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Development

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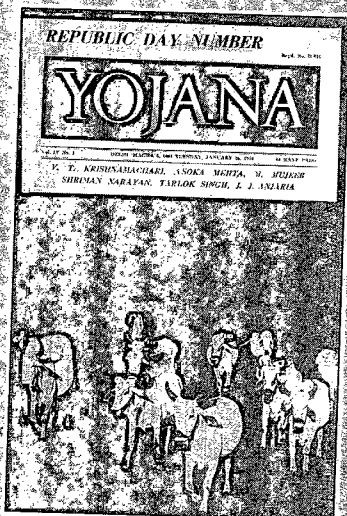


Right to Information

FROM THE PAGES OF YOJANA

Selling Handlooms Abroad

Pupul Jayakar



26 January, 1960

THE EXPORT of handloom cloth from India to the non-traditional markets of Europe and the Americas is a complex problem. It involves a drastic change both in production methods in India and in marketing techniques abroad. The recent setting up of the Handloom Export Organisation (HEO) and its decision to operate in the export market through business associates, both exporters and manufacturers, displays a more realistic approach to the export of hand-woven goods.

There is an increasing interest in Indian hand-woven and hand-spun cottons and silks in the United States and a growing awareness amongst Indian manufacturers of the special demands of the American market in terms of quality, design and deliveries. The handloom delegation that recently visited the United States met with considerable response, and it booked orders, on the basis of the special samples they had to offer, to the value of Rs 1½ crore or over 3 million dollars.

Trade Fairs

Although trade fairs are of great importance in building up consumer preferences and help greatly in promoting the export of Indian handloom goods, my experience has been that no large textile business is executed through trade fairs. Nor do any of the large textile producing countries like Japan, Italy, Switzerland, France or England offer their textiles through trade fairs. None of the main buyers of textiles visits the general trade fairs.

Most of the textile trade is carried on in great secrecy, and commercial samples are made available only to prospective buyers. While, therefore, taking part in promotional trade fairs, the Handloom Export Organisation will have to seek the existing channels of textile trade to build up a large volume of trade.

The American Set-up

The American textile import market operates through the volume importer or converter for the garment trade. Through him the material goes to the department store or retailer. The main market for imported textiles is New York. Los Angeles on the West Coast is also developing as a potential market. In the USA a very negligible proportion of cloth is sold as yardage goods on the counter. Most of the cloth is converted into garments and then sold in department stores. Price mark-ups are regulated at every stage of the marketing operation and it would, in my opinion, be disastrous to interfere with the main pattern of marketing. To a great extent it is the wholesaler who keeps the market alive. He advertises the goods he has to offer and, at the present moment, he is the main channel of communication between the manufacturer in the USA and the producer in India.

'India Madras'

The bulk of the demand was for 'India Madras', the term being used to indicate Madras check-and-stripe patterns in non-fast or 'bleeding' colours. This cloth, which was originally being exported to West Africa, is being used in the USA for men's shirts, sports jackets, shorts, bathing trunks, and even for coats for formal evening wear. It is also being used for all varieties of women's wear, dresses, skirts, sports wear, beach wear, etc. The demand for this India Madras was so great that the sudden increase in export enquiries has led to exporters entering the market without adequate knowledge of the areas of production. This has caused dangerous repercussions in the production centres of Madras and Andhra.

The price of Madras cloth has risen from 42 cents a yard c.i.f. (cost, insurance and freight) in June-July 1959, to 70-72 cents per yard c.i.f. in October-November 1959. The wages of weavers has also risen from Rs 1.25 a day for a sporadic 20 days' work a month, to Rs 3 a day.

Default in Delivery

This rise in prices has resulted in many exporters who had booked orders at lower rates defaulting on deliveries. This situation has been further aggravated by some of the importing houses from the United States sending their representatives to buy ready stocks of Madras goods booked for certain buyers. Thus goods have been sold direct from handloom centres at higher prices to alternative customers. This is likely to have a very serious effect on handloom export to the USA.

There are nearly 40,000 looms in Madras and Andhra that could be geared to the production of these 'bleeding' Madras varieties. It is purely a problem of organisation. I am given to understand that the Handloom Export Organisation has turned to alternative sources in Andhra and Madras to organise production—but a lack of flexibility and speed on the part of weavers' societies to reorganise production is making this organisational work difficult.

Export Fund

A lack of flexibility in the production processes is one of the gravest weaknesses of the handloom sector. The increase of exports to the non-traditional markets of Europe and America will depend on our capacity to select production centres and gear them to the production of exportable varieties. Unfortunately there is a time-lag between the organisation of these units and the receipt of export orders. Some agency is necessary to hold the goods produced, as the smaller co-operative societies are not capable of holding large stocks. The answer is obviously the establishment of an export development fund to hold goods manufactured against possible export demands. As many of these varieties have an internal market, the problem should be easier of solution, but, unfortunately, here again a lack of co-ordination has made solution difficult.

The Handloom Export Organisation is expected to short-circuit many of the difficulties by stocking dyes and chemicals against export enquiries, by setting up central dyeing and finishing plants and by exploring the possibilities of special finishes like 'sanforizing' and anti-creasing of handloom cloth and by setting up quality inspection and control.

The Lessons

With the present experience we have gained of the American market, certain points have emerged with some clarity. If we are to build up large exports to the USA we shall have to build contacts with a large number of agencies who would sell our goods to the women's wear, men's wear, home furnishing and other sectors.

One of the main functions of the Handloom Export Organisation will be to gain the confidence of the buyer in the USA by its performance. In India its task is to encourage as many exporters as possible to offer their goods through the Handloom Export Organisation. This can at best be a long-term project, for which a great deal of term project, for which a great deal of patience and careful work will be necessary. But there appears to be no alternative.

At the time of the organisation of the HEO there was some fear expressed in India that the American buyer would be unwilling to do business with a Government-sponsored organisation. This has not proved to be true. The American buyer is only concerned with getting his orders implemented as speedily as possible with guaranteed deliveries and quality controls. The setting up of an organisation which would act as a liaison between the manufacturer in India and the buyer in the USA and which would undertake the necessary supervision has been generally welcomed.

Excerpts from an article by Pupul Jayakar, Adviser, Textile Designs, All India Handloom Board.

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Let noble thoughts come to us from every side
Rig Veda

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About the issue

THE RIGHT to Information Act (RTI) is truly a historic legislation. It is a legislation for the have-nots. The RTI is a comprehensive legislation that would confer statutory rights on citizens for seeking information from public authorities. The Act should be expected to usher in a new era of governance and promote more transparency and accountability.

Concerns, however, remain about its effective implementation and operationalisation. Prime amongst them is the efficacy of the suo motu obligation of every public authority to provide information at regular intervals so that the public does not have to resort to this Act often.

Greater transparency at the lower levels of bureaucracy will reduce corruption. But corruption at high levels relating to kickbacks, scams etc. do not leave any paper trail. The question is how this Act will tackle these types of corruption.

Prime Minister Manmohan Singh has instructed the Department of Personnel and Training to exempt file notings on identifiable individuals, groups of individuals, organisations, appointments matters relating to inquiries and departmental proceedings from the purview of the Right to Information (RTI) Act.

The nodal agency for implementing the Act, has been instructed to make appropriate changes to the RTI rules to make a distinction between notings which cannot be disclosed and "substantive notings" that can be revealed.

The RTI Act has given hope to so many people. Making it work is the task ahead. Ms Aruna Roy whose Mazdoor Kisan Shakti Sangathan (MKSS) first took up the cause feels that a forum has to be created so that people all over the country, can make use of RTI through the time tested method of social audits. She has also asked the World Bank to review its disclosure policy vis-à-vis projects of public importance.

The states are still in the process of creating the necessary infrastructure in their department to provide information sought by public, media, NGOs, representatives of Panchayati Raj Institutions etc. Both the Centre and state governments must start holding training for bureaucracy to equip them to deal with the demands of the RTI Act. The bureaucracy has to come out of its existing attitude of withholding information and move towards free flow of information.

The RTI Act if implemented effectively will give people information. The UPA government has shown its concern for the common man by bringing in this legislation. One of the most important part is Section 8(2) which stipulates that information legislature of a state shall not be denied to any person! □

A Fight for 'Right to Know'

Aruna Roy
Shanker Singh
Nikhil Dey

While the RTI might help some individuals sort out some personal grievance, it is clear that the larger potential lies in bringing about a systemic change

CHANG GATE has been in many ways the heart of the Central Rajasthan town of Beawar. An open space strategically sandwiched between the end of Beawars main street, and one of the old 'gates' to the town, it was a place that has been used for many political gathering and emotional and historic moments. From meetings of leaders of the independence movement, to the activities of one of Rajasthan's founding communist activists Swami Kumaranand whose statue now watches over the space, it has continued to live up to its potential to inspire. In modern times, it has continued to be the place for political meetings, strikes, and popular mobilisation around issues like water supply to its citizens. The latest landmark event took place on the 13th of October 2005 when a large number of people from Beawar and its surrounding areas gathered to celebrate and publicly acknowledge a special and historic moment of post independence India.

The passage and coming into effect of a national Right to Information Act (RTI). As people young and old, rich and poor, rural and urban, began to

assemble they brought with them a harvest of memories from a decade of popular struggle. They were proud of Beawars role in this movement, where, in almost fairy tale fashion ordinary people had played a fundamental role in making the impossible a reality. As the speakers who came to the mike resolved to put the Act to use, many people's minds went back to the early days that established Chang Gates embryonic links with what had grown to be a national movement.

It was April 1996, and summer had just begun. The citizens of Beawar were going about their daily chores when they heard sounds of protest in the distance. It didn't take long, however, before the sounds became more recognisable and the source of them visible: a thousand-strong group of men and women bearing banners was marching towards Beawar, shouting slogans and singing songs.

The marchers were from the surrounding rural areas. The women, who made up more than half of the group, were dressed in colourful 'lahengas', and most of the men wore 'dhotis and safas'. As the Beawar residents watched with growing

Ms Aruna Roy is Chairperson, Mazdoor Kisan Shakti Sangathan (MKSS) who spearheaded the Right to Information campaign. Mr Shanker Singh and Mr Nikhil Dey are also associated with the MKSS.

curiosity, the long procession snaked its way through the town, stopping for a moment to hand a sheaf of papers to the Sub Divisional Magistrate (SDM) at his office addressed to the state government. Then the visitors made their way to the market centre, where they began setting up tents of flimsy material and making preparations for what would turn out to be a long dharna.

While Beawar was no stranger to agitations, this was unfolding into a rather extraordinary one. Instead of asking for the customary roti, kapda or makan (food, clothing or shelter), what the visitors wanted was, of all things, the right to information! They had handed the SDM a memorandum asserting the people's right to information (RTI), with the specific demand for the right to obtain certified copies of details of development expenditure.

This demand had first been made in the surrounding villages a few years before. But for Beawar – and the rest of India – it was a surprising addition to the list of demands of rural people. Few could have also imagined that what they were witnessing that hot summer day would grow into a nationwide movement for the right to information.

It took a while for the people of Beawar to understand that what the protesters were asking for was nothing less than an effective tool to force open the doors of participation in governance. In time, the connection between asking questions and demanding accountability was slowly but surely worked out. It would help villagers sift through the layers of deceit, hypocrisy and halftruths that had become a part of governance throughout India. More importantly, the Beawar experience proved that informed citizens would assert their

rights and break out of the prevailing sense of apathy and helplessness.

It is often said that the poor do not need esoteric things such as freedom and democracy – they need food. That everyone needs food and other basics for survival is something the poor know better than anyone else. But they have also long been aware that equally they need a platform on which they can protest about the lack of these basics. In fact, it is the poor who really know and understand the critical importance of even the crude form of democracy we practise. They realise that the once-in-five-years vote gives them more political power than they have had for centuries. They are the ones who have fought for every freedom enshrined in the Constitution and have taken to the streets to fight against the repeated threats to democratic rights. They realise that while the elite may have a voice under any system, it is democracy that has allowed the poor and marginalised such as themselves the little space they have at least to express their distress.

Any understanding of India's condition today will have to begin with a recognition of this strong will to keep the democratic system alive. But as a reflection of the extraordinary complexity of the texture of Indian democracy, the people's faith in the democratic system is also accompanied by dismay, fear and a sense of hopelessness. Many despair of ever finding a way to sort out the contradictions, the corruption and the complete lack of ethics that appear to have taken root in public life in India.

People's response

Most often, ordinary people stretch their ethics to make the system work for themselves. Or as they say in rural Rajasthan: 'Ya tho jack ho, ya cheque ho (You must have contacts to use, or money for bribes).' It is in the context

of cynicism, apathy and despair that the story of the efforts for change of ordinary people who have fostered this movement becomes remarkable and significant.

This perspective of the right to information demand formulated initially by members of the Mazdoor Kisan Shakti Sangathan (MKSS) is indeed a story of the extraordinary efforts of ordinary people. A combination of their clarity of thought and purpose and their instinctive understanding of the problems they faced in their lives has led to simple and straightforward translations of their ideas into practice. The MKSS is a non-party political organization of poor farmers and workers, men and women alike, many of whom have never been to school. Yet, their efforts have not only raised the issue of RTI in such a potent manner, it has also changed the discourse on what had been seen for many years as a largely academic issue.

It was also in the course of a battle for the payment of the statutory minimum wage under government-sponsored public works programmes that the group first understood the significance of transparency and the right to information.

Every time the workers asked to be paid the minimum wage, they were told that they had not done the work, a claim that, they were also told, was based on records. When the MKSS demanded to see the records, the reply was that these were government accounts and therefore secret.

And so it was that a simple demand for minimum wages which became a fight for the right to information. Those who descended upon Beawar in April 1996 were even astute enough to time the dharna with the campaign period of that year's national parliamentary election. Citizens were offered a small glimmer of hope to break out of the

vicious cycle that was Indian politics, which forced them to choose among undeserving candidates. For a change, during that election campaign in Beawar, democracy was being debated and redefined. Those taking part in the dharna began to drive home the point that by using the right collectively and individually to ask questions and demand answers, citizens could begin to shift the control from the ruling elite to the people. It was a first step towards participatory governance, where the disadvantaged and the dispossessed could establish their right to livelihood and, in a democracy, effectively to govern themselves.

The poor started to see that they had to be involved in the RTI campaign because it was an issue connected intrinsically to their livelihood and survival. One of the slogans born during the struggle is self-explanatory: 'The Right to Know, The Right to Live.'

Journalist Nikhil Chakravarty, who came to Beawar during the dharna, said in a speech that the struggle was like a second battle for independence. Leaders of the independence movement, he said, exposed how the riches of the people were looted by foreign rulers. This struggle, said Chakravarty, showed the way to uncover how the people's own homegrown rulers were now robbing them. These were dramatic words, especially for a small struggle in such a huge country. But what had apparently drawn Chakravarty's attention was the movement's potential to allow ordinary citizens to address many of the fundamental shortcomings of parliamentary democracy as practised in India. The demand was not to do away with democracy but to create opportunities for more meaningful and appropriate democratic practice.

It is clear to many activists and citizens that democracy itself is being hijacked in India. Most critical to this

development has been the continued separation of the rulers from the people. Internal accountability in India, is only of the rulers to each other. For decades, regular sops have been handed out in the form of halfhearted land reform, 'poverty alleviation', public distribution measures, reservations, statehood, lip service to education and health – the list is endless. The present demands of India's citizens, however, are no longer for a particular concession, but for a share of governance itself. The right to information movement has grown to be an important part of this demand.

Self governance

The 1996 dharna in Beawar put forward an immediate demand for an amendment in the Panchayati Raj law to allow citizens to obtain certified photocopies of any document in local government offices. Particular focus was placed on records of expenditure such as bills, vouchers and muster rolls. Simultaneously, a demand was made for a comprehensive law for the People's Right to Information in all spheres of governance. This calibrated approach has characterised the right to information campaign, where partial success has been used as a wedge to extract greater and greater openness.

Resistance to the people's efforts to ease access to public records has been strong. For example, it took over two years before the amendments to the Panchayati Raj rules were made. But the resistance to providing a legal entitlement only served to highlight the importance of such a provision and helped more people understand its great potential. In addition to agitational activities such as dharnas and rallies, the use of the mode of public hearings helped apply these concepts, even while the struggle was on.

It took another couple of years for the state of Rajasthan to pass a right to information law, albeit one that was

toothless and full of loopholes. Yet its passage alone was a victory for the people. After all, the same establishment that had repeatedly pronounced that acceding to the limited demand for information on public works was 'impossible, impractical and inconceivable' now accepted a comprehensive legal entitlement as inevitable.

But there has been another aspect to the RTI struggle that has allowed for its organic growth. To be sure, the right to access government records was an assertion of many democratic principles and a claim on a share of governance.

There was, however, a simultaneous search for a platform that could demonstrate its efficacy and help compel the process of institutionalizing modes of self-governance. And what made it more of a wonder was that these were ordinary people struggling against sophisticated forms of systemic control. Yet they came up with solutions that questioned the exclusive logic and indispensability of representation and its institutional structures.

One such solution was the public hearing or Jan Sunwai. Being an open platform where anyone could come and have their say on matters being examined, it acquired a kind of popular acceptance that agitations did not have. These Jan Sunwais were dramatic affairs where 'information' and its analysis revealed the who, how and why of various misdeeds and gave courage to the exploited to bring their predicament out into the open. The records provided the proof and revealed the details, on a platform that saw new alignments take place. The RTI on its own caused a change in the power balance. The Jan Sunwais had a multiplier effect. The mode of the Jan Sunwai proved to be a complementary force in breaching the walls of control and exclusion. As a result, the

conceptual, legal and practical search has continued along these multiple paths.

In Rajasthan, such Jan Sunwais not only demonstrated the importance of being able to access information but also the critical need to have a platform controlled by citizens, where the information could be put to use. Thus, along with the institutionalisation of the right to information through a law, there was also the successful struggle for the institutionalisation of public hearings. This was done through the legal sanctity provided to public audits (termed 'social audit' in the Panchayat Raj Act). Implicit in this legal provision is the principle of the citizens' right to audit all the activities of their (local) government.

It is therefore not a coincidence that Rajasthan's RTI law was passed on the same day as the amendments were made to the Panchayat Raj Act, giving the Ward Sabha (a group of 50 to 80 homes) legal status and the right to conduct social audits of works carried out in its area. This was an ideal size for planning, monitoring, implementing and auditing development efforts in a small community. The right to information struggle and its persistent use of the fast developing mode of public hearings has in fact provided a critical impetus to the wider struggle for participatory democracy. In concrete terms, at a local level, it has helped demonstrate the conceptual difference between decentralisation and self-governance.

Implementation

The various state RTI laws left much to be desired, making their implementation difficult and subject to individual interpretation. However, the movement gained momentum through the innovativeness and perseverance showed by activists in various states on its use. Rajasthan's groundbreaking law,

for instance, does not have penalty provisions. At the very least, this has meant that action against errant officials is still dependent on the already discredited and cumbersome procedures of the civil service conduct rules. However, the Act and its shortcomings led to more informed citizens action and an increased level of awareness of what was needed in a national law. This was true in many of the other states where laws had been passed. In Karnataka, the movement gained in strength as people organized themselves into an active forum called the Karnataka Right to Information Act forum (KRIA- Katte). This network not only raised issues related to the state act, but also was prepared with a quick and effective response with regard to the implementation of the national act, its rules, and the appointment of information commissioners in the state.

In Maharashtra, the process with regard to the State Law was even more significant. A very poor State Act was repealed based on intense pressure from peoples organizations led by Anna Hazare. As a result of this movement, Maharashtra passed the best State Act in the country which was to serve as a model on many issues in the national Act. Therefore, despite the fact that many states including Maharashtra, are repealing their acts as the national act comes into effect, experiences from each one of the states has played a contributory role in shaping a more effective central act. The nature of networking during the passage of the national act and the formulation of its rules already shows proof of the issue having grown to a range of organizations and people with common concerns.

The attempt by the Department of Personnel to exclude file notings from the RTI will test these networks in the days to come. However, the growing awareness and popular outcry from

people beyond activists groups is the most encouraging sign that this issue is beginning to capture the popular imagination.

Results

Throughout India, the impact of the right to information campaign has gone far beyond its immediate context. The public hearings, the institutionalization of RTI through social audit, exemplary action taken in certain cases, the fact that the right to information gives any citizen even at a future point an opportunity to check the (mis)deeds of any authority by personally examining details – these have all had a dramatic and salutary effect on the prevalent modes of brazen corruption. For example, it has been universally acknowledged that the RTI campaign has contributed to significantly bringing down the levels of corruption in the Rs 600 crores said to have been spent on drought relief in Rajasthan from 2001–2002. Public vigilance over muster rolls and drought relief works provide the most effective means to tackle corruption in works sanctioned under the recently passed employment guarantee act.

