The third key set of "collateral measures" recommended relates to the imperative of invoking all relevant provisions of the Fifth Schedule and Part IX of the Constitution, and PESA/ Forest Rights legislation, for thwarting the growing menace of Naxalism, the single most important challenge to internal security, as pointed out by the Prime Minister. Security measures, of course, have their place in this task of national priority; so does development – but neither will suffice unless *participative* development, based on *inclusive* governance, as envisaged in PESA, is actualised. More than any other single factor, is the failure to operationalise PESA that has resulted in so serious a deterioration of security in Fifth Schedule areas; and as the Centre has the right (and duty) under the Fifth Schedule to issue "directions" relating to the administration of these areas, the Report recommends that in view of the patent failure of most Fifth Schedule State governments to live up to the promise of PESA, the Centre is obliged under the Fifth Schedule to take matters in hand. If Naxalism is thwarted by recourse to PESA, a dramatic example would follow for States to replicate to maintain democratic stability at the level where it matters most – the grassroots. ❑

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[1] Report of the Expert Committee on Leveraging Panchayat Raj Institutions for the More Effective Delivery of Public Goods and Services, chaired by the author and submitted to the Hon'ble Minister for Panchayati Raj on 24 April 2013, National Panchayat Raj day.

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YE-97/2013

PERSPECTIVE

Equality and its demands on democratic Institutions

Aruna Roy
Rakshita Swamy



One can understand the Pre-legislative Process to be an opportunity for people to re-engage with matters of governance,and functions of the State in general. This is a welcome change from many of the more recent agendas of "good governance reforms" that absolve the State from its core duties of implementation by relying on private sector expertise to replace inefficient public sector functionalities

IT IS popular, both in current casual and serious discourse, to talk of a trust deficit in the interaction between the people and the state. The nature of a relationship between an institution called the State and its citizens can only be in the nature of a social contract. This definition and expectation of trust, is an act of faith and takes away from the equal, causal and rational relationship that democracy seeks to establish through its systems. If we look at some of the essential requisite of democratic institutional structures; to send representatives to panchayat, assembly and Parliament, there is implicit in the election process an obligation for representatives to be accountable for their actions. We transfer our sovereignty under contract and constitutional obligation to perform in accordance with the promises made to us. The act of faith and trust seems a misplaced concept in the relationship between the citizen and the State. One quarrels even with Gandhiji's dream of a just relationship emerging through 'trusteeship'. It is not possible in any, but in an Utopian society. In the Indian political context of democracy and governance, skewed by caste, class, gender and religious prejudices, with layers of identities and divides, a concept such as trust would do well to be left alone - to individual and intimate relationships.

It is this growing recognition which led people to a serious assessment of the way governments function, and the nature of power relationships, influenced by feudal social norms, colonial administrative patterns and the emerging pattern of neo socio-political-economic vested interests. The demand for rights is the sum of the current understanding of this obligation of the State. It is under contract to its people through the vote, and promises made on assuming office. A people cheated of equality in the conception of policy, legislation and implementation, in the discharging of democratic and constitutional obligations often by an indifferent and often callous State; cannot but see the relationship with the State, as a contractual relationship, monitored by transparency and accountability, at every step of governance.

The obvious truth that governance was more than an evil necessity, and had a direct, day to day impact on our lives, took a long time to be understood. The "trust " of a population relieved of the colonial yoke, took four decades to dissipate. The initial euphoria turned to dismay and disappointment, when basic constitutional promises and a dream of a better life eluded many. The assurance that independence itself would constitute freedom from want - became a naive faith, needing to be dismantled. Progress and improvements not-withstanding, the marginalised population felt helpless and unable to impact the system to deliver better.

The authors are members of National Campaign for Peoples' Right to Information (NCPRI).

Government as an institution , while related to ideology in the larger political context, has an independent working structure which has continued to stay untouched in spite of transfer of power from a colonial to an independent state in India. An intellectual who believed in revolutionary ideals stated quite pragmatically, that no matter what the ideology , the party once in power had to use a system. Therefore governments will remain.

Late Prabhash Joshi, founding member of the National Campaign for People's Right to Information (NCPRI), India's pre-eminent Hindi journalist, with his typical wit, had a story to tell. He recalled the famous story of the foolish shepherd in Ujjain, who sat on a small hillock and was transformed into a seer. The curious dug deep and found the throne of Vikramaditya, the wise king. He continued the story, "*there is a small hillock in Delhi called Raisina Hill. Whoever sits there speaks in the same voice. If you dig deep, you will find the throne of Wellesley* !" The nature of Governments remain deeply embedded in the procedures, in their influence on the structure of governance. As an RTI user put it succinctly in a conflict ridden part of India, the need to know about government functioning over-rides ideology, because no matter who sits in the seat of power, people will have to ensure its accountability .

The fault then lay not only in ideology but the translation of those promises into effective delivery through a machinery both corrupt and arbitrary in its use of power. It followed that there is a need to build the relationship between those who govern and those who are governed. This should be situated in institutionalized and statutory entitlements enabling the demand for reasoned answers. Transparency and accountability, replaced benevolence and "good faith".

The trajectory of this understanding in rural India is exemplified by stories. People realised the role of governance and their inertia in a growing understanding of democracy. In the 70's, most villagers in Rajasthan disdained to spoil their hands in the businesses of government spending. The rejoinder always was, "let the money burn, it isn't ours." Dramatically different was Sushila's statement in an NCPRI press conference in 1996 in Delhi. In response to their surprise that a semi-literate woman should demand the right to know, she retorted :

"When I send my son with 10 rupees to the market place and he comes back; I ask for accounts . The government spends billions of rupees in my name. Shouldn't I ask for my accounts ?'*Hamara paisa, hamara hisab'*!"

A law once passed is a *fait accompli,* protests and critique are conveniently termed disrupting the rule of law, and protestors become the targets of State suspicion and victimization !

Public enquiry doesn't follow the structural logic of theory. It follows its own logic: it works backward, from a recognition born of experience; from a result to its cause. The reason for the demand for inquiry is therefore embedded in the hypocrisy and corruption in what people face -the systems of delivery. The tracing of the condition has led them to the cause; the fundamental lack of transparency and accountability cutting across government functioning.

Once convinced that there was a "betrayal" of trust and faith, the questions turned inward. As compelling as the arguments for "betrayal " were, was the angst of a people who felt that they had been ignorant of and therefore were partly to blame. To blame for not questioning and not being involved with the mechanics of translating constitutional guarantees into acts of delivery. A long list emerged - schools not functioning , doctors absent, medicines not available, PDS and anganwadis riddled with corruption, and above all a system immune to any code of ethics.

This edifice was topped by the ineffectual efforts of the well-meaning, and the usurping of the public discourse by fundamentalists of all hues.

It was in this context that a segment of the Indian people designed the road map, to begin the cleaning of the Aegean Stables with a demand for transparency and accountability, with the RTI.

In the process of the campaign, some myths were fundamentally questioned and proven incorrect. The first one was that the illiterate, semi-literate cannot and do not understand the "higher, loftier", principles of governance. The second was that law making cannot be an inclusive process where many people across sectors can for a while be a part of the democratic process. The third was that laws cannot be conceptualized by common people. The fourth, that accountability cannot be demanded of the entire system including transparency of the pre legislative process, where entitlements are given or curtailed.

In the seven years of the RTI, many leanings have come to be. Of particular importance and impact is the plural nature of governance itself. As for example law making and the passing of legislations themselves; wrapped in secrecy and lack of accountability. Once laws get passed, and if they are not in the spirit of Constitutional guarantees; the danger is not only to people's lives, but to what is a fundamental principle of democracy itself, the rule of law. The system claims the implementation and protection of a law, designed to abrogate undemocratic concentration of power .The law has supposedly been examined, but in the complex net of processes and procedures, it becomes a victim of the system as practiced. The contents of a bill placed may be debated in Parliament, but sometimes not, it may or may not be sent to a Standing Committee, and seldom reaches the people. A law once passed

is a *fait accompli*, protests and critique are conveniently termed disrupting the rule of law, and protestors become the targets of State suspicion and victimization !

As for instance, many laws now being passed by Parliament are at the inception itself removed from the purview of the RTI . In any case as the excerpt below will demonstrate, the functioning of Parliament needs constant study, the modalities understood and citizen pressure to make it function. While the Constitutional sanctity of Parliament is not questioned, its delivery should be. All political parties, must take Parliament functioning seriously. We quote the following as an example :

"In the 2012 Lok Sabha, Question Hour was held on 11 of 20 days. 49 of 400 starred questions were answered orally. In Rajya Sabha, Question Hour was held on only 8 of 20 days. Only 43 of 400 starred questions were answered orally. At the beginning of the session, the government had listed 25 pending Bills for consideration and passing. Six of these were passed by both Houses. At the end of the session, 104 Bills remain pending before Parliament. Productive time in Lok Sabha was 53% of scheduled time i.e. 63 of 120 hours. Productive time in Rajya Sabha was 58% of scheduled time; 58 of 100 hours.

During 2011, Parliament sat for a total of 73 days. In Lok Sabha, 18% of the Bills were passed in less than 5 minutes in 2011. In total, 81 Bills were introduced in Lok Sabha and 51 in Rajya Sabha. During the year, only four Bills were discussed in Lok Sabha and three in Rajya Sabha." (From the Website of Parliamentary Research Service (PRS))

In this context, the protocol for a Pre Legislative Process, clearly delineating the responsibility of the Executive to pro-actively disclose draft Bills and Rules in the public domain, and systemically ensure greater transparency and accountability in the guarded process of decision making, is a step in the right direction. Recognizing this, the National Campaign for Peoples' Right to Information (NCPRI) set itself the task to begin the examination of the matter. The NCPRI organized a series of public consultations to support the need for greater transparency and accountability in decision making, along with discussing the modalities which can be worked. In addition, the Department of Personnel and Training (DoPT), Ministry of Personnel and Training, Government of India constituted a task force to make recommendations for developing enforceable guidelines for the implemention of Section 4 of the Right to Information Act, 2005 which mandates the pro-active disclosure of Public Authorities in their processes of decision making. The Oxford Pro Bono Publico of the University of Oxford assisted the NCPRI , which was one of the members of the Task Force, by researching on the nature of transparent and participatory pre-legislative processes currently existing in eight different countries of the world thereby demonstrated the implementation of the idea in reality. The proposal included the need for a pre legislative consultative process not only in the formulation of laws, but also of policy.

For long, centres of power have indulged in acts of centralized and opaque decision making, by relying on their "expertise" and "specialised domain knowledge" which apparently grants them the authority and confidence of taking the most appropriate decision in the greater public good of the economy and/or the country. The PLP has the potential of breaking notions like this and reversing paths of knowledge creation, by augmenting "expertise" with experience.

It was within this context that the Pre-Legislative Process was first tabled in the Working Group of Accountability, Transparency and Governance of the National Advisory Council (NAC) which was mandated to recommend a protocol to enhance transparency and accountability in the decision making process of the Executive. The Working Group held a series of public consultations which were attended by social activists, academics, Government officials representing a range of Departments, ex judges, lawyers and legal researchers and members of the media to discuss the need for such a process and its modalities in detail. After many consultations, and through the support of important research undertaken by the National Law School, Dwarka, the Working Group finalized it's recommendations for the submission to the NAC. *The NAC agreed only to pre legislative consultation on new legislations and rules, and amendments to older laws and rules. Policies were kept out of the consultative process.*

The NAC, based on its internal deliberations put up as part of its disclosure a draft note on the Pre-Legislative Process . The disclosure on it's website invited public comments and concrete suggestions on implementation. Based on the feedback received from the public, the Draft Pre Legislative Process Protocol was amended and submitted to the NAC for it's final approval. The NAC approved the Draft Pre-Legislative Process and submitted it to the Government as it's final recommendation in May 2013.

The Pre-Legislative Process (PLP) refers to a framework consisting of a series of protocols that need to be adhered to by Government Departments/Ministries to make the process of drafting of Legislations and rules, more transparent, inclusive and participatory. The PLP rests on the inherent understanding that people have a right to know, question and suggest changes to legislative interventions that affect their lives and livelihoods. For long, centres of power have indulged in acts of centralized and opaque decision making, by relying on their "expertise" and

"specialised domain knowledge" which apparently grants them the authority and confidence of taking the most appropriate decision in the greater public good of the economy and/or the country. The PLP has the potential of breaking notions like this and reversing paths of knowledge creation, by augmenting "expertise" with experience. It looks at unpacking the term policy, currently consisting of "game changer" ideas, to include learning from the grassroots based on regular interface between the State and its manifestations, and the people, who are daily subjected to the irregularities and dysfunctional elements of State governance. The PLP provides an opportunity for those citizens who experience the outcomes of decisions taken by authorities far removed from the centres of power, to contribute towards the framing of new Legislations and Rules and make the process of policy formulation and decision making more inclusive and informed.

The following are the key principles that will guide the drafting of Legislations and Rules (new and amendments to old) by all Government Departments and Ministries:

a) Pro-active disclosure of Statement of Objects and Reasons

Every Department is mandated to Pro-actively disclose a 'Statement of Objects and Reasons', in Hindi and English, describing the need, financial and social implications of bringing in a new Law/Rule and amending current Laws/Rules. The Statement of Objects and Reasons is expected to be written in ordinary prose, so as to facilitate non-specialists to understand and comprehend the information easily.

b) Pro-Active Disclosure of Draft Rules/Legislations

Subsequent to the above process, the concerned Department is expected to pro-actively disclose the draft Legislation/Rule formulated by it, along with an explanatory note describing the legal language in functional English, for a period of 90 days on it's website. In addition, where such a new law/rule and amendment to law/rule directly affects a specific group in the population, a physical copy of the same will be provided for in every Panchayat, School, Post Office, Rajiv Gandhi Sahayta Kendra in the area consisting of affected people. The essence of the nature of disclosure remains one where authorities pro-actively disseminate key documents in the public domain in modes that are easily accessible to those situated in rural areas.

c) Public Consultations

Concerned Departments will be mandated to organize public consultations to facilitate discussion of the public on the details of the law/ amendment and pro-actively solicit the feedback of affected stakeholders on their proposed legal interventions

d) Record of Summary

It will be mandatory for the concerned Department to have a record of a summary of all the feedback that it has received by the public on the law/rule and prepare a statement of the response that the former devised. The same shall be produced before the Cabinet for making it's deliberations more informed. Subsequently, the record of public feedback received shall be produced before the concerned Parliamentary Standing Committees studying the rule/law.

e) Enforcement Mechanism

The PLP will be enforceable through an Executive Order issued by the Government of India to all Departments and Ministries. In addition, there shall be in place, a time bound and citizen friendly grievance redress mechanism in every concerned Department for the redressal of complaints received by the public in cases of non-compliance of the Government to guidelines of the Pre Legislative Process. The Department of Law & Justice will be the nodal authority for ensuring the effective roll out of the PLP.

Let us take a quick look at the beginnings of a new perception of governance which is participatory, and mandates that citizens must be involved in a fashioning and monitoring of democracy, in which the contribution to legislation and policy assume a new dimension. There is a word of caution to both government and citizens that they cannot question or override Constitutional guarantees. They remain sacrosanct. The PLP addresses the performance and accountability of the political and bureaucratic establishment. It goes beyond the demand for scrutiny of a single law, but demands it of all proposed legislations. As late Mohanji, a dalit crusader for the RTI said, "It makes the vote speak for 5 years". By implication it makes the bureaucracy also relevant and accountable.

It is important to re- emphasize that the Pre Legislative Process makes room for greater transparency and participation, without undermining the role and scope of the Parliamentary processes, hence the term pre-legislative process. One can understand the Pre-legislative Process to be an opportunity for people to re-engage with matters of governance,and functions of the State in general. This is a welcome change from many of the more recent agendas of "good governance reforms" that absolve the State from its core duties of implementation by relying on private sector expertise to replace inefficient public sector functionalities. The Pre-Legislative Process makes the much required statement of placing the responsibility of making its decisions squarely on the State, (in the form of rules and laws) more transparent and accountable and achieving it through greater citizen involvement and participation.

We can leave the final word to Plato, who with his peers gave us the concept of democracy.

"The price of apathy towards public affairs is to be ruled by evil men" ❑

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SPECIAL ARTICLE

Copyrights and Copywrongs

Why the Government Should Embrace the Public Domain

Pranesh Prakash



When copyright doesn't serve public welfare, states must intervene, and the law must change to promote human rights, the freedom of expression and to receive and impart information, and to protect authors and consumers

EACH OF you reading this article is a criminal and should be jailed for up to three years. Yes, you. "Why?," you may ask.

Have you ever whistled a tune or sung a film song aloud? Have you ever retold a joke? Have you replied to an e-mail without deleting the copy of that e-mail that automatically added to the reply? Or photocopied pages from a book? Have you ever used an image from the Internet in presentation? Have you ever surfed the Internet at work, used the the 'share' button on a website, or re-tweeted anything on Twitter? And before 2012, did you ever use a search engine?

If you have done any of the above without the permission of the copyright holder, you might well have been in violation of the Indian Copyright Act, since in each of those examples you're creating a copy or are otherwise infringing the rights of the copyright holder. Interestingly, it was only through an amendment in 2012 that search engines (like Google and Yahoo) were legalized.

Traditional Justifications for Copyright

Copyright is one among the many forms of intellectual property rights. Across differing theories of copyright, two broad categories may be made. The first category would be those countries where copyright is intended to benefit society, the other where it is intended to benefit the author. Within the second category, there can again be two subcategories: those that see the need to benefit the author due to notions of natural justice and those that see the need to provide incentives for authors to create. Incentives to create are necessary only when the act of creation itself is valuable (and more so than the creator). The act of creation is valued highly as it directly benefits society. Thus, it is seen that the second sub-category is closer to the societal benefit theory than the natural justice sub-category. In the United States, the wording of the Progress Clause makes things clear that copyright is for the benefit of the public, and the author is only given secondary consideration. It is in light of this that the U.S. Supreme Court said,

"The monopoly privileges that Congress may authorize are neither unlimited nor primarily designed to provide a special private benefit. Rather, the limited grant is a means by which an important public purpose may be achieved. It is intended to motivate the creative activity of authors and inventors by the provision of a special reward, and to allow the public access to the products of their genius after the limited period of exclusive control has expired."

Economic theories of copyright see copyright as an incentive mechanism,

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designed to encourage creators to produce material because they would be able to recover costs and make a profit due to the exclusionary rights that copyright law grants. Thus, the ideal period of copyright for any material, under the economic theory would be the minimum period required for a person to recoup the costs that go into the production of that material. Allowing for the great-grandchildren of the author to benefit from the author's work would actually go against the incentive mechanism. Even if the author is motivated enough to put in even more hard work to provide for her great-grandchildren, her children, grandchildren, and great-grandchildren wouldn't have any incentive to create for themselves (as the incentive is seen purely in terms of economics, and not in terms of creative urge, etc.), as they are already provided for by copyright. Thus, in a sense, the shift towards longer periods of copyright terms that we are seeing today can be seen as a shift from the incentive-based model to a rewards-based model of copyright.

The other standard theory of copyright justification is the natural rights theory, which deems intellectual property the fruit of the author's labour, thus entitling them to complete control over that fruit. This brings us to the conception of property itself, and the Lockean and Hegelian justifications for personal property is what is most often used to back such an argument up.

There are many problems with the natural rights theory of intellectual property. If that theory were to hold water, copyright law would accord greater precedence to authors than to publishers. Yet, we see that it is publishers primarily, and not authors, who get benefit of copyright. The "work for hire" doctrine, embodied in Section 17 of the Copyright Act, holds that it is the employer who is treated as the owner of copyright, not the author. This plainly contradicts that natural rights theory. And it also raises the question of why we should protect certain kinds of knowledge investments in the first place. Publishing is a business, and all risks inherent with other businesses should come along with publishing. There is no reason that the State should safeguard their investment by vesting in them a right while safeguarding the investments of any other business only occasionally, and that too as an act of munificence. This problem arises because of the free transferability of copyright. This leads us to the larger problem, which is of course that of treating knowledge as a form of property. Property, as we have traditionally understood it, has a few features like excludability. Knowledge, however, does not share that feature with property. Once you know something that I created, I can't exclude you from that knowledge that (unlike my ability to take back an apple you have stolen from me). This analysis also has the pernicious effect of excluding free speech analysis of copyright laws. An incorrect analogy is often drawn to explain why free speech analysis doesn't work on property: you may wish to exercise your right to free speech on my front lawn, yet the State may decree that I am in full right to throw you off my property, without being accused of abridging your right to freedom of speech. So, the argument goes, enforcement of property rights is not an affront to freedom of speech. The problems with this analogy are obvious enough: the two forms of "property" cannot be equated. If you take the location of speech away, I can still speak. If, on the other hand, you restrict my ideas/expression, then I can no longer be said to have the freedom of expression.

> Once upon a time, copyright was only granted to those who wanted it and applied for it. That has now changed, and you have copyright over every single original thing that you have ever written, recorded, or otherwise affixed to a medium

One Size Doesn't Fit All

It is easy to see that copyright is an ill-fit for all the things that it now covers. Copyright in its present form is a historical accident, which evolved into the state it is in a very haphazard fashion. It is a colonial imposition on developing countries. It does not value that which we often value in Indian culture: tradition. Instead, copyright law values modernity and newness. It can also be seen as a trade issue imposed on us through the Trade-Related Intellectual Property Agreement (TRIPS Agreements) as part of the World Trade Organization.

Importantly, copyright is not a single well-planned scheme. In some cases — for literature, visual art works, lyrics, musical tunes, etc. — it provides rights to the artist, while in other cases — for recordings of those musical tunes, and for films — it provides rights to the producers. What are the legal reasons for this distinction? There aren't any; the distinction is a historical one (with sound recordings and films getting copyright protection after literature, etc.). At one point of time only exact copies were governed by copyright law. Hence, translations of a work were considered not to be infringement of that work (or a "derivative work"), but new independent works, since after all it takes considerable artistic effort to create a good translation of a work. However now even creating an encyclopedia based on Harry Potter (as the Harry Potter Lexicon was), is covered as infringement of the exclusive rights of the author. At one point of time photographs were not provided any copyright, being as they are, 'mere' mechanical reproductions. They were seen as not being 'creative' enough. However, around the turn of the twentieth century, that position changed, and hence every photograph you've taken of your dog is now copyrighted. According to a recent Supreme Court decision, merely adding paragraph numbering to court judgments is considered to be 'creative' enough to

merit copyright protection! At one point of time, copyright existed for 14 years. Now, with the international minimum being "fifty years after the death of the author", it lasts for an average of more than a century! Once upon a time, copyright was only granted to those who wanted it and applied for it. That has now changed, and you have copyright over every single original thing that you have ever written, recorded, or otherwise affixed to a medium.

Copyright in the Digital Era

All digital activities violate copyright, since automatically copies are created on the computer's RAM, cache, etc.

Because now everything is copyrighted, and copyrighted seemingly forever, each one of us violates copyright on a day-to-day basis. It is a mockery of the law when everyone is a criminal. The US President Barack Obama violated copyright law when he presented UK's Queen Elizabeth II an iPod filled with 40 songs from popular musicals like West Side Story and the King and I. When even presidents, with legal advisers cannot navigate copyright law successfully, what hopes have we ordinary people?

There is no shortage of similar examples to show that copyright law has gone out of control.

Take extradition, for instance. Augusto Pinochet was extradited, Charles Shobraj was sought to be extradited. Added to their ranks is the pimply teenager who runs TVShark, who British courts have cleared for extradition to the USA for potential violation of copyright law. The extreme injustice of copyright is easily observable if one sees the contorted map depicting net royalty inflows available on Worldmapper.org: there are a sum total of less than a dozen countries which are net exporters of IP; all other countries, including India, are net importers of IP. IP law is one area where both those who talk about social justice and those who talk about individual liberties find common ground in the monopolistic or exclusionary rights granted under copyright law. Copyright acts as a barrier to free trade, thus allowing Nelson Mandela's autobiography to be more expensive in South Africa than the United Kingdom because South Africa is prohibited by the UK publisher from importing the book from India. Mark Getty, the heir to the Getty Images fortune, once presciently observed that "IP is the oil of the 21st century".