The notorious case of Janawad Panchayat is another good illustration of the potential – as well as challenges – faced by the movement. It had taken the MKSS more than a year to obtain copies of this Panchayat's records in Rajsamand District, even after the RTI law had been passed in the state. But when the information was finally extracted, the reasons for protracted resistance to disclosure became obvious. The public hearing held on April 3rd 2001, was followed by a government report showing more than Rs.70 lakhs of fraud in a six-year period in one single Panchayat. The report also revealed a complete breakdown of all supervisory and monitoring systems. Public pressure due to the Jan Sunwai

and the report, led to a series of suspensions, arrests, recoveries and other actions, which in turn have had a considerable impact on the Panchayats and their functionaries all over the state. The fraud in Janawad takes on new proportions when multiplied by the 9,000 Panchayats in the state. Even a conservative assessment of the impact of this high-profile case on Panchayat leaders and officials would probably translate into massive savings made, because of the numerous leakages and fraud that could have happened, but did not.

The movement has also led to some genuine introspection about the development establishment and its priorities. For the first time, policy anomalies in rural development and Panchayati Raj institutions are being addressed in a manner that can only result in their elimination, rather than making them a convenient excuse for corruption. For instance, the law requires that at least 60 per cent of the funds for rural development works should go to employment, with no more than 40 per cent being spent on materials. The unreasonable manner in which this has been implemented has meant that Panchayat officials have had to fudge records just to maintain the ratio. At the same time, it has become an open secret that much more was being fudged so that money could be siphoned off. Now that the public has access to the rural works records, however, the magnitude of this double scam has come out, and with concrete proof to boot. It has been revealed as well that not only were policy objectives of using money for labour being flouted, but those very objectives were being used as a screen for corrupt practices. The right to information has thus taken away the protection provided by secrecy to carry out such misdeeds in the name of development. These days, the

Sarpanches are doing what they should have done long ago: making it clear that they will not fudge any records. At the same time, the government has been forced to adopt a more pragmatic and committed approach to meet policy objectives. And as more citizens and civic groups use RTI to get copies of reports of investigations, audits and other data that were so hard to obtain before, national government agencies are beginning to face questions similar to the ones Panchayat Raj institutions faced six years ago.

The right to information, however, also forces equal standards of transparency and accountability on the users of information. As the RTI siege intensified in Rajasthan, the political establishment through various spokespersons turned around to ask NGOs and citizens' groups to disclose their own accounts, thus setting in motion a very healthy trend: the holding of transparency meetings, in which some NGOs have begun to place details of their accounts before the people of the area where they work. In the future, this could lead to NGOs being accountable to a wider community, through the Gram Sabhas and Ward Sabhas. The transparency meetings could also prompt the community to get more involved in the planning, implementation and monitoring of all activities of funded and non-funded organisations.

Campaign

The RTI campaign has consistently recognised that its strength lies in its integral relationship with other movements. This symbiotic relationship will continue to provide it with creativity and strength. Today, many other civic groups are using the right to information much like a weapon in their respective battles. The women's movement in Rajasthan,

for example, has used it to track the progress on cases of atrocities against women, demanding that the women concerned be informed of the progress on their cases and the contents of various important medico-legal and forensic reports. Many civil liberties and human rights groups across the country are now also using RTI principles to ensure transparency and the accountability of the police and custodial institutions. People displaced by dams and factories, those denied their rights by the ration shop dealer, communities suffering from the effects of a polluting industrial unit, forest dwellers being evicted from their fields and homes – all these are examples of various people's movements wielding RTI provisions in order to secure their rights. In most cases, the information is still not being provided in the manner or time frame that it should be. In some cases, it is not being provided at all. But it has now become almost impossible to deny the people outright the information they seek.

As movements and groups sharpen their questions and the establishment is forced to part with information, it can be expected that more and more citizens will use the right to know as a means of moulding democratic structures to make democracy meaningful for themselves. The strong provisions of the national law are likely to open up hitherto inaccessible spheres of governance with the attractive prospect of the relationship between the citizen and government becoming meaningful not just in fighting corruption, but also in implementation and policy issues.

There have already been several cases of individuals using the right to information as a means to ensure accountability from the power structures they have to deal with.

These include a college lecturer in Bhilwara who was in charge of the women's study unit and wanted to see accounts of money spent by the principal from unit funds. Applicants aggrieved by the manner of selecting primary school teachers in Jawaja also used their right to information to demand copies of the interview sheets and records on the basis for selection of other candidates. The leader of the opposition of the Rajasthan Legislative Assembly has followed the example set by the former leader of the opposition (now the chief minister) in Goa to use the RTI Act rather than assembly questions to seek information.

There are individuals in every state like Shivaji Raut or Shailesh Gandhi in Maharashtra who have come to symbolize the RTI activist whose persevering questioning has shown how much a single individual can do. There are also individuals like Triveni, whose ration card in Delhi came to represent the dramatic impact of an RTI application not only for her, but also others demanding their share of rations. Gopi, from Janawad in Rajasthan on the other hand symbolizes the dashed hopes of many others. She was an ordinary person who fought for her wages, kept her record of work done in the hope that she would get justice and be paid. Despite her case becoming part of an expose that received national publicity, she died without receiving the wage she had fought so long and hard for. There are other individual applications that have almost given birth to a movement. Madhu Bhaduri, of Parivartan applied for information related to the water reforms being undertaken by the Delhi Jal Board. One initial question led to taking copies of 4000 pages of documents exposing the role of the world bank

in blatantly pressurizing the Delhi government to go down the path of privatizing the management of drinking water distribution. However, while the RTI might help some individuals sort out some personal grievance, it is clear that the larger potential lies in the use of RTI in bringing about systemic change. That kind of change is only possible when a single question establishes its links with a collective and becomes part of a peoples movement. With the coming into effect of the national law, we can expect to see a new kind of democratic activism, some of which may begin with individual action, but as the links with broader issues get established, it is bound to lead to more informed democratic debate, and collective action.

The right to information has already been established in the socio-political lexicon of Rajasthan, and other parts of the country, even as the contours of RTI are still being defined through the actions of people's movements and citizens' groups. It is thus only fair to say that the potential of the right to information is just beginning to be seen. RTI cannot ever be a magic wand which offers a solution to all problems. Even with access to relevant information there are many movement who have used the information to carry their movement forward. However, they continue to be plagued by a faulty system of accountability, and sometimes insurmountable odds against them. The irony is that often the solution to the problems now facing the movement lies in fighting for even more information.

Challenges

As it is, the campaign itself has already drawn attention to several contentious issues. Some of them

present a moral dilemma. Others, meanwhile, will always be a cause for debate as society tries to come to terms with the changes that a transparent regime is likely to bring about. And some will relate to questions of prioritising and strategising to achieve that goal. The first challenge is how to deal with – or to be more precise, how to remove – the shortcomings in the present law and its implementation. In those states which will continue to have a state law, the challenge will be to ensure that it is used as a platform for improvements in legal formulations, and not allowed to become an opportunity to dilute and cause confusion. A corollary to this is to take on the persistent lack of action by the authorities even after relevant information is obtained and presented. Obviously, the criminal justice system – which has been twisted to protect the powerful and frustrate those working for change – has to be made accountable to the people or replaced altogether.

In early 1998, during the first set of public hearings in the MKSS area, held after the Panchayat Raj rules were amended in Rajasthan, *sarpanches* and officials faced with incontrovertible evidence of fraud offered to, and did make, public apologies. They also returned the defrauded funds to the Panchayat coffers. Government officials, however, raised questions about the legitimacy of public hearings sponsored by 'civil society organisations' and their right to negotiate the liability of offenders. These were legitimate questions and the campaign responded by demanding an institutionalization of public audits in Gram Sabhas and Ward Sabhas. Yet ever since more amendments have been made in the Panchayat Raj Act, pertinent questions

remain. For instance, to what extent can quasi-judicial decisions be left to a body where vested interests may dominate and influence decision-making? And how does one find a practical way of coming to terms with, and reconciling the ills of, past actions, while working to establish a new democratic culture?

Another factor that fundamentally threatens the process of bringing information into the public domain is the authorities' apparent lack of intent that it should prosper. The willingness to pass radical measures, with no intention of implementation, is the kind of sophisticated subterfuge that has repeatedly been used by the ruling establishment in India. Of the resolutions passed in the many meetings in the over 100,000 Ward Sabhas across Rajasthan, for instance, very few have been looked at or acted upon by the government machinery. In effect, these resolutions are under serious threat of losing credibility. Interest in them could well wane, giving the authorities the opportunity to blame the public for neglecting a people's platform.

Today, transparency and accountability are terms in vogue, used liberally by people on both sides of the fence. In both the anti-corruption and transparency debate, however, it must be recognised that the one who frames the questions determines the parameters of the answers. When the language of people on all sides of the spectrum is the same, then only action can determine true intent. That is why the RTI campaign must continue to stress public action by the poor and the marginalised, so that their basic questions of survival cannot be brushed under the carpet in a sham debate on transparency and accountability.

As the people in Beawar went to file applications on the 13th, there was an air of expectancy, pride, and determination.

The right to information movement has offered hope to people striving to generate the culture, institutions and principles necessary for a participatory democracy. The RTI is, finally, a demand for an equal share of power. But it is also a fetter on the arbitrary exercise of power by anyone. Its legitimacy in a democratic

set-up gives it the potential to keep widening the horizons of struggles for empowerment and change. This legitimacy is strengthened further by its capacity to make the user of the right accountable, and their actions transparent, as much as the power centre being held accountable. As a campaign issue with theoretical, ethical and practical connotations, it will reveal new layers and raise new questions as it makes progress. This presents a potential and a challenge.

So far, by taking the lead in defining the contours of the debate, organizations of the poor and citizens' groups in Rajasthan have made it crucially relevant to the marginalised and disadvantaged, even as they have found ways to use it to make an impact on the mainstream. In some places like Delhi on the water issue, they have managed to use the information to build alliances with the middle class. Information is beginning to show its varied potential use. Continuing to push back its boundaries while using it creatively is going to be the greatest challenge for such groups in the days ahead. □

PM Orders Changes in Right to Information Act

File notings related to individuals, inquiries exempted, those on plans, schemes can be disclosed

Prime Minister Manmohan Singh has instructed the Department of Personnel and Training to exempt file notings on identifiable individuals, groups of individuals, organisations, appointments matters relating to inquiries and departmental proceedings from the purview of the Right to Information (RTI) Act.

The department, nodal agency for implementing the Act, has been instructed to make appropriate changes to the RTI rules to make a distinction between notings which cannot be disclosed and "substantive

notings" that can be revealed.

"Substantive" notings that can be disclosed include those on plans, schemes programmes and projects of the government related to development and social issues except those protected by the exemption clauses in Section 8. However, the Principal Information Officer appointed under the Act may withhold the individual identity of the functionary who has made the file notings. The department has been asked to incorporate these changes to the rules in consultation with the Ministry of Law and Justice.

Dr Singh's announcement came after citizen's groups protested against the department website listing file notings as exempt from the Act. They argued that Section 2(f), which defines information broadly, was intended to include file notings in its ambit. The announcement says the decision to categorise file notings into "substantive" notings that can be disclosed and those that should not be revealed was taken after considering various representations made by "concerned citizens" and taking into account "all relevant factors." ■

Breaking the Bureaucratic Mould

Indra J Mistry

IN JUNE 2005, the Government of India enacted the National Right to Information Act 2005 (RTI Act), marking a watershed in this nation's democratic development. The Right to Information has long proven to be a key component of a healthy democracy because it empowers citizens with the right to demand what activities and decisions are being made in their name.

The new RTI Act received Presidential assent in June 2005, but only came fully into force on 12 October 2005 because it allowed three months for authorities covered by the Act to prepare for implementation. Notably, although the letter of India's RTI law largely meets international best practice, its effectiveness will depend heavily on the government's willingness to implement the law in the same spirit of openness and transparency as it was drafted.

Implementation is the point at which the Government's rhetoric needs to become a reality. In this context, it is significant that since the law came into force just over two months ago, a number of issues have already arisen which, if not carefully managed, could severely erode the law's effectiveness.

What needs to be guarded against is allowing bureaucrats to undermine the Act in practice with the result that the law will be consigned to the scrap heap of so many other ineffective, unimplemented pieces of important legislation.

One of the most important issues raised in respect of the new Act first came to public prominence when President Abdul Kalam commented on the law in June 2005 and expressed his disapproval of the inclusion of *file notings* under the purview of the Act. Subsequently, remarks made by officials in the Prime Minister's Office also seemed to confirm Government and bureaucratic concerns over the exposure of file notings to the public in accordance with the Act.

File notings are ad hoc written notes added to files by officials and thus can give a crucial insight into government policy- and decision-making processes. The exclusion of file notings would undermine the spirit of bureaucratic openness and accountability which the law embodies. The entire *raison d'être* of the Act is to open up the government's decision-making process to public scrutiny. This exposure of the decision making process can help to

The appointment of former bureaucrats as Information Commissioners has raised fears that the RTI regime may become just another means for tightening its monopoly over government information

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crack down on corruption which has for long been a scourge of government, most prominently at the highest echelons of office.

Some officials have argued that the provision of information contained in file notings would discourage officials from expressing their opinions freely and thus harm the effectiveness of policymaking. But this argument is clearly unfounded. Firstly, the Act already provides exemptions to protect sensitive information, the disclosure of which could harm important national interests (see s.8(1) of the Act). In particular, s.8(1)(i) of the Act clearly protect cabinet papers and other decision-making documents from premature disclosure – an obvious attempt to ensure that officials can be candid while they are formulating policies. Secondly and more practically, the Act should actually be regarded as a weapon that can be used to protect honest bureaucrats who will have no fear of disclosure of file notings made in accordance with proper internal and legal procedures. It is only corrupt persons who have something to hide that will resist disclosing such information.

More troublingly, the website of the Central Government Department of Personnel and Training (the nodal agency for the Act) actually states that file notings are excluded from disclosure under the Act. This is not in accordance with the law and should be removed from the DOPT's website immediately. Under section 2(f) of the Act the definition of 'information' is very wide and includes 'records'. Section 2(i)(a) of the Act defines a 'record' to include any document, manuscript and file. The Manual of Office Procedure, which all civil servants adhere to by law when carrying out their duties, defines 'file' to cover 'notes' and 'appendices to notes'. Furthermore, under the 1997 Public Records Rules, 'file' means a collection of papers relating to the

public records on a specific subject matter consisting of correspondence, notes and appendices thereto and assigned with a file number. Thus, from a legal and technical perspective, the term 'file' as understood in section 2(i)(a) of the RTI Act includes file notings and so file notings can legally be disclosed according to the Act.

As a general rule and in accordance with international best practice principles it is arguable that no fees should be charged to access information because the information is collected using public taxes for public purposes. Unfortunately, this argument was not accepted by Indian legislators, such that fees *can* be imposed under the Act for applications and access.

In a positive step, the Act does at least exempt citizens living "below the poverty line" (BPL) from fees. However, India's BPL scheme is so corrupted that it is still possible that in practice, even the imposition of a small fee could dissuade a substantial part of India's poor population from making an application. In this respect, the charging of fees directly erodes the spirit of the Act, which was conceived specifically to empower poor sections of society with the right to access information about what actions governments are taking to end their plight. Arguments that a fee is necessary to dissuade frivolous requests overlook the reality that India's poorer classes are much too busy simply trying to survive to waste their time making unnecessary applications.

In any case, in the run up to implementation, the Central Government announced that a fee of Rs 10 would be charged for making an application requesting information. In addition, charges were also stipulated for the provision of photocopies of requested documents (Rs 2 per page) and information provided on a diskette (Rs 50 per item). It is disappointing that the Government does not appear to

have accepted civil society recommendations that fees be set at cost price (photocopies cost only 0.25 paise) and no fee will be levied for the first 10 pages provided. This latter suggestion should have been taken up simply because the Government will waste more money collecting the fee in such cases than the amount of the fee itself!

This issue has become even more controversial when the states started setting out their own fees, some imposed charges as high as Rs 50 for making an application. The most guilty states in this respect have been Tamil Nadu, Gujarat, Orissa and Karnataka, with the latter only recently revising its charges following heavy and sustained lobbying by RTI activists in the region.

The lack of consistency of fees across state jurisdictions raises concerns that an Indian citizen requesting information from one state does not have the same right to access information of someone requesting information from another state, even though the law was designed to cover all citizens of the nation state equally. Lack of reasonably priced and consistent charges for making applications across different states can also lead to confusion about what charges a citizen needs to pay and can dissuade citizens from using the law. Cheap, easy access to information needs to be established across all states if the law is to encourage active use of the law.

Why has the appointment of former bureaucrats to the new Information Commissions (which act as external independent appeal bodies) been so controversial?

Another important issue which has caused considerable concern about the effectiveness of the Government's implementation programme has been the choice of Information Commissioners – the new independent officials who are responsible for

reviewing rejected applications and public grievances, as well as monitoring the Act. Thus far, the majority of Information Commissioners appointed at both the Centre and state levels have been former high-ranking members of the bureaucracy, despite the fact that the Act allows – and to some extent encourages – the appointment of non-bureaucrats who are pro-transparency to fill these positions. Some new Commissioners have even retired from their official positions in the bureaucracy only days prior to taking up their new position. In fact, even now, one of the people appointed to the new Central Information Commissioners is still carrying on in his position as a Secretary in a Central Government Ministry.

The appointment of former bureaucrats as Information Commissioners has raised fears that the RTI regime may become just another means for the bureaucracy to tighten its monopoly over government information. The appointment of former bureaucrats sends out the wrong signal to the public concerning the government's sincerity in implementing the law. With the majority of Information Commissioners being former bureaucrats, there is less public optimism that the law actually be used to crack down on corruption within the bureaucracy and to hold officials accountable. Can bureaucratic leopards really change their spots?

Nevertheless, there have been some encouraging indications, at least from the Central Chief Information Commissioner, Mr Wajahat Habibullah, that Commissions will work to ensure that the Act fulfils its potential to transform bureaucratic behaviour. In recent interviews, Habibullah has pointed out that the appointment of former bureaucrats as Information Commissioners may even help to bolster government transparency because they have the best experience

of government functioning and thus are the best qualified to make the process of accessing information transparent.

Does the flurry of appointments of Public Information Officers not suggest that governments are well prepared to deal with information requests?

Unfortunately, not all governments have pursued implementation of the Act with the same level of commitment and enthusiasm. To date, it appears that only eight states have promulgated the necessary Rules under the Act and only six have made moves to set up Information Commissions as required by the new law. This is extremely disappointing and should be formally censured by the Central Government as a priority. Consideration should also be given to requesting the Supreme Court to issue a writ of mandamus ordering all non-compliance State Governments to immediately act to implement the law.

Of those government departments which have been trying to implement the Act, many have been enthusiastically appointing Public Information Officers (PIOs) – officials designated to process applications as required under the Act – to ensure that they can cope with the anticipated influx of information requests. At first sight, this seemed an encouraging sign that they were preparing to embrace the law and develop the infrastructure required to ensure the smooth running of the new access regime.

However, on closer inspection, it seems that some authorities have been a little too enthusiastic in appointing Assistant Public Information Officers (APIOs) – officers who have a duty to forward requests to the relevant PIO to process. For example, the Delhi government has appointed 86 APIOs and only 38 PIOs. This suggests that they envisage that the first point of contact for the public in making an information request will be the APIO. But this was not the intention of the Act. APIOs were simply meant to serve as

an extra submission point in areas where it might be difficult for the public to locate a PIO, ie. in rural villages; they were not meant to come between the PIO and the public.

What is even more troubling is that the Act allows an additional five days to process a request where it was first received by an APIO. But again, this provision was only included because it was envisaged that APIOs would have to forward the applications in to a PIO sitting in a different office. It was not envisaged that an APIO would sit at the front desk of an office, receive applications and then hand them over to a PIO sitting in a back office! The extra layer of bureaucracy created by the large number of APIOs appointed is unnecessary and could also weaken the PIO's accountability to the public.

The uneven implementation of the law across the states and public bodies that fall under the law suggests that the only strategy employed has been one of muddling through implementation. Despite some setbacks however, the public and civil society have not been dissuaded from using the Act. Indeed, it appears that, as with the introduction of RTI regimes in other international jurisdictions, the implementation of the new RTI Act has been met with a surge of requests.

However, the real test of the law will come when the initial novelty of the Act subsides. It remains to be seen at that point whether governments will remain committed to openness or will simply revert to their old, non-transparent practices. In this respect, the strength and willingness of civil society and the public to sustain pressure on the government is likely to play a vital role in determining whether the law becomes a vibrant and vital addition to India's democratic development or merely another means of extending India's bureaucratic culture. It is to be hoped that the law does not simply become another toothless tiger. □

Poverty, Information and Accountability

Amitabh Mukhopadhyay

"How many of us have the courage for what we do know?"

— Friedrich Nietzsche, *Twilight of the Idols*

Accountability means far more than accounts and audit. In India, the labyrinthine system of reporting to the hierarchy of officialdom and legislative bodies frustrates this aspect of good governance

POVERTY WAS addressed solely by means of charity in England until the beginning of 17th century. The Poor Act of 1601 introduced property taxes to be levied by the parish, provision of work for the able-bodied and apprenticeships for needy children. With John Locke, the understanding of charity started getting transformed into the notion of entitlements of the poor. Locke argued that along with inheritance and labour, charity too was a basis for the right to property, both to rights in commons and exclusive property rights as well. The very rationale for property was not just self preservation but the preservation of all life. Charity was therefore both a religious duty of the rich and a natural right of the poor.

This transformation in the ideological sphere had a profound impact on British social history at a time when the rigors of the enclosure movement and then the industrial revolution acutely impacted the poor. Workhouses were established during the 17th century and by the late 18th century, it was customary to give home relief to the poor.

However, the Benthamite assumption that pauperism stemmed partly from unwillingness to work rather than inadequate employment opportunities influenced the poor law amendments of 1834. Though poor relief was brought under national supervision, it was kept at a level below that of the poorest labourer. The abuses and shortcomings of this retrograde step were graphically documented by Charles Dickens. The Great Famine in Ireland (1845-48) and the Communist Manifesto in 1848 occasioned some soul searching but a more humane approach had to wait till the Local Government Act of 1929. The industrial revolution had precipitated a working class solely dependent on wage labour, a 'proletariat', and the working class movement carried poor relief further to a point where high levels of employment and social security provided by the welfare state came to be taken for granted.

Administrative developments in British India no doubt resonated to the twists and turns in British social history, but the revenue motive remained

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paramount. Land tenures based on imagined rights of 'superior castes' that impoverished the peasantry and reserving forests on an argument about the 'eminence' of the State to deny even occupancy rights to original inhabitants were factors that intensified extreme poverty in India. Somewhat less well known is the fact that, inspired by Bentham, the Famine Commission of 1880 in India framed the Famine Code which included three obnoxious tests of relief-worthiness for a starving population: willingness of a person to labour, for low subsistence wages, at a distance from his residence. The Bengal famine of 1943 in which more than 15 lakh people died not due to ravages of nature but failure of 'exchange entitlements', shocked the world.

Perhaps the locus of M. N. Roy's life best captures the political response of the Indian intelligentsia to the conditions of abysmal poverty under British rule in the early 20th century. It progressed from petitioning to terrorism, meandered through establishing the Communist Party of India in 1920 and congregated soon thereafter under the banner of the Indian National Congress after Gandhi became 'Mahatma' in the course of the Chauri Chaura satyagraha in 1922. By 1930, the issue of the rights of the labouring poor was brought centrestage into political discourse with the 'tryst with destiny' at the Lahore Congress.

Jawaharlal Nehru vividly described the advent of Gandhi: "The greatest gift for an individual, or for a nation, we had been told in our ancient books, was...fearlessness, not merely bodily courage, but the absence of fear from the mind...But the dominant impulse in India under British rule was that of fear; pervasive, oppressing, strangling fear; fear of the army, the police, the widespread secret service; fear of the official class; fear of laws meant to suppress and of prison; fear of the

landlord's agent; fear of the money-lender; fear of unemployment and starvation, which were always on the threshold. It was against this all-pervading fear that Gandhi's quiet and determined voice was raised. Be not afraid....So suddenly as it were, the black pall of fear was lifted from the people's shoulders, not wholly of course, but to an amazing degree. As fear is a close companion to falsehood, so truth follows fearlessness."

Charity for Poor

After independence, the settlement with industrial workers by means of the Industrial Disputes Act, 1947 and Minimum Wages Act, 1948 followed by the Constitution we adopted and legislating land reforms were evidence of recognition of the moral obligations of the State to the poor. Thereafter, despite the fact that land reforms were not thoroughgoing and usurious money lending continued, with the call for rapid industrialisation, the party in power at the Centre did not worry over much for the institutional rights of the extremely poor, remaining content to dole out charity by way of rural development programs. Even a statutory framework for development did not exist till the 73rd and 74th Amendments to the Constitution in 1993/94 and a chain of centralised administrative orders was deemed sufficient to implement programs. The working class movement too was weakened by the bureaucratization of trade unions in a public sector regime and the successive splits among the communists. Land reforms were carried through in West Bengal where communists have been in power but they too could do little for rural labour households and ignored the Dalits. Maoists continue to hover in the wings, engaging in primitive land wars, over the past four decades in Andhra Pradesh, north-west Bengal and Bihar.

Protracted struggles have therefore

had to be waged by intrepid protagonists of the extremely poor and civil society institutions on behalf of workers in the unorganised sector who suffered several droughts and famines. Only with the help of intervention by Courts were some measures introduced, like the payment of minimum and not simply subsistence wages for workers at relief works. It took long years of struggle by environmentalists to get a Forest Conservation Act, 1980 (amended 1988) for the tribals. Joint forest management practices involving tribals under this Act continue to be frustrated by the vestigial provisions of the Forest Act, 1927 and hopefully await critical amendments expected in 2005. No doubt different State Governments kept legislating with greater sensitivity from time to time (eg. Maharashtra's employment guarantee Act or Tamil Nadu's midday meal scheme guarantee) but the scope for more such measures remained limited by paucity of funds with the States.

The trouble with charitable anti-poverty programs of the State is that in conditions of extreme social inequality, corruption converts them effortlessly into political slush funds. A case in point is the system for the country's food security that is governed by a plethora of laws about procurement at minimum support prices (MSP) and targeted public distribution of foodgrains (TPDS), none of which carry any guarantees that can be invoked by the poor. It is a telling fact that inspite of additional monitoring instituted by no less than the Supreme Court with Commissioners appointed to report to the Court on delivery of subsidised food supplies through the TDPS, recent studies by the Planning Commission reported (March, 2005) that 58 per cent of the subsidized foodgrains from the Central Pool did not reach the BPL families because of identification errors, non-transparent

operation and unethical practices in the implementation of TDPS !

No economist would be surprised by such findings because the price difference between issues by FCI and the market are often so huge that any and every control mechanism would naturally tend to break down. A lot of this good grain would be intercepted in the course of its transportation by railways and trucks to find its way to the market for private profiteering.

Administrative changes to overcome 'system-defects' in the existing MSP-TPDS are also well known. But these administrative changes for control, supervision, vigilance and internal audit are all frustrated by collusive action on the ground. Price and quality differentials along with populist caprices of governments and complex institutional structures for 'accountability' vitiate the control mechanism for anti-poverty programs even before food reaches the fair price shops and the play at the level of local monopolies and work sites with helpless worker households starts. The identification of BPL households itself has emerged since the year 2000 as a major issue to be sorted out.

The other major plank of food security is SGRY, launched in 2001, which is the new bottle for the old wine of Jawahar Rozgar Yojana (for BPL households), Employment Assurance Scheme (for landless households) and Food for Work programmes. The objectives of SGRY are to provide additional mandays of wage employment in rural areas alongside creation of durable community assets. Part of the wages are paid in the form of 5 kgs of foodgrains per manday. CAG reported in 2000 the creation of only an average of 17 mandays of employment under the EAS against the assurance of 100 days. Mostly village roads were claimed by officials to have been created and CAG found these

were actually *kutchas*, and not durable roads. Considering the fact that village residents in any case have been annually laying out causeways after the monsoon whether or not employment programs exist, we don't know whether these *kutchas* roads were actually financed by EAS. A study of SGRY in Andhra Pradesh in 2003 found very little had changed on the ground and reported an average of 14 mandays of employment per participating household.

Anti-poverty measures as mere assurances without guarantees that workers in the unorganized sector can invoke are not only financially ruinous, but politically pernicious as well. It has been gnawing at our system of electing political representatives by enabling offices of profit to become the means for a candidate fighting elections to recoup his illegal expenses or those incurred on his behalf by cronies and supporters.

A national rural employment guarantee bill was tabled last year in Parliament and is to be voted, with significant changes, in August 2005. The promise held out by the CMP ran the risk of being seriously compromised if the act did not stipulate payment of minimum wages. Its restriction to only some districts or only rural areas or merely designed for 'enhancing livelihoods' without a guarantee was widely feared. Since it would be a giant leap from State charity to the right to self preservation of the extremely poor, the financial costs of the guarantee, pegged realistically at an annual Rs 27,000 crores based on a minimum wage of Rs 60 per person a day provided by the bill, should not deter us. The BPL identification imbroglio is easily circumvented by providing for self-targeting. Government must ensure funds flow in time, especially for off season employment. The efficiency and equity benefits of employment guarantee outweigh the costs by far. All this, however, is contingent on the

assertion by rural workers of the right to information.

Right To Information

Operationalising the rural employment guarantee for employment by means of the Right to Information Act, 2005 to be notified shortly, will require a truly national effort. Information suffers from catch-22. Knowing some amounts about a matter is essential before you can sensibly ask for what you want to know in specific terms. It needs facilitation. Publicity by government, of various activities at the sub-district levels, is essential as a first step to operationalise the RTI Act.

At the village/urban ward level, this could begin with bold displays on notice boards of information on when the next Gram Sabha will be held, its agenda and making records for social audit available for public inspection a fortnight before the Gram Sabha is held. At the block or tehsil level, the minimum information to be publicized should be: sanctions to works for each village along with its specifications like labour to materials ratio, BPL households lists, work norms coupled with minimum wage rate, monthly shop-wise lists of stocks of foodgrains/oil dispatched by DSO, quantities of medicines supplied to each PHC, certificates given for SC/ST, and information on existing village/ward wise assets. Notification of this information by BDOs/TDOs in newspapers is extremely important for the poor to be facilitated by their protagonists to assert their right to information.

Protagonists for the extremely poor can vigorously launch the process of social audit. Jan Sunvairs or public hearings conducted by MKSS and Parivartan have been well documented. Preparatory action by investigating details on the ground, as all activists are well aware, will be gruelling even with the much needed support of the RTI Act. Rural and urban workers will have

to be assisted by them to access information and analyse it to understand its meanings. Organising the public hearing will have to be meticulously done to gather as many if not *all* the local residents, persevere to seek the presence of some of the development officials in the district/taluka, invite some eminent 'men of letters' to serve as jury, and conduct proceedings in an open manner despite the likely attempts of anti-socials to disrupt the Jan Sunvai.

Problems posed by illiteracy are easily overcome by reading aloud the details of accounts in shop registers for issue of grains and entries in household BPL cards, wage payments in muster rolls, and vouchers for transport/materials. Assets ostensibly created can be physically inspected by the crowd. It would be important to ensure at local levels that minimum wages notified by appropriate authorities are not in fact converted into below-subsistence wages by the device of arbitrary or ad-hoc executive interpretations of work norms at the sites for the employment generation schemes.

Audio-video technology helps immensely in documenting the proceedings to lend the extremely poor a voice beyond the locale. We must all listen-in to these voices as and when the extremely poor break out of the pall of

fear, described by Nehru, that continues to haunt them and shame us.

Accountability

Accountability means far more than accounts and audit. It denotes the ability of an electorate to recall its representatives within the currency of her/his term. In India, the labyrinthine system for reporting to a hierarchy of officialdom and legislative bodies in fragments circumscribed by the jurisdiction of each institution frustrates this aspect of good governance. In the context of anti-poverty programs, problems posed by this hierarchy can be overcome if government audit for local bodies is properly mandated and plays a supportive role vis-à-vis social audit by taking note of the documentation of Gram Sabha or Jan Sunvai proceedings before certifying accounts of any local body.

Several changes in our systems for government audit are urgently required. While the 73rd and 74th Constitutional Amendments vested powers with the state governments to appoint the auditors for local bodies, state governments continued to rely on Examiners, Local Fund Audit. No changes were introduced by state governments to revamp the audit agency to meet the demands for audit in the new context of revival of

panchayati raj. CAG has taken a major proactive step to provide technical guidance and supervision to Examiners, LFA in the states but this hangs tenuously on the consent of state governments he obtained and not on a mandate. This situation requires urgent correction.

Constitutional amendments must be moved to make CAG squarely responsible for external audit certification of all local bodies for the simple reason that their 'development orientation' relies on grants from central and state governments which he ought to see through to its actual utilization. The Examiners, LFA should serve as internal auditors for state governments but with major amendments to Local Fund Audit Acts related to the scope and extent of their audit. Compared to the rich dividends social audit in conjunction with a streamlined system of government audit can pay, the efforts required are well worth it.

The sagacious move by the Union Government at this juncture to vote the rural employment guarantee into being could set the ball rolling for a feverish participation of workers in the unorganized sector to exercise their right to employment and information. This would not only purge the State machinery but also transform the nature of the State in India. □

Indian Economy Registers 8 per cent Growth

The Indian economy registered a robust eight per cent growth in the second successive quarter of the current fiscal, overcoming the lacklustre performance of agriculture and mining sector.

- Farm sector shows two per cent increase in second quarter
- Services sector does well

The GDP figures have been released by the Central Statistical Organisation.

The eight per cent GDP growth during July-September 2005-06 compares favourably with the 6.7 per cent growth in the corresponding period last year. The second quarter growth was slightly lower than 8.1 per cent growth in the first quarter.

The farm sector witnessed a two per cent growth in the second quarter compared to nil growth during the same period last year. The

manufacturing sector logged a slightly lower 9.2 per cent growth in the second quarter as compared to 9.6 per cent last year. In the second quarter, mining registered a negative 1.1 per cent growth.

Among services, the highest growth of 12 per cent was observed in trade, tickets, transport and communication in the second quarter 2005-06. □

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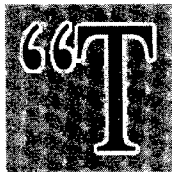
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Access, Diversity and Representation

Kalpana Kannabiran



THE RIGHT to information applies first to oneself, then to others. Those asking for the right are first bound by it themselves. We must know and believe in and demand the right." Susheela, Mazdoor Kisan Sangharsh Samiti, 2nd NCPRI conference, New Delhi, 2004. The demand for the peoples' right to information stems from long standing collective action against arbitrariness and corruption by the agencies of state that have an immediate and grave impact on issues related to survival and dignity particularly of those belonging to the most underprivileged and marginalized sections of the population. In the course of mobilization and coming together, the building of solidarities depends critically on processes of democratic governance within movements and equal participation of all people affected by the denial of the right.

The emergence of leadership too, it is assumed, will be part of widespread democratic processes making the character of leadership in movements radically different from that of

entrenched mainstream politics that inhabits state apparatuses. The demand for the right to information raises several questions related to access, diversity and representation both within state apparatuses and civil society – in the public and private domains of citizenship – that must be addressed for the effective realization of the right. The legislation itself is one small part of this demand.

How would women, across class, whose access to the public is severely curtailed by practices of violence and dual exclusion, even begin to access the right to information? In a situation where even women of privileged classes across caste and community are excluded from formal politics and governance through brazen practices of misogyny that are widespread and legitimate [even our Parliament is not an exception], how would we begin to think of the right to information also as a question of physical access to public spaces where information can be obtained and accountability and transparency sought?

The delivery of justice for women has been virtually absent. Dealing with

The right to information must be articulated in terms of a complex web of rights of which this is one critical piece

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cases of domestic violence and sexual assault on a day-to-day basis, it is clear to us that there has not been any abatement in violence against women. Attempting to find life supports for women who suddenly find themselves hurled onto the streets after a decade or more of marriage, bigamy has always figured as a problem that dispossesses women. Yet, when the AP Legislature silently passed the amendments making 498A and Bigamy compoundable, the justifications given were that men are suffering untold misery and violence in marriages and the law minister at that time even went on record saying that the bigamy amendment would help rural women enter second marriages unhindered.

Where is the record of the debate that led to the passing of these amendments? What were the statistical records that this move was based on? Why was there no public debate prior to the passing of these amendments? It is true that women find it very difficult to sustain charges of domestic assault and often withdraw their cases. But that is not because the charges are false but because they find it easier to cope with a hostile home environment than to cope with a hostile and misogynist public space, of which the criminal justice system and the legal profession is often part. It is that hostility that is responsible for the failure of 498A, not the treachery of women, as people are quick to assert. What alternative mechanism will we have in place to provide effective remedies to women against the increasing violence in their homes?

In 1997, the Supreme Court in response to the assault on Bhanwari Devi delivered the *Visakha* judgment to curb sexual harassment in the workplace. As part of this process, all state governments were instructed to set up complaints committees according to

specified guidelines, and were asked to report back on action taken. Universities and employers, private or public are also expected to follow this procedure. Seven years later, neither government departments nor centres of learning have cared to put these mechanisms in place according to the specifications. Nominal committees have been set up in some places, but our information shows that none of these committees even in premier universities and centers of higher education in the country conform to the guidelines in any sense.

In government departments, there is a complete lack of commitment to addressing this issue in any serious fashion. Yet, sexual harassment remains the single most serious problem faced by women in the workplace, posing a constant threat to security of person and affecting efficiency and work performance adversely, irrespective of position. There are instances of women officers of the prestigious diplomatic services being harassed, assaulted even, but preferring not to report the incidents in the interest of career prospects, bearing the scars of the trauma for years later. Beginning with missions abroad down to the smallest workplace in a corner of the country, *Vishakha* must apply so as to create a secure environment for women in public spaces. We need also mechanisms in place to provide women of the working classes, in the unorganized sector, for instance or in the free trade zones, which are notorious for routinely violating women's right to dignity and security in employment. While the setting up of these committees and ensuring their effective functioning might not eliminate the problem, the process is an indispensable part of the basic human right to bodily integrity and security of person, not a question of choice.

These are only two issues, and rather arbitrarily selected. Action Aid, in its

cross-country study on the impact of violence on basic education of girls found that entrenched practices of violence severely limited the participation of girls in the schooling system. And this is not the only impact of violence against girls. Our work for over a decade with women writers across the country shows that education and class privilege do not alter the fact that women are hindered in their participation in the public domain, the censorship civil society unleashes on them being far more virulent than the official censorship on grounds of sedition, and the safeguards to their freedom of expression being non-existent, unlike official censorship. And if the right to information is part of the freedom of expression, how will we as women structure it so as to make it accessible to all women?

Differently-abled Worlds

The second aspect of unhindered access concerns the access to the public domain by persons with disabilities. If, as has been stated earlier in this essay, information assumes access, the progressive curtailment of access abridges the ability to seek and use information at all levels. The most serious problem in dealing with the issue of differently-abled people is the absence of any formal mechanism to record numbers and the unavailability of these numbers in the public domain. What we need at this point is an official National Disability Census that will create the information base necessary to address the issues in this sector effectively. In this context, it is necessary also to evolve a Disability Index that will then become the reference point for all employers and institutions to measure the degree to which they conform to the anti discrimination commitment of the state on disability issues. Providing information on the Disability Index must be made mandatory and

communicated across languages, so that in the absence of requisite numbers or transparency it will become possible for persons with disabilities to seek remedial action through the formal justice delivery system.

In the context of universal primary education, how is the network of government schools equipped to make access routinely available to children with disabilities? With the exception of those mentally challenged children who require special education, all other children could with the provision of teaching aids and creation of physical access participate in the normal formal schooling system with ease. This would require in the first instance, a disability census and the creation of infrastructure to fulfil the responsibility of providing access.

Questions of basic survival and adequate protection for persons with disabilities, especially women in rural areas remain largely unaddressed. While this is part of the larger environment in which routine and systematic violence against women is endemic, it is necessary to address the specific needs and interests of women with disabilities within a broad human rights framework. The meaning of equality under the Constitution has been addressed in terms of education, employment opportunities, and creation of access to public transport. While each of these are important, they also limit the scope of the issue in the very articulation. Figures of children with disabilities being able to access normal schooling are inadequate and do not cover the field, the census being a very urgent need. The Persons with Disabilities Act does not touch upon the need for affirmative action to be made mandatory and binding on all employers, but merely ensures the creation of special facilities and protection of promotional avenues once employment has been obtained.

Ironically, even while protecting the right to employment in whatever limited fashion, there has been no systematic review of rules of public employment in each sector, nor any attempt to amend or repeal provisions that violate the state's commitment to end discrimination against persons with disabilities. The AP Judicial Services Rules have a sub clause in clause 12 that persons with bodily defect or infirmity are ineligible. While even the mere use of the terms "bodily defect or infirmity" are objectionable and violate the fundamental right to dignity of persons with disabilities, in terms of procedures for selection, the exact applicability of these terms is not defined and the decision of whether or not to apply the provision is entirely a matter of interpretation. Visually challenged lawyers have been barred from entering the judicial services under this rule.

The *ambulift* cases have been a significant milestone in mainstreaming disability rights in judicial discourse, by raising the critical question of access to public transportation by persons with disabilities. However, the applicability of the decision has been limited in characteristic fashion to air travel alone, while the majority of persons with disabilities use the cheaper modes of public transport routinely and on an everyday basis. The provision of seats and concessional travel is one small part of the solution. Facilitating easier and more dignified access, which is really the issue the *Abidi* cases raise, remains unaddressed, thereby curtailing mobility of persons with disabilities in serious ways. Issues of access and mobility undoubtedly are critical elements of the right to information for persons with disabilities.