Government Copyright

In the ivory towers of academia, there has in recent times been a clarion call that's resounding strongly: the call for open access. As the Public Library of Science states, "open access is a stands for unrestricted access and unrestricted reuse". Why is it important? "Most publishers own the rights to the articles in their journals. Anyone who wants to read the articles must pay to access them. Anyone who wants to use the articles in any way must obtain permission from the publisher and is often required to pay an additional fee. Although many researchers can access the journals they need via their institution and think that their access is free, in reality it is not. The institution has often been involved in lengthy negotiations around the price of their site license, and re-use of this content is limited." Importantly, the writers of articles (scholars) do not get paid by the publishers for their articles, and most developing countries are not able to afford the costs imposed by these scholarly publishers. Even India's premier scientific research agency, the Council for Scientific and Industrial Research, recently declared that the costs of scientific journals was beyond its means.

While there are a limited set of exceptions to government copyright provided for in the law, those are very minimal. This means that even though you are legally allowed to get a document through the Right to Information Act, publicising that document on the Internet could potentially get you jailed under the Copyright Act.

Why is this important? Because apart from establishing the idea of informational equity and justice, it also establishes the idea that taxpayer-funded research (as most scientific and much of academic research is) ought to belong to the public domain, and be available freely. This principle, seemingly uncontroversial, is very unfortunately not embodied in the Indian Copyright Act. Most public servants do not realize that that which they create may not be freely used by the public whom they serve.

Under the Indian Copyright Act, all creations of the government, whether by the executive, judiciary, or legislature, is by default copyrighted. This does not make sense under either of the two theories of copyright that we examined above. The government is not an 'author' who can have any form of 'natural rights' over its labour. Nor is the government incentivised to create more works if it has copyright over them. Most of the copyrighted works, such as various reports, the Gazette of India, etc., that the government creates are required to be created, and the cultural works it creates are for cultural promotion and not for commercial exploitation. Hence it makes absolutely no sense to continue with the colonial regime of 'crown copyright', when countries like the USA have suffered no ill effects by legally placing all government works in the public domain.

While there are a limited set of exceptions to government copyright provided for in the law, those are very minimal. This means that even though you are legally allowed to get a document through the Right to Information Act, publicising that document on the Internet could potentially get you jailed under the Copyright Act. This is obviously not what any government official would want. If instead of the four sub-sections that form the exception, the exception was merely one line and

allowed for "the reproduction, communication to the public, or publication of any government work", then that itself would elegantly take care of the problem. This would also remove the ambiguities inherent currently in the Data.gov.in, where the central government is publishing information that it wants civil society, entrepreneurs, and other government departments to use, however there is no clarity on whether they are legally allowed to do so.

Recently, the member states of the World Intellectual Property Organization passed a treaty that would facilitate blind persons' access to books. On that occasion, at Marrakesh, I noted that intellectual property must not be seen as a good in itself, but as an instrumentalist tool which may be selectively deployed to achieve societally desirable objectives. I said: It is historic that today WIPO and its members have collectively recognized in a treaty that copyright isn't just an "engine of free expression" but can pose a significant barrier to access to knowledge. Today we recognize that blind writers are currently curtailed more by copyright law than protected by it. Today we recognize that copyright not only may be curtailed in some circumstances, but that it must be curtailed in some circumstances, even beyond the few that have been listed in the Berne Convention. One of the original framers of the Berne Convention, Swiss jurist and president, Numa Droz, recognized this in 1884 when he emphasized that "limits to absolute protection are rightly set by the public interest". And as Debabrata Saha, India's delegate to WIPO during the adoption of the WIPO Development Agenda noted, "intellectual property rights have to be viewed not as a self contained and distinct domain, but rather as an effective policy instrument for wide ranging socio-economic and technological development. The primary objective of this instrument is to maximize public welfare." When copyright doesn't serve public welfare, states must intervene, and the law must change to promote human rights, the freedom of expression and to receive and impart information, and to protect authors and consumers. Importantly, markets alone cannot be relied upon to achieve a just allocation of informational resources, as we have seen clearly from the book famine that the blind are experiencing. Marrakesh was the city in which, as Debabrata Saha noted, "the damage [of] TRIPS [was] wrought on developing countries". Now it has redeemed itself through this treaty.

The Indian government needs to similarly redeem itself by freeing governmental works, including the scientific research it funds, the archives of All India Radio, the movies that it produces through Prasar Bharati, and all other tax-payer funded works, and by returning them to the public domain, where they belong. ❑

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GLOBALISATION

Economic Paradigms and Democracy in the Age of Financial Globalization

Srinivas Raghavendra



The economic rationale for delinking politics from fiscal affairs is to eliminate uncertainties concerning the conduct of economic policy in general and fiscal policy in particular. The discretionary nature of fiscal policy is questioned because it adversely affects investors' expectations and market sentiments, and it is desirable to minimize uncertainties in the conduct of fiscal policy

WHETHER OR not there exists a standard definition of the term Globalization, there is a broad agreement with the fact that the process of Globalization has had and continues to have profound impact on various aspects of human life. Globalization is not a new phenomenon for it has been a long-term gradual process of change, which affects every aspect of human life and being affected by the human enterprise, since the days of Columbus, and yet at the same time it is irregularly punctuated by episodes of dramatic change. Ever since the Columbian voyage initiated the process of intermingling of the continents of Europe and the Americas, Globalization has been influencing and reshaping every part of the world in all aspects of human life – social, cultural, economic, political, biological and ecological aspects.

In the recent past, there were two intense periods where the process of globalization induced dramatic changes across the world. The first wave happened in the late nineteenth century up to the First World War, which was characterized by extensive trade networks across various continents under European Colonialism. The second wave happened in the twentieth century, starting from the 1980s to the present day, characterized as free market Capitalism led by the phenomenal development of the financial markets, and called as the financialization phase of Globalization or simply Financial Globalization.

The aim of this article is to discuss the profound changes that were brought about by the second wave of Globalization, particularly in the context of the change induced by economic paradigms, and the consequent challenges to the political organization of the market economies. The beginning of the second wave of Globalization in the 1980s marked a distinct end to the global framework of economic organization between Nation States where the domestic political system was more or less sovereign to the people of the State. In fact, such a political arrangement multilaterally agreed upon at the Bretton Woods conference in 1944 provided impetus to the revival of the process of Globalization, which was disrupted by the two World Wars. Although, the scope of the revival was limited due to the Cold War, the economic success within the Western democracies based on this political architecture laid the foundation to further expansion and intensification of the process of Globalization.

The international political architecture based on the Bretton Woods agreement, which was ably supported by the sovereign Nation States and underpinned by the economic rationale of Keynesianism delivered the so-called 'golden age of capitalism',

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which collapsed during the 1970s. It was replaced by a unipolar world order underpinned by the economic rationale of Monetarism, which oversaw and supported the expansion and intensification of Globalization. The downfall of Communism and the end of the Cold War era opened the floodgates for the expansion and intensification of the process of Globalization outside the Western hemisphere. However, this process came at the cost of dismantling the very economic rationale that laid its foundation and undermining the political architecture that gave the impetus to its eventual evolution into the era that we refer to as the second wave of Globalization.

In the contemporary literature there have been numerous accounts on the impact of the second wave of Globalization on various dimensions of human endeavor at both the national and international context. In the following discussion, I would like to discuss the impact particularly in the domain of political representation and articulation brought about by the Monetarist economic paradigm, which replaced the Keynesian orthodoxy and advanced the second wave of Globalization. I will conclude with some specific examples of the impact from the recent experiences from Europe in the ongoing economic crisis.

The post Second World War period saw the replacement of the old economic orthodoxy of free market economic philosophy, i.e., *laissez fair* policies, with the Keynesian revolution. The revolution brought about a change in the political nature of the State. While both fiscal and monetary policies were informed by scientific research based on Keynesian economic theory, the State was very much seen as the implementer of those policies. The post-war political climate with systemic competition between Western capitalism and Soviet socialism also contributed to the winds of change in economic thinking, which in turn provided an economic rationale for the welfare State. The postwar reconstruction aid from the US was instrumental, not by design, in experimenting with the economic policies of the Keynesian revolution in Europe. Not only did Keynesian policies demonstrate, based on the new theory of how even unproductive war expenditure could result in full employment and turn around ailing economies, it also provided the intellectual basis for the politics of social democracy, centered around the notion of Nation State, to bring about cooperation between the contending economic classes of labor and capital. Furthermore, with the advent of the Welfare State, there followed one of the most prosperous periods in European history, the so-called "Golden Age of Capitalism".

The uninterrupted growth in western economies created positive feedback between the politics of the Welfare State and Keynesian style economic management. The State was seen as the driver of the economy and its political nature was not questioned. More importantly, State action was not seen as detrimental to the interest of capitalists as long as Keynesian style class cooperation created investment climate conducive to private investment driven by profit. However, profit as the engine of growth slowed down with an ensuing profit squeeze in the 1970s and the limit to such cooperation began to emerge. The twin oil shocks (1973 and 1979) created inflationary pressures on already stagnating economies and questions were raised about the suitability of Keynesian policies, which by then had become conventional wisdom.

Not only did Keynesian policies demonstrate, based on the new theory of how even unproductive war expenditure could result in full employment and turn around ailing economies, it also provided the intellectual basis for the politics of social democracy, centered around the notion of Nation State, to bring about cooperation between the contending economic classes of labor and capital.

Economists led by Milton Friedman, in particular, began to question the established doctrine of Keynesianism by arguing that the economic policies of the State, fiscal and monetary policies in particular, were shown to distort the "expectations" of the economic agents and thus their supply decisions in the short-run, with no real impact on the macroeconomic level of output and employment in the long run. The second phase in the development of Friedman's theory, often referred to as Monetarism Mark II, or the "New Classical School" led by Robert Lucas went further and demonstrated the ineffectiveness of monetary and fiscal policies by arguing that workers are endowed with rational expectations, which gives them the knowledge to know the exact consequences of such policies, would not alter their supply decisions, and hence there would be no impact of these policies for macroeconomic output and employment even in the short-run – this is the so called "policy ineffectiveness" argument.

The Monetarist counter-revolution had profound impact on the style of economic management. The Policy Ineffectiveness argument was used effectively to argue that rational economic agents would adjust their supply decisions even when the policy is simply announced by the monetary authority or the State. This allowed them to take the argument further and claim that given its political compulsions, the democratic State may not be in a position to stick to its monetary policy commitments. Hence, it was argued that the inconsistencies arising out of such a discretionary policy making of the State would only lead to negative impact on the sentiment of the investor and thereby affect their supply decisions. Thus, the Monetarist counter-revolution argued for an "independent" monetary authority, viz., the Central Bank that would conduct a rule-based monetary policy devoid of political interference from the State, and the process of delinking politics of the State from the conduct of the monetary policy was set in motion.

The idea of an independent, objective, non-partisan and apolitical Central Bank targeting exclusively

the inflation rate resonated well within the financial community and it was implemented in New Zealand, and soon was followed by many developed and developing countries. Thus the monetarist counterrevolution, like the Keynesian Revolution, redefined the role of the State in the economic sphere. In the pursuit of its ideal of a minimalist it took away from the state, as a first step, its control over monetary policy. However, fiscal policy still remained within the control of the State.

The Monetarist counter-revolution provided a perfect economic rationale for the conservative political ideology that advocated a minimalist state. Thus, the economics of the counter-revolution and the politics of Conservatism centered on the minimalist State aligned perfectly at the turn of the 1980s and the stage was set for the development of an unfettered financial sector around the globe. Fiscal policy was reined in to create a conducive tax climate to boost private investors' sentiment vis-à-vis the financial markets. Even though the financial market went through a few "shocks" in the late 1980s and the 1990s, e g, the 1987 one-day crash and the dotcom meltdown in 2000, the resilience of the modern financial sector was hailed as robust and its contribution to the overall prosperity of the economic expansion was applauded.

The Monetarist orthodoxy that dislodged the State from its monetary policy commitments using the logic of market sentiments got irrevocably locked into the very process in a self-referential way. The monetary policy was conducted by independent Central Banks, which supported the expansion of the financial sector that was to be overseen by an objective and scientific risk-rating mechanism. The Credit rating agencies provided such a service and gradually became the underwriters of risk for the entire financial system, including the Central Banks for their open market operations conducted within the ambit of monetary policy. It was believed that the apparently objective and scientific process of under writing risk provided a perfect barometer that gauged market sentiments. In this process, the logic of market sentiments became institutionalized via the risk-rating mechanism of the credit rating agencies. A pliable theory was restored from pre-Keynesian history to put in place a perfect self-referential setting by which an independent Central Bank was assumed to deliver consistent and credible monetary policies that supported the expansion of the financial sector, which was certified in turn as sound by a presumably objective process of risk- rating by the credit rating agencies. The result was massive financialization driven by financial innovations justified by this self-referential logic, which circumvented the State during the so-called 'second wave of globalization'.

The Monetarist counter-revolution provided a perfect economic rationale for the conservative political ideology that advocated a minimalist state. Thus, the economics of the counter-revolution and the politics of Conservatism centered on the minimalist State aligned perfectly at the turn of the 1980s and the stage was set for the development of an unfettered financial sector around the globe.

During this expansion, it was understood that financial innovation, which improved the efficiency of the resource allocation function of the financial market, combined with the objective of a scientific underwriting process would improve the resilience of the overall financial system by sharing and distributing risk. A "competitive" market for the underwriting process developed and the efficiency of that market was considered vital for the resilience of the financial system and the overall economy. As the process of financialization deepened, the business and influence of the credit rating agencies grew in proportion and began to shape market sentiments, and their activities became integral to the functioning of the modern market economy.

The catastrophic collapse of the financial markets in 2008 and the ensuing economic crisis in the western economies did not affect the influence of either the credit rating agencies or the Monetarist orthodoxy. On the contrary, both the monetarist orthodoxy and the credit rating agencies that endorsed the rising level of systemic risk due to the financial innovation prior to the crisis have strengthened their position, which now seems politically unassailable despite the deepening of the crisis. In fact, using the current crisis the credit rating agencies have moved beyond rating the risk of private financial institutions to decisively underwrite the capacity of the Nation State in conducting its economic affairs. In fact, in the current crisis the rating agencies began to perform the role of "enforcer of discipline", i e, disciplining the State from its extravagances via the rating of sovereign debt using the objective and scientific underwriting process, reinforcing the dominance of the monetarist orthodoxy and providing a great opportunity to implement its vision of a minimalist state. Their power does not merely stop at limiting the State and its agencies from borrowing from the market, it goes beyond the bond markets into the realm where it is beginning to reshape the politics of representative democracy in the conduct of the fiscal affairs of the state.

The economic rationale for delinking politics from fiscal affairs is to eliminate uncertainties concerning the conduct of economic policy in general and fiscal policy in particular. The discretionary nature of fiscal policy is questioned because it adversely affects investors' expectations and market sentiments, and it is desirable to minimize uncertainties in the conduct of fiscal policy. This argument echoes the 1980s debate when monetary policy was delinked from the politics of the State on the ground that discretionary monetary policies induced inconsistencies in the investors' expectations about future policy change, which, in turn, adversely affected market sentiments. Similarly, it is now argued that discretionary fiscal policy should be replaced by "fiscal policy rules", which enhance transparency and consistency to sustain the stability of the markets.

Such a move to impose fiscal policy rules without discretion and separating it from "political pressures" is clearly articulated in the economic policy framework of the European Central Bank (ECB). The framework is succinctly described by the ECB as follows:

The (Maastricht) Treaty foresees three different modes of policy-making in the various fields of the European Monetary Union: (i) full transfer of competence to the Community level for monetary policy; (ii) rules-based coordination of fiscal policy; (iii) 'soft' coordination for other economic policies (ECB 2008: 22).

The European Central Bank (ECB), having reached the limit of maneuverability in terms of monetary policies, has broadened its remit by using its "technical" capacity to advise and influence both the formulation and conduct of fiscal and other structural policies in the member countries of the Eurozone. Drawing from the intellectual wisdom of the New Consensus Macroeconomics, a revised version of the Monetarist paradigm, the ECB has been pushing the so-called *expansionary fiscal austerity* or *fiscal consolidation* view in the conduct of fiscal policy to boost market sentiments in favor of the troubled countries, viz, Ireland, Italy, Greece, Portugal and Spain. Moreover, the ECB has also been using the soft coordination approach using both "peer pressure and support" and, more importantly, the logic of market sentiments to influence the structural policies in reforming the labour markets in the troubled countries.

Unsurprisingly, academic research under the influence of monetarist orthodoxy analyses the shortcomings of the diversity and wider political representation in government. Its recommendations articulate a case for reshaping institutions that govern decisions over public finances. Three types of fiscal institutions are prescribed: (1) Ex ante rules, such as constitutional limits on deficits, spending or taxes, (2) electoral rules fostering political accountability and competition, and (3) procedural rules for the budget process. Research on these types of fiscal institutions, a preoccupation in the 1990s, has produced voluminous literature, which in turn has provided the intellectual basis for the argument of conducting rule-based fiscal policy for minimizing the distortionary effects of discretionary policymaking by coalition governments in the west and developing countries.

Paradoxically, the economic paradigm founded on the logic of market sentiments that drove the Western economies to the brink of disaster has now become the economic rationale for the basis of economic recovery and for reforming the State. Furthermore, insulating policymaking of the State and its institutions from the so-called political pressures seems to be the emerging politics of this crisis and is being aggressively enforced through the veil of market sentiments. Thus it could result in delinking and disengaging the politics of representative democracy from the conduct of economic policies of the State, which is tantamount to undermining the very foundations of democracy. ❑

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Secularism and Inclusive Society

Rajeev Bhargava



Indian secularism then is an ethically sensitive negotiated settlement between diverse groups and divergent values

THREE values guide this paper: peace, freedom and equality. These values are also presupposed by the idea of an inclusive society. Surely part of what is meant by the term 'inclusive society' in the contemporary context is that it should be a community of free and equal persons. In our discussions, it is not inclusion per se that is at issue but voluntary inclusion on fair and equal terms. Indeed we might even say that inclusion here is a term of art of which freedom and equality are constitutive features and peace its necessary precondition. Thus contemporary emancipatory movements do not aim to include people only in order to rank them in political, social or cultural hierarchy. Nor is their objective to bring people into an oppressive order. They are propelled by the belief that freedom and equality for all can only be enhanced by inclusion.

Inclusion on fair and equal terms can be approached in two different ways, however. The narrow approach conceives equality in purely distributional terms and takes material resources as the unit of distributive equality. Freedom is conceived here as the absence of constraints on equal access to these resources or as the ability of individuals to use these resources to achieve their very own preferred projects. Without denying this, the broader, more sophisticated approach avoids the goods-fetishism which mars the narrow view. For the sophisticated approach, moral equality, the treatment of people as equals is an important human concern and is not reducible to economic equality. Each of us wishes to be equally respected for the ability to conceive or freely endorse meaningful projects and to live a life that we have reason to value. People may possess identical material resources and yet be treated as unequal because of social stigma or due to the denigration of the world-view that informs their way of life and frames their identity. Our self-respect, self-worth and self-esteem is bound up with more than the sum total of goods in our possession or with what we are able to do with them. It is also linked to the recognition of the cultural and ethical framework(s) that help us orient to the world and enable us to gain self-understanding.

These frameworks may be religious or non-religious but they all have a constitutive link with culture and ethics. An important assumption of this paper is that a cultural/ethical framework plays an indispensable and extremely significant role in the lives of human beings. The second

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assumption of the paper is that no single framework gives overall meaning to the life of all human beings. If it is neither possible nor desirable to eliminate cultural, say religious pluralism, then, on the sophisticated view, there is an urgent need to articulate notions of freedom and equality that take into account or are compatible with a plurality of religious identities and ethical orientations.

The principal claim of my paper is that secularism as it is developed in India is central to a morally defensible inclusive society, i.e. a society free, among other things, of religious or religion-based exclusions, oppressions and more generally forms of domination. I wish to stress that only the Indian version appropriately interpreted and not just any model of secularism will help deliver an inclusive society. After all there are many versions of secularism that have been conceived in the world, the French, American and European to name a few. None of these are helpful under current conditions of deep religious diversity.

Let me explain. Most societies today are characterized by religious diversity. The pressing question before us, then, is how we deal with this diversity and the problems that accompany it. What do I mean by religious diversity? To begin with it, I mean diversity of religion. Diversity of religion exists in a society when it has a populace professing faith in, say, Christian, Jewish, or Islamic ideals. A society has deep diversity of religion when its people adhere to faiths with very diverse ethos, origins, and civilizational backgrounds. This happens, for example, when a society has Hindus and Muslims or Hindus and Jews or Buddhists and Muslims and so on. The second kind of diversity is within religion. This diversity may be of two kinds. The first might be called horizontal diversity, which exists when a religion is internally differentiated. For example, Christianity has different confessions, denominations, and sects. Muslims are divided into Shi'a, Sunni, Ismaili, Ahmedi, and so on. Likewise, Hindus could be seen to be differentiated into Vaishnavite and Shaivite and so on. Religions are characterized, however, by another kind of diversity, which may be called vertical diversity. Here, people of the same religion may engage in diverse practices that are hierarchically arranged. A religion might mandate that only some may engage in certain kind of practices and others are excluded from them. For example, caste-ridden Hinduism makes a distinction between pure and impure practices. Practices performed by certain castes are pure, and members of other castes are excluded from them. For instance, women or dalits may not be allowed entry into the inner sanctum of temples and in many cases even into the precincts of an upper-caste temple. This example already brings home a point that I ought to have made at the very outset of this discussion. Every form of diversity, including religious diversity, is enmeshed in power relations. If so, endemic to every religiously diverse society, is an illegitimate use of power whereby the basic interests of one group are threatened by the actions of another. It further follows that inherent in religiously diverse societies is the possibility of both interreligious and intra-religious domination—a broad term that encompasses discrimination, marginalization, oppression, exclusions, and the reproduction of hierarchy. (Two other forms of domination are also possible: the domination by the religious of the nonreligious and the domination of the religious by the nonreligious).

Every form of diversity, including religious diversity, is enmeshed in power relations. If so, endemic to every religiously diverse society, is an illegitimate use of power whereby the basic interests of one group are threatened by the actions of another.

This shift allows me to conceive secularism as a response to deeply distorted form of sociability within the domain of religion. It seeks to facilitate better social relations within and across religious groups. Secularism in this view is not against religiosity per se but is opposed to institutionalized religious domination. Allow me to draw an analogy with one of the Karl Marx's better known ideas. Marx had claimed that in order for production of material goods to take place, humans must enter into relations with one another-production relations. He further claimed that such production frequently takes place within structures of exploitation and dominance. His entire project might be viewed as an attempt to emancipate the production process from distorted human relations. Likewise, one might view the production of symbolic goods as requiring certain relations of production. However, the production of most symbolic goods including religious goods almost always takes place under the conditions of domination within and between religions. Secularism might then be viewed as an attempt to emancipate the production of symbolic goods, values and services from inter-and intra-religious domination. That's what I mean when I say that secularism is not against religiosity but fiercely opposes institutionalized religious domination. To rescue secularism requires a profound reconceptualization of what secularism means.

How do these other secularisms fare when judged from the standpoint of this new way of conceptualizing secularism, from the vantage point of inter- and intra-religious domination. And what are these different versions of secularism?

Five Models of Separation

The separation of religion and state and a commitment to some ethical or

moral ends are shared by all political secularisms. All politically secular states separate themselves from religion at the level of ends- none espouse the goals exclusively of any one religion, or for that matter, only of religion. (level 1) They also espouse institutional separation. The personnel and organizational structure of the state and the personnel and organizational structure of religions are also separated. (level 2) However two sources of plurality exist. First, secularism anywhere in the world means a separation of organized religion from organized political power inspired by a specific set of values. Just as without separation there is no secularism, just so a value-less separation does not add up to secularism. In this sense, secularism is a universal normative doctrine. But it does not follow that these elements are interpreted or related to each other in any one particular way or that there is a single ideal way in which they should be interpreted or related to one another. Many ways exist of interpreting these elements as do different ways of relating them. Each conception of secularism may unpack the metaphor of separation differently or select different elements from the stock of values that give separation its point. It may also place different weights on the same values.