Representative Worlds

The right to information can only be realized through processes of inclusion and representation. If the space of social

existence is undercut by exclusion and resistance to formal numerical representation; or if it is undercut by the persistence of little "private" spaces where democracy and autonomy are legitimately suspended; or even where the lack of representation is explained away by substituting the "representation of interests" for actual physical representation by people belonging to excluded groups, an assumption can safely be made that the access to the right to information exists only in very limited partial ways. Women today continue to hear the argument that they are unable to rise to leadership positions within movements in sufficient numbers because they are hampered by "natural constraints" or are so tied down by tradition that it will take them longer to break free than it has taken the men. Peace processes from the north and northeast to the south continue to exclude women and by that token their voices and interests although in most instances, women have in fact been the architects of peace on a day-to-day basis. The rights of persons with disabilities have only now begun to touch human rights movements, as also questions related to the right to sexual orientation. The space of struggle therefore remains fraught with problems on the critical issue of representation.

The public domain of the state, however, poses an even more serious problem. While information can generally be sought and obtained, albeit with difficulty with respect to most of the Executive and the Legislature, the Judiciary at all levels remains impervious to change. In a situation where we argue that the right to information is justiciable and that it is an intrinsic part of democratic functioning, the same questions of accountability, transparency and representation must bind the judiciary as much as, if not more than, the

parties making the claim. The principle is the same. Justice can only be impartial if the diversity of civil society is reflected in the constitution of the judiciary at all levels. While women get into the subordinate judiciary, the figures for women in the judiciary are pyramidal, with the figure for the Supreme Court remaining at a constant 1, forcing a doubt of whether this is entirely a coincidence. Figures for dalits within the judiciary exhibit the same structure, and the debate surrounding the elevation of Justice Balakrishnan is too well known to be repeated here. There are no figures for persons with disabilities within the judiciary because there is a bar on their entry at the lowest level, so the pyramid cannot rise without a base. It is necessary at this point to focus the right to information, transparency and accountability on the judiciary, because both the opacity in functioning and homogeneity in constitution confound the justice claims of people of marginalized groups. Justice must be seen to be done.

The demand for the right to

information, which draws on the experiences predominantly of dalit bahun working classes, assumes that everyone can enter the public space equally. Once they enter, however, their access to information is curtailed and hence the right to information must be provided.

However, in fact even access is a difficult issue that has not been realized on several counts. The normalization of violence, particularly against girls and women across caste, caste and community, and the entrenchment of patriarchal authority curtails women's exercise of the right to information and their assumption of full blown, autonomous leadership in movements on the one hand, and serves as a powerful instrument of exclusion from the public domain on the other, with impunity being guaranteed to perpetrators of violence against women – Gujarat demonstrating to us the extent of violation women must bear. The right to representation especially in governance is a basic pre-condition for the full exercise of the Right to Information. While transparency and accountability in governance are the

central demands of the National Campaign for the Public Right to Information, neither of these can be effectively achieved simultaneously with practices of exclusion in governance at different levels. To the extent that they are achieved, they will still reflect the same hierarchies and structures of dominance that are sought to be undermined, since the physical location of political power and legitimate power in the public domain still continue to remain unchanged. The expansion of the public domain through the conscious adoption of systematic processes of formal representation is the only way that diversity and difference will begin to inform the agenda of the right to information. There are several examples that illustrate that even where there have been gains, the absence of a formal re-constitution of decision-making bodies has resulted in the ineffectiveness of remedies bitterly fought for and won. The right to information therefore must be articulated in terms of a complex web of rights of which this is one critical piece. □

Infrastructure SPV

Funding of infrastructure and social sector projects received a shot in the arm with government clearing the decks for setting up the India Infrastructure Finance Company Ltd. (IIFCL) and the National Investment Fund (NIF).

The Union Cabinet has okayed incorporation of IIFCL as a 100 per cent state owned non-banking finance company, with seven members on its board including two government nominees. As a special purpose vehicle (SPV), it would provide long-term, low-cost viability gap loans to road, railways and port projects and

would also provide refinance to banks and financial institutions on loan with a tenure of five years or more.

IIFCL will undertake only those projects that have been appraised by a lead bank, which has about 25 per cent debt exposure to the project. It would limit its funding of any project to 20 per cent of the total cost, excluding the cost of land. There would, however, be no monetary ceiling.

In the last Budget 2005-06, the finance ministry fixed the borrowing limit for the SPV this fiscal at Rs 10,000 crore. It would have the freedom to raise resources without

limit, provided the government does not guarantee such borrowings. IIFCL will have an initial paid up capital of Rs 10 crore, and an authorized capital of Rs 1,000 crore. As the SPV established itself as a financially viable entity, it would not need direct government patronage.

While giving the nod for the NIF, the Cabinet stipulated that it would use 75 per cent while the balance 25 per cent would be used for reviving sick public sector units. □

*Compilation by Dr Sapna N Singh,
Editor Yojana (English)*

Exercising the Right to Seek Information

Kathyayini Chamaraj

"I WANT copies of the specifications, bills and vouchers for the ward works in my area."

"I want a copy of the document permitting change in land use from residential to commercial given to my neighbour."

How many times have you wanted to ask for such information from public authorities but have not done so because you felt it would be futile? Would you believe that one could get answers to such requests? Surprisingly, citizens are getting replies to such queries under the Karnataka Right to Information Act (KRIA) and are using these to raise further questions with authorities:

How could you spend Rs. 2.83 lakh on a non-existent toilet block on Robertson Road in Fraser Town? - S.N. Subramanya of ITI Layout Residents' Welfare & Cultural Association.

"How is it that an Environment Impact Assessment (EIA) has not been done for Bangalore Mahanagara Palike's (BMP's) multiplex theatre-

cum-shopping complex coming up on Magarath Road? - B.H. Veerasha of Brashtachara Nirmoolana Vedike"

These "information warriors" have formed themselves into a group called KRIA-Katte, and are showing that the impossible becomes possible when citizens utilise KRIA to solve problems in their areas.

M.V.K. Anil Kumar of Ashwini Layout Residents' Association and Forward 68 had applied for, and received, information under KRIA from the Horticulture Department of BMP that Rs 18 lakh had been spent for developing a park in ST Bed Layout in his area. He was surprised as no work worth that amount seemed to have been done there. However, within a few days, the chainlink fencing and painting of the entire park was completed in on one day!

SHRED (Shanthinagar Resident's Development Association) was tired for chasing an estimate from table to table in BWSSB, for getting a choked sewerage line from Nanjappa Road to Church Road re-laid. It asked

BWSSB for a status report on the work under KRIA. Within a short time the work was taken up and completed.

Guru Ravindranath of Consumer Care Society found out through the copies of the drawing and license obtained through KRIA that a marriage hall on his road in Banshankari 2nd State was illegal as permission had been given only for an office building. He ensured that the choultry's license was not renewed by BMP.

The weaknesses of KRIA are several, nevertheless, these "information warriors" are waging a quiet battle. They are getting additional weaponry now in the form of the Central Right to Information Act passed recently which has a few stronger provisions than KRIA. If more and more citizens join them, there is no doubt that governments will have to become more transparent and accountable. They will have brought in a silent revolution in governance.

(Courtesy: The Deccan Herald)

RTI – Aspirations and Challenges

Arvind Kejriwal

TRIVENI IS a poor woman, who lives in a slum colony in East Delhi. She holds an Antyodaya card issued by the government to the poorest of the poor. However, it isn't easy to get ration from a ration shop. She didn't receive any grains for the last six months. Whenever she would go to the shop, the shop would either be closed or the shopkeeper would say that there was no stock.

In February 2003, Triveni filed an application under the Right to Information Act asking for the quantity of ration issued to her as per records and also copies of cash memos purported to have been issued to her. After a month, she received a reply stating that she had been issued 25 kgs of wheat @ Rs 2 per kg and 10 kgs of rice @ Rs 3 per kg every month in the last three months. The cash memos showed thumb impressions having been made in her name. Triveni is a matriculate. She never puts thumb but always signs. Naturally, the thumb impressions do not belong to her but are fakes. This shows that the shopkeeper had been drawing her ration by faking thumb impressions in her name for the

last so many months. Triveni was shocked. But now she was equipped with evidence to proceed against the shopkeeper. Before she could take any action, the shopkeeper came to her house and pleaded with her not to take any action and that he would mend his ways in future. Since then, Triveni is getting right amount of ration at the right price for the last year and a half.

Nannu is a daily wage earner. He lives in Welcome Mazdoor Colony, another slum habitation in East Delhi. He lost his ration card and applied for a duplicate one in January this year. He made several rounds of the local Food and Civil Supplies office for the next three months. But the clerks and officials would not even look at him, leave alone do his job or bother to tell him the status of his application. Ultimately, he filed an application under the Right to Information Act asking for the daily progress made on his application, names of the officials who were supposed to act on his application and what action would be taken against these officials. Within a week of filing application under Right to Information Act, he was visited by an inspector from the Food Department, who informed

*Much more
would need to
be done. But
RTI is
definitely the
first concrete
step in the right
direction*

Mr Arvind Kejriwal is working with Parivartan, a non-governmental organisation.

him that the card had been made and he could collect it from the office. When Nannu went to collect his card next day, he was given a very warm treatment by the Food and Supply Officer (FSO), who is the head of a Circle. The FSO offered him tea and requested him to withdraw his application under Right to Information, since his work had already been done.

These two incidents are not exceptions. Such experiences are happening daily in different parts of Delhi since Right to Information Act was passed. Right to Information is redefining relationships between the government and citizens.

Ordinarily, what are the options before poor people like Triveni and Nannu? They can complain to government officials. But no one listened to Nannu. No one would listen to Triveni also.

There are no effective systems within governance, which could hold government officials accountable. The officials know very well that nothing would happen to them. The chances of their inefficiency and corruption being detected and questioned are almost negligible. Hence, they thrive. Mr N Vittal, former CVC, once remarked that corruption is a business for corrupt government officials. The risks involved in this business are very low. If we have to make any dent, we would need to increase these risks.

This is precisely what right to information does. The evidence of corruption and inefficiency, which was hitherto hidden in files, comes to public domain. Through the use of Right to Information, a powerless and poor person like Triveni suddenly gets equipped with evidence against the ration shopkeeper and the power equations between Triveni and the shopkeeper alter dramatically. If she wanted, Triveni could have got the

license of the shopkeeper cancelled. When Nannu asks for the daily progress report made on his application, the Department ends up admitting inefficiency of its officials on paper. Nannu's asking them to furnish the names of the officials responsible for not doing his job forces the Department to fix responsibility. Now, the chances of action happening against guilty officials or vested interests increase substantially, which were hitherto very low.

What after exposé?

A road in Pandav Nagar in East Delhi was in a very bad condition. Residents of Pandav Nagar used the Delhi Right to Information Act to know when was it repaired in the last three years. They got a rude shock when they were told that the road was last repaired about a month back and had been repaired almost seven times in the last three years. This was a fraud because the road had not been repaired for the last several years. The stock register showed material having been issued from time to time for the "repair" of this road.

The people complained to the Deputy Commissioner of that area, CBI, and several other vigilance and anti-corruption agencies. But nothing happened to anyone. Not even an enquiry was ordered.

Parivartan obtained copies of all the works carried out by MCD in two areas in Delhi and found shocking state of affairs. Payments had been made for 29 electric motors. None of them were actually installed. Out of 29 handpumps paid for, only 15 actually arrived. 68 contracts worth Rs 1.3 crores were examined. Items worth Rs 70 lakhs were found missing. This report was submitted to the Chief Minister, Chief Secretary, MCD Commissioner, CBI, anti-corruption branch of police and many other authorities. No action was

taken against anyone in the next one and a half years. When Parivartan filed a PIL in Delhi High Court, MCD responded by saying that they had carried out their own enquiries into the allegations made by Parivartan and had found all allegations baseless. One of the judges remarked how could a thief be asked to do one's own enquiries? The Court directed Delhi Police to hold enquiries and file chargesheet against guilty officials within six months.

But how many people and organizations can approach Delhi High Court? The distressing aspect is that the entire anti-corruption set up has failed to contain corruption on its own and when people report corruption, the entire machinery gets into action on how to hush up the enquiries.

Using the Right To Information Act, Shailesh Gandhi discovered a huge scam involving doling out of public land in Mumbai by successive governments to various private bodies for purposes other than of public interest. The total land given on lease by Mumbai Collector, Mumbai Suburban Collector and the Municipal Corporation is about two crore sq.mtrs. It fetches an annual lease rent of about 28 crore rupees, which works out Rs 14 per sq. mtr., ie. one rupee forty paise per sq.ft. per year! At the market rents, these should fetch us over 4000 crores each year. Information on MHADA and Bombay Port Trust lands is not available. The information shows a completely bizarre picture of nepotism and corruption. There is evidence of a complete lack of accountability in the way citizen's properties are being mismanaged to the point of exploitation by the Public Servants entrusted with our property. Properties are being rented to beneficiaries at throwaway prices. To top it, some beneficiaries are being allowed to sell these properties with official complicity! It is beyond comprehension as to how a lessee or

tenant can sell the land, which he does not own. Citizen's properties, including Mill lands are being sold off by lessees with the active concurrence and knowledge of the Public Servants. Their conduct now borders on criminal misconduct. The amount of annual revenue loss appears to be a few thousand crores only due to these three authorities in Mumbai. There is a possibility it could be around 10,000 crores for the whole of Maharashtra. Leave aside taking action against the guilty officials, the Maharashtra Government has done little to rectify the situation or take action to prevent recurrence.

For a long time, Delhi Government kept refusing to take any action against the ration shop owners found guilty of siphoning rations meant for the poor. Public Distribution System existed only in files in large parts of Delhi. Survey of about 182 poor families in Welcome Colony in East Delhi revealed that 93% of wheat and 97% of rice meant for them had been siphoned off in a particular month. Another survey of 46 families in R K Puram revealed that almost the entire rations meant for them are being misappropriated. The people of Ravidas Camp in Patparganj were told by the ration shop owner that the government had stopped sending rations. The people had not received any grains for the last several years. When the records of the shop owner, obtained under the Delhi Right to Information Act, were shown to them, they were shocked to see how rations meant for them were being diverted month after month.

The shop owners forge the signatures of the card holders to divert their supplies. Almost every shop owner in Delhi is forging the signatures of almost every one of the card holders registered with him every month. Such is the quantum of evidence available if the

government had the slightest desire to proceed against some of the shop owners and set an example. The state of records also indicates an active complicity of the Food officials. The stocks are not tallying and sales are shown to have been made to fictitious card holders. Even routine inspections do not seem to be happening.

And when the people obtain records under Right to Information Act, they verify it with the field situation and then make complaints to the government with incontrovertible evidence, the government refuses to take action on such complaints.

Vested interests

The shop owners turned violent in a number of places in Delhi when their records were obtained and the information contained therein was disseminated. In Kalyanpuri, the local Pradhan, who is alleged to have been "purchased" by the shop owners, drew out a dagger to stop volunteers from doing any survey in that area. The shop owners of Nandnagari physically assaulted Parivartan workers in the office premises of Food Department. The shop owners of Welcome colony physically assaulted women volunteers and burnt all the records when volunteers were disseminating the information contained in records. The self styled Pradhan of R K Puram threatened of dire consequences if the workers did not stop their activities.

The issue here is not just rations. Such a situation exists in almost every sphere of governance. The powerful from all sections of society have got united to save their own interests through illegal means. The battle lines are clearly drawn. On one hand are the exploiters, the vested interests or the powerful mafia, which are symbolized by ration shop owners in this case. They have successfully co-opted every arm of the state in their business. They

continue their nefarious activities with strong assurance and support from the law enforcement agencies. These agencies, which had been employed to check and prevent unlawful activities, not only turn a blind eye but also resist and obstruct any kind of investigations against their "partners".

On the other hand are the exploited - the poor, the illiterate and the hapless population. What are the options before the public? How does one break this nexus and force the law keepers to do their job and punish the guilty?

The people using RTI will have to keep this in mind that if they are exposing strong interests, they will not take things lying down. There are strong possibilities of their retaliating. And no effective help might come from the Police or the State. This is an important issue that the RTI activists will have to face in times to come.

It is not that the people get information from the government for the asking. Often, they face stiff opposition from the bureaucracy. The officials deny information by making all sorts of excuses. If dissatisfied, the people can approach Public Grievance Commission (PGC), which has been declared appellate body under the Delhi Right to Information Act.

Through an Executive order, the Delhi Government has empowered the PGC to impose penalty, to be deducted from the salaries of the officials found guilty of having violated the Act. PGC has received more than 1300 appeals so far. Obviously there were allegations of violation of the Act in all these cases. More than 70% of these cases are believed to have been decided in favour of the people, which means that the allegations were established. But not a single officer has been penalized so far. PGC Chairperson refuses to impose

penalty on any official. As a result, the bureaucracy in Delhi has got the message – nothing happens to you even if you do not give information.

The post of PGC Chairperson has always been occupied by former Chief Secretaries of Delhi. Immediately after retirement, the Chief Secretary normally comes to occupy the post of PGC Chairperson. This has often led to conflict of interests. The incumbent is often called upon to release information, which he/she was party to when he/she was in the government.

Parivartan asked for copies of documents related to power privatization in Delhi. SBI Caps was hired as financial consultants to work out the details of power privatization. Parivartan wanted a copy of their report. The present PGC Chairperson was the Chief Secretary of Delhi at the time of power privatization. Her husband, also an IAS officer, was the

Chairperson of the negotiating committee set up by the Delhi government to negotiate with the bidders. Power Department refused to provide the information on our application saying that disclosure of information would jeopardize the business interests of SBI Caps. And the PGC upheld the rejection. Isn't there a possibility of conflict of interests in such cases?

Lessons need to be drawn from this. The State and Central Governments are in the process of appointing state and Central Information Commissioners. Necessary care should be taken to avoid posting people, with whom there could be a possibility of conflict of interests.

Moving from seeking information to providing information, the government should, on its own, move towards a culture of absolute transparency. Rather than people asking for information by

making applications under the Right to Information Act, the governments should make efforts to provide as much information to the people on its own. The efforts of the new Food Commissioner of Delhi in this regard are worth emulating. Through an order, he has thrown open the records of all the shop owners of Delhi for public inspection. Now, one does not need to file an application under the RTI Act. Anyone can walk into any of the offices of the Food Department between 2.00 pm to 5.00 pm on the first and third Saturday of the month and inspect these records.

Such efforts need to be replicated in all other government departments. RTI is a necessary condition to provide just and accountable government. However, it is not a sufficient condition. Much more would need to be done. But RTI is definitely the first concrete step in the right direction. □

Economic Editors Conference – A Report

FM'speak

Optimistic about 7-7.5 per cent growth over last year's 6.9 per cent

Will not hesitate to take fiscal measures to check inflation

States have reduced deficits, asked non-VAT states to implement it

Tough to cut fiscal deficit below 4.3 per cent, revenue deficit beyond 2.7 per cent in 2005-06

Banking cash Transaction Tax has started yielding results to track black money

One person alone with 200 accounts trapped, huge revenues recovered

Now tax has enabled IT dept to trap seven parties issuing bogus bills

10 parties involved in hawala nabbed for black money generation

FDI inflow at \$2.2 bn in H1 05-06 over \$1.9 bn in same period last fiscal

Commercial borrowing amounted to \$7.2 bn

Initial fears over contraction in farm output are wrong

Corrective measures being taken to step up mining, power generation

Policy rigidities hampering coal mining being looked into

Industry grew by close to 9 per cent in the first half of this fiscal

Services sector grew by 10 per cent in Q1 2005-06, led by trade, hotels, telecom

Non-food credit at 31.5 per cent in H1 2005-06, above 24.9 per cent last year

Zero-based Budgeting in 11th Plan–Montek Singh Ahluwalia, Deputy Chairman, Planning Commission

- Eleventh Plan to focus on education, agriculture, health, infrastructure.
- Government may drop some on-going developmental programmes that have lost relevance.
- Annual Plan meetings with Chief Ministers to be used to motivate them for taking policy measures to clean up State Electricity Boards

Aviation sector will need \$ 50 billion in next 10 years – Praful Patel, Minister for Civil Aviation

- The government plans to disinvest upto 20 per cent of its stake in state owned Indian Airlines and Air India by the first quarter of 2006.

Compiled by Editorial Team
Yojana (English & Hindi)

Secret Ballots and Transparent Campaigns

Aruna Roy
Sowmya Kidambi

THE CHIEF Minister of Rajasthan, Ashok Gehlot, at a conference on corruption held in December 2002 in Jaipur, made some remarkably candid statements. He said that workshops, conferences, and even movements to curb *sarkari* corruption would end up remaining superficial and ineffective until the question of corruption in the electoral process was effectively addressed. He had no hesitation in even admitting that all political parties compromised themselves in matters of funding, which resulted in a high level of corruption in the decision-making process. The statement was of particular significance because it was made by a chief minister in office. Corruption in electoral politics has for long been recognized as a root cause for corrupt practices in governance.