These values of peace, toleration, religious liberty and citizenship rights can be construed individualistically, non-individualistically or both. To conceive values individualistically is to think of peace as a condition among atomistic individuals, to think of toleration as a matter purely of a particular manner in which an individual relates to other individuals, to view religious liberty and citizenship rights as a property exclusively of individuals. To think of these same values non-individualistically is to think of peace and toleration as a relation between communities, religious liberty as the autonomy of religious communities to conceive and live their collective life as they deem fit and citizenship rights as rights that accrue to their bearers by virtue of their membership in a community.

Second, value based secular states differ from one another in how they unpack the metaphor of separation, in their respective understanding of relationship with religion at another third level, the level of law and public policy. At this level separation might be understood as exclusion, neutrality or distance. Furthermore, exclusion may be one-sided or mutual and distance, opportunistic or principled. Keeping the above in mind one might say that they are atleast five modes or models of political secularism.

In the first model, some states are committed, at the third level, to strict disconnection, by which they mean mutual exclusion of religion and state. Such states maintain a policy of strict or absolute separation. Here, religion is excluded from the affairs of the state, but the state, too, is excluded from the affairs of the religion. The state has neither a positive relationship with religion-for example, there is no policy of granting aid to religious institutions-nor a negative relationship with it. It is not within the scope of state activity to interfere in religious matters, even when the values professed by the state are violated. This model is exemplified by the dominant understanding of the US model.

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The second model states reject complete disconnection and adopt instead a policy of one-sided exclusion of religion from state. Such states exclude religions in order to control or regulate them and sometimes even to destroy them. This control may be exercised by hindering religions or sometimes even by helping them, but the motive in both cases is to control them, largely because of the belief that religion is false consciousness or obscurantist or superstition or because they see religion as intrinsically oppressive and hierarchical. Thus, intervention in religion may be justified also on grounds of freedom and equality. Such secular states, are decidedly antireligious.

The third model is found in several West European countries. Here, there exists virtual disconnection at levels A and B. However, at level C, at the level of law and public policy, instead of inhabiting or controlling religion, the state supports one religion, the dominant one.

The fourth model ignores individualistically construed values and thinks of secular as facilitating a certain mode of sociability between different religious communities. Thus, the state must keep distance from all religions in order to keep peace and harmony among them and teat all of them with respect This is how doctrinally the Indian model is sometimes understood.

Although I do not have the time to substantiate my claim here, all these versions of secularism neglect one or the other crucial moral dimensions. They allow either inter-or intra-religious domination or both.

Indian Constitutional Secularism

There is another model of secularism, one not generated exclusively in the West, which meets the needs of deeply religiously diverse societies and also complies with principles of freedom. Equality and fraternity: the Indian model. In India, the existence of deep religious diversity has ensured a response to problems not only within religions but also between religions.

Although not available as a doctrine or theory, such a conception was worked out jointly by Hindus, Muslims and other religious groups in the subcontinent and can be found in the best moments of inter-communal practice in India and in the country's constitution, appropriately interpreted. In India, the existence of deep religious diversity has ensured a conceptual response not only to problems within religions but also between religions. Without taking it as a blue print, the west must examine the Indian conception and possibly learn from it.

Seven features of the Indian model are striking and relevant to wider discussion.

First, multiple religions are not extras, added on as an afterthought, but present at its starting point, as part of its foundation.

Second, it is not entirely averse to the public character of religions. Although the state is not identified with a particular religion or with religion more generally (there is no establishment of religion), there is official and therefore public recognition granted to religious communities.

Third, it has a commitment to multiple values—liberty or/and equality, not conceived narrowly as pertaining to individuals but interpreted broadly to cover the relative autonomy of religious communities and equality of status in society, as well as more basic values such as peace and toleration between communities. This model is acutely sensitive to the potential within religions to sanction violence.

Fourth, it does not erect a wall of separation between state and religion. There are boundaries, of course, but they are porous. This allows the state to intervene in religions, to help or hinder them without the impulse to control or destroy them. The state has multiple roles, such as granting aid to educational institutions of religious communities on a non-preferential basis or interfering in socio-religious institutions that deny equal dignity and status to members of their own religion or to others (for example, the ban on untouchability; the obligation to allow everyone, irrespective of caste, to enter Hindu temples; and potentially to correct gender inequalities), on the basis of a more sensible understanding of equal concern and respect for all individuals and groups. In short, it interprets separation to mean not strict exclusion or strict neutrality but rather what I call principled distance.

Fifth, this model shows that we do not have to choose between active hostility and passive indifference or between disrespectful hostility and respectful indifference toward religion. We can combine the two:

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have the necessary hostility as long as there is also active respect; the state may intervene to inhibit some practices, so long as it shows respect for other practices of the religious community and does so by publicly lending support to them.

Sixth, by not fixing its commitment from the start exclusively to individual or community values or marking rigid boundaries between public and private, India's constitutional secularism allows decisions on these matters to be taken either within the open dynamics of democratic politics or by contextual reasoning in the courts.

Seventh, this commitment to multiple values and principled distance means that the state tries to balance different, ambiguous but equally important values. This makes its secular ideal more like a contextual, ethically sensitive, politically negotiated arrangement (which it really is), rather than a scientific doctrine conjured by ideologues and merely implemented by political agents.

A somewhat forced, formulaic articulation of Indian secularism goes something like this. The state must keep a principled distance from all public or private, individual-oriented or community-oriented religious institutions for the sake of the equally significant (and sometimes conflicting) values of peace, this-worldly goods, dignity, liberty, and equality (in all its complicated individualistic or non-individualistic versions). Indian secularism then is an ethically sensitive negotiated settlement between diverse groups and divergent values.

I believe that this constitutional secularism is properly understood or defended neither in India nor in the west. This flawed self-understanding of secularism is one reason why it is abandoned and under-appreciated. Western states need to improve the understanding of their own secular practices just as western secularism needs a better theoretical self-understanding. Rather than get stuck on a model they developed at a particular time in their history, they would do well to learn from the original Indian variant. Equally, both the self-proclaimed supporters of secularism and some of its misguided opponents could learn from examining the original Indian variant. Indeed it is my conviction that many critics of Indian secularism will embrace it once they better understand its nature and point. Once they do so, they can also help build a more inclusive society in India. ❑

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Challenges of the Marginalised

N C Saxena



The strategy for inclusive growth should not be just a conventional strategy for growth to which some elements aimed at inclusion have been added. On the contrary, it should be a strategy which aims at achieving a particular type of growth process which will meet the objectives of inclusiveness and sustainability

IT IS now well established that economic growth and prosperity in India has generally bypassed a large number of marginalised and disadvantaged people such as the dalits, adivasis, nomadic tribes, women, slum and pavement dwellers, the disabled and old people, and people living in remote areas, who have remained voiceless and ignored. The crux of such a hopeless situation for them lies in their inability to access and retain their rightful entitlements to public goods and services due to institutionalised structures and processes of exploitation.

Excluded groups are disadvantaged in many ways. They are victims of prejudice, are ignored, and are often treated as less than human beings by the village elite and government officials. They live in remote hamlets and are thus geographically separated from the centres of delivery. Their hamlets are scattered so that the cost of contacting them is higher. Finally it is their extreme poverty that prevents them from taking advantage of government schemes, whether it is free schooling (children are withdrawn because their labour is needed at home or for work), or immunization (they migrate along with their parents and therefore not present in the village when the health worker visits).

The 12th Five Year Plan, as expected, gives a high priority on paper to inclusive growth and reduction of inequality, but the past trends have not been very encouraging, as inequality seems to be going up, and the much needed policies and programmes for the disadvantaged are still to be put on ground.

Dalits – Various field studies show that untouchability is still practiced in many forms throughout the country. Dalit women suffer the triple burden of caste, class and gender, and continue to routinely suffer sexual abuse and rape by upper-caste landlords in many parts of the country. Dalit women are also raped as a form of retaliation. No one practices untouchability when it comes to sex.

In towns and cities, however, there is far greater anonymity and occupational mobility, which enables blurring of caste identities. It has been documented that urban migration by dalits is often impelled not only by economic compulsions, but also by the desire to escape the social degradation of untouchability.

In rural India a majority of them, being poor and assetless, are mainly engaged as agricultural labourers. In addition, they continue to derive livelihood from occupations like scavenging, flaying, tanning etc. To break the caste-based occupational

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stereotyping, special efforts need to be made to encourage them to make the best use of the educational concessions and programmes being extended by the Government. Also, there is a need to vocationalise the education right at the middle-school level to promote occupational mobility for these groups.

Further, their settlements in many areas continue to be in the outskirts and in seclusion from the mainstream settlement manifesting social segregation. Also, their dwellings are still devoid of basic minimum amenities like safe drinking water, health and sanitation, roads etc. Therefore, special packages of basic minimum services viz. safe drinking water; nutrition supplementation; primary health care; primary education and employment-cum-income-generation activities needs to be designed/developed to cater to the dalit Clusters/Bastis.

Scheduled Tribes- From the viewpoint of policy, it is important to understand that tribal communities are vulnerable not only because they are poor, assetless and illiterate compared to the general population; often their distinct vulnerability arises from their inability to negotiate and cope with the consequences of their forced integration with the mainstream economy, society, cultural and political system, from which they were historically protected as the result of their relative isolation. Post-independence, the requirements of planned development brought with them the spectre of dams, mines, industries and roads on tribal lands. With these came the concomitant processes of displacement, both literal and metaphorical — as tribal institutions and practices were forced into uneasy existence with or gave way to market or formal state institutions (most significantly, in the legal sphere), tribal peoples' found themselves at a profound disadvantage with respect to the influx of better-equipped outsiders into tribal areas. The repercussions for the already fragile socio-economic livelihood base of the tribals were devastating — ranging from loss of livelihoods, land alienation on a vast scale, to hereditary bondage.

As tribal people in India perilously, sometimes hopelessly, grapple with these tragic consequences, the small clutch of bureaucratic programmes have done little to assist the precipitous pauperisation, exploitation and disintegration of tribal communities. Tribal people respond occasionally with anger and assertion, but often also in anomie and despair, and suffer silently.

We recommend that state governments launch a drive to prevent land alienation and to restore lands lost by the adivasis in the last two decades. Secondly, Constitutional guarantees to them regarding protection of religious and cultural rights must be fully honoured. These are also reflected in the Panchayats (Extension to the Scheduled Areas) Act of 1996 (PESA) for Schedule V areas, but unfortunately not fully observed in the field. Let us hope that the new Land Acquisition Bill will ensure that their lands are not taken away without their informed consent and full rehabilitation. Lastly, community rights enshrined in the Forest Rights Act are still to be given to them on ground.

As tribal people in India perilously, sometimes hopelessly, grapple with these tragic consequences, the small clutch of bureaucratic programmes have done little to assist the precipitous pauperisation, exploitation and disintegration of tribal communities. Tribal people respond occasionally with anger and assertion, but often also in anomie and despair, and suffer silently.

The Ministry of Tribal Development and the Ministry of Social Justice and Empowerment should play a more activist role in addressing these issues by pursuing them with the concerned Ministries.

Women – The decline in the juvenile sex ratio over the last decade, visible in the data from Census 2011, is an indication that the Constitutional assurance of freedom and equality for women is still far from being fulfilled. While the literacy rate has gone up, 273 million people in India were still illiterate in 2011, of which two-thirds were women.Despite women's vital contribution to agriculture and allied sectors in India, they lack control over productive assets (land, livestock, fisheries, technologies, credit, finance, markets etc.), face bias due to socio-cultural practices, experience gender differentials in agricultural wages and decisions concerning crop management and marketing.

Even though the legal framework on succession has been amended in favour of women in 2005 with the deletion of the gender discriminatory clause on inheritance of agricultural land, neither the Ministry of Women & Child Development nor the Department of Land Resources have taken any interest in pursuing the implementation of this law. The net result is that daughters still do not inherit agricultural land in actual practice. These two Ministries should launch a campaign to correct revenue records and ensure that women's land ownership rights are properly recognized and recorded by the States.

Asset redistribution is superior to income redistribution. It provides a basis for overcoming distortions in the functioning of markets and for restructuring gender relations in the fields of property rights, access to technology, healthcare and governance. Asset ownership and control rights are preferable to numerous policy alternatives for women's empowerment. These are likely to bring in changes in public opinion about gender roles and social cultural norms of deep-seated social inequalities of women such as the

household division of labour, restraints on women's speaking in public, constraints on women's mobility and pervasive gender-based violence within the home and outside.

Government schemes unfortunately ignore intra-household inequities. Currently food security schemes fail to address the needs of single women within the existing framework. Ration cards are usually in the name of the man, and in the case of separation the wife does not have access to a card. The new Food Security Bill should mandate the provision of ration card only in the name of women, who should be declared as head of the household.

Some general issues

Inclusiveness is not just about bringing those below an official fixed poverty line to a level above it. It is also about a growth process which is seen to be 'fair' by different socio-economic groups that constitute our society. We therefore recommend an effort at least once every two years to not just estimate these groups, but to conduct a full listing. It is remarkable that although persons deemed to be 'below poverty line' in rural areas have been surveyed and listed, no such survey has been undertaken for urban areas since Independence, although around a third of the country's poor live in cities. Government should therefore identify and list the most poor and vulnerable segments of urban populations by identifying them along objective and verifiable criteria of vulnerability and denial of rights. These are: a) place of residence and access to public services: (shelterless, unauthorized slum dwellers, authorized slum dwellers and residents of resettlement colonies); b) social vulnerability: children without protection and child headed households, single women and single women headed households, disabled people, old people without care givers, people in destitution; c) vulnerable occupational categories: such as rag pickers, casual daily wage workers, rickshaw pullers, porters, construction workers, street vendors, domestic helpers etc; and d) affirmative action categories: Scheduled Castes/ Scheduled Tribes, OBCs.

The government should ensure within one year pensions for all aged people above the age of 65 years who in rural areas are landless, artisans, and small or marginal farmers, and all SC and ST aged persons; and in urban areas all aged persons who are residents of slums or homeless, and all unorganised workers.

Many government programmes are plagued by corruption, leakages, errors in selection, delays, poor allocations and little accountability. They also tend to discriminate against and exclude those who most need them, by social barriers of gender, age, caste, ethnicity, faith and disability; and State hostility to urban poor migrants, street and slum residents, and unorganised workers.

Overcoming corruption, theft, leakages, inefficiencies, and constraints of costs, are imperative, but still not sufficient, in a highly unequal society like ours, to overcome the barriers that powerless and expelled dispossessed people face to access food and livelihoods with dignity. The strategy for inclusive growth should not be just a conventional strategy for growth to which some elements aimed at inclusion have been added. On the contrary, it should be a strategy which aims at achieving a particular type of growth process which will meet the objectives of inclusiveness and sustainability. This strategy must be based on sound macroeconomic policies which establish the macroeconomic preconditions for rapid growth and support key drivers of this growth. It must also include sector-specific policies which will ensure that the structure of growth that is generated, and the institutional environment in which it occurs, achieves the objective of inclusiveness in all its many dimensions. ❑

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YE-94/2013

People's Movement, a Quest for Inclusive Democracy?

Ash Narain Roy



India has made a departure from 'benefits of growth' and 'trickle down' to 'inclusive growth'. Thanks to the Panchayati Raj, the country is also moving towards inclusive governance

CHURCHILL defined democracy as "the worst form of government except for all those others that have been tried." Democracy, the least bad system, has been the flavour of the 21st century. According to Amartya Sen, "democracy remains the only system of government that commands global respect." Ironically, democracy is in trouble in many places, even as its triumph is proclaimed. There is a lot of backsliding in a number of electoral democracies as well as setbacks in countries that experienced democratic revolutions following the collapse of the Berlin Wall. Larry Diamond, author of *The Spirit of Democracy*, calls it "democracy recession." There is also consolidation of dictatorships among authoritarian rulers wary of democratic advance in their neighbourhoods. Even though democracy is not yet 'sell-by-date', we may have progressed democratically but democracy is regressing.

Pitfalls of representative Democracy

The dominant oligarchic system of representative democracy cannot be equated with democracy itself. Many democracies have simply become polyarchies. One of the major problems with representative democracy is that the business of government has become the privilege of the few. Representative democracy emerged in the 19th century in countries that had experienced an industrial revolution. Given the context of unprecedented production levels, representative democracy came to symbolise development and progress. The experience suggests that instead of becoming a bridge between state and society, representative democracy has practically become statist which ends up excluding the vast majority of the population from political power. Representative democracy is leading to oligarchisation of political system.

What we see today is the historical conflict between the autonomy/democratic tradition and the heteronomy tradition. The fundamental aim of those inspired by the autonomy/democratic tradition is the equal distribution of all forms of power, particularly the political and economic power, whereas the aim of the heteronomy tradition is to produce and reproduce forms of social organisation based on the concentration of power.

Of course there have been efforts to reform representative democracy. But this reform has meant what Italian writer Giuseppe Tomasi di Lampedusa says "changing everything so that it can stay the same." In fact, what needs to be done is to question it. That is the only way we don't lose it. Representative democracy institutionally stifles political participation. Democracy

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should not mean only voting. It is a poor substitute for democracy which requires direct action by concerned citizens.

In the present age of hyper-information communications have changed. The way citizens connect themselves with each other has also changed. Social networks have allowed social dialogue to become more horizontal. It has endowed the public with the power to decide on what is germane to their lives. Social movements have come to renew the concept of citizen participation.

Democracy today has more stakeholders than ever before. It is expanding beyond nation-state and is becoming more inclusive and participatory. Democracy has become the politics of everyday life. It is concerned with problems closely related to people's daily lives—primary education, health, livelihood etc. More importantly, politics of everyday life is rooted in civil society. Inclusive democracy is a process and framework in order to include women and marginal social groups in a democratic dialogue and process. This is what has been called 'politics of difference'.

Inclusive Democracy

The gradual shift from representative to participatory democracy is there for all to see. Suddenly, new actors have appeared on the political scene. There has been a displacement of power upward (transnational networks, international organisations and big global companies), downward (local governance institutions) and outward (communities and non-profit organisations, NGOs and civil societies). A new geometry of power is shaping up and a new 'geography of below' is emerging. The new pyramid of democracy has three distinct features. First, we see a new phenomenon of empowered citizens and weakened leaders. Second, the public space is emptying at the top and filling up at the bottom. Third, there is withering away of institutional politics and the dominance of day-to-day concerns.

With governance moving beyond governments, power that is being created in and amongst people by the new social movements is not located in the state or in formal institutions of power. What these movements are creating are new and different forms of power. It is living and changing power, it is power as potential and capacity.

Whether it is Africa, Latin America or Asia, the poor and the marginalised people are rising up, challenging the system that has kept them poor and pursuing a new course. In Latin America, for instance, most democratic and social advances are not the result of official policies but of social movements harnessing their own power. Social movements have been successful in putting issues on the national political agenda.

Democracy today has more stakeholders than ever before. It is expanding beyond nation-state and becoming more inclusive and participatory. Democracy has become the politics of everyday life. It is concerned with problems closely related to people's daily lives—primary education, health, livelihood etc. More importantly, politics of everyday life is rooted in civil society.

Social inclusion is the new buzzword in much of the developing world. It encompasses not just the reduction of economic inequality but also civil and political rights, greater political representation and voice for minorities and access to public and private goods. Social inclusion requires both economic development and a proactive state.

Inclusion is a crucial instrument in maintaining high levels of commitment to democracy but also in ensuring the legitimacy of democracy itself. The World Summit for Social Development in Copenhagen in 1995 sought to define inclusive society as a 'society for all' in which every individual, each with rights and responsibilities, has an active role to play. By this definition, few societies are inclusive.

An inclusive society is the one where voices of people and their needs and concerns are heard. An inclusive society cannot be created just through constitutional endowments. It is important to ensure that citizens and civil society participate meaningfully. Inclusive democracy is a form of organisation that re-integrates society with economy, polity and culture. Representation at different political levels, equal rights to all groups of citizens and redistributive justice are the three key ingredients of inclusive democracy.

Empowerment of indigenous groups in Latin America

The indigenous people in Latin America remained on the margin for centuries. Their experience with liberal democracy and neoliberalism was one of systematic exclusion and dispossession. Globalization only further worsened their condition as the development model that governments followed were based on agreements among nation-states, corporations and financial institutions without the inputs and consent of civil society. National governments took upon themselves to negotiate natural resources on the international market with little concern about whether these resources were on indigenous lands. The structural policies that various governments followed meant moving economies back to reliance on raw materials.

The social movements in Latin America have sought to create a new narrative for the indigenous groups, challenging long held assumptions and previous representations of culture, history, race, gender, citizenship and identity. Re-envisioning the past has served to incorporate previously marginalised peoples including indigenous, Afro-descendants, peasants, women and others who were historically on the margins. The right to be heard, to be seen, to be recognised, and to be respected are at the core of new movements. It has given a new meaning to democracy.

The citizens movement has brought about significant change in the architecture of the state. At least three Latin American countries—Venezuela, Bolivia and Ecuador now have new constitutions that have conferred significant rights on the indigenous and others on the margins. The political system has opened more channels for the citizens' participation through constitutional mechanisms.

Environmental protection and the struggle over natural resources have long been of major concern for indigenous peoples all over Latin America. Exclusion of indigenous peoples in policy making and water management practice has led to widespread protests throughout the Andes. Massive uprisings against privatization proposals of water rights and resources put indigenous demands on the agenda. The traditional struggle for more equal land distribution has been accompanied or replaced by collective claims for more equal water distribution, and for more autonomy and respect for local cultural practices.

In Bolivia, for example, the process that succeeded the so-called "water wars" received international attention. In 2000, the streets of Cochabamba filled with farmers, indigenous groups, and poor city dwellers protesting against privatization of the drinking water company. The urban population was furious because of a huge rise in drinking water prices. Alongside the poor urban population sectors, peasant and indigenous rural organizations joined the protest. The new policies gave water exploitation rights of large rural aquifers to the new foreign drinking water company, threatening local water management systems. After a number of fierce confrontations, also in subsequent years, the protesting organizations successfully demanded withdrawal of the privatization policies.

The new constitutions of Ecuador and Bolivia describe the two countries as plurinational states. They allow the participation of all the social sectors and groups and guarantee some specific rights to the indigenous nationalities. Thanks to empowerment, the indigenous people in Ecuador and Bolivia are well-organised at the grassroots, regional and national levels. They are demanding better access to land, autonomy, basic services, environmental protection and political representation.

Ecuador is the first country to incorporate rights of Nature in the constitution. Nature has "the right to exist, persist, maintain and regenerate its vital cycles, structures, functions and its processes in evolution."

Non-Violence - a Key Weapon

Over the past decade, the indigenous movements have gained traction. The movements may be new but the struggle is old. It stands firmly in the tradition of human rights movements led by the most oppressed: the Civil Rights Movement in the US, the Independence movement in India and the struggle to end apartheid in South Africa.

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Another interesting development has happened which has bolstered social movements. Peaceful movements have played a significant role in overthrowing dictatorial regimes. It was not the leftist guerrillas of the New People's Army who brought down the Marcos dictatorship in the Philippines. It was nuns praying the rosary in front of the regime's tanks, and the millions of others who brought greater Manila to a standstill.

It was not the 11 weeks of bombing that brought down Serbian leader Slobodan Milosevic. It was a nonviolent resistance movement led by young students, whose generation had been sacrificed in a series of bloody military campaigns against neighbouring Yugoslav republics, and who were able to mobilize a large cross-section of the population to rise up against a stolen election.

It was not the armed wing of the African National Congress that brought majority rule to South Africa. It was workers, students, and township dwellers who—through the use of strikes, boycotts, the creation of alternative institutions, and other acts of defiance—made it impossible for the apartheid system to continue.

It was not NATO that brought down the communist regimes of Eastern Europe or freed the Baltic Republics from Soviet control. It was Polish dockworkers, East German church people, Estonian folk singers, Czech intellectuals, and millions of ordinary citizens. Similarly, such leaders as Jean-Claude Duvalier in Haiti, Moussa Traoré in Mali, King Gyanendra in Nepal, General Suharto in Indonesia, and, most recently, Maumoon Gayoom in the Maldives were forced to cede power when it became clear that they were powerless in the face of massive nonviolent resistance and non-cooperation.