How does a people's movement take on this obvious but seemingly impossible task? For a small group like the MKSS (Mazdoor Kisan Shakti Sangathan), the place to begin was at the bottom. In the battle against corruption in development works for instance, the MKSS began its struggle for transparency and the right to

information at the village level. One of the most common challenges posed to the organization was to demonstrate the practical feasibility of implementing the right to know. Among others, local sarpanches and public officials had repeatedly challenged the MKSS to perform 'from within the system'.

The implication was that the transparency demands being made were esoteric and impractical. The requirements of compromise in governance were so great that it was impossible to follow ethical norms.

The many public hearings had exposed not only corrupt practices, but also many of the excuses used to justify such practices. But the criticism of only finding flaws with the system from outside continued. Equally, we were wrestling with the larger question of engaging with electoral politics and its institutions, given the enormous impact that legislative processes have over the lives of millions of voters.

An opaque and unaccountable system has to be made to perform. If the vote determines the composition of those who govern, can movements address the concerns from outside? Or, can there be strategic interventions from

The day slogans translate into a way of life, the face and fate of the panchayats and its politics will change

within the system? Who will the actors from within be? And can corruption in the electoral process be dealt with through electoral reform alone? It seemed clear to the MKSS that despite many dangers, there was no choice but to learn by doing and to lead by example. The decision to field MKSS candidates in panchayat elections was a consequence of this debate.

Panchayats were the obvious site for the MKSS to begin a closer engagement with electoral politics. In some ways the obstacles faced were no less daunting than those at the legislative assembly and parliamentary levels. Within the panchayat raj structure the MKSS had decided that the election to the post of sarpanch, and running an ethically sound panchayat, presented a challenge that had to be faced. For people working to strengthen grassroot democracy, the role of the sarpanch is crucial. What follows are the lessons learnt in the course of this effort.

Panchayats are the foundation on which our electoral politics rests. Every vote is counted and pursued, and vote buying exists in its most blatant form. Those elected become the grassroot vote bank managers for MLAs and MPs and in return for their services are allowed to use development funds to serve their own interests. In Rajasthan, the sarpanch draws an honorarium of only Rs 400 per month. It still does not deter the candidate from contesting for this 'powerful' post and spending close to a lakh of rupees to get elected.

It was as a part of this process that the first MKSS experiment of direct intervention in electoral politics was initiated in 2000. Three candidates contested for the post of sarpanch and, much to everyone's amazement, two of them won. Both Narayan from Kushalpura panchayat, Rajsamand district and Tej Singh, Todgarh

panchayat, Ajmer district won against severe odds. There was a self-imposed ceiling on election expenses and norms on canvassing for votes were insisted upon. The basis of the electoral campaign was a manifesto that the MKSS had prepared and circulated in the panchayats.

The manifesto aimed to convey the issues and priorities of the candidates; it also shared all relevant information to enable the people to monitor the electoral campaign of the candidate. It declared that the candidate would not spend more than Rs 1,000, that no liquor or jaggery would be distributed, no votes would be bought by any other means, either directly through money transfers or even by sending a vehicle to ensure that people come to vote. The manifesto also promised that if elected, the sarpanch would guarantee transparency and the decisions made by the panchayat would be fully participatory. No bribe would be offered/accepted for works to be sanctioned or for any other rights or privileges to officials in the panchayat samiti and other government structures. Above all, the sarpanch would be transparent and accountable, not indulge in corrupt practices, and subject himself/herself to regular public audit.

The moral power of a transparent election campaign is enormous. There is instant communication with people. Honestly and seriously conducted, a transparent election campaign leads not only to offering a political alternative but in forging an alternative politics. By demonstrating such commitment, the links between political action and ethics come into focus, thereby changing the tenor of the whole campaign. The fact that transparency has become a buzz word, repeatedly used at all levels of political campaigning through slogans and charters and of course electoral promises, indicates just how important it is to even pay lip service to such

concepts to establish credibility. The danger, of course, is that the terms get devalued, and people turn so cynical about 'politics' that 'only the corrupt can succeed in politics' may become a self-fulfilling prophecy.

While this was certainly a problem that MKSS candidates faced as they took their unusual campaign to the people, it was apparent that the consistent right to information efforts in the area added credibility to their promise that they would be transparent in their campaigns and in office. '*Hamara paisa, hamara hisab*' (our money, our accounts) is still a major preoccupation of the masses who live on the edge of poverty, and to apply the slogan of the right to information campaign to election campaigns injected a new and unknown factor for all candidates.

There was a group of 25-30 people from different villages, including a few from other panchayats. Sometimes urban outsiders also tagged along. There were times when we wondered what people thought about us or what the reactions would be. A *dholak* party (a name given to us in derision), we went with music and songs as always (this time with a mobile mike), making our way into a village, singing songs made popular by years of struggle. In some villages the songs raised people's curiosity, and they flocked to look at this unusual and ingenious form of canvassing. Where they knew the MKSS, familiarity drew an interested and nostalgic response.

People would come out wondering where the tempo or jeep or other modes of transport were hidden. They were surprised to learn that the candidate had actually walked! Women canvassers were a novelty for even if it was a reserved seat for women, it was men who canvassed. In this case there was greater excitement for the MKSS

women candidates appeared in public without the *ghoonghat*. Their public speeches made them stand out. There was no stench of liquor on the breath of the men and none of the usual music-dubbed cassette *prachar* slogans through a microphone... first a couple of lines of song... *Meri chatri ke neeche aaja, Kyon bheegi re Kamala khadi khadi... aap ki apni lok priya umeedwaar, sevabhavi, yuva, karmath...Kamala...* Kamala...all echoing through the mike that would at times buzz...or *engine ki seeti mein mara man dole...aapka apan lokpriya umeedwar...* (excerpt from campaign diary).

The candidates committed themselves to campaigning without the use of vehicles, canvassing from village to village on foot. It was also decided that the modes used would be the simplest and least expensive. Narayan spent Rs 1,600 and Teju less than Rs 800. The MKSS committed to pay its elected candidates the statutory minimum wage to work full-time for the panchayat. That these two sarpanches kept their promise to the people and worked on the basis of the manifesto, was vindicated in the special ward (*sabha*) meetings that were organized to carry out the people's audit at the end of their tenure. They were conducted like the MKSS public hearings where all information was circulated and read out aloud in public. People were asked to verify and testify on all the works in the panchayat in the presence of the sarpanch and independent observers.

The engagement with electoral politics has long been debated among the people's movements and non-party political groups. The concern has got sharper in the last couple of decades, with economic liberalization and militarism further eroding people's own choices. Ironically, such decisions are taken by democratically elected governments

whose arms are twisted, or whose ideology leads them to implement policies designed at international levels. No matter how impeccable the integrity, and total the commitment of the groups, the institutions of electoral democracy exercise control over the decision-making processes, and those who occupy positions of power have outwitted, overcome and worked against people's interests.

People's battles and victories have been marginalized by the domination of what local people call 'vote-politics'. Many who believed in the process of engagement felt that if direct interventions have to be made, they are best done through structures at the ground level, where non-party groups are at their strongest. So, elections to the panchayat and municipalities assume greater significance. In this engagement the need for transparency as part of the electoral process is vital. From the time of nomination to voting, transparency facilitates two major functions. It educates voters about the need to know what is happening in their name and emphasises, through an honest electoral process or the lack of it, the importance of transparency, accountability and justice as a priority of governance.

Using its earlier experience as a benchmark, and with a better understanding of engagement with electoral politics and governance at the panchayat level, the MKSS once again decided to contest elections in January 2005. Eleven candidates stood for the post of sarpanch in as many panchayats in the four districts of Rajsamand, Pali, Bhilwara and Ajmer. The primary objective was not so much to win as to mark the larger presence of candidates committed to ethical politics. The intention was to begin a debate on ethical and transparent politics at the base of the political pyramid, which it was hoped would slowly but surely

impact politics at all levels. During the RTI campaign, the MKSS had seen a vindication of the participatory democratic process. The initial interventions for RTI were made in the remote villages of central Rajasthan. These processes combined with other grassroot efforts in different parts of the country to create a larger political demand at the national level. Similarly, could not the lessons learnt from these campaigns and people's movements be used to impact the political process itself?

For instance, the *padyatras* forced many opposition candidates to walk instead of zipping around in ramshackle jeeps blaring incoherent noise. It also forced some of the women candidates to personally canvass, despite hiding behind their *ghoonghats*. It was a great opportunity to place opinions and socio-political principles before an audience keenly watching, listening, and evaluating candidates against their stated positions.

'...In Lotiyana panchayat, when we were sitting in a *baithak* to mourn the death of a villager, the local zila parishad member arrived to appeal for votes for his wife. He used the word *dukan* (shop) for both the BJP and the Congress. His entire speech was, "Every party today runs its own enterprise. I was earlier with a shop called the Congress but after having tasted the wares it had to offer I went to another shop called the BJP and tasted what it had to offer. I realized that when the time came to allot tickets people like me who have worked for the cause of the labourers and peasants were sidelined. I, therefore, returned to the older shop. And now my wife, your sister or mother, whatever you would prefer to call her, is contesting and I hope all of you will vote for her. Though I will continue working for you, she will open the door at whatever time

of the day or night that you people knock to ask for help.”

‘I was horrified to learn the man had come canvassing for his wife. I was proud that Anshi had not only canvassed for herself, but had spoken in front of a gathering of men with the *ghoonghat* substantially removed. Also, that Lakshmi had canvassed in Sammeliya (her *sasural*) minus the *ghoonghat* and spoke openly and fearlessly in the villages. At least these women have managed to make a social impact along with their political debut’ (excerpt from campaign diary).

‘...In Lakshmi’s case her family made it clear that they would not participate in the canvassing because they had already committed themselves to Ratanlal Jain, the BJP candidate. The dalits of the panchayat were aligned with Pratap Singh, the candidate who was seen as a Congress man. The Rawats thus decided to canvass for the BJP candidate to keep the dalits out of the picture. Lakshmi came from the Rawat community, but was seen a supporter of the dalit cause. Some years earlier, there had been an incident related to a dalit groom being asked to get off his horse during a marriage ceremony. The Sangathan had come out in open support of the dalit family, and there were still cases against the upper caste groups in the village. Nevertheless, Lakshmi was categorically advised by all groups that since it was a general seat there was no reason for her to contest. Why don’t you contest a seat reserved for women, was the standard response she got when she went canvassing’ (excerpt from campaign diary).

‘In Vijayapura panchayat, the incumbents nomination was rejected on the basis of a no-dues certificate that she had got from the panchayat even as the panchayat samiti register showed dues up to Rs 1.5 lakh. She had been running a free kitchen in her house

(Ram Rasoda) where people would come and eat meat and drink liquor. The minute her husband heard that her nomination had been rejected, he rushed home to shut down the kitchen chasing away guests and ‘valuable voters in the middle of a meal!’ (excerpt from campaign diary).

In the eleven panchayats where MKSS candidates contested, and in the surrounding dozen or more panchayats, its campaign determined the issues and pattern of public discourse. Candidates copied the MKSS manifesto, promising transparency and accountability, employment guarantee, minimum wages and even transparency in election accounts. It was interesting that even the most crooked still tried to keep to the MKSS manifesto in principle! Initially, in some panchayats it seemed as if election expenses and malpractices might be brought under control. However, as feared, this did not last. As the date for voting approached, deals were struck and the traditional vote machine sprung into action. We had now to consider how much of the power to influence the mainstream electoral process was dependent on losing or winning itself.

‘It amused me to see three *parchas* in Sammeliya’ panchayat, Rajsamand district that had been copied from the one that the MKSS had circulated for Lakshmi. In Lotiyana panchayat, Ajmer district, a woman who contested against Anchi (the MKSS candidate) came with a group of women and walked throughout the first day of her canvassing!’ (excerpt from campaign diary).

‘... While Shankarji and the group with him was canvassing in Kishenpura panchayat, in one of the villages an old woman heard the sound of the microphone and came rushing out and said, “We don’t want your liquor or your *gur*, take it away.” One of the team

members joked with her said, “Oh” well, since we have now brought it, what do we do?” “...Throw it away, we don’t want it,” was her response. Shankarji explained that they were joking and it was not for buying votes but to ensure that people voted sensibly and for the right person. Placated, she brought people out from every house and said, “Listen to them and see what they have to offer!” (excerpt from campaign diary).

Many different factors decided the fate of the candidates. It was not merely the enormous expense of the campaign -on liquor jaggery and vote money that was distributed, nor only the vehicles that were sent to ferry people to cast their vote. Traditional *samikarans*, bartering caste votes between villages and panchayats, old rivalries and muscle power, the polarization of the poor and the rich-every vote is accounted for. The traditional vote bank managers can trace the trajectory of every vote. It is a secret ballot where most know the vote pattern and often trace each individual vote, with dire consequences for the individuals concerned, the development of the area, and for democracy itself.

‘The night that the results were announced in Vijayapura, I heard the elation in the voices of the people while they shouted the usual *jay jay kar*. I rejoiced in Kalu’s victory; an affirmation of our belief that he would win. Kalu has been involved in local politics for many years, was a ward panch for five years and had silently worked his way up to this comprehensive victory. He was clearly supported by the poor in the panchayat. even the lure of money, the Ram Rasoda, the *gur* and the liquor, did not help his opponents. In fact, there were many voters who came in his opponents jeeps, but voted for Kalu. When the tide turns, so do the people. There were some who even drank the liquor the

others provided, but said, "*Jeetega Bhai Jeetega Kaluram Jeetega*" (excerpt from campaign diary).

'...I had just come from Sangawas panchayat where Hiralal, the MKSS supported candidate, had lost by 350 votes. Both Hira and Kalu are dalits who contested in a general category. Hiralal had contested for the first time. He was unknown and had not really been seen as a potential candidate. This was obvious even while we canvassed. However, because he was supported by the MKSS, he came second with 450 votes. It was a surprise to many, as the non-dalit majority had run a caste-based campaign against him. The result was definitely a sign of the positive impact of his campaign' (excerpt from campaign diary).

'...There were nevertheless many tragic-comic situations in the days after the results were announced. In Baghmatal panchayat, Ajmer district, a young man from Teelakheda won by 1,100 votes. He had spent a fair amount of money too, but not as much as his opponent who had been in this game of politics for much longer. Once the results were announced and his opponent knew that he had lost, the defeated candidate's self-righteous anger against the people could not be contained. He felt that he had been taken for a ride by the public. The enraged man climbed on to the roof of his house and yelled out aloud; "You thieves, you drank my liquor and ate the meat I sent. You also took the money and the jaggery. And you still didn't vote for me. I am going to settle scores." His abusive outburst carried on late into the night....' (excerpt from campaign diary).

The rules of the State Election Commission were flouted with abandon. Even those who knew did not bother to report the cases to the authorities, but the numbers who did not know the rules at all was much

larger. Worse still was the interpretation of the law in Rajasthan that only counted expenses after the symbol was distributed, allowing candidates the full freedom to spend before they were awarded the symbols. The time lag between allocation of symbols and voting is a mere 24 hours. Few candidates can exceed the ceiling specified in the rules in the time at their disposal. Such myopic rules and a manipulative electoral process are part of the reason why blatant violations of the spirit of electoral law takes place.

The six hour period of official canvassing leads to other problems. Imagine the colossal task of taking the symbol to every village in a panchayat, may be flung over a large area, without time and appropriate modes to convey the information. Comic situations arise when candidates and supporters bang on doors, wake up people, with one following the other, to talk about cycles, cupboards, aeroplane, cup plate, bricks, basket... and so on. The poor voter is forced to listen, bewildered and bemused.

'Teaching people the symbol was not easy because there were sometimes up to 10 candidates in each panchayat standing for sarpanch. It was sheer madness. In the six hours of official campaigning, people had not only to learn the candidate's symbol, but also decide for whom to vote. Under such circumstances the exchange of money, or caste loyalties became obvious factors determining the choice. Who had designed such an irrational system? Or was there in fact a hidden logic to it-ensuring that PR institutions begin with corruption and confusion, and then promote it. The most basic level of governance fails to ensure transparency! (excerpt from campaign diary).

There is little doubt that the intervention in the panchayat election process had an impact on the campaigning in the area, with important implications for governance. Winning and losing are the most obvious indicators of the success and acceptability of a campaign. But even while looking at those obvious indicators, it would be myopic to not understand the other effects of this endeavour.

'The BJP MLA who came to Sammeliya panchayat was forced to say, "If anyone gives you liquor or gur he/she is making a mistake. Vote for an honest person. Don't sell your vote." I think that was an impact. I also think that the fact people used manifestos similar to those that were distributed by the MKSS was an impact. That people sat at the *chauraha* or the *chai ki dukaan* and discussed setting up vigilance committees in the panchayat to oversee the working of the panchayat was an impact. If they discussed the entire concept of transparency and how it eventually impacts their lives, that was again a big impact. The fact that the MKSS was and is perceived as a political threat in the area has been an impact' (excerpt from campaign diary).

There is a need, however, to make people internalize that all forms of big and small bribes for a vote will eventually affect their own lives. Otherwise, one moment of weakness or frenzy and they gamble away their power and squander their rights. The next five years will have to be spent educating people once again about the immense power of the vote. Slogans such as '*Gur ki dali khaoge paanch saal pachtaoge*', '*Daru ki thaili piyoge paanch saal pachtaoge*', '*kheer-puri khaoge paanch saal pachtaoge*', '*gaadi mein baithkar aaoge*', '*paanch saal pachtaoge*', communicate well in an

election campaign. But there is need to move beyond catchy sloganeering. The day slogans translate into a way life, the face and fate of the panchayats and its politics will change.

The tough lesson we have learnt is that transparency and ethics in themselves do not necessarily ensure electoral victory. Most honest candidates lose the first election. Nevertheless, it is also true that without a mass campaign for the ethics and transparency no honest candidate can win. And without honesty in politics, the masses cannot be mobilized. In this, the success of the RTI campaign to demand transparency from government and democratic institutions has made it possible to incorporate it in the electoral process also.

The processes at the panchayat level

can be taken up in the legislature and parliamentary elections only if there is a strong enough democratic movement to push this into public debate and acceptance. Many of the current methods of vote canvassing will have to be questioned and different kinds of candidates persuaded to stand. Political ideologies will have to be connected to questions of public ethics. Not the least, the issue of participation in the electoral process will have to be viewed as important and non-negotiable for the general good. New formations and alliances will have to be forged. Though formidable, this is not an impossible task.

In the very process of enforcing transparency at the panchayat level we encounter its limits. Transparency in the electoral process will have to translate into the shaping of transparency in

democratic organizations in making the government and state accountable. This dialectic is important if the processes initiated by elections are to become an intrinsic part of the way the country is governed.

Nor indeed is it just a question of electoral reform. As we have seen, dynamic and even radical chief election commissioners can only facilitate the process. The socio-political dynamics will have to be activated to push it into both the realm of mainstream consciousness and the realization of individual stakes in the process. What we see is the beginning of an impact on democratic politics and its transformation; an induction of common sense and justice. □

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Back To Aam Aadmi

Banks to stay open from 8 to 8 : FM

Call this common minimum banking. If the finance minister has his way, PSU banks will soon stay open from 8 am to 8 pm, issue 'softer' credit cards to masses, bring 90 per cent of their branches to 'anywhere banking' platform, launch no-frills accounts with very low minimum balance conditions and even kick off a wider ATM network with low-cost machines. This bonanza banking scheme is part of P Chidambaram's masterplan to make consumer banking more inclusive to target the bottom of the pyramid.

Currently, banks require an opening balance of between Rs 1,000 and Rs 5,000 for a new savings bank account. In order to

bring about a retail banking revolution, the finance minister wants the lowest strata brought into the banking net. So instead of a zero

- ✓ PSU banks to stay open from 8 am to 8 pm
- ✓ 'Softer' credit cards for the masses
- ✓ Banks to unveil no-frills accounts with low minimum balance conditions
- ✓ Wider ATM network with low-cost machines
- ✓ Banks to bring 90% of their branches to 'anywhere banking' platform
- ✓ Toll-free helpline for savings bank customers
- ✓ 'Know your customer' guidelines to check money laundering
- ✓ Utilisation of subordinate staff for marketing bank products

balance account which may contain hidden costs, a low balance no-frills account is considered suitable. With foreign banks pushing hard to bring relatively high income groups into card base, PSU banks are adopting

the bottom of the pyramid approach.

In this meeting with the chiefs of public sector banks, Chidambaram said they should now focus to bring those who have been traditionally staying out of financial sector. All these moves are also in tandem with the financial inclusion concept adopted by the RBI to cover unbanked areas of society. General credit cards having softer limits are aimed to help the majority of the population gain access to timely and adequate credit. What Kisan Credit cards are to 55 per cent of rural India engaged in agriculture, general credit cards can be availed of by the rest of the country, both urban and rural. ■

(Source: The Economic Times)

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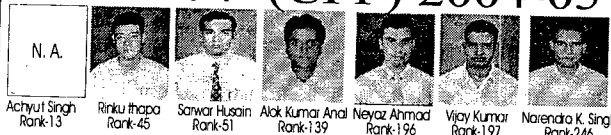
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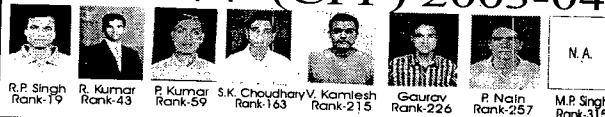
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Changing Governance Forever

Shekhar Singh
Misha Singh

THE PARLIAMENT of India has passed the Right to Information (RTI) Act in May 2005. This Act, which received Presidential assent in June 2005, comes into full force from 13 October 2005. The passing of this Act is truly a historic occasion. For the first time, after nearly sixty years of independence, the citizens of India have a real opportunity to exercise this very important right. Though the Supreme Court of India has, on more than one occasion, declared that the right to information is a fundamental right under the Indian Constitution, till recently there was no enabling legislation to allow most of the citizen's of India to exercise this right.

In the last seven or eight years, some of the states had enacted their own transparency laws. These included Assam, Delhi, Goa, Jammu & Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan and Tamil Nadu. However, barring a few, most of these laws were weak and did not effectively facilitate access to information.

In 2002, the Parliament of India had also passed a Freedom of Information

Act, which was applicable to all the states (except Jammu & Kashmir) and to the Central Government. However, apart from the fact that this Act was also a weak Act, it was never notified and lay dormant from 2002 till it was repealed in 2005 by the new Right to Information Act.

The RTI Act 2005 covers all central, state and local government bodies and, in addition to the executive, it also applies to the judiciary and the legislature. It covers all bodies owned, controlled or substantially financed, either directly or indirectly by the government, and non-governmental organisations and other private bodies substantially funded, directly or indirectly, by the government. This would seem to include private schools, hospitals and other commercial institutions that have got subsidies in the form of land at concessional rates or tax concessions, among others.

Apart from these, the law, interestingly, also covers the private sector as it provides the citizens access to all information that the government can itself access through any other law currently in force.

The Act gives a detailed definition of

The RTI Act can start a process of governance that could gradually shift the Indian democracy to a vigorously participatory one

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the term 'information', and significantly includes "opinions and advices" as subject to disclosure. This clearly means that file notings are also to be disclosed, unless their content falls under one of the exemptions specified in Section 8 of the Act. The definition of 'information' also includes the right to inspect work, documents and records held by the government, and allows for the extraction of certified samples for verification. Therefore, the Act moves beyond the realm of files and documents and enables the public to actually examine the field reality.

The Act has set out a relatively simple process for accessing information. Each public authority must appoint a Public Information Officer (PIO), who accepts requisitions and provides information. The PIO must ordinarily respond to a requisition within 30 days, but extensions are allowed in some cases, for example when a third party is involved. Information relating to the life or liberty of a person must, nevertheless, be provided in 48 hours.

The Act exempts certain categories of information from disclosure. Included are the obvious exemptions of information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence; or information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court. It also exempts information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature.

Information, including commercial confidences, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third

party, or information available to a person in his fiduciary relationship, is also exempt. However, there is a public interest override that specifies that such information can be made public if the competent authority is satisfied that larger public interest warrants the disclosure of such information.

Also exempt is information received in confidence from foreign governments, or information, the disclosure of which would impede the process of investigation or apprehension or prosecution of offenders, or would endanger the life or physical safety of any person or identity the source of information or assistance given in confidence for law enforcement or security purposes.

Though cabinet papers, including records of deliberations of the Council of Ministers, Secretaries and other officers are exempt, the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were made becomes accessible after the decision has been taken, and the matter is complete, or over, unless they are exempt under any other section of this Act.

Also exempt is information that might violate copyright, except that of the state, or personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual. However, here also it can be disclosed if larger public interests so warrants.

There are some general clauses qualifying the exemptions. These include a clause that specifies that any information that cannot be denied to the Parliament or a State Legislature cannot be denied to any person. Also, where a part of a document is exempt the whole document cannot be withheld. Thus, the section that contains exempt

information can be removed, and the remaining part disclosed.

In another clause, it is stated that notwithstanding the exemptions specified in the law or provisions of the Official Secrets Act, 1923, "a public authority may allow access to information, if public interests in disclosure outweighs the harm to the protected interests." In addition, most of the exempt information becomes accessible after twenty years.

The Act envisages the setting up of independent Information Commissions, one at the Centre and one at each state, comprising one Chief Information Commissioner and upto ten Information Commissioners. Complaints against violations of provisions of this Act can be made to the Information Commission. The Act also provides for two levels of appeals against the PIO, the first to an officer senior to the PIO, and the second to the central or state Information Commission, against delay in supplying, or refusal to supply, information by the PIO. The section on appeals specifies that the onus of proof that the denial of a request was justified would be on the PIO. This necessitates the appellate authorities treating all information as "disclosable" unless proved otherwise. The act also specifies that appeals should be disposed off within 30-45 days.

The act stipulates penalties for PIOs found to be in violation of the act. For unreasonable delay, the Information Commission can impose penalties at Rs 250 per day, and also penalise for refusal to accept requests, for malafide destruction of information, knowingly giving false information etc., with an upper limit of Rs. 25,000. However, PIOs are given immunity for actions done in good faith.

The Act also has provisions to ensure that all categories of people, especially the rural and urban poor, can access information. Towards this end,

the act specifies that fees would be reasonable, and must be waived for persons below the poverty line. There is no need to give reasons for requisitioning information, nor for providing information about yourself beyond your contact details. The government is also obliged to assist all requisitioners to formulate requests, especially in the case of sensorily challenged individuals.

Public authorities are obliged to publish a great deal of information *suo moto*, including relevant facts while formulating policies and making policy decisions. They are also bound to explain quasi-judicial decisions to affected persons and to raise awareness and educate the public about the law.

Misapprehensions

Regarding the *disclosure of file notings*, one apprehension is that officials will hesitate to render honest advice. Though this might happen in a few instances, on the whole it is more likely that officials will begin to provide opinions that can be defended under public scrutiny. This will especially help the honest and conscientious officers, who are often wrongly accused, but were hard pressed to defend themselves.

Another concern is that the *public might not appreciate the pressures* under which civil servants sometimes have to make decisions, and judge them harshly. However, the possibility of all records subsequently becoming public would, if anything, help prevent the illegitimate pressures that civil servants are often confronted with.

Another major concern has been the *cost of implementing* such a law. In actual fact, the savings to the government through the lessening of corruption and mal-governance that invariably follows the enactment and use of a transparency law will be many times the cost of servicing public requests for information.

There is a fear that public authorities will get *overwhelmed by a large number of requests*. First, that has not been the experience in the many states that already have right to information laws. The two most active appear to be Maharashtra and Delhi. In Maharashtra, the official figures indicate that there have been a total of 15,000 requisitions in the last three years or so, making it an average of 5000 per year. If you divide this up among the 200 plus departments from which information is being sought, it comes to an average of little over two requisitions per month per department. In Delhi there have been about 7000 applications in the last four years, from 120 departments, also averaging about 1.2 per month, per department. The Municipal Corporation of Delhi received the most requisitions, but even here the over 20 departments each received only about two requisitions per month. This cannot by any stretch of imagination be called a heavy load. Secondly, as progressively more and more information is made public *suo moto*, there will be less and less pressure on the various public authorities to service public requisitions.

A fear that there will be a large number of *frivolous requisitions* is also articulated. However, experience with state acts again does not substantiate this fear. Besides, defining a frivolous application is problematic. A conservative view seems to be that a citizen should only be permitted to ask for information that directly concerns them. However, considering we all pay taxes (if not income tax then certainly excise or sales tax, or now VAT), we have a right to know how our taxes are being spent. And since our taxes also pay the salaries of our bureaucrats and other public functionaries, we have a right to know how they are performing.

There has also been the apprehension that information

requisitioned under the RTI act would be *misused or used to blackmail officials or other citizens*. However the fact is that the act can be used only to access the truth. How can one misuse the truth? Besides, blackmail is only possible if the blackmailer has privileged access to sensitive information, access that no one else has, and the blackmailed party is forced to pay to keep this information from being made public. Information requisitioned under the RTI Act, however, would be accessible to every citizen and, in fact, once any one requisitions it, it would become public through the web and through other means. Therefore, it would be impossible for any one to use this information to blackmail any one else, and pointless to pay off a blackmailer, considering the information would be universally accessible. In any event you cannot be blackmailed unless you have done something wrong, and it is preferable that in order to avoid being blackmailed one should avoid wrongdoing, rather than demand that they are forever kept secret.

The RTI Act, if effectively implemented, could change the nature of governance in India. It could start a process of transparent and inclusive governance that could gradually shift the Indian democracy from being almost totally a representative one to a vigorously participatory one. It could bring a sense of empowerment to the citizens of this country, empowerment that is necessary to check the rapid downward slide of government performance and standards, and the concurrent trend of declining public expectations. The people would see for themselves that it is not that the government has no money to spend on their welfare, but that much of this money gets illegally diverted. They would also understand that the

(Contd. on Page 52)

Right to Information Eludes Villagers

Under the Maharashtra Act, information has to be provided to people within 15 working days

Ratanjan village, over 50 km. from Solapur, in Maharashtra hit the headlines after heavy rain lashed the village destroying thousands of hectares of crops. A month later, about 60 houses in the Dalit basti in the village are still uninhabitable.

But Ratanjan was recently in the news for another reason too. About 50 persons sat on hunger strike in front of the Taluka

Agriculture Office at Barshi earlier this month demanding information on the schemes implemented in their village under the Employment

Guarantee Scheme. In May, the villagers had sought information under the Maharashtra Right to Information Act (MRTI) on nallah bunding farm ponds, contour bunds and other works going on in the village. However, it was not given to them. This gave rise to suspicion that all was not well. There were complaints of inflated muster rolls, fudged payments and false work records. Under the MRTI, information has to be provided within 15 working days failing which the officer concerned is liable to be penalised.

Faked muster rolls

After the hunger strike, officials told the villagers that they would get the information soon. But this brought them little comfort. Sadashiv Jadhav, who took part in the strike, said: "Ours is a highly literate village. We knew for years that things were wrong with the EGS and we decided to use the Maharashtra Right to Information

Act. We asked for the number of EGS works, the number of people employed, payments made and how much work was really carried out." Muster rolls were faked and the villagers not paid for two to three months. "I have just been paid for work done in June-July and I am yet to get the coupons for grains."

Ratanjan has a population of 3,500. About 600 are daily wage labourers.

affected by drought. Every year, Rs 100 crore is spent on EGS works. The irregularities that surfaced this year, of which no estimates are officially available, could just be the tip of the iceberg. Thanks to the controversy over the EGS works, the number of labourers has reduced considerably and few works are in progress. However, payments have been made for work done in June-July.

Three cases of fraud have been lodged. An inquiry is under way. Manoj Nimbalkar, a clerk in the Collector's office and nine others from

the Agriculture Department have been charged with forgery, misappropriation of funds and faking muster rolls. They are absconding.

The EGS Act stipulation that muster rolls have to be displayed at the time of the work has never been implemented. The Government initially stopped Collector Manisha Verma's* plans to conduct a social audit of the EGS works. Last week, she issued notices demanding that the Agriculture Department, which carries out a large part of the works, submit all the muster rolls.

Ms Verma had also prepared a time-bound chart of payments, amounting to over Rs 11 crore for June and July, which would be supervised by a local official. But it was not implemented by the Department concerned. The order to display muster rolls at the time of payment was also ignored. ■

(Courtesy: The Hindu)

- In May, details were sought on nallah bunding, farm ponds, contour bunds and other works
- 50 villagers sat on hunger strike recently demanding information
- Muster rolls were faked and villagers not paid for two to three months
- Collector issues notices for submission of all muster rolls

The villages is located in the drought-hit Barshi taluka and has no irrigation. Since July, there has been very little work. The villagers say they work only for 10 to 15 days. This year, the situation was critical because of the rain. Jayant Kulkarni said he planted four acres with maize. "All our lands are soggy with water. Our crops have been ruined and there is no hope of even a winter crop now as we cannot do anything on our land." The lands are slushy and overgrown with tall weeds. The village has not been declared flood-hit and, therefore, the people are not entitled to compensations for crop loss. "In this situation what are we supposed to do? We need work more than ever and that is not forthcoming."

The worst affected are the Dalits.

Ratanjan symbolises the plight of many villages. Though the heavy rain was unexpected, it was as good as a drought, says Jayant. For the last three to four years, Solapur district has been

*Ms Manisha Verma, Collector Solapur, has been transferred since then.

New Life for Democracy

Charulata Singh

Despite the shortcomings, the new law has the potential to usher in a new beginning by providing impetus to the developmental process

INDIA, THE world's largest democracy has always been an example for the entire world for its success. It has always tried to evolve ways in order to make it more functional and responsible. The right to information, which was passed in October, 2005, after long deliberations and struggle was a giant step in the direction of providing openness and accountability for government's functioning in order to usher a democratic system devoid of corruption, inaction, wrong action or inefficient performance, which try to eat up democracy from within and make it hollow. It was also a step to encourage participation of people in the functioning of government and to make them more informed and concerned about the activities of government. It has both intrinsic and instrumental value. Its intrinsic value comes from the fact that citizens have a right to know. It is a crucial step towards a deeper, more meaningful and operational democracy as it promotes action for development and therefore has a deep instrumental value.

Various sections of society, particularly media personnel, social activists and positive thinking people have always expressed that right to seek information should be a fundamental right, just as we have right to speech and expression. On the international

plane also the citizen's right to information is described as freedom of information, access of information or right to information.

Right to information (RTI) is implicit in the constitution of India, which establishes a representative democracy with inalienable rights for the citizens of the country, which have been reinforced time and again by judiciary. RTI in India has significantly sought to expand democratic space and empower the citizens to exercise more control on the corrupt practices under the power of the state.

The movement for RTI can be traced back to the grassroots struggle of the rural poor, who have sought to fight against corruption in their areas affecting their livelihood and justice around them. The RTI got the legal support for the first time in 1975 in Supreme Court case of *State of U.P. v/s Raj Narain* (1975) in which Mr. Justice Mathew gave a landmark judgment, "In a government of responsibility like ours, where all the agents of public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know; every public act, every thing that is done in a public way by the public functionaries. They are entitled to know, the particulars of every public transaction in all its bearing. Their right to know, which is derived from the concept of

freedom of speech, though not absolute, is a factor, which should make one wary when secrecy is claimed for transactions which can at any rate have no repercussion on public security."

In 1978, RTI was sought for exercising certain suggestions and objections to the Motor Vehicle Act in Gujarat. The state government refused to part with information stating that it was confidential under the Official Secrets Act 1923, a legacy of British India. The RTI however, took to the ground in another landmark judgment in 1981 by Attorney General Soli Sorabjee in *S.P. Gupta v/s. Union of India* case when the court declared that, "the concept of an open government is direct emanation from the right to know which seems to be implicit in the right of speech and expression guaranteed under Art. 19 (1) (a)."

In 1982, Mathew commission report recommended for the amendment of the Official Secrets Act, 1923 (OSA) which was considered as great impediment in the way of peoples' right of know and Section 5 of OSA was sought to be suitably amended. In 1989 V.P Singh's National Government came to power and declared its decision to make RTI a fundamental right. In April 1990 in 20th conference of ministers of Information and Cinematography he expressed, "An open system of governance is an essential prerequisite for the fullest flowering of democracy. Free flow of information from the government to the people will not only create an enlightened and informed public opinion but also render those in authority accountable."

By this time the demand for RTI got intensified and took the shape of a mass movement. A struggle for the same reason came alive when Mazdoor Kisan Shakti Sangathan (MKSS), a NGO of Rajasthan stirred national conscience through a unique movement for justice in wages, livelihoods and land concerning various districts of Rajasthan. They asked for copies of bills and vouchers and the muster rolls for payment on the

constructions of schools, dispensaries, small dams and community center. On paper such developmental projects were complete but it involved lot of misappropriation of funds as the school buildings were without roof, dispensaries without walls, dams left incomplete and community center without doors and windows. In 1994 MKSS introduced breaking new ground for experimenting in fighting corruption through the methodology of Jan Sunwais or public hearings. The response to this was tremendous. The experience of MKSS, its members and its beneficiaries was that by adopting this methodology the officials were afraid of the public wrath or damage to their career or their public image. The MKSS and other organization worked for organizing people and enlightening them about their rights though the most of the time they had to face obstinate bureaucracy and recalcitrant local government representatives who refused to supply information.

In 1995, the Press Council of India drew up the first blueprint for a Freedom of Information Bill. It asserted that information which could not be denied to Parliament or state legislature should not be denied to a citizen. In 1997 the government of India decided to introduce the freedom of information legislation. It suggested that each state do likewise, to provide access to information in areas within its jurisdiction, as a result several states executed orders to implement this right. In 1997 itself, a working group under the chairmanship of consumer activist H.D. Shourie presented another draft.

With development of grassroot movements, judicial recognition of the right to know and some amount of internal pressure through successive committed governments led to the passage of law in the last decade.

In July 2000 the Freedom of Information Bill, 2000 was finally introduced in Parliament. Some state government also passed their own laws and administered instructions in last few years. However there is a variance

between the demands of people and laws made by the people.

The freedom of information Bill passed by the Parliament evoked intense debate on the terminology of right to information and freedom of information. However freedom of information Act came into force in 2002. And now the central right to information Act has been executed.

Though the Act has been brought after lot of deliberations to make it work effectively with responsibility and accountability for providing transparency in the system. The questions however remains where it was before, that, is it possible to get complete output from the RTI without considerably amending or repealing the draconian Act, the Official Secrets Act, 1923 which still empowers the government officials not to disclose any information in the interest, safety and security of the nation. The two Acts seems to be contradicting each other, as one gives power to the government officials to not disclose any information under OSA (Sec.5), whereas RTI makes promise of providing information and transparency. Thus for a sustenance of democratic ideals the ideal step would have been to repeal the OSA and merge it with RTI, because without an outright repeal of OSA the system retains its right to tell only what it wants to tell. Above all, the appointment of all twelve chief information commissioners under RTI from the bureaucratic background make the working of Right to Information Act more doubtful, as the bureaucracy is felt to have a mindset of denying information to the people and exercising of power.

Despite the shortcomings the new law has a potential to usher in a new beginning for more inclusive socio-economic development by providing impetus to the developmental process. Whatever may be the case the law can bring transparency, accessibility and accountability or can combat chronic disease of corruption only if the citizens use it intelligently and effectively. ■

Towards a Vibrant Democracy

Madhu R Sekhar

FREEDOM OF expression and right to information are considered as integral concepts in modern democracies. Since the last decades of the last century, there has been an unstoppable global trend towards the recognition of right to information or knowledge and freedom of speech or expression among the people of all countries and intergovernmental organizations. In a democracy, the greater the access to information, the greater the responsiveness of government to the needs of the community. The right to information and freedom of expression have been recognized as fundamental human rights, which upholds the dignity of all human beings. Free speech is protected by international human rights law, under Article 19 of the Universal Declaration of Human Rights. In our country, the largest democracy in the world in every sense of the term, the enactment of the Freedom of Information Act 2002, marks a significant step towards our goal of greater democracy. But, at the same time, every citizen of the country should keep in mind that the freedom of expression and right to information are not unlimited. Government has all the

rights to prohibit and suppress certain damaging types of expressions and information. Government is the guardian and it is the head of a large national family. So, family rules are applicable. Expression or information should be legitimate. Every individual, as a family member, should not say or seek anything and everything from the guardians or brothers or sisters. The information or expression should be provided by law, for every family has its own rules and regulations to follow. They should be necessary for the achievement of an aim. Every person should keep in mind the protection of the rights and reputations of others and the protection of national security, public order, health and morals.

The plea for freedom of speech and expression was raised for the first time in the history of democracy by the Athenian orator Socrates (B.C. 436-386), who committed suicide after his country was defeated and conquered by Philip of Macedon at the Battle of Chaeronea. His immortal speech "Logos Areopagicos" was a strong plea for restoring democracy and freedom of expression in Athens.

In modern times, imposing restrictions on freedom of expression

The right to information and freedom of expression have been recognized as fundamental human rights. Every citizen of the country should keep in mind that these rights are not unlimited

and suppression of information was initiated by the British, claimed to be the creators of modern parliamentary democracy. The much famed "Long Parliament" of the United Kingdom (1640-60), which carried out the executions of a number of aides of the emperor of the empire of never setting sun, issued ordinances prohibiting free speech for the first time in the history of human civilization. The Parliament ordered, "it is therefore ordered by the lords and commons in Parliament, that no order or declaration or both, of either house of Parliament shall be printed by any but by order by both the houses." This order of the British democracy led John Milton, the most famous epic poet of modern times, to issue the classic pamphlet "Areopagitica" in 1644, pleading for the restoration of basic fundamental rights. Now people remember the ordinance of the British Parliament only because of the plea against it.

Of course, it took 77 years for us to transform from a system legitimized by the colonial official secrets Act to one where citizens can demand the right to information.