Social movements have challenged the unequal state of the world and lack of accountability in Egypt, Tunisia, Greece, Spain, Ireland, US, Canada and Latin America. The Arab Spring was the result of new social actors, mostly youth, both educated and connected through mobile phones, Twitter, Facebook etc. The protesters came on to the street against old and tired corrupt regimes that were captured by authoritarian leaders and their families and inner circles.

In the aftermath of the Arab Spring, the situation now seems fluid, ranging from promising transition in some countries to ongoing violence and killing in Syria. The balance sheet of the Arab Spring is a mixed bag. Thanks to the social movements, a new political culture has emerged: people who disagree with the government and

take to the streets have no reverence for established power. The wall of fear has collapsed. If the house wall is brought down, one can rebuild the house. But one can never build the wall of fear.

Debt crisis in southern Europe has given birth to a new civil society. It has been two years since the *Indignados* (Outraged) took over public squares in various parts of Spain to protest against the economy being run for the benefits of the banks and not the people. Given the lack of accountability in the political process, social movements are finding creative ways to give voice to those suffering from the crisis. The entire economic model stands discredited. According to *El Pais*, 260,000 people between 16 and 30 left Spain in 2012. The Youth Without Future group is collecting portraits of these young Spaniards, holding up signs detailing their stories of unemployment, exile and insecurity under the slogan "We didn't leave; they threw us out."

The *Indignados* not only protested against the crisis but also demanded Democracia *Real Ya (Real Democracy Now)*. The experience of Spain, Greece and elsewhere in southern Europe suggests a pattern—social deprivation coupled with a democratic process that most people feel alienated from is a recipe for social unrest.

Interestingly, the entire mobilisation campaign in Europe has been very inclusive. A broad consensus has been reached regarding a few basic aspects of the plan. The intention is not so much to strike out at the powerful as it is to isolate them and to build bonds with average people rather than with those who pull strings.

The social movements across the world have been remarkable for having transformed the silent frustration and rage of millions of ordinary citizens into a powerful collective condemnation of the political/economic status quo. Across the world, small numbers of protesters have made a big noise about the evils of capitalism but also pitfalls of representative democracy. The protests have occurred in spaces where people did not belong, say in plazas (New York), church steps (London) and shopping malls (Madrid) where protesters had no right to assemble. The credit goes to the Occupy Movement for dramatizing questions about public space—who owns it? Who can use it?

The movement must have an agenda. After all, the indigenous groups in Latin America and Canada have not stopped at mere protests. It is 'protest with proposal' where positive alternatives have been suggested. They have come out with their own reform proposals. The *Indignados* of Spain are developing a new constitution. Iceland's social movements have revolutionised their government following the 2008 economic collapse.

The movement must have an agenda. After all, the indigenous groups in Latin America and Canada have not stopped at mere protests. It is 'protest with proposal' where positive alternatives have been suggested.

The present network of outrage must become a network of hope.

India an inclusive Democracy?

Has Indian democracy underperformed? Or have we expected too much from our democracy? We could have done better. But have we fared too badly? At one level, we have reduced our democracy to a never-ending belittling scrap to the detriment of governments and governance. We may be discussing 'your corruption is bad and mine is good'. But we have not thrown democracy to the dustbin. The Indian democracy is of course not perfect. In fact, the idea of perfect democracy seems absurd. Democracies exist in a constant state of tension and incompleteness.

India is moving in the direction of being an inclusive democracy. India has begun to rise from below. The Panchayati Raj has begun to change the grammar of politics. Institutional innovation is name of the game. The empowerment of historically disadvantaged groups like women, SCs/STs in the PRIs has gone a long way to deepen democracy. Inclusion is a crucial instrument in maintaining high levels of commitment to democracy but also in ensuring the legitimacy of democracy itself. The rationale for empowering women, SCs and STs is compelling: it promotes growth, reduces poverty and leads to better governance. Besides, equity is not a question of numbers but of democratic principle. Of course, a series of policy interventions may be required to improve inclusion and spread benefits more equitably.

India needs to create social citizenship which is the material preconditions for effectively participating in society. As long as the disadvantaged, minorities and the Adivasis feel 'othered', their democratic citizenship will remain at risk. In terms of access to and control over land and other productive resources, the poor, Dalits, women and Adivasis have a long way to go. At least in terms of policy formulations, India has made a departure from 'benefits of growth' and 'trickle down' to 'inclusive growth'. Thanks to the Panchayati Raj, the country is also moving towards inclusive governance. ❑

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J&K WINDOW

QAZIGUND-BANIHAL RAIL LINK INAUGURATED

Prime Minister Dr Manmohan Singh dedicated to people the much awaited Qazigund-Banihal rail link. With this Kashmir Valley is all set to connect to the rest of the country through rail. Often described as the engineering marvel, the 11.21 kilometer long Qazigund-Banihal tunnel is Asia's second and India's longest tunnel, piercing through Pir Panchal range.

The inauguration of the Banihal-Qazigund railway line marks the realisation of a 124-year-old dream, that of a Dogra ruler. Maharaja Pratap Singh conceived the idea of a Jammu-to-Kashmir line in 1889. The British proposed a line between Srinagar and Rawalpindi in 1902 and then again in 1905, but the Maharaja wanted one between Jammu and Srinagar. The project was put on hold until prime minister Indira Gandhi revived it in 1983. Though it will be a truncated link with work yet to be completed on the Katra-Banihal section, it has reduced the distance between Banihal (Jammu) and Qazigund (Kashmir) by half — from 35 km by road to 17.5 km by train. The 11-km tunnel inaugurated last week is India's longest; parallel to it runs a three-metre-wide road for use by small vehicles during exigencies, especially during winters, when the rail tunnel is likely to be closed for days at a time. ❑

FIRST WOMEN COOPERATIVE BANK IN JAMMU SOON

Jammu will be soon having first women cooperative bank. This was disclosed by Kailash Verma Chairperson J&K Women Credit Cooperative Ltd and S K Sharma Principal CCM Jammu, at women empowerment awareness camp organized by the J&K Women Credit Cooperative Ltd, at Ganjansoo in Marh block.

Kailash Verma said that out of Rs 1000 crore earmarked in current year's union budget, for launching projects for empowerment of women, the main feature of which is to make the women folk economically self dependent by undertaking income earning ventures, cooperative banks exclusively for women are envisaged to be set up in various states, to provide credit facilities to the women entrepreneurs. She added that the J&K Women Credit Cooperative Ltd has already applied to the RBI for permission to setup first women cooperative bank in Jammu. The J&K Women Credit Cooperative Ltd has been already advancing loans to its women members for setting up business ventures, to become economically self dependent. The J&K Women Credit Cooperative Ltd has so far advanced rupees three crore seventy six lakh to its members for the purposes. The Ganjansoo branch alone has advanced a loan of Rs 11 lakh to its members, belonging to border area, Mrs Verma added.

S K Sharma exhorted the women folk in the rural areas and particularly in the border belt to strengthen the J&K Women Credit Cooperative movement and be benefited from its schemes of advancing credit to its members, for undertaking self employment business ventures. ❑

MAGNESITE PROJECT IN J&K TO BE COMMISSIONED BY DEC 2015

The 30,000-tonnes per annum magnesite project in Jammu and Kashmir's Reasi district is likely to be commissioned by December, 2015. Magnesite Project at Panthal area of Reasi is likely to be commissioned by December, 2015, Minister of State for Industries & Commerce and Home, Sajjad Ahmad Kichloo, was informed by the officials during his visit to Panthal-based Magnesite Project of J&K Mineral Development Corporation Ltd, yesterday.

During the visit, the Minister took stock of ongoing works at the project site. The project is a joint venture of NMDC Ltd and J&K Minerals Ltd. The project envisages setting up of 30,000 tonnes per annum Dead Burnt Magnesia Plant at Panthal, Katra, officials said, adding that the product will be consumed by refractory manufacturers for use in steel plant, cement plant.

The approval cost of the project is Rs 143 crore which may likely to go upto Rs 190 crore, they said. This project will generate employment direct & indirect within the area and is likely to be commissioned by December 2015. ❑

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Peoples, Voices, Development and Democracy

Pradeep Bhargava



It is in the nature of democracy that it leaves democratic spaces where all people could negotiate their interests in a legitimate manner

DEMOCRACY HAPPENS when people voice. It happens when people speak about their needs, wants and desires. This essay we shall encounter three kinds of peoples and why and how they voice. Those people who have lots of money are most vocal and speak a lot about their desires. Those who have some surplus money after meeting their needs are able to talk about their wants. However, those who have little money to meet even their basic needs only seldom voice. Democracy happens when many people speak especially when those who have little are able to say what they feel. Those who have more money, speak more.

Development is essentially related to production of material goods and services for consumption of people, which is reflected in indicators like gross domestic production per capita. The concept of development has been further expanded to include education and health. The expectation is that those educated could contribute more to production than the uneducated. Similarly, healthier the population, more is the desired production. Unhealthy and uneducated population is seen as worthless and a drain on resources.

Democracy directs the process of development. People who have lots of money and are enterprising require avenues for investment, whence growth takes place. Such people form organizations that lobby for policies and laws, rules and regulations to make investment possible and also to ensure returns on their investment. In this manner, they contribute to material progress of the economy. In a sense, they are able to give direction to the economy and thus play a legitimate role in the system. Sometimes scrupulous elements try and take an unjustified advantage in the system. It is in the nature of democracy that lobbying takes place and people are able to take such advantages. However, there are vigilant institutions that keep a surveillance: Planning Commission, Comptroller and Auditor General and others. So democracy and development do not follow a linear path. They intertwine with one another and there are several crusts and troughs that come across their progress. More the money, more could be lobbying and also undue advantages. But democracy in India has successfully overcome many such situations when government and people with money have been checked by institutions and through elections. In times to come when money increases in scale, democratic institutions will face new challenges.

People with some surplus money wish to fulfill their wants. They need avenues, goods and services on which to spend their monies. They want malls

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with goods like those sold in western countries. They need restaurants like those in the West. They want new cars and roads. They want all comforts. Governments who fulfill such wants are described by these people as development oriented. They are the most vocal people and now form a large middle class in India. Their views are voiced in the media, controlled by people who have lots of money and who provide these people the malls and restaurants. Media makes this development and those responsible for it more visible. It makes all people aspire for such development. In this manner development, media and democracy get linked. Democracy lets this happen. It lets media advertise for more wants, let it create wants, and make people aspire for more.

The third kind of people with little money are in an overwhelmingly large number. They are short of food, clothes and shelter at all or some times in a year. They are vulnerable to external shocks, fall in prices of commodities they produce, droughts, not being able to repay debts. Governments all over the world call them poor. Poor seldom speak for themselves mainly from fear and losing whatever little they have. In trying circumstances they would exit from wherever they be and migrate to unknown lands. Otherwise, they rely on increasingly fragile social relationships and a very small asset base.

All political parties and many NGOs and social activists claim to understand and represent the third kind of people. So people speak less but are spoken about more. Various schemes are designed by the state for their benefits. In recent years, benefits have been replaced by a rights and duties framework. So people have a Right to Information and the state is duty bound to provide information in its domain. They now have a Right to Work and the state is duty bound to provide 100 days of employment to a household in a year, and soon there shall be a Right to Food and the state would be duty bound to ensure food to the needy. The Right to Education ensures free education for all children. These have become possible in the democratic spaces where civil society could voice for the poor and advocate to the Parliament to make laws and schemes for those in need.

The success of some of the above rights being achieved could partly be attributed to the judiciary, which in a democracy could become voice of the people who choose to remain silent. The civil society – judiciary – government have worked in tandem in the democratic spaces in interest of the people. Democracy allows this. Such large rights based programmes have been achieved without a very large number of people speaking for themselves, without their knowing as to what is being thought about them. Small groups of people led by dynamic social activists and their networks are able to mobilize people for demonstrations at regular intervals.

In all democratic societies including USA, UK and Japan people with lots of money are able to lobby for their collective and individual interests. This is how democracy functions: elected representatives respond to lobbyists in a manner that their own individual interests are also looked after. Such deals are more likely to happen in the democratic spaces than in the regime of an ideal benevolent dictator. Such situations are now more frequent in India as well.

The media would seldom cover these stories. People participating in these events are not good looking to come on the screen. Besides their demands would be a drain on the fiscal, which people with surplus money have to pay through higher taxes. But it is in the interest of the governments to listen to them. Public Policy ensures fulfilling the demands to secure votes. Such successful vertical movements of social activists/civil society are unique to the democracy in India. Government respects these activists who are made members of various Advisory Councils or Committees and invited lecture in government academies.

At their own initiative governments ensure a lot of other programmes for the people: housing, agricultural and other credit, roads and other infrastructure and so on. Political parties in a democracy do not dare discontinue such programmes.

While programmes are there for peoples at their doorsteps some people are not able to take full advantage of these. The first kind of people who have lots of money have ways and means to take advantage of say participation in Special Economic Zones, real estate, building infrastructure, telecom. In all democratic societies including USA, UK and Japan people with lots of money are able to lobby for their collective and individual interests. This is how democracy functions: elected representatives respond to lobbists in a manner that their own individual interests are also looked after. Such deals are more likely to happen in the democratic spaces than in the regime of an ideal benevolent dictator. Such situations are now more frequent in India as well. In the newly found environment the veil is thin and it is easy to see through most deals. It could thicken with time. The challenge now therefore is to build institutions that would be able to see through the veil that shall thicken in a developing economy. In a functioning democracy, the veil and preventive institutions shall exist simultaneously.

The middle class with some surplus money is seldom satisfied with its wants and would not like the same to be curbed. When there was a hike in petroleum prices in a demonstration a strong man tied ropes on his back and pulled his car. Another person put his father on a cart that leopards use and went around begging to buy petrol. The government decision prevailed showing its strength and commitment to reduce fiscal deficits. In a democracy, the political parties do make informed decisions on which class of people to benefit at the cost of others. For example, a high deficit caused by subsidy to petroleum products could lead to less resources being available for an employment guarantee programme. In a democracy, the decision is weighed against whom the political parties really represent.

The tragedy of the people with little money is that though the programme is at their doorstep, the delivery agents have little incentive to deliver and the people have little money and are ill-informed to know what is in store for them. They have little money to pay to these agents to get some benefits/rights that civil society fought for the silent people. As democratic process work at different levels, the expectations are that things change for the better. Some NGOs work with people with little money informing them about various programmes, making their collectives, and so on.

Of course, there are conflicts of interest between those who have a lot of money and those with little money. For example, when land is acquired for SEZ or to set up a new industry, people affected have little money and few options and would resist displacement. It is only through process of negotiations, possible only in a healthy democracy, that displacement of people becomes possible, who invariably get higher compensations. In this manner Democracy leads Developmental processes.

One of the characteristics of democracy is that it is a process of egalitarianism. There is constant striving among people for equality, in fact a passion for equality. This passion is ably reflected in the XII Five Year Plan:

"India's 1.25 billion citizens have higher expectations about their future today, than they have ever had before. They have seen the economy grow much faster in the past 10 years than it did earlier, and deliver visible benefits to a large number of people. This has understandably raised the expectations of all sections, especially those who have benefited less. Our people are now much more aware of what is possible, and they will settle for no less. The Twelfth Five Year Plan must rise to the challenge of meeting these high expectations."

In the new India, when frugality and renunciation are cherished values only for some, democracy has the propensity towards materialism for all. The third aspect of democracy is that it is able to fulfill individual desires, make individual more competitive rather than complacent.

To summarise, democracy is about people voicing and lobbying in democratic space. Those with a lot of money can do it better than others. The media also helps such people. The media also reflects interests of the people with some money or the middle class. The media creates images of Development, at times real at others illusory. It is in the nature of democracy that it leaves democratic spaces where all people could negotiate their interests in a legitimate manner. Those with lots of money at times adopt unfair means and help create a rentier class. As there is more development, there will be more money and more rents. The institutions that maintain surveillance will have more challenging tasks ahead. Democracy and Development, both, without strong institutions would be a failure. It is in the nature of democracy that people voice their concerns. However, some people choose to remain silent. Civil society speaks for them. While the governments initiate many development and welfare programmes for people with little money for their votes, the civil society taking due advantage of the democratic spaces have worked with the government to make programmes in the rights and duties framework. Judiciary has helped them far more than the media.

Thus, democracy provides democratic spaces to all peoples to participate in development. Stronger institutions could curb rentier practices inherent in a democracy and contribute to further development.

Besides, institutions to do the monitoring, role of civil society in organizing people with little money is also necessary. Democratic spaces for such organizations is very limited. Sometimes they could turn militant and become threat to democracy itself. Also such organizations are not welcomed by people with lots of money. So, inequalities would remain for a very long time in a happening democracy, unless people exercise their power in the local areas where they live. This is especially true for people with little money. After all democracy does not mean putting power by casting vote in New Delhi or Lucknow and live in a remote village for the next five years with remorse. ❑

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e-Bharat initiatives

AS the e-governance initiative picks up, the Prime Minister's Committee on National e-Governance Plan has set new targets for various e-governance plans in the country. Among the initiatives planned for the year, the committee has set a target of connecting 200 districts in the country under e-District project. The government has already connected 139 districts under the project. By the end of this fiscal, the government intends to bring 339 out of 600 districts in the country under the scheme.

Under the e-District initiative, the government aims to provide high-volume government services at the district and sub-district levels to the citizens in electronic mode across the country. With the government plan to connect all 2,50,000 panchayats in the country through national optical fibre network, the Department of Electronic and information technology (Deity) is implementing a sustainable model for delivery of services to citizens and institutions through the optical fibre network.

The pilot project is being carried out in 59 panchayats in three blocks of Rajasthan, Andhra Pradesh and Tripura. Under the scheme, all panchayats are provided 100 Mbps connection and all institutions are being provided 10 Mbps horizontal connectivity. Under the e-Bharat initiative, which envisages to support the National e-governance Plan's countrywide plans of increasing the availability of online services for citizens in their locality, the government approved 20 proposals last year.

The proposals, include transforming registration of deeds in UP, comprehensive health informatics in Kerala, GIS-enablement of utilities in Delhi and universal e-gov training for government employees in Madhya Pradesh.

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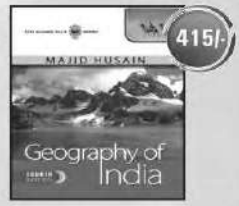
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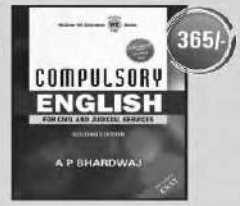
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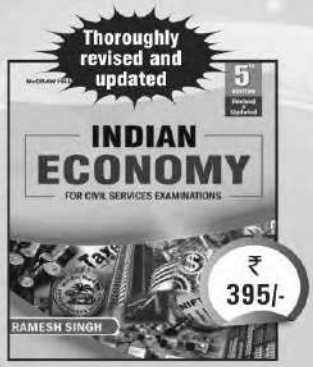
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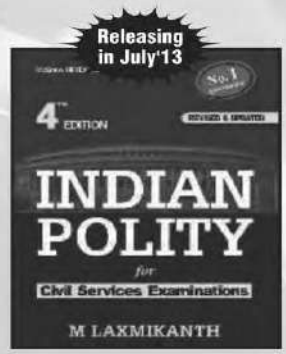
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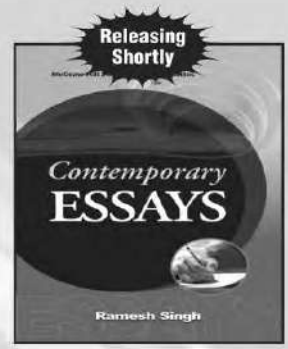


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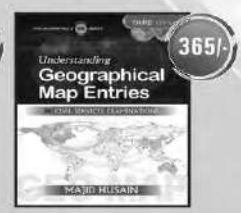
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INSIGHT

Disadvantaged Sections: Processes of Continuity and Change

Sudha Pai



Dalit assertion has been a reaction to the process of social, political and economic exclusion of dalits from the benefits of development. It did not emerge with an agenda of breaking down the system, but ensuring Social Justice within the society and polity for the Dalits

AT INDEPENDENCE India adopted a liberal democracy with a written constitution that provided a parliamentary system, with both individual and groups rights for historically disadvantaged sections particularly the Scheduled Castes or Dalits as they are known today. Under the leadership of Nehru, commitment to democratic transformation, a path of gradual social transformation leading to a more egalitarian society was an integral part of India's developmental strategy. However, despite six decades of democratic functioning Dalits still face marginalization and exclusion: two mutually supportive processes responsible for economic inequality and social discrimination. While poverty is a major disability faced by many disadvantaged sections in India, caste remains an important source of inequality. The fundamental features of the caste system namely fixed social, cultural and economic rights for each caste by birth, with restrictions on change have created various forms of exclusion. Amartya Sen has pointed out how, particularly in Asia, it is social exclusion that results in deprivation and limits individual opportunities. Referring to Adam Smith's pioneering exposition of deprivation as "inability to appear in public without shame"; he describes it as capability deprivation arising out of the right to participation in community life. Exclusion from social relations can lead to other relational deprivations such as lack of education, employment, and exclusion from markets resulting in economic impoverishment, which limits opportunities.

This paper argues that while much change has taken place in the condition of disadvantaged sections since independence, substantial levels of marginalization and exclusion continue which constitute a formidable challenge to our attempts to create a more egalitarian democracy. Historically Dalits have been kept out of the educational system, denied ownership of assets such as land, allotted menial occupations and not allowed to participate in social and political activities. According to the 2001 Census SCs constitute 16.66 crore or 16 percent of the total population of the country with concentration in five states – Uttar Pradesh, West Bengal, Bihar, Andhra Pradesh and Tamil Nadu. Their level of urban concentration is lower than that of the general population, indicative of their relative backwardness and continued dependence on traditional rural occupations for their livelihood. Discrimination in land, labour and capital together with limited mobility

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and choice of occupation still exists among the large majority. Most are wage labourers and only about one-third of SC rural labour households own land as against 41 percent for all rural labour households. Literacy rates among Dalits – 45 percentage points between 1961 and 2001 - have risen in the country, particularly in the states of the Hindi heartland in recent decades, though there still remains a considerable gap between Dalits and others-and are lower among rural Dalits and Dalit women. But in the 1990s the literacy rate for SCs rose by over 17 percentage points, and the rural-urban and gender divide began to narrow. Even where literacy rates have risen, studies show that difference in the percentage of SC children and others enrolled and in terms of number of years of schooling are considerable, and drop-out percentage is higher among the former. The Gross Enrolment Ratios of Dalit children at the primary level not only declined over 1990-91 to 1999-2000 but they were also lower than for the total population in 1999-2000. Similarly in higher education the enrolment of Dalits is not satisfactory and in technical and professional courses most of the reserved seats remain unfilled.

In the social realm Dalits still suffer from segregation and exclusion. Their dwellings are located outside the main village settlements in rural areas and in slums in urban areas deprived of basic amenities and services such as roads, drinking water, sanitation and primary health care. Most shamefully, many are still employed as manual scavengers although manual scavenging has been made a punishable offence since 1993. More than 80,000 Dalits are employed as manual scavengers, the biggest violators being Municipal Corporations and state governments, as the Act has not been adopted by 12 states.

There has been considerable progress since independence the problem showing considerable variations among states. The main levers of change in the position of Dalits in the post-Independence period have been policies of Protective Discrimination (PD), capitalist development and competitive politics. PD enshrined in the Constitution aimed at inclusion of SCs into society and polity, promoting participation and providing protection against discrimination. But the unequal economic structure of society, reinforced by uneven distribution of gains in the post-Independence period, under a predominantly capitalist system of development meant that a small 'creamy layer' has made use of the benefits while the large majority remained poor, marginalized and with little access to opportunities. However, as Marc Galanter has argued, without PD, especially in the early years of Independence, SCs would have remained outside the system and not been able to achieve any social mobility.

Much improvement has taken place in the economic position of Dalits though large disparities remain with other sections of society. Capitalist development together with competitive politics has weakened the caste system, though it has created inequality among Dalits themselves.

Since the late 1990s the contours of the debate on the impact of PD has undergone a change. Together with globalization a small but influential, educated, middle-class of Dalit intellectuals/activists reached a critical mass in the polity. They argue that with liberalization of the economy the number of jobs in the state sector has dwindled. While, some argue for extension of reservations into the fast-expanding private sector which is creating new jobs; others demand introduction of various forms of affirmative action based on the US model such as Supplier Diversity, as discussed at the Bhopal Conference of January 2002. Some recent studies have initiated a debate on an area not yet well-researched in India: impact of caste-based economic discrimination on higher education and the private job market in the era of globalization, its forms and features.

Much improvement has taken place in the economic position of Dalits though large disparities remain with other sections of society. Capitalist development together with competitive politics has weakened the caste system, though it has created inequality among Dalits themselves. The National Sample Survey (NSS) in its 1999-2000 report shows that in 2000 only about 29.90 percent of the rural population of the SCS had acquired some access to fixed capital assets like agricultural land and non-land capital assets. In 1999-2000 75 percent of SC households were in the category of landless agricultural labour. Even those who own land have small plots that are economically unviable. Consequently, they suffer from low income, low consumption and a high degree of poverty with about 35.43 percent below the poverty line. Relationships on land remain oppressive, particularly where OBC groups are dominant.

A section of Dalits continue to pursue traditional caste occupations such a weaving along with agriculture. The capitalist system has opened avenues for those whose skills arc marketable. In urban areas Dalits are employed in the organized and unorganized industrial sectors; they are petty shopkeepers, small entrepreneurs and white-collar workers mainly in the public sector. But the number of such persons is very small. The report of the National Commission for Enterprises in the Unorganized Sector indicates the extent of marginalization of weaker sections in the Indian economy. Informal workers, who have no employment, work or social security, now constitute 92% of the

total workforce and discrimination is reinforced by one's social identity, rural location and low or no education. A perusal of the report clearly indicates that a substantial number of these workers fall into the category of SC/ ST.

At independence it was believed that with rapid economic development caste-based atrocities against Dalits would disappear. However, since the 1970s two features have been noted. The number of caste-based crimes against Dalits has increased sharply with some of the worst incidents occurring in better-off states such as Haryana, Punjab, Maharashtra and Tamil Nadu. Second, ritual untouchability has been replaced by caste atrocities such as rape, not allowing Dalits to cast their votes, burning of houses, parading women naked in village streets. Improvement in economic condition and increase in violence against Dalits goes hand in hand; in fact social jealousies are roused, Khairlanji being a good example. Dalit women often suffer the worst treatment by caste panchayats in Haryana. During 2002 a total of 33,507 cases of crimes and atrocities committed against Dalits were registered. Passage of the SC and ST (Prevention of Atrocities) Act of 1989 and Rules 1995 has not helped and merely led to greater confrontation. As the National Commission for SC and ST (Report 1990) pointed out, the major reasons for atrocities since the 1980s are political and economic in nature rather than purely social or cultural. This does not mean that untouchability has disappeared as a recent study shows.

It is in the political field that the greatest change has taken place. PD, a long-term process of democratization and a modicum of economic development, has thrown up a new generation of educated, self-confident, and politically aware middle-class Dalits no longer prepared to put up with exclusion and domination. The word Dalit as a form of self-identification is now widely used in many parts of the country. While it has not created a homogenous Dalit community, differences between different sub-castes remain and have even widened with even violence among different groups, yet it has symbolic importance, providing Dalits dignity and self-confidence, enabling them to assert against upper-caste domination and oppression.

Consequently, it is through mobilization by Dalit leaders, formation of political parties and competitive politics that Dalits have gained empowerment and entered the political mainstream. There has been an unprecedented rise in political awareness leading to an upsurge from below. The number of dalits voting has been rising in every election since the 1990s. The post-Independence period witnessed the rise of Dalit parties/ movements. However, Dalit assertion in the contemporary period, first witnessed in the north Indian plains in the 1980s, has a *qualitatively new character and distinct features.* The new educated Dalit generation has a different understanding and view of the nation-building project that emerged out of the national movement as exclusionary leading to an elitist democracy controlled by, and meant for, the upper castes/classes. Coupled with this feeling of exclusion, is a deep and increasing disillusionment with the failure of the Indian State to provide protection to the life and property of Dalits, provide a share in the fruits of economic development and end the practice of untouchability. Yet at the same time, Dalit assertion has been a reaction to the process of social, political and economic exclusion of dalits from the benefits of development. It did not emerge with an agenda of breaking down the system, but ensuring Social Justice *within* the society and polity for the Dalits.

Thus, the evidence points to both change and continuities from the past. Significant changes have taken place that have created greater inclusion and lessened social and economic marginalization of dalits in post-Independence India. But these changes have occurred only in some parts of the country and affected only a small section of dalits, The vast majority of subaltern dalits in the countryside still routinely suffer exclusion in public and private life and being illiterate and poor remain on the margins of society. Paradoxically, this is happening despite the social deepening of democracy in recent years. ❑

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YOJANA WEB- EXCLUSIVES

Yojana announces the launch of a new service named 'Web-Exclusives' for the benefit of its readers under which selected articles would be put up on the website of Yojana : www.yojana.gov.in. Announcement about the articles under the Web-Exclusives section would be carried in the Yojana magazine of the month but these articles would not be carried in the print version of Yojana.
We are carrying the following articles under the Web-Exclusives section of Yojana on its website:

1. Problems of Aged in Changing Indian Scenario by Dr. Shakuntala.C. Shettar
2. Ethnic Fratricide and the Autonomous Councils of Assam by Navaneeta Deori
3. Inclusive Planning in Context of Urban Poor by Dr. Ambey Kumar Srivastava
4. State, Democracy and Development: Institutional Perspectives by B. Chandrasekaran

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Modified Water Heater



Conventional hamams get damaged very soon and a lot of energy gets wasted as well. Every year or two, either a new one has to be purchased or the top portion needs to be replaced. To address this problem, he modified the hamam by removing the top portion and using aluminum sheet instead of iron sheet

DURLABH SINGH Puri (55) is a photographer and an innovator. He has modified a *hamam* (water heater) such that one can get warm water at different temperatures.

Born to an engineer in Punjab Irrigation Department, Durlabh was an average student with an interest in science. Since he had a good technical sense, his friends and even teachers used to take his help in case there was some problem in any instruments in the science laboratory. Thereafter, he joined ITI and started working in a repair shop. After a year, he started a workshop of his own. Meanwhile, he also developed interest in plants and environment and attached himself to various environmental initiatives. Due to a spondylitis attack he could not continue his workshop and took up photography, his childhood hobby as the profession. In his family, he has his wife who is a teacher and a son, who suffers with cerebral palsy.

Genesis of the innovation

The innovator lives in a cold region where warm water is required for daily use. His family had a conventional *hamam*, or water-heater, which used wood as fuel. Watching smoke escape from the burning wood made him aware of heat wastage. His innovation came out of his experiments on the *hamam* to use this heat efficiently. He named the innovation after his son Raman Deep as *Ramandeep Eco Hamam*. The phrase "Eco" is used as the device is fuel efficient and produced less smoke.

Conventional *hamams* get damaged very soon and a lot of energy gets wasted as well. Every year or two, either a new one has to be purchased or the top portion needs to be replaced. To address this problem, he modified the hamam by removing the top portion and using aluminum sheet instead of iron sheet. One day when *hamam* was being used, he forgot to remove a four litre water container he kept on its top. After half an hour while draining out hot water, he realised that he had got additional four litres of hot water without extra effort or cost. This triggered him to utilize the heat otherwise going waste.

In his attempt, he removed the aluminum cover and placed a ten litre container of water directly on the top of *hamam*. But instead of heating the water, the fire got extinguished as the air flow got blocked. The *hamam* had to be lit again. A metal ring was kept on the *hamam* and sides were punched to ensure better air flow. But for refueling, still, the container on the top had to be removed, which was cumbersome. A window was then cut for refueling but that led to the escape of flames to the outside and loss of heat. Then instead of the window, a door was used, but then complete combustion was not taking place and a lot of smoke was being generated. He kept on addressing

one issue after the other and modifying the *hamam* till he was satisfied with the output.

The Raman Deep Eco *Hamam* (Water heater)

The modified *hamam* consists of a conventional hamam and two heat exchangers. Water is filled in the tank through the inlet and wood is ignited. Similar to the conventional *hamam*, water is directly heated in the lower most chambers. The heat exchangers channelise heat generated through smoke and flames to further heat the water. Valves are present to allow water to pass from one chamber to another. When the water in the lower most chamber attains a temperature close to 100 degrees Celsius, it can be drained out separately. On being emptied, the lower chamber can be refilled with water from other chambers. As this water is preheated, it takes less time and fuel to reach 100 degrees Celsius. Alternatively, once water in the lower chamber reaches 100 degrees Celsius, it can be mixed so the overall temperature becomes around 55 degrees Celsius. The water from other chambers can also be separately drained out through separate outlets. Better fuel utilization reduces the money and/or labour involved in obtaining fuel wood.

The *hamam* has been tested at CTAE, Udaipurm which has found its thermal efficiency to be 58 %against 38.5 %of conventional *hamam*. The CO/CO2 ratio was found 0.035 in modified *hamam* and 0.038 in conventional *hamam* which are within the safe limits.

The concept of utilizing heat of smoke by using heat exchangers in the path of smoke or fumes is known in art (US Patent 4377200, 4397297, 4628869, 4137965, etc) however, the same is not available for domestic stoves. Accordingly, NIF filed a patent in the innovator's name (1743/DEL/2011). He is awaiting the grant of the patent to start commercialization of the *hamam*.

He takes time out from his photo studio to organize flower shows in town, particularly for school children and teachers. His technique of growing begonias on bricks has been tested and proved successful by 'The Royal Horticulture Society', UK, who also published his work in their publication *Garden* in 2000. He is a life time member of the society and was invited for the Chelsea flower show held at London during May 2000. Also he was invited for the London Flower Show organized during June, 2000. In 2004, he also received National Integration Award for Environment Protection. He has also been interacting with schools, voluntary organizations, and government officials and sharing his work. ❑

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NORTH EAST DIARY

TRIPURA ROLLS OUT PLAN TO REVAMP POWER NETWORK

In an effort to further capitalise on the immense possibilities thrown open by the ONGC Tripura Power Company, the Tripura Government is now on an overdrive to modernise its rickety state power transmission and distribution (T&D) infrastructure. Living in near isolation from the rest of the country, Tripura had a huge technological gap in synchronising the State grid with the modern-day 400 kv transmission facilities or supplying electricity to heavy industries. There were also technological inadequacies in seamless transmission of electricity throughout the State.

According to State Power Minister Manik Dey, Tripura has recently entered into a pact to roll out a Rs 400-crore project to revamp the T&D infrastructure. "The MoA (Memorandum of Association) was signed (with the World Bank) early this month," The project aims to replace the existing mixture of 132 kv and 66 kv transmission lines across the State by a seamless 132 kv transmission network. This, coupled with a 14 new substations, will ensure a seamless distribution of electricity through 33 kv (and below) lines.

Tapping Investors

Considering the recent proposal from ONGC to build a 1.3-million tonne fertiliser unit in the State in joint venture with Chambal Fertiliser, the revamped electricity distribution network will keep the State ready to cater prospective investors in the downstream fertiliser sector. Plans are also afoot to attract a gas-based petrochemicals facility in the State. While the technological gap between the State and national grid has been removed by the load despatch centre set up by the transmission arm of OTPC at Surjyanagar, Dey is now pushing for creation of alternate power evacuation facilities from the State.

Tripura will have nearly 200-250 mw exportable surplus following commissioning of both the 363.3 mw units of OTPC, upcoming facility of NEEPCO at Palatana and 21 mw capacity expansion by the State generation utility. All the projects are expected to be commissioned by year-end. ❑

PROMOTING MIZO CULTURE THROUGH FILM

Alarmed at households flooded with serials which have little in common with Mizo culture — and at reports of some trying to emulate role models they saw on screen — the state government has started promoting Mizo films. In partnership with the newly formed Mizoram Film Development Society (MFDS), the state Information and Public Relations Department is providing basic training to aspiring filmmakers of the state. Two campuses now function as a film city, with traditional Mizo villages serving as permanent exhibits.

The goal is to encourage Mizo filmmakers to create films — mostly shorts — based on the state's history and Mizo folk tales. Recently, a competition was held of short films based on such folk tales. "Mizo folk tales are our very own treasure, and these are something that not only us but those from other cultures can enjoy because these would be exotic for them. These have all kinds of plots — what better action can there be, for example, than head-hunting, which our ancestors practised," said Lalsawmliana Pachuau, founder-adviser of the MFDS and owner of the LPS cable network. At the ceremony to distribute awards for the competition last week, Pachuau talked about the need to promote Mizo culture. "One night, I could not sleep because I kept thinking of how our children may be influenced to drink soju (Korean alcohol) or pray to gods of other religions when they have problems in life, just like they see in films that dominate our local television networks. It is not that these things are bad, but we have our own culture and practices," he said.

Chief Minister Lal Thanhawla Sailo, who gave away the awards, worried that "Mizo youths are being influenced by the less savoury aspects of films from other cultures". He said he was particularly concerned about "young girls using drugs to get Korean complexion". For the past few years, local media have been reporting cases of young women taking dubious pills to get a fairer complexion. Doctors warn that some of these drugs have proved fatal. As the film competition's theme dictated, the shorts submitted by 19 directors showed traditional Mizo village scenes, romantic plots common to Mizo folk-tales, tribal wars, daily lives of children in earlier Mizo society, and the dress and habits and the belief in demons and spirits that marked earlier Mizo society. ❑

ANALYSIS

Poverty: Promises Made and Miles to Go

Aasha Kapur Mehta



If the goal of eradication of poverty is to be achieved within an acceptable timeframe, the resources allocated to poverty reduction will need to increase substantially, in view of the massive scale on which poverty is experienced

INDIA ATTAINED Independence on 15th August 1947. Speeches made in the Constituent Assembly just before midnight on that historic occasion reflected the vision of the country's leaders, as those present dedicated themselves to the service of the nation and to the larger cause of humanity (Constituent Assembly of India, 1947).

Dr. Rajendra Prasad, President of the Constituent Assembly, remembered the services and sacrifices of all the men and women, known and unknown, who had faced bullets, death, prison, exile, humiliation and lost wealth, property and time with family and friends in the achievement of Independence. To embark on the task ahead, he asked for 'unstinted service and cooperation' from the people, noting that 'we shall to do our best to deserve it.'

The famous Tryst with Destiny speech by India's first Prime Minister, Pandit Jawaharlal Nehru, recognised that freedom and power bring responsibility and that it would be necessary to strive to fulfil the pledges made. Further, he saw that working in the service of India meant working in the service of the millions who were suffering, and required a fight to end poverty, ignorance, disease and inequality of opportunity. The purpose was to bring freedom and opportunity to the 'common man,' peasants and workers of India and to build a prosperous, democratic and progressive nation, including social, economic and political institutions to ensure justice for every man and woman. All were equal as the children of India, with equal rights, privileges and obligations.

Dr. Sarvepalli Radhakrishnan, India's first Vice President, also noted that a free India would be judged by the way it served the interests of the common people in terms of food, clothing, shelter and social services. He also saw eradicating corruption as critical to achieving efficiency in administration, as well as in production and distribution.

In his address on Independence Day, 15 August 1947, Dr. Rajendra Prasad asked that Indians resolve to create the conditions to enable all individuals to develop and rise to their fullest stature, such that poverty, squalor, ignorance and ill-health would vanish and the distinction between high and low and between rich and poor would disappear. He additionally hoped that religion would be practised freely and would not divide and separate, that untouchability would be forgotten, that 'exploitation of man by man' would cease, that those who were 'backward' would catch up with others and that there would be no hunger.

The author is a Professor of Economics (Economic Policy) at the Indian Institute of Public Administration. Has worked as part of a Group of Feminist Economists constituted by the Planning Commission to bring a gendered approach to the Eleventh and Twelfth Five Year Plans. She is a Member of the Core Group of the Ad-hoc Task Force constituted by the Cabinet Secretariat, for reviewing the performance targets of Government departments included in their Results-Framework Documents

Whether we view the statements above as pledges, visions or plans, it is clear that ending poverty, ignorance, disease and inequality of opportunity was identified as a major priority for an independent India.

Six decades later, the Eleventh Plan (2007-12) was subtitled Inclusive Growth and in his foreword the Prime Minister reiterated the commitment of his government to making growth both faster and more inclusive, by stating that,

'The higher rate of growth that we have set out for ourselves, coupled with our thrust on the growth process being inclusive, should ensure that the struggle for the removal of chronic poverty, ignorance, and disease will register major gains in the Eleventh Plan.'

The Twelfth Plan (2012-17) is subtitled 'Faster, More Inclusive and Sustainable Growth'. Referring to the latest official estimates of poverty (based on the Tendulkar Committee recommendations) it notes that:

'There is no doubt that the Tendulkar Committee poverty line represents a very low level of consumption and the scale of poverty even on this basis is substantial.'

In the global context, the Millennium Development Goal (MDG) Outcome Document adopted by Heads of State and Government at the United Nations (UN) in September 2010 welcomed progress made since 2005 in all countries but expressed 'deep concern that it falls far short of what is needed' (UN, 2010).

Poverty: The Static and Dynamic Picture

Despite the concern evident in these and other government documents and UN documents and statements regarding poverty reduction in India, there remains a chasm between goals and targets and their achievement in terms of winning the 'fight to end poverty, squalor, ignorance and disease'.

What is India's performance on poverty? While it is indisputable that poverty has declined, the reduction has been well below what was anticipated. Official statistics show that poverty measured in terms of headcount ratio (HCR) declined from 54.9% in 1973-74 to only 27.5% in 2004-05 (Table 1).

Further, this estimate increased to 37.2% when the Tendulkar Committee applied a poverty line of Rs 446.68 per capita per month for rural areas instead of Rs 356.30 per capita per month and Rs 578.80 per capita month instead of Rs 538.60 per capita per month for urban areas at 2004-05 prices. In other words, small increases in the poverty line of Rs 90 and Rs 40 per capita per month in rural and urban areas respectively led to massive increase in the estimated population in poverty of almost 10 percentage points. The estimates for 2009-10 are that as much as 29.8% of India's population is in poverty based on the Tendulkar method. In terms of numbers, as many as 355 million people are below the poverty line and this is unacceptably high.

As is well known, there is a sharp dichotomy between two very different realities in India: rapid growth and significant resilience in the face of immense global challenges on the one hand, and the exclusionary nature of growth and denial of the most basic amenities and development opportunities to a large proportion of the population on the other.

Research on poverty has generally focused on the state of being poor, rather than on the 'dynamics of poverty' – movement into and out of poverty, or lack of, and the processes and factors that determine this. Why are a large number of people in India persistently poor? What enables those who are poor to escape from poverty? Why do a large number of people who are not poor become poor? Studying poverty dynamics to answer these questions can bring new understanding of poverty and well-being. Large proportions of those who are poor in India are stuck in poverty or are chronically poor. The very size of the problem, combined with the fact that many of them will remain poor over time and may pass their poverty on to their children, makes this the most important development issue facing the nation. Additionally, many of those who suffer poverty also suffer deprivation in several other dimensions such as access to education and knowledge, health care, nutrition, safe drinking water and other basic needs.

Drivers, Maintainers and Interrupters

Poverty dynamics recognises the

Table 1: Poverty trends, 1973-74 to 2004-05

Year	% of population below poverty line	Total population in poverty (millions)
1973-74	54.9	321.3
1977-78	51.3	328.9
1983	44.5	322.9
1987-88	38.9	307.1
1993-94	36	320.3
1999-00*	26.1	260.2
2004-05	27.5	301.7
2004-05 (Tendulkar)	37.2	407.2
2009-10 (Tendulkar)	29.8	354.68

Note: * Estimates for 1999-00 are based on the mixed recall period (MRP) method and are not comparable with estimates for other years, which are based on the uniform recall period (URP) method.
Sources: Planning Commission; Press Information Bureau; and own calculations.

existence of processes through which the poor either escape from poverty or fail to escape it and the non-poor either remain non-poor or become poor. Analysis of a rural panel dataset covering about 3,000 households across the country draws attention to the significant scale of incidence of chronic poverty. The estimates also indicate that a significant proportion of non-poor households may fall into poverty while a large proportion of those who are poor manage to escape from it.

Analysis of panel data and a review of the literature point to factors that act as 'drivers' forcing people into poverty. These could be related to the sudden onset of a long-term and expensive illness, a disaster such as a flood or earthquake, a failed crop, a failed investment or a policy change that leads to a loss of livelihood or reduction in income. Similarly, there are factors that 'maintain' people in poverty. These include illiteracy, living in a remote geographic location that provides few livelihood opportunities, poor access to health care facilities, forced sale of assets to meet a crisis, indebtedness and bonded labour – any of which could force people to get stuck in poverty. 'Interrupters' are factors that can enable escape from poverty. These include access to diversified income sources, linkages with urban areas, improvements in rural infrastructure, accumulation of human, physical and financial assets, access to water for irrigation and increase in wages (Mehta and Shepherd 2006). Table 2 lists a number of 'drivers,' 'maintainers' and 'interrupters' of poverty that require policy attention.

There is a substantial literature exploring the links between growth and poverty reduction, based on which there is an emerging consensus that growth alone will not make a dent in either rural or urban poverty, or that it will take too long. It is important to take cognisance of poverty dynamics and to focus attention on factors that can prevent persistence of poverty, enable exit from it and prevent entry into it. Each of these aspects needs urgent policy attention.

Research also shows that since poverty is concentrated in identified spatial locations there is a 'geography of poverty'. There is also a 'sociology of poverty,' since the proportion of the poor is higher among certain social groups. Additionally, there are identifiable occupational features of the poor: 'they are concentrated in agricultural labour and artisanal households in rural areas, and among casual labourers in urban areas' (Planning Commission (2008). Poverty is associated with structural factors such as low wages; insecure, casual employment; low-productivity smallholder agriculture; and low social status of SC and, especially, ST households living in the poorest and most multi-dimensionally deprived states and regions. A higher concentration of poverty in certain geographical regions and types of households and greater vulnerability of certain groups together point to the need for effectively addressing these dimensions of the poverty conundrum.

Downward mobility is a significant aspect of poverty dynamics and several factors drive people into poverty. For instance the sudden onset of a long-term and expensive illness, exacerbates the suffering of those who are already poor and drives many of those who are non-poor into poverty. For those who work in the unorganised sector, ill-health is often associated with having to forego income owing to inability to work. Further, unlike natural disasters, which affect communities living in given spatial locations and lead to relief measures from governments, international agencies and the larger community, ill-health usually (unless it is an epidemic) affects an individual and strains individual and household resources.

Public provisioning of quality health care can go a long way to

Table 2: Drivers, maintainers and interrupters of chronic poverty

Drivers	**Maintainers**	Interrupters
Drivers	Maintainers	Interrupters
Health shock	Illiteracy/lack of skills	Diversification of income
Sudden disability	Poverty/disability/ old age	Intensive farming/crop diversification
Large social expenditure	Social exclusion	Off-farm work/new job
High interest borrowing	Geography (remoteness)	Urban linkages
Investment failure	Drink/drug addiction	Improved rural infrastructure
Crop failure	Poor health care facilities	Kinship networks
Natural disaster	Larger household size	Asset accumulation
Loss of productive assets	Lack of job information	Marketable skills/linkages
Macro policy change	Forced sale of assets	Information network on job opportunities
Loss of job	Indebtedness	Decrease in dependency
Social and class conflict	Bonded labour	Increase in wages
	Governance failure	Access to credit
		Social safety networks

Source: Mehta, A.K., Shepherd, A., Bhide, S., Shah, A. and Kumar, A. (2011) 'India Chronic Poverty Report: Towards Solutions and New Compacts in a Dynamic Context.' New Delhi: Indian Institute of Public Administration, page 56.

reducing vulnerability to ill-health and the impoverishment or chronic poverty that may follow. The state is committed to providing essential health care services to those below the poverty line, based on need and not ability to pay. An effective right to health requires state provisioning of preventive, promotive and curative treatment and care for all citizens (and especially vulnerable groups) that is accessible, reliable and high in quality. Similarly, access to education and skills, creation of infrastructure at the rural level and access to assets enable exit from poverty.

What needs to be done?

Achievements on reducing chronic poverty, as well as the hunger, ignorance, disease and inequality of opportunity that accompany it, are well below what was envisioned. Some of the specific recommendations suggested by the India Chronic Poverty Report for addressing the challenge of poverty, are listed below.