The absence of communication tools and low levels of literacy compounded the poor flow of information. With offices full of dusty files all over, the standard of keeping records is abysmally poor. But the growth of information technology has now made things easier and many states are competing with each other to attract more investment with open window systems, now we entered another era of democracy where everything is transparent.

In India, the movement for the right to information has been vibrant for a long time. The common man, academician and the media have been raising the voice since independence, as many of the basic and survival needs like food security, shelter and employment are closely linked to the right to information.

Right to information is as crucial as freedom of expression in any democracy. It is only through information and resultant expressions that people can influence the government of the people, for the people and by the people. It is essential for the discovery of truth and transparency. Many critics of the right to information argue that it is wrong to assume that information, even if it is right in every sense, can create mayhem and havoc. Of course, there are instances in history where people swayed by emotions rather than reason, and even if truth ultimately prevails enormous harm can occur in the interim. The other side argues that the suppression of knowledge and restrictions on expressing that knowledge can do greater harm to public interest. It is an essential aspect of autonomy and individuality, as every individual has an inclination towards autocracy, whether in public life or in private. It helps and adds momentum to the political process or furthers the search for truth and helps in achieving the age old Bharatiya concept of "Vasudhaiva Kudumbam". Suppressing or hiding information can ruin a family, relationships or individuals with each other and the same is applicable to a nation also.

Moreover, it is integral to tolerance,

which is considered by many as a basic value in society. Gandhiji taught us to be tolerant towards all types of violence. To be tolerant is to develop a sense of imaginative sympathy in every person. When a person is informed, he or she can imagine himself or herself in the place of the other. That itself may lead to solutions for many a problems and issues. Such tolerance serves as a model that encourages more tolerance.

The United Nations has recognized freedom and right to information as a fundamental right. It includes the right to seek, receive and information.

Right to information laws have been in existence since 1766, when Sweden passed its Freedom of Press Act, which requires the disclosure of official documents upon request. According to statistics more than 40 countries have comprehensive laws to facilitate access to state records. The collapse of authoritarian states since the 1960s and emergence of new democracies and technologies and information revolution provided a new sense on the right to informed among the people. Modern consumerism also played a vital role. International bodies like World Bank and International Monetary Fund and other market players are also pressing nations to be more transparent in their dealings. In a global economy things should be transparent. And people naturally have a right to know about what is happening to their lives and in the society in which they live.

India, as a vibrant economy and democracy is entering a new era, where she is going to be a global power. There is no stop now or no looking back. The world is going to accept her as a key player in every sense.

Dear Readers,

As done last year, Yojana will bring out a Special Issue on Budget 2006-07 in March 06. As there will be a delay in bringing out this issue, you are requested to bear with us the inconvenience caused thereof.

Low Cost Incubator for Hatching Eggs

M S Varghese

MOTHER NATURE has been a fascination for Mr Jeffrey, a school teacher in a remote village in Kollam district of Kerala. He used to observe natural phenomena from early childhood. Rivers and birds used to attract him very much and were his favourites.

He liked bird-watching and used to observe birds brooding eggs in their nests. As a young boy he used to ask himself why he can't hatch eggs artificially. This thought agitated him and he used to brood over this day and night. At last, this young man started his own experiments to realise his dream.

This led Jeffrey, the science teacher popularly known as "Kallada Jeffrey" (East Kallada is the name of his panchayat) in developing a "swadeshi technology" for a low-cost incubator to hatch eggs, after 15 long years of toil and trouble. Jeffrey believes that his "invention" can help the country's rural development process and can be a boost to the farming community.

The newly developed incubator has many special features. It is small or medium-size compared to the sophisticated and very costly incubators used in big poultry farms. The incubator he has first developed could be operated manually. Later this was upgraded into a semi-automatic one.

Jeffrey's incubator can hatch up to 500 chicks. It is of different capacities ranging from 5 to 500 eggs. The cost

ranges from Rs 500 to Rs 2,200 according to capacity and size.

The main components of the low-cost incubator are aluminium sheet, hard board, heating element, fan, thermostat, thermometer, voltmeter indicator and PVC pipe. The incubator is of cylindrical size. The cover is made of aluminium sheet and thermocol lining is provided at the top and bottom.

Heating system is used in the incubator for maintaining the temperature at 37°C. For regulating temperature a thermometer is attached to the incubator and temperature level is shown on it. A fan and water spraying system is also used for balancing temperature.

Normally eggs kept in the incubator are hatched in three weeks. The eggs in the incubator have to be turned left and right at every six hours by using a wiper. Water from the tank, is made to trickle through a hose on the sack which covers the incubator to get the humidity. The excess water goes to a basin kept beneath the sack.

The semi-mechanical incubator is an advanced and modified version of the manual type developed by Jeffrey himself earlier.

The Kerala Government's Animal Husbandry Department has already taken steps to popularise the low-cost incubator among farmers. The efficiency of the swadeshi incubator was tested by the Kerala State Government-owned Regional Poultry Farm at Kureepuzha, in Kollam district

from 15 April, 1999 to 6 May, 1999, and the results were encouraging. Hatchability among fertile eggs was recorded as 81% according to the team led by Dr B. Vijaya Bhanu, Assistant Director of the Poultry Farm.

The low cost incubator is suitable for small farmers. If popularised this can help the rural development process in many ways, according to Jeffrey.

For example he points out that the low cost incubator can help in panchayat level development plans. To some extent it can be an answer to the problem of unemployment among youth and housewives. Poultry development can generate more income for households and housewives can spend their leisure time more fruitfully. Producing or hatching more eggs leads to self-sufficiency in broiler meat and egg production, according to Jeffrey.

The 36-year old bachelor has made a tie-up with the National Innovation Foundation, Hyderabad for popularising and marketing of his incubator. Some NGOs in Kerala are also helping him in marketing the newly developed incubator.

The Rotary Club of Kollam has honoured Jeffrey with the Vocational Award to outstanding scientist. He had demonstrated his technology innovation during the National Technology Day celebration organized at Thiruvananthapuram by the Science, Technology and Environment Department of Kerala Government in May, 2000. ■



PRIME MINISTER'S APPEAL

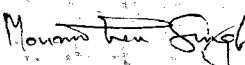
My Fellow Citizens,

People across the Indian subcontinent have felt the pain and anguish to those who have lost their loved ones and their livelihoods in the earthquake that ravaged Jammu and Kashmir, on both sides of the Line of Control, and parts of Pakistan.

Neither nature's fury nor human compassion recognizes political boundaries. It is in our culture to help one's own and one's neighbours in an hour of need.

The Central Government is extending all cooperation and assistance to the Government of Jammu and Kashmir to provide relief and enable rehabilitation. The Government of India has also offered help and assistance to the Government of Pakistan.

I am sure Indian civil society will step forward and contribute to the relief and rehabilitation effort. I appeal to every concerned citizen of our Republic to donate generously to the Prime Minister's National Relief Fund to help us help those in need.


(Manmohan Singh)

Payment may be made by cheque or draft in the name of the **"The Prime Minister's National Relief Fund"** and sent to the **Prime Minister's Office, South Block, New Delhi-110 011**. Banks would not charge any commission for preparation of drafts favouring the PMNRF. No postal charges will be levied on contributions sent to the above address.

Contributions can also be made

- directly any branch of all the banks
- online at <http://pmindia.gov.in> or <http://pmindia.nic.in>
- through Money Orders with no commission chargeable.

Contributions to the PMNRF have been notified for 100% deduction from taxable income under section 80(G) of the Income Tax Act.



Prime Minister's National Relief Fund

Social Security : A Cushion for the Needy

Recognising the great importance of social security, the state has taken many path-breaking initiatives in this direction

THE DECISION to protect the interests of the poor and the weaker sections of the society is a collective, and political one, which primarily manifests in the form of governmental policies. The efforts to provide ample socio-economic and political security to the poorer sections of a society reflect the innate resoluteness of that society in this regard. The Policy initiatives taken by the Social Welfare Department, Jammu and Kashmir shows the resolve of its government to safeguard the well-being of the weaker sections of the society-especially the aged, women in distress, underprivileged children, and the scheduled castes and scheduled tribes. In the case of Jammu and Kashmir, it becomes all the more important, given the fact that the state had experienced an unfortunate period of turmoil for more than a decade, which has rendered most of the people, who were pinning their hopes on the financial assistance being given under several welfare schemes, helpless.

After the completion of the series 'Investment Opportunities' in J&K Window, Yojana is launching a new series from this month on the 'Social Sector' of the state. Important areas like education, health, rural sector, social security and others will be covered.

The Directive Principles of State Policy, enunciated in the Indian Constitution, provide a broad framework for the protection of the weaker sections of the society. Accordingly, the state shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Further, the state shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the scheduled castes and the scheduled tribes, and shall protect them from social injustice and all forms of exploitation.

The Social Welfare Department plays an important

role in addressing the problems of weaker sections of society like aged people, women in distress, physically challenged people, malnourished children, lactating mothers and expectant women, scheduled castes, scheduled tribes and other members of the socially and economically backward communities. The department

administers both central as well as the state-sponsored schemes in the concerned areas of women and child development, social justice and empowerment, social security, tribal development and the educational advancement of scheduled castes, scheduled tribes and other backward caste students.

The schemes are implemented

through various agencies like the Directorate of Social Welfare, SC/ST/OBC Corporation, Women Development Corporation, Gujjar and Backward Advisory Board, Social Welfare Board, Rehabilitation Council for Victims of Militancy, etc. The government provides direct benefit to the target students through scholarships, hostel facilities, reimbursement of examination fees, etc. A total number of four lakh students are to benefit under the pre-matric and post-matric scholarship scheme during the financial year 2003-04. The government is also implementing various poverty alleviation schemes under the auspices of the Social Welfare Department.

In order to make the schemes more target-oriented, hassle-free and effective, the government has taken a number of policy initiatives that have a far-reaching outcome. One major step in this direction is the bifurcation of the state Directorate of social welfare, which will ensure more expeditious and effective implementation of various schemes. In addition, the government is envisaging a greater role for Panchayats to monitor the various social welfare schemes to bring about a transformation in the living conditions of the poor and destitute.

The Integrated Child Development Scheme (ICDS) has bloomed into a fullfledged movement in Jammu and Kashmir to cover the undernourished children and the expectant mothers. Under the scheme, the government will be operating 121 projects with 10,455 Anganwari Centres benefiting about 250,000 children, expectant women, lactating mothers and adolescent girls. About 21 lakh children would be provided nutrition cover under the ICDS scheme in the state. And for the first time, orphans have been brought under the purview of this scheme. Further, there are plans to open

7,592 additional Anganwari Centres, which will provide job opportunities for at least 15,000 educated females. And 1,500 more Anganwari Centres have been started under the Prime Ministers' Employment Package, besides the construction of 425 Model Anganwari Centres under central assistance. An initial instalment of Rs three crore has been sanctioned already towards this.

A commendable achievement of the present government is the launching of the Social Security for marginal workers. Over 11.52 lakh marginal workers in



the state would be covered in a phased manner under this new scheme, which would cost Rs 100 crore to the state exchequer. Further plans are afoot to ensure that these workers also get insurance and health cover as a part of this scheme. The scheme, which is intended to provide economic security to the workers in their advanced age, is meant to benefit workers who have 90 or less days of work in a year. The beneficiaries include un-organized agriculture and non-agriculture



labour, skilled and semi-skilled workers, craftsmen, carpenters, potters, masons, blacksmiths, shoemakers, weavers, village barbers, rehriwalas, street vendors, cow and goat herdsman, boatmen, carpet weavers, etc.

Further, the government has taken a number of welfare measures at the first instance to provide some succour to senior citizens, widows, destitute and physically challenged persons by raising their pension. Also, significant results have been witnessed by implementing a number of steps for the welfare of scheduled castes, scheduled tribe and other backward classes. Considering the situations in the state, the objectives and activities of the Council for Rehabilitation of Victims of Militancy are being refocussed and thrust is being given to the welfare of orphans, widows and disabled. Pension to 1.70 lakh people including aged widows, handicapped and destitutes has been enhanced by 50 per cent to 160 per cent and doorstep delivery ensured through money orders eliminating hardships of these 'have-nots'. And 17,000 new pension cases have been sanctioned.

The steps include enhancement of national old age pension from Rs 75 to Rs 200 per month, benefiting 35,000 beneficiaries. Financial assistance to women in distress under Integrated Social Security Scheme (ISSS) has also been increased from Rs 150 to 200 per month covering 93,806 beneficiaries, financial assistance to physically challenged people has also been enhanced from Rs. 150 to Rs 300 per month benefiting 23,646 persons, who will get life long instead of the earlier limit

of up to 19 years of age only. And the honorarium of Anganwari workers and helpers has been raised from Rs 800 to Rs 1,300 and Rs 400 to Rs 640 per month respectively. More importantly, steps have been taken to deliver financial assistance to physically challenged persons, old people and the women in distress at their doorsteps in the form of money orders or through the Jammu and Kashmir Bank. This would cost the exchequer Rs seven crore, but would benefit at least 1.8 lakh people. The government has also proposed to construct Bal-Ashrams, Nari-Niketans and hostels for scheduled caste students for which the Centre will bear half of the cost.

The Social Welfare Department also provides funds under the Special Central Assistance to Special Component Plan for income generating schemes and for

enhancing the productivity of the scheduled castes and 10 percent of this assistance is earmarked to bridge the gap in infrastructure in the areas having concentration of scheduled castes. Under the special central assistance to tribal sub plan, 70 per cent funds are provided to bridge the gap in the infrastructure in the areas having concentration of scheduled tribes and 30 per cent on income generating schemes. An amount of Rs 19.60 crore has been spent on these projects during the year 2003-04.

The state is among the poorest of the Indian Union, with one of the lowest rates of literacy, minimal infrastructure and other basic amenities of life. However, with the right earnest and political will, the state is geared up to advance-so is the situation of the underprivileged sections of the society. ■

Psycho-Social Treatment to Quake Survivors

In order to provide psycho-social treatment to the survivors of the October 8 tremor in the worst-hit Uri and Tangdhar sectors, teams of experts from two prestigious medical institutes of the country were engaged by the Jammu and Kashmir government.

Experts from All India Institute of Medical Sciences, New Delhi and post Graduate Institute, Chandigarh have started their work in Uri and Tangdhar to provide psycho-social relief to the victims of these areas.

To provide sustained relief, a training programme has also started at Regional Institute of Health and Family Welfare, Dhoobiwan in Tangmarg area of Baramulla district to train doctors and paramedics.

This programme has been planned in view of the dire need to trained personnel for providing psycho-social relief and counselling in various areas:

The state is organising a series of programmes to address post traumatic disorders suffered by the quake sufferers.

The team of experts from AIIMS, New Delhi started providing counselling and treatment in the far-flung areas of Tangdhar.

The second team has started Psychological relief in various far flung areas of Uri, he said.

Soon after receiving the reports regarding severe earthquake in Uri and Tangdhar, directorate of health services geared up its resources and rushed medical teams with essential medicines to the affected areas. So far in Uri sector 14,297 patients have been treated and 120 airlifted to Srinagar. While 13,471 patients were treated by 54 medical teams, 599 others were hospitalized, he said adding 175 surgeries have been conducted to save the life of the injured persons.

The department has deployed 56 doctors, 84 paramedicals, 54 ambulances and two health education teams in the sector. The mobile medical teams have so far distributed 8,20,000 tablets of chlorine to avert outbreak of waterborne diseases.

Similarly in Tangdhar sector of Kupwara district, the officer said 50 medical teams have treated 12,976 patients and 13 ambulances have been pressed into service in the area.

The department has deputed 16 doctors and 40 paramedical staff besides two health education teams to the sector.

As many as 1,239 surgeries have been conducted in the makeshift hospitals, 2,022 patients admitted for treatment, 148 others referred to Srinagar and 124 patients airlifted.

To avert any outbreak of waterborne disease the teams have distributed more than 3,00,000 tablets of chlorine among the residents of Tangdhar sector. Two epidemic disease control rooms, one each at Uri and Tangdhar to prevent outbreak of any disease have been set up.

The teams of World Health Organisation and UNICEF had also visited the quake-hit areas and are in constant touch with the department. ■

(Agencies)

Kalam Lauds J&K Quake Survivors

Donates Computers to Schools

President A.P.J. Abdul Kalam kept his date with school-children during his visit to quake-hit Uri in north Kashmir. He asked them to become responsible citizens to make Jammu and Kashmir a prosperous state.

On the last day of his two-day visit, the first after the October 8 earthquake, Mr Kalam spent most of his time with school-children.

Interacting with over 300 children at the Government Girls Higher Secondary School, he asked them to "concentrate on studies to make Jammu and Kashmir a prosperous state."

Improve literacy

He stressed the need to improve literacy among women in Jammu and Kashmir. "It is heartening to note that only three per cent live below the poverty line in this state while the average in the rest of the country is 26

per cent. But the women's literacy rate is poor and, you should all work towards rectifying that."

Mr Kalam said five computers each would be given to all the 16 schools from which children had assembled to listen to him. "Two teachers will come from Delhi to teach you very soon."

At Udoosa, the last village near the Line of Control, he asked the children to join him in singing his favourite poem "Dream, dream." The village has been adopted by the Air Force, which has constructed a hospital there.

Students from schools in Chakra, Gwalta and Asham came to Udoosa to meet the President. Here he donated 15 computers to four schools.

Lauding the courage and resilience of the survivors, he said he was happy to see life returning to normalcy in Uri.

"I know, you faced a lot of problems

but you have withstood this biggest challenge," he told a gathering in the lawns of the Army's highly-guarded Brigade headquarters. "God is with you and the people of India are concerned about your welfare."

Praise for Army

He appreciated the relief measures taken by the Government, the Army, the Air Force, the paramilitary forces and the non-governmental organisations. "They have done a great job for the people and the security of this country," he said, referring to the troops.

Governor S K Sinha, Chief Minister Ghulam Nabi Azad, Chief Justice B A Khan and top Army and civil officials accompanied Mr Kalam.

Mr Azad said a school in Pune had offered to take in 300 orphans and bear the cost of their education. "This is a very good gesture on their part," he said. □

(Courtesy: The Hindu)

A Step Forward



Eighty-two-year-old Begum Jaan from Jammu and Kashmir is assisted across the Line of Control into Pakistan-occupied Kashmir at Teetwal. At right, Kashmiris use the footbridge across the Kishan Ganga to enter PoK

Photo: Agencies

24 Indian Civilians Cross LoC

India and Pakistan open first of the Five Points for movement of people

India and Pakistan opened the first of five points along the Line of Control for civilian movement. This is the first time civilians crossed the LoC after the launch of the Srinagar-Muzaffarabad bus service on April 7 this year.

Officials said 24 Indian citizens crossed the newly constructed foot suspension bridge over the Kishan Ganga river in Teetwal, around 170 kms from Srinagar. They were warmly received by Pakistan Army officers. Top Army and civilian officials of the area on the Indian side were present.

Kishan Ganga also serves as the dividing line between the two parts of Kashmir. The bridge was laid by the Pakistan Army in a record time. The original bridge that existed in 1947 was damaged in the hostilities between the two countries.

The names of the civilians who crossed the LoC was cleared by both the governments a few days

back. They were eager to see their relatives across the LoC as they had no news of their kin after the October 8 quake. "Nothing is known about their welfare and all of us are worried," Zaman Ali, a retired teacher in Teetwal, told reporters. He, his wife and daughter left for Pakistan-occupied Kashmir in search of his sister's five married daughters. "Though I do not have any idea where they live, I will locate them," he said. Zaman, who last visited PoK in 1984 via Wagah, took with him a number of letters from his neighbours for their relatives.

Eighty-two year-old Begum Jaan from Teetwal was the first to cross the bridge that was opened for the exchange of relief last week.

According to reports, no Pakistan civilians crossed over to this side on Saturday as the formalities for clearance on both sides are yet to be completed. Sources said that over 2,000 applications were pending on either side. "We are trying to expedite the

clearance but it may take some time," a senior official said. It is likely that the Silikot and Kaman Post points may be opened for civilian movement on November 24.

Search for Passengers

On November 17, a number of Indians stranded in PoK crossed over to this side through a temporary link on the Kaman Post. The search for 19 more persons who crossed the LoC by the Muzaffarabad bus was on.

Eighteen persons from PoK who had entered this side before the quake were still here. "Many of them do not want to go back at this juncture," sources said.

The process of opening the points along the LoC began on November 7 and the exchange of relief was completed on November 16, with the opening of last point at Silikot-Hajipeer. The process, according to officials, will continue indefinitely. ■

(Courtesy: The Hindu)

Forces in J&K to Get Hi-tech Radio System

The Centre has decided to introduce hi-tech digital radio trunking system for the forces engaged in counter insurgency operation in Jammu and Kashmir. The new system will provide smooth communication for the CRPF. Besides, the government is introducing the burst error control system for the forces deployed in J&K, Manipur and Assam.