Create a dedicated cadre of poverty eradication workers and officers, trained to identify drivers and maintainers and potential interrupters of poverty. Their task should be to create two-way information and support channels from each village, through block and district headquarters, to the state and national capital. They should inform and demand support to prevent any new entry into poverty in any village or slum; identify the poorest and ensure they are linked with relevant government programmes for social protection and interrupt their poverty; and identify potential opportunities for employment and skills development.

The poorest states have seen widely varying performance in recent years. A special package could be created for states that have high levels of poverty and are willing to make commitments to eradicate it in a time-bound manner, say 10 years. Funds would be released based on indicators and outcomes based on for instance performance measured through the Results Framework Document (RFD). RFDs are being prepared by almost all Departments of the Government of India as well as by Department of several State Governments.

Universalise access to schemes in the poorest district so as to minimise exclusion errors and reduce administrative burdens. Focus on the poorest districts, universalise access in such districts and apply indicators that assess performance based on improvement in the situation of the most vulnerable. For instance, achievements in including dalit or tribal girls or women in the poorest blocks and villages should be used as indicators of performance for better governance.

Since agriculture will clearly remain a critical source of livelihood for India's chronically poor – as wage labourers and marginal farmers - a new approach is needed to agricultural growth for poor areas that focuses on quality as well as quantity of employment in agriculture; production and marketing of food grains and food and nutritional security; and environmental sustainability.

A stronger institutional home is needed for anti-poverty policy. The work of the Planning Commission and of several ministries and departments could be usefully informed by a national commission for poverty eradication charged with think-tank functions and troubleshooting.

Simultaneously, a Commission on Growth, Employment and Poverty reduction could also be created to determine how growth can have more positive employment and poverty reduction outcomes in future and generate more and better quality employment and thereby reduce poverty.

It is important to create panel data as this can contribute powerfully to understanding poverty and the causal processes underlying it and its reduction. Panels should be built into national surveys to enable such analysis.

There is no denying the need to improve the efficiency and effectiveness of implementation of safety net programmes. However, at the same time, if the goal of eradication of poverty is to be achieved within an acceptable timeframe, the resources allocated to poverty reduction will need to increase substantially, in view of the massive scale on which poverty is experienced. As such, the various recommendations made above require the allocation of significant resources – both financial and physical – if they are to be translated into action. For instance, public expenditure on delivering employment, primary and vocational education, public health services and agriculture, as well as on monitoring, evaluation, mid-course correction and regulation to ensure achievement of planned outcomes, would need to increase sharply. ❑

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Readings

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Political Empowerment of Women: Pathway to Inclusive Democracy

Madhushree Dasgupta Chatterjee



So, it is need of the hour to come together and to create opportunity for the people of backward society for the success of inclusive democracy

Inclusive democracy works when people from all sections of the society are empowered to participate in governance, raise objections, take decisions and ensure social and political accountability. Such a vision of democracy requires delegation of power from below and a true devolution of power to the common man. The local self-government could be a key to realize the promise of Indian democracy in its true sense which is inclusive nature and character.

The concept of 'inclusive democracy' stands for participation of all in the democratic process and ensuring that no one should be left outside that very process. This approach calls for revision of the ways we think and the ways we develop a vision to re-design and re-define the society in which inclusion of the marginalized sections especially women in the political process must be ensured.

Inclusive Democracy is the project for direct political democracy, form of social organization which re-integrates society with economy, polity and nature and it is derived from a synthesis of two major historical traditions: the classical democratic and the socialist. There is an obvious inter-relationship between democracy and human rights which goes beyond mere rights. The aim of the bridging the gap between the have and havenots demands an inclusive model. This not only involves passing legal measures to promote de-jure equality but also concerns making women feel legitimate and competent to raise their voice at social and political platforms.

So we can say that a vibrant democracy is one towards which works reducing disparities and contain the social tension and anger in certain sections of the society.

For a long time, the Indian society tended to exclude women from political life by defining political activity as a typically male dominated vocation. Tangible progress has been made in the last twenty years towards a more inclusive democracy whereby women and men can enjoy equal and balanced participation in public life. Yet the legacy of this gender division still influences the Indian society and some work remains to be done to promote the amalgamation of women in political activity.

Inclusive democracy works when people from all sections of the society are empowered to participate in governance, raise objections, take decisions and ensure social and political accountability. Such a vision of democracy requires democratization from below to achieve true devolution and delegation of power to the common

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man. Local democratic culture and local self-government would be the most important means to realize the promise of Indian democracy which is inclusive, capable, participatory, accountable and effective direct democracy at the grassroots level. Democratization at the grassroots level requires space for the voices of the poor and marginalized to be heard through networks of social mobilization. The revival and establishment of three-tier Panchayat Raj System in India was a small step in achieving this objective.

The 73rd Constitutional amendment Act of 1993 has played a significant part in achieving the goal of inclusive democracy in India. With the advent of this Act, India today has more than 500 district panchayats, around 5,100 block and taluka panchayats and about 2,25,000 village panchayats. All these bodies would jointly elect three million representatives and a considerable number of them would be women.

The 73rd Constitutional Amendment has also served as the institutional breakthrough towards ensuring equal access and enhanced participation of women in the inclusive democratic process through their participation in the local government at the grassroots level. The 73rd Amendment has greatly contributed to the political empowerment of women from marginalized communities in the rural areas who were not initially very confident of their abilities to assume leadership role at the grassroots level as the male-dominant rural power structure did not budge to lose its traditional grip over the political institutions. Political empowerment for women is regarded as a key driver for achieving the goal of inclusive democracy.

There are many success stories scattered across India where a woman from the marginalized and unprivileged section of the society achieved a position of authority and responsibility realizing the goal of participatory or inclusive democracy. One such example is thirty-two years old Afsana Perveen who is Mukhiya of Damodarpur village panchayat Samiti of Kanti block of Muzaffarpur district in Bihar. Afsana Perveen who was first time elected to the Damodarpur village panchayat in 2010 confessed that "as women have participated in the functioning of panchayat, importance of women and child development as well as health and education has gained centrestage. Secondary school pass out Afsana Perveen believed that reservation for women in Panchayati Raj Institutions as a result of the 73rd Constitutional Amendment has been successful. She stated that once upon a time women used to interact with the people behind the door (purda) but now they are sitting on position of responsibility and authority, going outside to inspect the schools, monitoring development works done under Central Government sponsored schemes such as National Rural Employment Guarantee Scheme (NREGS). While performing her duty in the household work, she also attends the meetings and projects for the development of the society and addresses the grievances of not only the women but also of men. But Afsana Perveen confessed that it was not easy for her and has been made possible with the backing and support of her husband, Pervez Alam.

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Afsana, mother of three children said that women representatives at the grassroots level face a lot of handicap in discharging their duty and responsibilities. This proved to be a major stumbling block in the way of their effective participation in the Panchayati Raj Institutions (PRIs). These impediments could be illiteracy, attitudes of family members, bureaucracy and community and last but not the least, ignorance about the procedural aspects of their work. The example of Afsana in the orthodox society of Damodorpur village is an exceptional example of women participation because there are many other women representatives in the Panchayat Samiti and gram panchayat but most of them refuse to talk or share their story due to the purdah system. Most of them work on behalf of their husbands and example of proxy participation. Such impediments obstruct the way which leads to achieving the objective of inclusive democracy. The very purpose of the Panchayati Raj Institutions (PRIs) that is democratic in nature, needs to be straightened in the pursuit of making these institutions more purposeful for the masses for which these basic units of democracy were envisioned and established.

If a country aspires to be an inclusive democracy in true sense it will have to empower its women belonging to different stratum of its society. Although Indian women acquired voting rights along with men and the right to contest elections from village-level to the Parliament, they still remain an un-empowered lot. Apart from this we can witness exclusion of women from the inclusive democracy in the frame of proxy participation where they work as a rubber stamp and their male partners work on behalf of them. So, it is need of the hour to come together and to create opportunity for the people of backward society for the success of inclusive democracy. ❑

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ALTERNATIVE VIEW

Inclusive Democracy: A Gandhian Perspective

Sudarshan Iyengar



It can be seen that his concept of inclusive democracy is more concrete compared to the ideas that are discussed in the present day literature on the subject

THE CONCEPT of 'inclusive democracy' was conceived in late 1990s and mostly introduced in the practicing political discourses in the new millennium. Takis Fotopoulus has introduced well the concept of inclusive democracy in his book *Towards an Inclusive Democracy: The Crisis of the Growth Economy and the need for a new Liberatory Project*, published by Cassell (London and New York) in 1996. The collapse of socialism in the early 1990s in the communist block in and around USSR gave an impression that it was the victory of capitalism. A sense of there is no alternative (TINA) arose. Fotopoulus argues that the euphoria and the propaganda were misplaced.

Fotopoulus shows that the world had experienced something more than the collapse of the socialist systems where the state was the most powerful agency working for creating and distributing wealth and establishing politico-social equality in society. In his words,

"Social democracy, in the form that dominated the quarter of a century after World War II (state commitment to welfare state, full employment and the redistribution of income and wealth in favour of the weaker social groups), is dead and has been replaced by the present neoliberal consensus ('safety nets', flexible labour markets and the redistribution of income and wealth in favour of the privileged social groups). Therefore, what the dismantling of 'actually existing socialism' and the parallel collapse of social democracy have shown is the final disintegration of socialist statism, that is, the historical tradition that aimed at the conquest of state power, by legal or revolutionary means, as the necessary condition to bring about radical social transformation".

Many would agree with Fotopoulus that even by design the liberal socialist state with all good intentions was utterly inadequate for creating conditions of equal sharing of political, economic and social power among all citizens. The liberal socialist democracy also failed in creating conditions of democracy in social realm, that is, at household level, workplace and educational institutions. The collapse of radical social statism facilitated the entry of a new 'liberatory project', which according to Fotopoulus represented the synthesis and transcendence of the major social movements. Two major historical traditions have merged; one is the political and economic content of democracy which turns into 'direct democracy' and 'economic democracy' and the second is 'ecological democracy' and 'social realm democracy'.

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When the case for inclusive democracy is being made out, the author is clear that the threat to democracy has come from a multidimensional crisis. Explaining the reason Fotopoulus says, "the roots of the present multidimensional crisis (ecological, economic, political, social, cultural) lie in the non-democratic organization of society at all levels, in the sense that it is the concentration of power in the hands of various elites that marks the foundation of every aspect of the crisis". In this context the author states that an inclusive democracy implied the abolition of domination of political and economic power. Interestingly, it is noted that it was not mere elimination of domination relations in political and economic world, but also elimination of domination of the natural world.

In the global context it is indeed understood that economic growth at any cost and market operations dominated by oligarchies in a 'liberal democratic' system is not going to ensure inclusive democracy. People with economic power want more and more of it and they get into nexus with politicians who purportedly work under democratic systems. There too one sees concentration of political power in the hands of few professional or otherwise who lead to crisis in traditional political craft in a representative form of governance. Citizens get excluded in the process and then there is reluctance to participate. A new chapter then opens in the form of domination by people with concentrated economic and political power who form a nexus and results into economic, social, and ecological crisis that the humanity is facing today. This process leads to a further round of deprivation and exclusion of citizens. India is already in deep crisis today. The *swaraj* in conventional sense of freedom is perhaps yet there, but the country is nowhere near *suraj* – good governance and Gandhi's *Swaraj* – self-rule.

'Inclusive' is the new buzz word that has found currency in the economic and political discourses in recent times in India. The discourse in practice is nowhere near the concept that has been evolved by understanding and explaining different crisis as we saw earlier in the writings of Fotopoulus. It is rarely understood as direct participation by all the citizens at all levels of the society. Instead, in India we have digressed into a grand appeasement strategy. By inclusive democracy is meant a few social and economic concession programmes. On the economic front some of main inclusive measures are: Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), the Indira Awas Yojana – housing for the poor, and the Public Distribution System. As if the *Roti aur Makan* schemes run by the central government were not enough, some state governments run *sari and dhoti* distribution programmes too for *kapda*. Mahatma Gandhi would have never approved of this employment guarantee programmes and doles in which the poor and unemployed have to beg for work and get involved in corrupt systems of gaining work and other freebies. It is not work with dignity. Government's equity and equality promoting economic measures reek with corruption. Its major flagship economic growth policies and programmes continue to exclude significant majority. Before the discourse of inclusive democracy was introduced the justification for economic growth was given by calling it growth with human face.

By inclusive democracy is meant a few social and economic concession programmes. On the economic front some of main inclusive measures are: Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), the Indira Awas Yojana – housing for the poor, and the Public Distribution System. As if the *Roti aur Makan* schemes run by the central government were not enough, some state governments run *sari and dhoti* distribution programmes too for *kapda*.

We claim in India that amendments in the Panchayat Act have been revolutionary and it is a golden leaf in the chapter of inclusive democracy characterizing direct participation. Unfortunately, it is not. Over enthusiastic implementation of SEZ and SIR by the state governments and especially in states like Gujarat make mockery of political decentralization at panchayat and village level. There are by now number of instances in Gujarat where the Gram Panchayats have unanimously resolved not to part with their common and private land with or without compensation for the use of industrial and purposes other than the ones that the villagers use, the central and the state governments have ignored, overruled and carried out threats to encroach upon these land areas and handed them over to the industrial houses and mining mafias. It is happening in other states too. Major decisions have already been made about land use without ever consulting the large majority of land users most of whom are poor. Nor any scientific basis for land use planning has been encouraged. This definitely is not inclusive democracy. The plight of tribal communities is worse still. The Provisions of the Panchayat (Extension to the Schedule Areas) Act, 1996", (PESA) appeared revolutionary. It gave the tribal communities control over the natural resources on which they depended for sustained livelihoods. The actual devolution is incomplete. The State has assumed total ownership and at will exercise eminent domain. Had it been to help the poor and marginalized, it would have been inclusive, but the eminent domain is invoked largely to encourage mining and industrialization.

One more nuance of politically inclusive democracy has been introduced with which radical civil society organisations also concur. Suddenly we as a nation have gone into 'rights' mode. The 'rights' perspective implies that sections of deprived citizens have a right to demand for rights. Right to drinking water, right to housing, right to livelihood, right to employment, right to education, right to health and one can go on adding to the list. In addition, there is a special category of rights for those who have been socio-economically disadvantaged. While there is full merit in affirmative actions for correcting some historical social and economic wrongs that have been committed on some, getting into rights perspective without proper sense and balance of duties associated with it not only spells disaster, but also leads to divisive politics. Since, the perceived and stated objective and strategy for gaining rights in irresponsible rights perspective is to capture political power and get access to and control over economic gains, violence and chaos are the likely results. As is known, some rights activists believe and practice in violent mode, they may lead the country into a civil war. By no stretch of imagination any of these promote inclusive democracy.

The present crisis is rooted elsewhere. Much as Fotopoulus and others may think and wish that the project for an inclusive democracy did not only express the highest human ideal of freedom in the sense of individual and collective autonomy, but it is also perhaps the only way out of the present multidimensional crisis, they have not been able to identify the root problem correctly. So long as unlimited economic prosperity for humanity with the help of unregulated use of science and technology is the ultimate aim of humanity on this planet, hardly any sane person or thought can lead the humanity to the kind of individual freedom and collective autonomy that the Western world dreams about, and certainly not in India where we cannot even ape the West well.

We need not have aped the West. Gandhi had warned us clearly, not today, way back in 1909 in his book *Hind Swaraj*. He called the *Hind Swaraj* as 'Indian Home Rule'. He had read the minds of Indian revolutionaries and the reformists. In *Hind Swaraj* in Chapter IV 'What is Swaraj' he wrote,

"You have well drawn the picture. In effect it means this: that we want English rule without the Englishman. You want the tiger's nature, but not the tiger; that is to say, you would make India English, and when it becomes English, it will be called not Hindustan but Englistan. This is not the Swaraj that I want".

Gandhi was well aware about the liberty discourse then and had shown disagreement with it. Gandhi showed his disagreement with Shyamji Krishnavarama founder editor. Indian Sociologist and others and alleged that they in 'The Indian Sociologist' had tried to pollute the ancient Indian villages and homes by introducing Spencer's philosophy to youth of India. He went on to say that such Indian nationalist were not national. The CWMG volume 19 Gandhi addressed a university audience and said.

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"I know that in the West there is a powerful trend towards license. But I have no desire to see students in India take to such license… I want to tell you that the man who has not received education for freedom-and I am sure this is not to be had by reading Mill on 'Liberty'- cannot be taken to be a free man".

Gandhi was clear that the concept of freedom and liberty as perceived in the West would lead to licentious behavior. His concept of individual freedom was deeply embedded in the civilization and culture. Therefore, before giving his concept on what was freedom or Swaraj, he discussed Indian civilization first. In Chapter XIV Gandhi replied to a question that if Indian civilization was the best of all why India had become slave. He wrote,

"Because the sons of India were found wanting, its civilization has been placed in jeopardy… When we are slaves, we think that whole universe is enslaved... As a matter of fact, it is not so, but it is as well to impute our slavery to the whole of India. But if we bear in mind the above fact, we can see that, if we become free, India is free. And in this thought you have a definition of Swaraj. It is Swaraj when we learn to rule ourselves… The Swaraj I wish to picture before you and me is such that, after once we have realized it, we will endeavor to the end of our lifetime to persuade others to do likewise. But such Swaraj has to be experienced by each one for himself".

Swaraj for self is self-rule. The education for freedom is nothing but internal moral transformation. In this context he wrote in Chapter IV that the physical expulsion of the British from India was not the essence of Swaraj: self-transformation was. Groups of such self-transformed individuals were not only free individuals but also had potential to form better autonomous collectives.

The vision of economic system came next. In Chapter VI of *Hind Swaraj* Gandhi wrote how people thought that living in better built houses, wearing variety of clothing, wearing shoes was all part of the civilised society. Instead of spears, people carried revolvers containing

five or more chambers. Ploughing land with steam engines and making wealth was hailed as a sign of civilisation. Flying from one place to another was considered the height of civilisation. He visualised the future in the following manner.

"As men progress, they shall be able to travel in airships and reach any part of the world in a few hours. Men will not need the use of their hands and feet. They will press a button, and they will have their clothing by their side. Another button, and they will have their newspaper. A third, and a motorcar will be waiting for them. They will have variety of delicately dished up food….Formerly, when people wanted to fight one another, they measured between them their bodily strength; now it is possible to take away thousands of lives by one man working behind a gun from a hill. This is civilisation" (Parel 1997).

Gandhi further wrote : "Civilisation seeks to increase bodily comforts, and it fails miserably even in doing so. The Civilisation is irreligion, and it has taken such a hold on the people in England that those who are in it appear to be half mad. They lack real physical strength or courage. They keep up their energy by intoxication. They can hardly be happy in solitude".

The Western society was highly materialistic. In this context he did not approve of industrialization. The formation of industrial society used brute force and hence direct manifest violence and structural violence were main features of the modern industrial society. Gandhi was opposed to such a civilization and contemplated a non-violent society that would be based on soul force, truth force and love force. Gandhi did not change his ideas even later in his life on this fundamental vision about the society. Gandhi ji's acceptance of parliamentary democracy was a compromise. Because he all along knew that such a democracy would not be inclusive unless the individuals had taken education for freedom.

Gandhi's perspective of inclusive democracy emerged out of his vision of the humane society. He did not approve an industrial and urban society. Rural settlements were the ideal settlements for him that would turn into non-violent societies. He was clear about his vision even after he had seen and accepted the change in the freedom struggle where the objective had become gaining freedom from the British. He had not given up his agenda of Swaraj as self-rule. In a letter dated October 5, 1945, Gandhi wrote to Nehru about his vision and asked Nehru to respond. It was a long letter and he wrote,

"The first thing I want to write about is the difference of outlook between us. If the difference is fundamental then I feel the public should also be made aware of it. It would be detrimental to our work for Swaraj to keep them in dark. I have said that I still stand by the system of Government envisaged in *Hind Swaraj*…I am convinced that if India is to attain true freedom and through India the world also, then sooner or later the fact must be recognized that people will have to live in villages, not in towns, in huts, not in palaces. Crores of people will never be able to live at peace with each other in towns and palaces. They will then have no recourse but to resort to both violence and untruth. I hold that without truth and non-violence there can be nothing but destruction for humanity…

Gandhi ji's acceptance of parliamentary democracy was a compromise. Because he all along knew that such a democracy would not be inclusive unless the individuals had taken education for freedom.

While I admire modern science, I find that it is the old looked at it in the true light of modern science which should be reclothed and refashioned aright. You must not imagine that I am envisaging our village life as it is today. The village of my dreams is still in my mind. After all every man lives in the world of his dreams. My ideal village will contain intelligent human beings. They will not live in dirt and darkness as animals. Men and women will be free and able to hold their own against anyone in the world. There will be neither plague, nor smallpox; no one will be idle, no one will wallow in luxury. Everyone will have to contribute his quota of manual labour. I do not want to draw a large scale picture in detail. It is possible to envisage railways, post and telegraph offices etc. For me it is material to obtain the real article and the rest will fit into the picture afterwards. If I let go the real thing, all else goes.

(The excerpts from the correspondence are reproduced from Parel's book)

Let us remember that the destiny of India was being shaped. One does not know how much of Gandhi's ideas were understood by masses. Gandhi depended on Nehru to carry forward his ideas and ideal. Gandhi appealed to Nehru and there was reason for it. In the same letter Gandhi wrote,

"…I want our position vis-à-vis each other to be clearly understood by us for two reasons. Firstly, the bond that unites us is not only political work. It is immeasurably deeper and quite unbreakable. Therefore it is that I earnestly desire that in the political field also we should understand each other clearly. Secondly, neither of us thinks himself useless. We both live for the cause of India's freedom and we both would gladly die for it…I want to live to 125 for the service of India but I must admit that I am now an old man. **You are much younger in comparison and I have therefore named you as my heir. I must, however, understand my heir and my heir should understand me"**. (Emphasis added).

Nehru's ideas differed. He responded hurriedly promising that he would write or engage in discussion

later. But what he wrote even in a hurry is sufficient to understand that on the form of the society and ways and means of forming it differed with Gandhi in a fundamental sense. Nehru did not have any problems with basic values of truth and non-violence, but he did not seem to agree on the way of doing it and the content. On October 9, 1945, He wrote,

"I do not understand why a village should necessarily embody truth and non-violence. A village, normally speaking, is backward intellectually and culturally and no progress can be made from a backward environment. Narrow-minded people are much more likely to be untruthful and violent".

Nehru was not comfortable with village society. In this sense it appears that he deeply appreciated modernity. He also had a different and perhaps more radical way of solving problems that troubled the country then. In his idea the State had a far bigger and important role in shaping the destiny of the last man. He made it clear in his letter,

"Then again we have to put down certain objectives like a sufficiency of food, clothing, housing, education, sanitation etc. which should be the minimum requirements for the country for everyone. It is with these objectives in view that we must find out specially how to attain them speedily. Again it seems inevitable that modern means of transport as well as many other modern developments must continue and be developed…If that is so, inevitably a measure of heavy industry exists. How far will that fit in with a purely village society…If two types of economy exist in the country there should be either conflict between the two or one will overwhelm the other".

Nehru also categorically brought in the point about foreign aggression and he wrote,

"The question of independence and protection from foreign aggression both political and economic has to be considered in this context. I do not think it is possible for India to be really independent unless she is a technically advanced country. I am not thinking for the moment in terms of just armies but rather of scientific growth. In the present context of the world we cannot even advance culturally without a strong background of scientific research in every department".

Nehru's dislike for villages was deeper. On villages and towns issues his response was the following,

"There is no question of palaces for millions of people. But there seems to be no reason why millions should not have comfortable up-to-date homes where they can lead a cultured existence. Many of the present overgrown cities have developed evils which are deplorable. Probably we have to discourage this overgrowth and at the same time encourage the village to approximate more to the culture of the town".

If two types of economy exist in the country there should be either conflict between the two or one will overwhelm the other".

Apart from deeper difference on how society should be formed in free India, Nehru clearly admitted that *Hind Swaraj* as a treatise on vision of free India had never registered in his mind. He had thought that even Gandhi had grown beyond it and hence a convinced reference to it again in Gandhi's October 5, 1945 letter surprised Nehru. In his response he said,

"It is many years ago since I read *Hind Swaraj* and I have only a vague picture in my mind. But even when I read it some 20 or more years ago it seemed to be completely unreal. In your writings and speeches since then I have found much that seemed to me an advance on that old position and an appreciation of modern trends… As you know Congress has never considered that picture, much less adopted it…It is 38 years since *Hind Swaraj* was written. The world has completely changed since then, possibly in a wrong direction. In any event any consideration of these questions must keep present facts, forces and human material we have today in view, otherwise we will be divorced from reality. You are right in saying that the world, or a large part of it, appears to be bent on committing suicide. That may be an inevitable development of an evil seed in civilization that has grown. I think it is so. How to get rid of this evil, and yet how to keep the good in the present as in the past is our problem. Obviously there is good too in the present".

It may be clearly seen that Nehru, the heir apparent of Gandhi, had very little conviction on *Hind Swaraj*. We do not know whether important leaders such as Sardar Patel and others had more conviction. It does not appear so because even after independence when socio-economic policies were framed by the government hardly any leader swore by *Hind Swaraj*. Nehru in a sense was right, hardly anybody in Congress remembered *Hind Swaraj*. Gandhi continued his conviction because he was clear and sure that unless his vision in *Hind Swaraj* became the vision of Indians and that of entire humanity, inclusive democracy was not possible, although he has never used the term inclusive democracy. Here, inclusive democracy implies what has been described earlier in the framework of Fotopoulus.

It appears that Gandhi did not respond to Nehru's letter by another letter. However, he did write a letter on November 13, 1945 in which he made a reference to a meeting that took place between Nehru and him. In that meeting they did discuss this subject and Gandhi in his letter summarizes what he understood from the discussion. The letter has very insightful content. Gandhi wrote,

"It is necessary that we understand each other well and that others also should clearly understand where we stand. It would not matter if ultimately we might have to agree to differ so long as we remained one at heart as we are today. The impression I have gathered from our yesterday's talk is that there is not much difference in our outlook. To test this I put down below the gist of what I have understood. Please correct me if there is any discrepancy.

1. The real question, according to you, is how to bring about man's highest intellectual, economic, political and moral development. I agree entirely.
2. In this there should be an equal right and opportunity for all.
3. In other words, there should be equality between the town-dwellers and the villagers in the standard of food and drink, clothing and other living conditions. In order to achieve this equality people should be able to produce for themselves the necessaries of life, i.e. clothing, foodstuffs, dwellings and lighting and water.
4. Man is not born to live in isolation but is essentially a social animal independent and interdependent. No one can or should ride on another's back. If we try to work out necessary conditions for such a life, we are forced to the conclusion that the unit of society should be a village, or call it a small and manageable group of people who would in the ideal, be self-sufficient (in matter of their vital requirements) as a unit and bound together in bonds of mutual cooperation and inter-dependence.

It appears that Nehru did not write back on this subject. Between November 1945 and August 1947 things were indeed moving at a rapid pace and there would have been hardly any leisurely exchange of ideas on this subject between the two.

I for one am willing to state that the four points made by Gandhi make basic points for his idea of inclusive democracy. There is a free person in a social collective when there is equal right and equal opportunity to bring out the best in each. The unit of society is the village. On this Gandhi does not compromise. Village is not only a human settlement as a habitat – place to live- it also determines the scale and mode of production and the size of economy. The self-sufficiency clause is more for living on what nature offers in the neighborhood compared to maddening efforts of the humanity to secure objects from all over the world and fight for free trade that doggedly refuses to be fair trade.

The main conflict between Nehru and Gandhi's thoughts lies in the understanding of free, modern and progressive individual in an enabling social and political environment which is democracy. For the moment let us focus on individual and his/her interaction with others. The central debate is about the economic behaviour of the humanity, the inevitability of its complexity largely due to rapid development of science and technology to control nature. This debate has been very well formulated by Ajit K. Dasgupta in his book Gandhi's Economic Thought (Routledge, London, 1996). Inclusive democracy under any perspective has to perceive and treat individual as the ultimate unit. Dasgupta writes in Chapter 2,

If we try to work out necessary conditions for such a life, we are forced to the conclusion that the unit of society should be a village, or call it a small and manageable group of people who would in the ideal, be self-sufficient (in matter of their vital requirements) as a unit and bound together in bonds of mutual cooperation and inter-dependence.

"Gandhi's commitment to the proposition that 'ultimately, it is the individual who is the unit', inevitably led him to an individualist, rather than a collectivist view of society's welfare. It was individuals, rather than caste, class, tribe, race, or state who mattered…Social choice which was dictatorial or imposed could not properly be regarded as choice at all and *satyagraha* in the form of non-violent non-cooperation always remained a valid option…Considerations relating to individual's preferences and welfare were therefore in Gandhi's view of crucial importance not only in determining consumers' choices on goods and services but also for making judgments about social and economic institutions and policies. In this matter Gandhi's view is entirely in line with the thrust of modern economic theory which, unlike sociology and political science, places the individual at the centre".

Nehru and most others perhaps failed to understand Gandhi's position. Nehru was for collective choices. India went the planning way and perhaps suffered a serious setback. Gandhi would not have allowed this to happen if he lived longer. He would have offered *Satyagraha* and organized constructive work based on village as a socio-economic unit. Nehru assumed a crucial and powerful role for the state for achieving welfare of individuals. Gandhi did not. Then he should have gone the Western way. Why he did not? Because Gandhi parts company with standard economics as he has an important element in his worldview not fully shared and appreciated in the Western thought. To quote Dasgupta again, "This is his conviction that one's behaviour as an economic agent cannot be isolated from one's behaviour as an autonomous moral agent". Ethical considerations and individual moral values have to inform the choices of an individual. From this point of view as Dagupta notes, the concept of preference that is most relevant for economic analysis

is not individual preference as such but rather individual preference modified by reflection, corrected by knowledge and experience and regulated by ethical principles. This 'ethical preference', Dasgupta says lies at the heart of Gandhian approach to economic theory.

Nehru seems to have missed this completely. It appears that he did not have patience to deal with this. He understood the values and was for it. Let us go back to the letter of October 9, 1945 again to see that he did recognize the problem. He wrote, "There is today in the world a tremendous acquisitive tendency both in individuals and groups and nations, which leads to conflicts and wars. Our entire society is based on this more or less. That basis must go and be transformed into one of cooperation, not of isolation which is impossible" But after this recognition he was perhaps compelled by the circumstances as he read and understood and embarked on a path that has ended up in an unequal society.

Where did the Western world lose out? Why the issue of inclusive democracy came up from there? The answer perhaps lies in their gross neglect of the 'autonomous moral agent' and focusing only on the 'economic agent' who stopped mostly at body and material growth. This deeply disturbed the harmony with self, among selves and with nature. This might appear rather simple and therefore unacceptable, but it is at the root as Gandhi had understood and explained. Focus on body led to becoming acquisitive and greedy. Such individuals in collectives wanted to acquire control over nature in their own settlements, countries and other countries. Political power was needed to gain economic power and control. Fotopoulus has explained this in his book. He examines various approaches that have been tried by the economists and environmentalists to find a way out of economic and ecological crisis. He does not see much hope in Brundtland Committee report on sustainable development. He also is not convinced that the deep ecology approach which blames anthropocentricity for the ecological problems has sustainable solutions. He says that both the Left and Right make similar assumptions. Specifically,

" the proposals made by both ends of the political spectrum, despite appearances, do not differ significantly between them, as both the Right and the Left take for granted the existing institutional framework of the market economy and liberal democracy".

Fotopoulus goes on to show that in suggesting alternatives the Right recommend more marketization and the Left suggest more Statist approach. He criticizes both but comes up with a proposition that is unclear and does not touch the individual and his preferences. Here what Fotopoulus says by way of his recommendation for showing the way out.

> Considerations relating to individual's preferences and welfare were therefore in Gandhi's view of crucial importance not only in determining consumers' choices on goods and services but also for making judgments about social and economic institutions and policies. In this matter Gandhi's view is entirely in line with the thrust of modern economic theory which, unlike sociology and political science, places the individual at the centre".

"So, what is needed to open the way for new forms of social organization is the development of a similar mass consciousness about the failure of 'actually existing capitalism' to the one that led to the collapse of 'actually existing socialism'. Today, there is a pressing need to transcend both the neoliberal market economy and socialist statism in order to put an end to economic misery, which oppresses the majority of the world's population, and to arrest the ecological destruction which threatens us all".

Gandhi focused on the individual and his responsibility to self, fellow human and nature. To put it in the nuanced Indian culture, the order for Gandhi was *vyakti, samashti, and srushti.* The individual and societal efforts have to be mended and mentor the individual in a way in which *vyakti's* interface with *samashti* is harmonious and hence each and every *vyakti* is an essential part of the processes in *samashti*. However, *vyakti's* mindset in interacting with *prakruti* has to be the following.

Ishavasyam idam sarvam Yatkinchit Jagatyam Jagat;

Ten tyaktena bhunjitha maa grudha kasya swid dhanam.

Whatever there is changeful in this ephemeral world, - all that must be enveloped by the Lord. By this renunciation (of the World), support yourself. Do not covet the wealth of anyone.

With science and technology advancements as well as human achievements, nature has to be treated with respect and humanity must not cancel tomorrow. Although individual freedom is the ultimate goal, humanity needs to go the Gandhian way of education. Gandhi himself was educated till the last day of his life. He has suggested this kind of education not only for us Indians, but also for all the citizens of this world. Such education would inform/ influence the preferences and choices of individuals. The resultant position would not be of pursuing limitless wants. It is imperative that the desire to acquire more and more should go down. The era of equality of rights and opportunities can then be established. The relationship between human and nature would alter, averting the ecological crisis.

Inclusive democracy should have a clear political perspective. Gandhi did

not spell it out in his *Hind Swaraj* very clearly. However, later, in an interview that he granted on 28th July 1946, he gave his vision of the relationship between the individual, the state and the world community. It may be reiterated that his concept of Swaraj has in it all components of inclusive democracy. Gandhi said,

> ...the order for Gandhi was *vyakti, samashti, and srushti.* The individual and societal efforts have to be mended and mentor the individual in a way in which *vyakti's* interface with *samashti* is harmonious and hence each and every *vyakti* is an essential part of the processes in *samashti*.

"every village will be a republic or *panchayat* having full powers. It follows, therefore, that every village has to be self-sustained and capable of managing its affairs…ultimately, it is the individual who is the unit. This does not exclude dependence on and willing help from neighbours or from the world. It will be a free and voluntary play of mutual forces… every man and woman knows what he or she wants and, what is more, knows that one should want anything that others cannot have with equal labour".

The settlement unit is defined and the educated individual with reflected preferences is free to operate with equal rights and opportunities. On the relationship among villages Gandhi said,

"In this structured composed of innumerable villages, there will be ever-widening, never-ascending circles. Life will not be a pyramid with the apex sustained by the bottom. But it will be an oceanic circle whose centre will be the individual always ready to perish for the village, the latter ready to perish for the circle of villages, till the last whole becomes one life composed of individuals, never aggressive in their arrogance but ever humble, sharing the majesty of the oceanic circle of which they are integral units".

Gandhi was aware indeed that the picture that he had drawn would be called utopian immediately. But he argued that his picture was like the Euclid's point. One is never there but tries ever. His advice to us Indians was that we had the cultural background and heritage to charter the course. It can be seen that his concept of inclusive democracy is more concrete compared to the ideas that are discussed in the present day literature on the subject. At this juncture, we may find it difficult to undo what has been already done, but our wrongdoings should not continue forever. It is possible to take a turn and move towards educating for self-rule and have healthy relation with fellow human beings and nature. ❑

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YE-95/2013

Democracy and Marginalities

Badri Narayan



The communities that are in the margin of the margins will have to struggle hard by displaying their politics of the presence

India is the world's largest democracy. The one achievement, which is usually highlighted as an important outcome of democracy in the country, is the growing sense of empowerment and breaking the shackles of marginalization by the weaker sections of the society. However, we often miss the fact that empowerment and marginalization sometimes go together, sometimes side by side, at times supplementing each other or countering each other, with the cases varying for the communities that are competing for development in democracy. So marginalization appears in our everyday life in both ways – it is real and constructed. Here we are going to overview place of dalits in inclusive democracy of bigger Indian state like Uttar Pradesh.

Some people say democracy is deepening as dalits are being empowered. However, in this celebration of democracy, we have forgotten that only a few castes and a small section of the dalits acquired visibility, while a huge cluster of dalit communities are still very far from the door of democracy. This large section may be seen as voiceless. They are invisible. These castes are the ones who have no voice to assert themselves and move ahead. Here the term 'assert' means having a voice, which matters and cannot be ignored. Voice is not merely a speech act but is a voice that can grant them recognition. It creates the capacity for intervention that might liberate them from the conditions of invisibility .Why do we need a voice? The reason is that voice makes us visible, not in the sense of being physically seen but in being regarded as relevant to the distribution of speaking opportunities.

Dalits among Dalit: Remapping the Margin

In the context of contemporary dalit politics, the term '*dalit'* include Scheduled Castes, Scheduled Tribes, the so-called criminal tribes, nomadic tribes, Other Backward Castes (OBC) and other backward social groups. These are the communities that are socially, educationally, economically and culturally backward and have remained so for many centuries. The word 'dalit' is a recent one but the concept of dalitness is old. The term 'dalit' in Sanskrit is derived from the root *dal*, which means to split, break, crack, and so on. When used as an adjective, it means amputate, stepped on, split, broken, burst, destroyed, crushed, ground. Dalit implies those who have been broken and ground down by those above them in the social hierarchy, in a deliberate and active way. There is in the word itself an inherent denial, karma, pollution and justified caste hierarchy. Dalit is

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a symbol of change and revolution. According to Nandu Ram, though the term dalit represents a broader social category of people, in more recent years it has become a nationwide phenomenon and is widely used by all the untouchables irrespective of traditional and parochial caste distinctions, also becoming their social identity.

The term dalit was first used by Dr. Ambedkar but some sources claim that Swami Shraddhanand, a follower of Arya Samaj, first coined it. However, the etymology of the term goes back to the ancient times when they were known in the ancient Hindu religious texts as *shudras*, *atishudras*, *chandals*, *antyuj* and so on. In the 19th century, a Marathi social reformer and revolutionary, Mahatma Jyotirao Phule, used it to describe the 'outcastes' and 'untouchables' as the 'oppressed and crushed victims of the Indian caste system'. Apparently, it was used in the 1930s, as a Hindi and Marathi translation of 'depressed classes', a term the British used for what are now called the Scheduled Castes. In 1930, a newspaper was published for the depressed classes in Pune called 'Dalit Bandhu' (Friends of Dalits) (Bechain Ibid: 98). Dr. Ambedkar also used the word in his Marathi speeches. With increased sensitivity, the leaders of the Indian freedom struggle replaced it by a new term 'Harijan' coined by Mahatma Gandhi. In the cultural parlance, they were all commonly known as *achhut,* while in the legal terminology they were called 'Scheduled Castes'.

Scheduled Castes were the castes listed in the schedule by the Government of India Act, 1935. They were defined as 'such castes, races or tribes or parts or groups within castes, races or tribes, being castes, races, tribes, parts or groups, which appear to His Majesty in Council to correspond to the classes of persons formerly known as the depressed classes, as His Majesty in Council may specify' (Act 1935, First Schedule 26.i). The purpose of lists, in the schedules, was merely electoral, since seats in the legislative assemblies at the national and provincial levels were to be reserved for members of listed castes, and they were to form a primary electorate to choose candidates. An Indian Franchise Committee, assisted by, amongst others, the anthropologically learned Commissioner for the 1931 Census J.H. Hutton, deliberated at length over the criteria for inclusion and in particular over untouchability .

Dalits also include the Scheduled Tribes, who are referred to as *adivasi* or original settlers in the Constitution of India. In 1931, they were given the name Scheduled Tribes after they were included in the list of communities needing special attention. In UP, the total population of Scheduled Tribes is 22 per cent and they are mainly concentrated in Mirzapur and Sonebhadra. The so-called criminal castes are those that were listed as criminal tribes by the British. They were de-notified in 1952 through a parliamentary act, and some of these castes were included in the Scheduled Castes. Many of them are nomads, who wandered from place to place, across the country.

The dominant dalit groups that now have control on the scarce resources should act as agencies to help distribute them to the poorest of the poor rather than gobble them up themselves. In fact, for dalit politics to be sharp and dynamic it is necessary that all smaller and lesser dalit groups that are now invisible and unseen, are included within its socio-political matrix.

OBCs are those castes which occupy an intermediary position in the Hindu caste hierarchy. Economically and socially they were as backward as the untouchables but their 'touch' was not polluting for the upper castes. They could thus work as servants in their households. This led these castes to identify themselves more with the upper castes than with the untouchables and to keep away from them. But after the implementation of the Mandal Commission report granting protective discrimination to Scheduled Castes, the OBCs and the Backward Castes, a unity was forged between the dalits and the OBCs against the upper castes during the anti-Mandal movement.

In UP, the dalits together comprise 21 per cent of the total population of the state. In our researches, we observed that communities that don't have education, community leaders and caste histories and heroes are unable to create their own identities, which can make their communities assertive in democratic politics.

Thus within the dalits the term *ati-dalit* (lowest of the low) has become a part of the dalit intelligentsia vocabulary as a result of this exclusion.

The communities that are in the margin of the margins will have to struggle hard by displaying their politics of the presence. They need to acquire visibility, which is possible only through acquiring the capacity to desire through the means that empowered the other dalit castes. These lesser dalit groups need to counter their disembodiment and to do that they need to develop their own politics. The dominant dalit groups that now have control on the scarce resources should act as agencies to help distribute them to the poorest of the poor rather than gobble them up themselves. In fact, for dalit politics to be sharp and dynamic it is necessary that all smaller and lesser dalit groups that are now invisible and unseen, are included within its socio-political matrix. ❑

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YE-89/2013

National Family Welfare Programme – some lessons from the experience in Kerala

S Krishna Kumar



There is an urgent need for revisiting and upgrading the family planning and population control programmes for greater results

THIS ARTICLE highlights the significant aspects of the successful demographic transition in Kerala and its lessons for India and argues for new policy and programme thrusts to accelerate the national effort of Family Planning and Population stabilisation.

Demographic Profile of Kerala

India is the second most populous country in the world and is expected to overtake China by 2030. In 1961, India's population was 43.9 crores and it reached 121 crores in 2011. With 2.4 percent of the land area of the whole India is already supporting 17 percent of the world population. The annual exponential growth rate of population is above the national average (1.6 percent per annum) for the states of Bihar, Jammu and Kashmir, Chhattisgarh, Jharkhand, Rajasthan, Delhi, Madhya Pradesh, Uttar Pradesh, Haryana, Uttarakhand and Gujarat. Why are these states still demographically backward? Is there any message for them from the southern parts of India especially Kerala?

In Kerala, there has been a sharp decline in the growth rate of population after 1971 (Fig.1). At the all India level, such a downturn in the growth rate of population was visible only after the year 1991.

Assessment of Family Welfare Programme in Kerala

In Kerala the FWP was started in 1955, with 11 clinics attached to medical institutions. The path that this programme took in Kerala followed three distinct phases: first, a period of slow growth during 1955-64, second, a period of reorganisation and establishment of State Family Planning Centres during 1964-70 and lastly, the intensive Family Planning campaigns of early 70s followed by a period of intensified maternal and child health services from mid 70's onwards.

The decadal population growth of Kerala presents a conducive scenario for development. About sixty years ago, in 1951, Kerala was in the early stage of its demographic transition. The total population of the State was 13.5 million, growing at a robust rate over 2 percent year. The birth rate was about 45 and the crude death rate was 20 per 10000 population. The TFR was over 6 and the expectation of life at birth was about 40 years. These were parameters of an underdeveloped economy.

Fifty years later, in 2012, the population has increased to 31.8 million. The birth rate has declined to about 17 births per 1000 population. TFR has declined to 1.8 children per

The author was Union Minister for 9 years handling Ministries of Health and Family Welfare, Textiles, Information and Broadcasting, Petroleum and Natural Gas, Defence, Non Conventional Energy and Agriculture. He served 17 years in the IAS heading several important Government departments and several Central and State Government Undertakings.

Table :1 Demographic Indicators of India and Kerala from 1961 to 2011

Indicators	1961		1981		2011	
	India	Kerala	India	Kerala	India	Kerala
Population Size (in Millions)	439	16.9	683	25.4	1210	33.3
Population Growth Rate (1951-1961)	+21.51	+24.76	+24.66	+19.24	+17.64	+4.86
Population Density	142	435	216	655	382	859
Sex Ratio	941	1022	934	1032	940	1084
Child Sex Ratio	976	971	960	970	914	959
Female Literacy Rate	15.4	38.9	30.0	65.7	65.46	91.98
Age at Marriage for Females	16.3	20.2	18.6	22.1	18.3	22.7
CBR	41.7	31.1	33.9	25.6	22.1*	14.8*
CDR	22.8	9.0	12.5	6.6	7.2*	7.0*
Average Household Size	5.5	5.9	5.5	5.8	5.0**	5.0**

*CBR and CDR – 2010 SRS Bulletin, ** 2011 Census Highlights

Source: Various Censuses and SRS Bulletins

Table-2 shows the progress of demographic indices of Kerala in respect to India from 1961 to 2011.

		1961		2011
Growth rate	India declines from	21.51	to	17.64
	Kerala declines from	24.76	to	4.86
Sex ratio (female to male)	India decreases from	941	to	940
	Kerala increases from	1022	to	1084
Female literacy rate	India increases from	15.41	to	65.46
	Kerala increases from	38.9	to	91.98
Age for marriage for female	India increases from	16.3	To	18.3
	Kerala increases from	20.2	To	22.7

woman. In the year 1988 itself, Kerala had achieved the replacement level TFR of 2.1, the first Indian state to do so (Report of Technical Group of 2001 Census, 2006). The crude death rate has declined to 6 deaths per 1000 persons; infant mortality to 22. Only 10 to 11 out of 1000 children born in a year died during the first year of their lives.

The proportion of couples effectively protected by family planning methods in Kerala is the highest in India. Even in 1991 as per census data, 80 percent of couples in Kerala were using family planning methods as against the all India figure of 43 per cent. The figures for Kerala in the case of general fertility rate, gross reproductive rate and total fertility rate are the lowest in India. In Kerala, majority of births occur with an interval of 36 months and above, which is 2nd highest in India following Assam. The birth rate in the state is 40 percent below that of the national average and almost 60 percent below the rate for poor countries in general.

The major foundational circumstance which explains the dramatic fall in birth rates in Kerala and success in other demographic indicators compared to the rest of India is the state's successful performance in 'beyond family planning' areas, female and general literacy, women's empowerment, health infrastructure and access to health services, social welfare measures, child survival, age of marriage, public distribution system, nutritional security and poverty alleviation.

Studies have shown that higher female literacy from around 1960s in Kerala was a specially dominant factor behind the decline in fertility rates. The role of the Universal Immunization Programme through its very effective communication strategy for creating demand for antenatal care and child immunization played a major role in achieving higher nutritional level among pregnant women and their children and demand a host of other health related practices gave further support to the family planning programme.

Figure-1

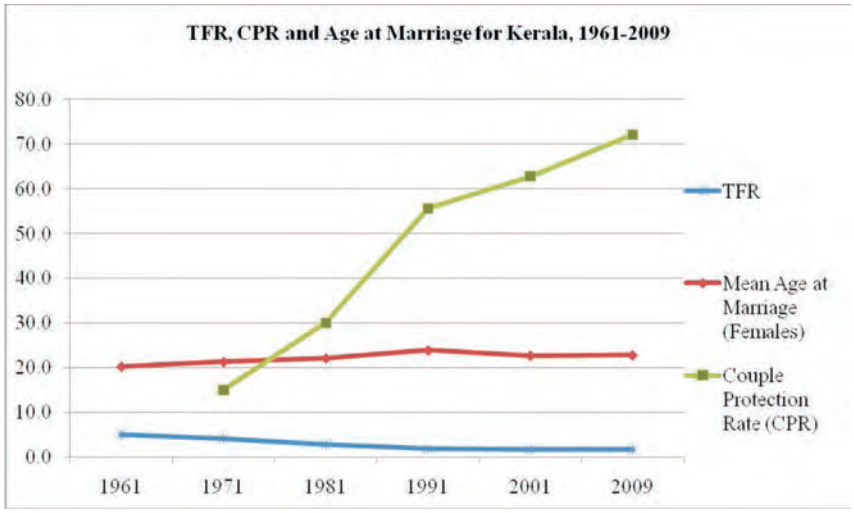


Table: 3
Demographic Indicators, Kerala: 2001-2025

Indicator	2001-05	2006-10	2011-15	2016-20	2021-25
Population growth rate	0.9	0.8	0.6	0.5	0.4
Crude Birth Rate (CBR)	16.3	15.4	14.2	13.1	12.3
Crude Death Rate (CDR)	6.8	7.0	7.1	7.4	7.8
Infant Mortality Rate (IMR)	12.1	11.1	10.0	9.2	8.4
Under-5 mortality rate (q5)	14.1	13.0	11.8	11.0	10.1
Total Fertility Rate (TFR)	1.8	1.8	1.8	1.8	1.8
Life expectancy of males	70.8	72.0	73.2	74.2	75.2
Life expectancy of females	76.0	76.8	77.6	78.1	78.6

Source: Census of India 2001 "Population Projections for India and States 2001-2026", Report of the Technical Group on Population Projections Constituted by the National Commission on Population May 2006.

The status of the Indian Family Planning Programme

According to Government of India statistics the NFP programme has succeeded in averting 44.3 crore births during its operation from 1956 to 2011. In spite of this the population of India grew to 121.0 cr in 2011. Theoretically, had it not been for the NFP, the population in 2011could have been 44.3 cr more i.e. 165.3 cr.

Estimated eligible couple in India as on March 2011 is 20.4 cr of which 40.4 percent are effectively protected. Thus unprotected couples are 20.4 x 59.6 percent = 11.4 cr.

Sterilisation is by far the most effective family planning method in the country. Sterilisation achieved all India from 1993-94 to 2010-2011 are a steady average of 4.7 million a year (from Government of India figures). The performance of family planning services are showing a marginal decline in all methods for the year 2010-11 compared to 2009-10 (source: HMIS): Government of India admits that there is no improvement in number of sterilizations and it remains static; and that there has been a decline in number of IUCD insertions. The percentage of couples effectively protected is generally coming down as shown in Table 4:

Table: 4

Years	percent Effectively Protected
2007	46.2
2008	46.5
2009	42.9
2010	41.6
2011	40.4

Due to performance of the family planning programme falling short of the targets, the date line by which the birth rate of 25 per 1000 is to be achieved has been allowed to recede further and further into the future.

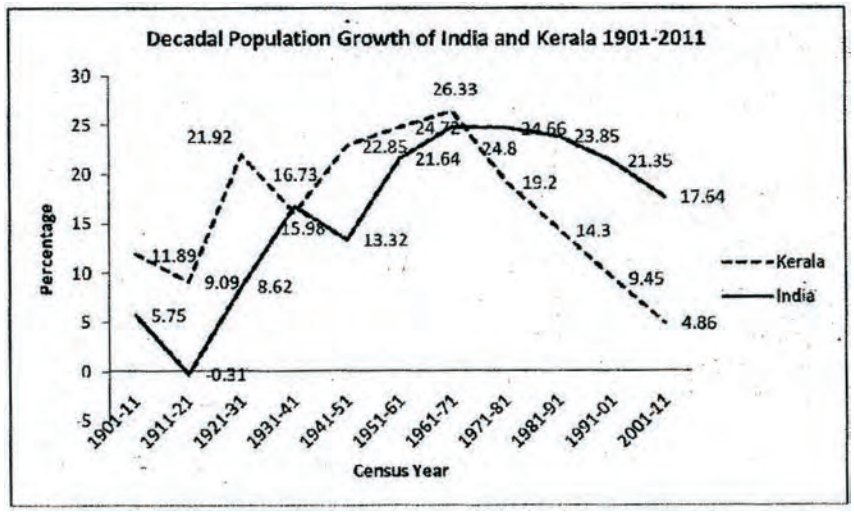
It is evident that the present rate of achievement in Family Planning has to be accelerated and the total effort multiplied many fold if the nation is to witness the needed decline in the birth rate in the coming years.

India should follow the Kerala way – the intensive campaign approach

Swaminathan Commission (1994) inter alia, recommended abandoning the idea of fixing targets for the use of specific contraceptive methods by the Central and State governments and discontinuance of incentives in cash or kind to contraceptive users and motivators. Though most of the incentives are still operative there are now no targets for the FP programmes and the main impact indication is the TFR. In the author's opinion the discontinuance of targets has been counterproductive and has succeeded only in relegating the family planning programme to the background in the health care matrix, diffused responsibilities and killed critical measurement of achievement of programme components.

The national commitment has to be measured in terms of results achieved, correction of sloppy work as well as

Figure: 2



Source: The Kerala State Economic Review 2011, pg. 37

rewards for excellent performance. By this single step alone the performance of the programme can be augmented two or three fold.

Gap between awareness and acceptance

The last survey figures available are from NFHS-3 (2005- 06) and DLHS-3 (2007-08), which are being used for describing current family planning situation in India. Nationwide, the small family norm is widely accepted. The wanted fertility rate for India as a whole is 1.9 and the general awareness of contraception is almost universal 98 percent among women and 98.6 percent among men (NFHS-3).

As against this near universal awareness the percentage of couples protected was only 40.4 in 2011 – clearly indicative that the focus in the programme should be to bridge the gap between awareness and actual acceptance of a preferred method by each eligible couple through the twin strategies of providing quality services and an intensive campaign of motivation and logistics.

Under utilisation of existing infrastructure and personnel

The existing facilities by way of men and infrastructure in the National Family Planning Programme were and still are grossly underutilised in terms of results achieved. This becomes clear if one looks at the effectiveness of the functioning of the grass root level workers employed by the Government for the programme. A Public Health Centre covers only an average rural population of 34876 and a sub centre 5624. The family planning infrastructure in India is given in Table 6 and the manpower directly or indirectly associated with programme in Table 7. It will be seen that a great question mark before the National Family Planning Programme in India is not so much the extension of the infrastructure and increase in the personnel (which is very welcome and should be promoted) but more that of the existing infrastructure not being utilised properly as well as the existing personnel not being made to achieve their basic output in terms of results in the programme.

One of the key aspects in the efforts towards improvement of the National Family Planning Programme is the involvement of the District Collector and the Panchayath Raj institutions firmly in its implementation. In the Indian situation, the District Collector is in an ideal position to coordinate within the geographic area of each district in India, the official and non-official agencies, government functionaries and voluntary organisations as well as mobilise the technical, managerial and financial resources in the district in support of the programme. Also the Panchayath Raj system provides a huge grassroot level mechanism for popular mobilisation for the programme throughout the country. It may be noted that the above two factors were responsible for the outstanding success of the Ernakulam campaigns in the early nineteen seventies.

Table: 5
Stated goals in recent National Population and Health Policies related to Family Welfare and their current status

Program/Policy Goals	X Five Year Plan (by 2007)	NPP (by 2010)	NRHM (by 2012)	MDC (by 2015	Current Status (Reference Year)
Infant Mortality Rate	45	<30	30	27	50(2009)
Maternal Mortality Ratio	200	<100	100	100	212 (2009)
Total Fertility Rate	NA	2.1	2.1	2.1	2.6 (2009)

Table: 6
Family Planning infrastructure in India

(As on March 2011)

Subcentres	-	148124
PHCs	-	23887
CHCs	-	4809
Sub district hospitals	-	985
District hospitals	-	613
Mobile Medical units	-	1825
Total		**180243**

Camps and campaign approach

Continuation of sterilization camps in the states with high fertility and increasing male participation and promoting Non Scalpel Vasectomy is still the stated policy of Government. One of the major strategic themes of NPP 2000 is increasing male participation in 'Planned Parenthood' and the promotion of No-Scalpel Vasectomy (NSV) acceptance is the most important and visible component of increasing male participation towards addressing the issue of gender equity.

The NSV, a modified male sterilization technique, was introduced in 1997. Human resource development with a three pronged strategy for training surgical faculty from Medical colleges, district NSV trainers and service providers is in place. As per the latest reports available (NIHFW and State data) there are around 8000 NSV providers in the country. NSV trainers have to be made widely available across the states. Surgical faculty training should be expanded.

Male sterilization as a percentage of total sterilization had reached a low of 1.89 percent in 1999 and was hovering around 2.5 percent until 2006 without much improvement. As a result of intensive efforts to increase male participation, the proportion of male sterilization rose to 4.3 percent in 2007-08 and 5.5 percent in the year 2008-09 and it has further improved to 5.6 percent in 2009-10. But it declared to 4.4 percent in 2010-11. It is encouraging that NSV as a percentage of total sterilization has generally increased in the last decade across the country and more and more states are moving in the positive direction:

National Family Planning Insurance Scheme (NFPIS): Govt. of India launched the NFPIS Scheme in November, 2005 to compensate the acceptors of sterilization or his/her nominee in the unlikely event of failure, complications, death, following a sterilization operation and to provide for indemnity cover to the medical officers and the health facilities.

The intensive family planning campaign and the camp approach is already one of the devices which are part of the programme. "The camp approach was continued in most states across India" http://mohfw.nic.in/NRHM/FP/. Thus the present policy framework itself in conducive to the camp approach being combined with the clinic and campaign approach and sterilisation, especially male sterilisation being promoted.

From Table-8 it can be seen that there are only an average of 5348 unsterilised couples and only 2034 unsterilised couples exposed to higher order of 3 & 3+ births in one PHC area. If we propagate only 2 children as ideal we need to tackle for sterilisation only those unsterilized couples exposed to 3 & 3+ couples. Please note that the number of family planning programme personnel per PHC in 24 or one official is available for every 84 such couples.

Even if the campaign succeeds in covering 60 percent of those 2035 or say 1200 couples the criticality of the mass of acceptance will generate the situation of the rest accepting family planning in due course as has been demonstrated in Ernakulam district and Kerala.

Need for stepping up male sterilisations

In the present of the sterilisation per year 97 percent are female sterilisation - and male sterilisations are only 3 percent. With even a faction of the campaign effort proved in Ernakulam

Table: 7
Manpower directly or indirectly associated with FP Programme

Health worker (female) / ANM at Sub centres & PHCs		-	207868
Health worker (male) at sub centres		-	52215
Health assistant (female / LHW) at PHCs		-	158222
Doctors at PHCs		-	26329
Surgeons at CHCs		-	1018
Obstetrician & Gynaecologist at CHCs		-	1389
Physician at CHCs		-	819
Paediatrician at PHCs & CHCs		-	1041
Specialists at CHCs		-	6935
General Duty Medical Officers at CHCs		-	11798
Pharmacists at PHCs & CHCs		-	24671
Nursing staff		-	65344
Block Extension Educators at PHCs		-	2480
	Total	-	560129
Total No. of PHCs	-	23887	
Functionaries directly or indirectly at each PHC	-	560129	= 23.4
		23887	

it could be brought up – to 50 percent with an annual achievement of male sterilisations of 5 million. If each of the institutions devoted to family planning alone numbering 180243 were to achieve one male sterilisation in 2 weeks we would reach an annual achievement of 5 million male sterilisations in the country. PHC wise the achievement required is only one sterilisation in 2 days with a team of 24 functionaries who can directly or indirectly contribute to this achievement.

The active cooperation and participation of male accepters is vital for ensuring programme acceptance. Further, currently, over 97 percent of sterilizations are tubectomies and this manifestation of gender imbalance needs to be corrected. The strategy should be to re-popularize vasectomies, in particular no-scalpel vasectomy as a safe and simple procedure, and focusing on men in the information campaigns.

Proposed intensive campaign

Based especially on the Ernakulam experience I suggest that every year for a period of three years the following campaigns focussing on male sterilisation be organised to supplement the present normal activities through the family planning infrastructure. The targets suggested are less than ten percent of the achievement of the Ernakulam camps where 64000 vasectomies were achieved in one month long camp in 1971.

The annual national achievement with then become 12.5 m. sterilisation equivalent with the 5 m. female sterilisations of the present programme, 5 m. male sterilisations through the intensive campaign and 2.5 sterilisation equivalents made up from IUD insertions, distribution of Nirodh and other spacing methods. The above figures or the above approach is not utopian but eminently feasible given a focussed approach with the full participation of government, the NGOs and Panchayath Raj Institution. This campaign will enable the FP programme to reach its full potential and speed the country towards zero population growth rate and population stabilisation.

State and District wise differentiated thrust

20 States/ UTs have already reached the replacement level of fertility i.e. total fertility rate (TFR) of 2.1: Andaman & Nicobar Islands, Goa, Puducherry, Manipur, Tamil Nadu, Kerala, Tripura, Chandigarh, Andhra Pradesh, Himachal Pradesh, West Bengal, Punjab, Delhi, Maharashtra, Daman & Diu, Karnataka, Mizoram, Nagaland, Sikkim and Lakshadweep.

The campaign should be designed with targets differentiated state and district wise for the nation as a whole to reach the designated TFRs.

Table: 8

Index	Crore
Midyear population 2011-12	121.80
Estimated Eligible couple	20.55
Sterilised couples	7.78
Unsterilised couples	12.77
Birth under 3 and above couples (2007-08) 37.4 percent	4.86
No. of PHCs	22887
No. of unsterilized eligible couples per PHC	5348
No. of unsterilized couples exposed to higher order of births 3 & 3+ per PH	2034
Source: Government of India statistics	

Precautions in the intensive campaign

In order to avoid any possibility of bureaucratic bungling and mismanagement in a campaign approach of this nature and possible excesses which will give a bad name to the programme we can formulate an in-built precautionary mechanism in the following manner:

a. All campaigns should be supervised by a team of officials and non-officials including voluntary workers and representatives of the Government of India and State Governments. The job of the supervisory team shall be to ensure that services are given only after proper motivation, the services rendered are technically perfect, proper after care is organised and that there is no coercion or indecent persuasion for the adoption of any particular method of the programme. The team shall also ensure that work is actually performed and that there are no malpractices by way of bogus acceptors and fabrication of records to defraud the exchequer of the incentive money and other allowances.

b. Clear guidelines by way of a detailed compendium of instructions on how to organise an intensive campaign/camp in a District, and in a Community Development Block can be prepared in the light of past experience. And also the District Collectors, the Block Development Officers and Panchayat Raj leaders can be trained through an orientation course which they must undergo before organising a camp or campaign in their areas.

640 Districts with an average target of 4,000 sterilisation each to be achieved through a district level camp.	=	2.560 million
23887 PHCs in coordination with Community Development Blocks to achieve 500 sterilisation a year through an intensive campaign/camp	=	1.195 million
2,032 Urban Family Welfare Centres in coordination with the urban local bodies to achieve 500 sterilisation each.	=	1.016 million
Selected 1000 voluntary organisations / institutions to achieve 500 sterilisation equivalents each.	=	0.500 sterilisation equivalents.
Total	=	**5.231 million – say 5 million**

Table: 9
No. of Districts which had the Estimated TFR <= 1.5 based on Census 2011

State	District	TFR
Karnataka	Udupi	1.2
West Bengal	Kolkata	
Kerala	Pathanamthitta	1.3
Tamil Nadu	The Nilgiris	
Delhi	New Delhi	1.4
Karnataka	Chikmangalur	
Kerala	Alappuzha, Idukki, Kollam, Kottayam, Thiruvananthapuram	
Maharashtra	Mumbai, Sindhudurg	
Tamil Nadu	Chennai, Coimbatore, Erode, Kanyakumari	
Andhra Pradesh	Karim Nagar, Krishna	1.5
Goa	North Goa	
Karnataka	Dakshina Kannada Hassan Kodagu Mandya	
Kerala	Ernakulam Thrissur	
Tamil Nadu	Namakkal Thanjavur Thiruvarur	

Source: Guilmoto and Rajan (2012)

c. Similar compendium of instructions can be prepared for voluntary organisations who come forward to do a campaign in their area with infrastructural, technical and financial support of the Family Planning Department.

The important functionaries of the department starting from the Union Health Minister, the Health Secretary, National Family Planning Commissioner, Members of the Population Advisory Board etc. can give personnel leadership and supervision to this mass based campaign all over the country. They can give on the spot instructions to ensure that the programme is run within the guidelines without any possibility of malpractices or excesses.

Conclusion

As this article tries to enunciate, there is an urgent need for revisiting and upgrading the family planning and population control programmes for greater results. With a focussed handling of the existing infrastructure and available manpower, through a sustained camp with campaign approach the stipulated goals of TFR can surely be achieved in a decade. Other states in India may study the experience of Kerala with respect to its success of the Family Planning programme and its basic features including the campaign approach should be incorporated in the National Family Programme. ❑

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Inclusion of the Transgenders in Democracy

Rachna Sharma

When they were *Welcome(d) to Sajjanpur*, not only their inclusion in democracy was the core issue but the movie leads the audience further with the optimism of a desired fair democratic system that would be good for all. The movie depicts the democratic victory of transgender *Munni* amidst the odds of socio-politico fabric of the rural India which is applicable to the whole country in general. However, with few exceptions, the reality is still far from that rosy picture of inclusive democracy. Since, even after getting the right to contest elections and a successful struggle for right to vote, transgenders are yet to be included into the mainstream as a part of the society and they are still to be taken as existing in a normal way of life.

Transgender Community: Then and Now

Transgenders or transsexuals or *hijras* (as they are commonly referred in India) include the biological 'other sex' (they are neither male nor female) as well as the people who wishfully convert their sex. The transgender community has remained a part of Indian society from historic time. Though marginal otherwise, the community has always been remembered at the time of marriages, child birth or anything important, even at the time of entering into a new house or opening up a shop. Taking blessings at such auspicious occasions from them has remained a traditional practice and it gets strong support from mythology and religious texts such as *Ramayana*. Thus, culturally, transgenders have remained a part of Indian society and they were well received from the men and women of the society. However, after the diffusion of 'western modernization' in Indian social practices, when the traditional nitty-gritty weakened, the customs to include the transgenders into the societal life got a setback. They were deprived from leading a normal life further when there was no explicit mention given in the Indian Constitution post-independence. As a consequence, over a period of time, the condition of transgenders have become worse since they were at the verge of total neglect socially and culturally and moreover, they were not receiving any legal/political protection in the democratic frame as well.

Challenges to Lead a Normal Life

The transgender community is extremely discriminated on the basis of their sex and gender. The transgenders are considered as unnatural and are treated as an object of ridicule. The suspicion and reluctance of the mainstream society towards transgenders generally ends up in social marginalization of transgenders. This in turn, leads them to the vicious circle of utter poverty, illiteracy and unemployment. Their non-existence could be easily understood from the fact that one can not find any column for the sex other than 'male' and 'female' in the forms meant for recruitment in government as well as non-government sectors. Due to no employment opportunity, most often, transgenders get sucked into illegal activities and most of them are turned into sex-workers. This further makes them objects of absolute disgust for the society.

At the moment, transgenders have no access towards normal schools and educational institutions, hospitals and medical facilities along with other chances to live a decent life. According to a report by the United Nations Development Programme, Indian, *hijras* have a high prevalence of HIV; most *hijras* have low socioeconomic status and literacy levels; they pose barriers to seeking health care due to social exclusion.

The inclusion of transgenders as 'others' in the third category mentioning sex in population census of 2011 could be a first step in the direction towards an inclusive society. However, it seems as if the efforts to provide the transgenders with their true identity with dignity would again fail since after collecting the data, they are included in the 'Male' category in the provisional report of the census. This poses a contradiction and confusion towards the status of all other transgenders except women transgenders. Essentially, the transgenders count themselves

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as 'women' while state is wrongly counting them as 'men'. Moreover, the pressure from the family and peer also aggravates the conflicting situation to the transgenders' identity. For instance, in Hyderabad, out of the estimated transgender population of 800, only near 100 persons would make the entry on the census data. As the *Times of India* puts it, *For, the new `others' column (in the gender section) introduced in the Census this year for the benefit of transgenders, is being ignored owing to family and peer pressure apart from `identity' issues, claim transgenders in the city. Though elated at the government's recognition of this section of society, some local transgenders already counted in the 2011 Census confessed that they were forced to tick the `female' box because of parents and friends*.

To change the prevailing socio-economic conditions of transgenders, it is pertinent to bring them to the political arena so that they could be included in the society through democratic means. A mechanism to ease transgenders' access towards their rights is much needed to transform the idea into reality. As Justice P. Sathasivam puts it, *to put an end to all the inhuman behavior towards the transgender community it is very important that reforms are made in the existing laws, the law officers are sensitized to adapt to a complete humanitarian approach while dealing with a person of transgender community and also the society should get rid of the century old bias and realize that transgender behavior is as normal and natural as their own feeling towards their sexual orientation*.

Constitutional and Legal Rights

The Constitution guarantees the fundamental rights to all that implicitly includes transgenders. Yet due to lack of explicit provisions for the community, cases of violation of the rights of transgenders are pervasive. The mist was cleared only when in 2009, judiciary provided the interpretation of the constitutional rights for the transgenders and pronounced that *the oppression meted out to the transgender community and the homosexuals in the country is violative of Right to Equality under Article 14, Right against Discrimination under Article 15, and Right to Privacy and Personal Dignity under Article 21of the Indian Constitution. All the laws of the land should be applied to them like any other person.*[5] The Supreme Court further held that the transgenders should be provided every opportunity for a job, access to a public place, right to property, right to access to justice, etc without any discrimination.

The inclusion of transgenders in the mainstream has remained a question of their democratic existence through the right to contest elections and right to vote along with the other fundamental rights. Although transgenders have been contesting the elections in the past, but such cases are rare that too with a limited degree of success. Moreover, transgenders, were not accepted as normal, they were deprived of right to vote until 1994 and even today few of them really enjoy their right to vote since most of them are never featured in the voters' list. The point of fact is that like other minority communities (religious and caste based) of the country, transgender community has never been thought as a minority community crucial for political existence by any political party. Their issues and problems never become an agenda for elections. A change can be visualized, if their number in the population is taken out and their true identity is accepted respectfully in all walks of life as a normal course. This was hoped to be a possibility, when Supreme Court asked the Centre and states whether transgenders could be categorized as the third sex after male and females, during the hearing on the social justice petition filed by National Legal Services Authority (NALSA).

Inclusion of Transganeders in Democratic Society: A Ray of Hope

With the endeavours for an inclusive democracy en route, some states have started the initiatives to bring transgenders to the mainstream. The efforts made by the states of Tamil Nadu and Bihar are worth mentioning. Tamil Nadu is the first State to set up a Welfare Board for the transgender community, locally known as aravanis. The Board includes transgenders as its members and thus provides them with a platform not only to put forth their grievances and concerns but also to take some constructive measures in the direction. For example, the Board has already come up with provisions such as reserving seats for other-sex students in government colleges and providing ration cards with the correct sexual/ gender category as identity documents to the transgenders. In addition to these initiatives, the state government was also aiding those transgenders who wish to undergo surgical treatment for changing their sex.

To rehabilitate the transgender community which is estimated to be almost one per cent of the state's population, the Government of Bihar came up with the idea to recruit them as security guards in girls' hostels, colleges and hospitals. Earlier in 2006, the state government had successfully placed them as tax collectors in Patna Municipal Corporation. The programme was a successful venture not only for transgenders in getting into the jobs but also in terms of tax collection.[6] In its drive to offer decent social life to the transgenders, the Social Welfare Department of Bihar is said to expand the programme further with proper training of transgenders as paid activists to spread awareness on the issues related to women empowerment and children's health.

Apart from the state's initiatives, there are Non-Governmental Organizations and human right institutions which are raising the cause. Media (as a fourth pillar of democracy) is also doing its bit in sensitizing the society towards the marginalized section of transgenders. Along with the number of documentaries, Hindi films like *Tamanna* and *Darmiyaan* put forth the issues related to the lives of the other sex with all sensitivity. Critically well acclaimed though, these films left a limited effect due to the attached tag of class-audience. However, the films like *Welcome to Sajjanpur* counts on that point also and came up to sensitize all individuals of the society through popular cinema. Nevertheless, for an inclusive democracy, transgenders are needed to be welcomed in all spheres of society. ❑

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