Radio density in Srinagar valley

is very high. This creates disturbances in smooth communication network especially when operation takes place and the forces involved in intense activity. The only solution to this problem is to acquire digital trunking system passed on tetra technology. Due to this reason, the Union Home Ministry has decided to introduce digital radio trunking system, which has the capability of working four channels

simultaneously on single frequency. The new system can provide smooth communications in a place where radio density is high.

In order to achieve noiseless secure communication, the union Government has decided to introduce the burst error central system. For long-distance communication in Assam, Manipur and J&K, most of the radio-sets are already working with the system. ■

Kangri Survives Onslaught of 'Modernity'

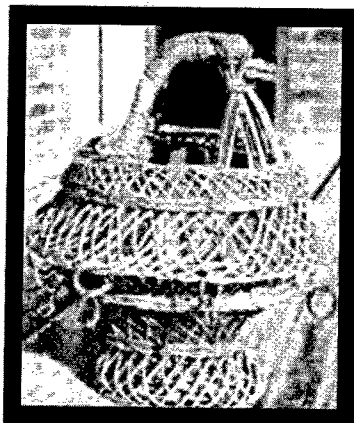
The boom of modern electric gadgets notwithstanding, Kangri or fire-pot continues to be the main and cheap source of energy helping people keep themselves warm during freezing winters in Kashmir.

An earthen bowl-shaped pot encased with intricately interwoven wickerwork, Kangri is a part of the culture in Kashmir. With its earthen bowl filled with charcoal, Kangri is put inside the cloak called *Pheran*. The Kangri is also taken along by holding the round-handle made of thin and long reed sticks. A sharp spoon-shaped small piece of wood or steel-locally known as *challan*-tied with a string hangs down the bangle-shaped circle called *Nas* stuck in the arc of handle is used to shape the embers in the pot.

Contrary to general perception, Kangri trade during past some years has increased exponentially. Not only in Kashmir Kangri has found its markets outside. Muhammad Sidiq, a Kangri maker from Charar-e-Sharief hardly finds time even for the noon prayers. "Given the huge demand in the market at present, I remain

increasingly preoccupied with making Kangris, he says.

Some estimates put the number of Kangris produced every year in Kashmir between 30 to 40 lakh. "This is a large industry but government has neglected it by raising the costs of raw materials, says Sidiq.



Many families have become disappointed with this trade in Charar-e-Sharief. "Earlier we would earn handsomely even after selling the Kangris at much lesser price but now there is not much profit," says Sidiq, a father of three children. Sadiq says that many of families have switched over from the Kangri trade to other trades.

The Kangris of Charar-e-Sharief, 26 kilometers from here in central district Budgam, is known as the hub of Kangri trade. Its Kangris sell more in the market. Sadiq ascribes the reason to the durability and beauty of the Kangri from his native place. "We give a lot of attention to make Kangri more decorative and durable. You will find our Kangri less in weight-quality that shows the richness of material," says he.

Kangri finds its place in Kashmiri folklore. People in certain parts of Kashmir continue to follow the age-old tradition of presenting Kangris on festivals to brides. Not very long ago in the city also people would present Kangris on every Eid to the newly married women, which has now been replaced by warm quilts and blankets.

Kangris save a lot of energy in the electricity-deficit Kashmir, "Although people are using electric heaters, and water bottles but you cannot rely on them for obvious reasons. Kangri is something that will never disappoint you," believes Sadiq. ■

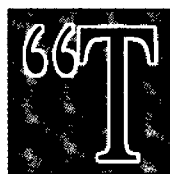
(Courtesy: The Greater Kashmir)

News from J&K

- The much awaited trial run of the first Amritsar-Lahore bus service, began on December 11. The bus carrying 9 passengers crossed over to Pakistan through the Wagah route. Regular service is scheduled to start on December 23 with the first bus arriving from Lahore. The first bus from Amritsar will depart on December 28.
- The J&K government is starting a massive free legal aid service across the quake stricken areas for quick delivery of aid. Around 50 Lok Adalats – mobile courts – will be stationed in numerous villages to decide on the family disputes and other technical problems which have arisen over the distribution of relief.
- A non-profitable charitable organization from Himachal Pradesh is proposing to construct 2000 houses in 13 villages of quake-hit areas of the state.
- The private airline Spice jet has announced the launch of services in the state with the bunch of flight between Jammu and Srinagar and to Delhi with non stop services six times a week.
- The J&K Chief Minister Mr Ghulam Nabi Azad has said that the construction of new road links and establishment of effective and efficient road connectivity to all villages, blocks, town and cities in all the regions is essential for state's development. He has asked for a project report on four lane road along Dal lake. ■

J&K RTI : An Overview

Kulwant Singh



THE GREAT democratising power of information has given us all the chance to effect change and alleviate poverty in ways we cannot even imagine today. Our task...is to make that change real for those in need, wherever they may be. With information on our side, with knowledge a potential for all, the path to poverty can be reversed."

This is the age of information affluence. Technology, with its capacity for storing, simplifying and communicating information with astonishing speed, has more than ever, put information at the centre of development. Information is a global resource of unlimited potential for all. Government is a vast storehouse of this resource. The information kept by government holds the memory of the nation and provides a full portrait of its activities, performance and future plans.

Information is a public good like clean air and drinking water. It belongs not to the state, the government of the day or civil servants, but to the public. Officials do not create information for their own benefit alone, but for the

benefit of public they serve, as part of the legitimate and routine discharge of the government's duties. Information is generated with public money by public servants paid out of public funds. As such, it cannot be unreasonably kept from citizens. In a government where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people have a right to know every public act, everything that is done in a public way, by their public functionaries. The responsibility of officials to explain or to justify their acts is the chief safeguard against oppression and corruption.

Lack of information denies people the opportunity to develop their potential to the fullest and realise the full range of their human rights. Individual personality, political and social identity and economic capability are all shaped by the information that is available to each person and to society at large. The practice of routinely holding information away from the public creates 'subjects' rather than 'citizens' and is a violation of their rights. This was recognised by the UNGA in 1946 when it resolved:

***Information is
a public good
like clean air
and drinking
water. It
belongs not to
the state, but to
the public***

"Freedom of information is a fundamental human right and is the touchstone for all freedoms to which the United Nations is consecrated." Right to information was first recognised in Article 19 of Universal Declaration of Human Rights and then given the status of a legally binding treaty obligation in Article 19 of the International Covenant on Civil and Political Rights which states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." This has placed the right to access information firmly within the body of universal human rights law.

The right to access information underpins all other human rights. For example, freedom of expression and thought inherently rely on the availability of adequate information to inform opinions. The realisation of the right to personal safety also requires that people have sufficient information to protect themselves. Right to food is also often reliant on the right to information. In India for example, people have used access laws to find out about their ration entitlements and to expose the fraudulent distribution of foodgrains. Quite simply, the right to information is at the core of the human rights system because it enables citizens to more meaningfully exercise their rights, assess when their rights are at risk and determine who is responsible for any violations. The right to information holds within it the right to seek information, as well as the duty to give information, to store, organise and make it easily available, and to withhold it only when it is proven that it is in the best public interest. The duty to enable access to information rests with government and encompasses two key aspects: enabling citizens to access information upon request; and

proactively disseminating important information.

RTI Act in J&K

The successful functioning of democracy essentially depends on the extent and level of participation of citizens in the process of governance. This participation should not remain restricted to elections but should continue when decisions on policy, laws and schemes are being made, implemented or evaluated for impact. Such participation ensures transparency and accountability in government functioning and enhances the quality of governance. Effective participation of people in their government results only when they understand how decisions are being made, how their tax money is being spent, how public schemes are being implemented, whether the government is acting with honesty and fairness, whether the public servants answer their questions, etc. One way of participating in democracy and development is by exercising the right to ask for government held information.

The state of Jammu and Kashmir (J&K) passed the Jammu and Kashmir Right to Information Act, 2004 on 5 January 2004 to secure right to information in favour of its citizens. However, the rules there under were published on 20 June 2005 after a lapse of about 18 months. The J&K RTI is based upon the now repealed Central Freedom of Information Act, 2002 which lacked:

- i) Proper assignment of responsibility to bureaucrats,
- ii) A proper appeals process against denial of requests,
- iii) A direct penalty clause for officers who illegally withhold public information, and
- iv) A proper notification in the Gazette of India.

The Central Right to Information Act, 2005 has now repealed the Freedom of Information Act, 2002.

The key to the successful functioning of any democratic polity is the ability of the citizens to observe and evaluate the functioning of elected representatives and make an informed judgment of their performance. This evaluation is predicated on the easy availability of the necessary information for a citizen to arrive at an assessment. The 'right to information' as stated in the J&K RTI means right to obtain information relating to the affairs of the State or public bodies by means of obtaining certified copies of documents or records, inspection of accessible records and taking notes and extracts, inspection of public works, taking samples of material from public works, information stored in a computer or in any other device. The term 'State' means the government of J&K and a 'Public Body' means offices of all local bodies and statutory or other authorities constituted under law, government company or corporation with 51 per cent or more government owned equity, trusts established and controlled by the government, a society or cooperative society established, funded and controlled by the government and any other body which receives substantial financial assistance from the government.

Disclosures

The right to information places an obligation on the government to make public certain information without anyone especially asking for it. Every department and public body is obligated to maintain all its records consistent with its operational requirements and publish at intervals as prescribed by the government, particulars of organisation, functions, powers and duties of its officers and employees and procedure followed in the decision making

process, norms for discharging public functions, facilities available to citizens for accessing information, name, designation, etc. of officer in-charge and controlling officer in each office. Obligation is also imposed to publish all relevant facts relating to important decisions, policies and reasons there for, and in the best interests of maintenance of democratic principles communicate the facts related to any project before its initiation to persons affected or likely to be affected by the same. For an efficient working of the J&K RTI, records management and archiving need to be reviewed and improved as necessary. Consideration could also be given to electronic archives.

Every citizen has the right to obtain information from the in-charge of office, that is obliged to provide information so requested in accordance with the provisions of this Act. Upon an application by person seeking information, the in-charge of the office is bound to supply the same within a period of 30 working days from the date of application provided the same is not barred by the provisions of Section 6 of J&K RTI. Where information requested falls within the prohibition of Section 6, the office in-charge may reject the request but the same is to be communicated to the applicant as early as possible. Moreover, where the information requested needs to be compiled involving considerable financial expenditure and extra work, the in-charge of office may, after recording his reasons in writing, send a regret reply to the applicant. J&K RTI obliges the concerned officials to supply the requested information within a specified time frame but leaves the communication of rejected application to their absolute discretion thereby interfering with the right of applicant to seek further remedy against denial of request at the earliest. Furthermore, the

J&K RTI does not contain any provision for making urgent requests for seeking information.

Exemptions

However, the right to information is not an absolute right. Not all information that the government has with it must always be given. Some information can be held back and not given out by the government. Section 6 of J&K RTI incorporates several exemptions for refusal of information requested by a citizen, viz., information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, security of State, conduct of international relations, Centre-State relations, including information exchanged in confidence between the two sets of government, public safety and order, detection and investigation of an offence, or which may lead to an incitement to commit an offence, cabinet papers, minutes of records of advice including legal advice, opinion or recommendation made by an officer during the decision making process prior to the executive decision/policy formulation, a disclosure which may result in the breach of privilege of Parliament or State Legislature, or contravention of a lawful order of a court, information supplied by a person under the guarantee of confidentiality and when s/he has not consented to its disclosure.

In addition to this absolute rule, the requested information may also be withheld by in charge of an office, for reasons to be recorded in writing, the disclosure of which may prejudicially affect the enforcement of law and operation of any intelligence agencies, would endanger the life or physical security of a person or identify the source of information, would prejudicially affect fair trial, would reveal the existence or identity of a confidential record or prejudice the

future supply of information, may facilitate the escape of a person from legal custody or affect his present security. Disclosure of information likely to affect government's ability to manage the economy or information relating to legitimate economic and commercial interests of a public authority, or pertaining to trade and commercial secrets protected by law, is also exempted. Personal information having no relationship with public duty, record or information privileged under Sections 123 and 124 of the J&K Evidence Act, *Samvat* 1977 is also protected. Moreover, where the information requested is too general or is so voluminous that its retrieval would involve disproportionate diversion of resources; provided the public authority helps the applicant to reframe his request to facilitate the supply of information, where the requested information is required to be published by law at a particular time or is contained in material already published, such information may also be refused.

Appeals

J&K RTI incorporates provisions for two internal appeals in favour of aggrieved person who has the right to prefer the first appeal before 'controlling officer' of the department concerned and second appeal before the 'government' within a period of 30 days from the date of rejection of his application. Section 9 of J&K RTI is not happily worded. 'Controlling officer' who is the immediate superior of the officer refusing/rejecting the application happens to be the party interested in outcome of the case. He being appellate authority goes against the well-established dictum of law "No one can be judge in his own cause" and thus violates the 'rule against bias' principle of natural justice. The term 'government' used in the Act is vague and does not specify the authority designated to entertain the second

appeal. Filing of both the appeals within a period of 30 days from the date of rejection of original request goes against the spirit of natural justice as these appeals are essentially two different steps of the same remedy and the period of limitation in each step has to be calculated independent of the other. Right to second appeal arises only when the remedy of first appeal has been exhausted and both cannot be availed of concurrently. Beside all this, it is absurd to presuppose that such an appeal process will favour the interest of the citizens of the state, especially when there are vested bureaucratic interests within each department against the release of public information.

Penalties

In case, the officer who fails to provide the requested information within the stipulated time period shall be "liable, after such inquiry as may be required under rules pertaining to disciplinary action applicable to him, for imposition of such penalty as may be determined by the disciplinary authority under such rules." Burden is placed on the citizen to get the law-breaking bureaucrat punished by seeking action under extraordinary cumbersome Jammu and Kashmir Civil Service Rules. There is no direct

penalty clause contained in the J&K RTI. In contrast, the Central RTI creates an independent appeal mechanism through Central/State Information Commissioners, which in conjunction with extensive disclosure obligations and stringent penalties gives teeth to the right, making it a potent instrument for good governance. Under the Central RTI, a citizen seeking information from the Central government may submit a form and a nominal fee to the officially designated 'Public Information Officer' of each ministry, department, or semi-autonomous body. Citizens who are denied their request or who do not receive the requested information within 30 days may appeal to the specially constituted, independent 'National Information Commission' for reversal and/or punishment of the concerned officer, viz., rupees 250 for each day of delay, with additional fines up to rupees 25,000 as well as disciplinary action. No such mechanism exists under the J&K RTI. It needs to provide stringent penalties for failing to provide information or affecting information flow in any way.

The Central RTI requires that each Information Commissioner produce an annual report on the implementation of the Act, which is to be submitted to the

Central/State government and subsequently tabled before each House of Parliament/State Legislature. Moreover, the governments must, subject to the availability of financial and other resources, organise RTI education programmes for the public, in particular for disadvantaged sections of society; promote timely and effective dissemination of accurate information by public authorities; train Public Information Officers and produce other training materials for use by public authorities. The J&K RTI does not contain any provision relating to monitoring processes and education of public.

Drastic changes are needed in the J&K RTI to make it more stringent to ensure the dawn of a new era in our processes of governance, an era of performance and efficiency, an era which will ensure that benefits of growth flow to all sections of our people; an era which will eliminate the scourge of corruption, an era which will bring the common man's concern to the heart of all processes of governance. The J&K RTI should serve as an instrument for improving government-citizen interface resulting in a friendly, caring and effective government functioning for the good of the people of the state. □

(Contd. from Page 35)

Changing Governance ...

government is not over worked, but priorities are skewed and there is little answerability for non-performance.

The historically unhealthy mindset of the "governed" being beholden to those who govern, for the little scraps of mercy and justice that occasionally come their way, will change and people will begin to expect the government to perform or otherwise answer to them. And answer to them not just notionally and without real options,

once in five years, through the ballot box, but substantially, each day, through the disclosure of its processes and performance, and of what decisions are made, why and how, and who implements them and who does, not.

But, in the final analysis, the success of the RTI does not depend on punishing, or even exposing functionaries who are corrupt, or inefficient, or apathetic. Nations and societies cannot run on punitive action

alone. Therefore, in the final analysis, the success of the RTI will be determined on how good a deterrent it was, and on how effectively it managed to prevent corruption and promote efficient and caring governance. A government becomes inherently and genuinely transparent when every functionary of that government instinctively acts in a manner such that the principle underlying the action can stand up to the closest of public scrutiny. That must clearly be the goal. □

Give Rubber a Chance

Sudhir Sharma

THE HISTORY of turmoil in the North East is often said to be the effect of large scale unemployment and under-development. While this may not be the whole truth, it does reflect the aspirations of the citizens to open new vistas of economic development. The turmoil could also be viewed as convulsions of micro (tribal) communities to ensure that their diverse cultures, that grew and flourished in grand isolation from others in the past hundreds of years, retain their unique character in the fast changing socio-political realities of a democratic set up.

Limitation of arable land and irrigation facilities has somewhat stymied the agricultural push in the region. Lack of infrastructural facilities and adequate investments have similarly thwarted the efforts for industry-led growth. But for forest and petroleum sectors, the area remains a consumer as opposed to surplus producer. The ecological concerns that led to total ban on felling of trees in the past decade, and, the dwindling oil related activities have served to deepen the feeling of despair in the region. No wonder, then, that militancy refuses to let it as well as the top planners be.

Inevitably, the search for newer

solutions has to be intensified. In view of the large tracts of lands available and the familiarity of the people with trees and silviculture, alternate crops have to be introduced. Rubber can be a prime candidate for this purpose. Give it a chance wherever the agro-climatic conditions are favorable, take a leaf from Tripura's experience with rubber plantation and replicate elsewhere.

Rubber plant was scattered from Amazon basin of South America by voyagers after the middle ages. Perhaps, but for Christopher Columbus, playfully, taking towards end of sixteenth century some samples of latex to Haiti and other areas, this source of riches would have remained hidden for several more centuries.

Commercial rubber plantation in India began early in twentieth century and reached the North East in the sixties of the last century only. Today, the country produces natural rubber to the tune of eight lakh tonnes annually of which the North East's contribution is upward of twenty thousand tonnes. It is significant to note that the production in Tripura is the second highest after Kerala in the country, which itself is the fourth largest producer of natural rubber in the world. Though rubber tree in non-commercial form was introduced in the

Rubber production in Tripura is the second highest after Kerala in the country, which itself is the fourth largest producer of natural rubber in the world

Mr Sudhir Sharma is a member of the IAS and has had a long experience of working in the North East.

North Eastern region as early as 1913, the total area covered by its plantation till March, 2005 is estimated by the Rubber Board to be only 55492 hectares (ha) with the state-wise breakup of Arunachal Pradesh 379 ha, Assam 13692 ha, Manipur 1816 ha, Meghalaya 4800 ha, Mizoram 719 ha, Nagaland 2125 ha and Tripura 31461 ha.

Tripura with geographical area of about 10500 square km has nearly 60% landmass under forest- much of it in degraded condition. It has high rainfall, around 200cm annually, and, has the Tropic of Cancer passing through it. It also has a large tribal population-30%- a people well adjusted to living with trees. The economy is characterized by absence of the secondary sector and severe constraint of agricultural land. The state in large parts has hilly terrain and undulating topography with a number of rivers and rivulets called "cherras" making it ideally suited for animal husbandry and plantation crops. The state is enclosed, almost 90%, by international border (856 km) with Bangladesh, a fact that creates severe problems of illegal trans-border trade, crime against life and property of citizens and also serves to aid the extremist activities.

Rubber (*Hevea brasiliensis*) was introduced in Tripura soon after the merger of this erstwhile princely state, ruled by a 700 year old dynasty, with the Indian Union in 1949. But serious efforts for its plantation on economic scale came only when the Forest Department took it up in mid - 1960's. With the topography and the climate favoring rubber trees in the state, it has been estimated that 1 lakh hectare land is available for such plantation. As of now, the actual plantation covers an area of 31461 hectares out of which nearly half is under tapping yielding about 15500 tonnes of natural rubber annually.

The average yield of rubber in the state is reported to be 981 kg per hectare which is much lower than that of about 1800 kg per hectare in Kerala possibly on account of more number of rainy days, colder winter and the efficiency level of labor force. However, the highest yield has been recorded as 1315 kg per hectare in the plantations of Tripura Forest Development and Plantation Corporation (TFDPC) and 1500kg per hectare in private plantations. The state has plans to extend rubber plantation by 1500 hectares each year. Block plantation approach is adopted to strengthen rubber-friendly attitudes and bringing about technological improvements. The effort is supported by government instrumentalities like TFDPC, Tripura Rehabilitation and Plantation Corporation and the Rubber Board, as also private enterprise. The 20 year perspective plan of the state envisages bringing additional 56000 ha land under rubber with the expenditure of nearly 375 crore rupees. It has also been estimated that such concerted action would be helping settle 35000 families of tribal shifting cultivators called "jhumias", and would provide employment to another 40000 families on permanent basis.

In the past, rubber expansion was somewhat impeded by the fact that rubber was not accepted as forestry species thereby ruling out its plantation in as much as 60% geographical area of the state which had been declared as "forest" by a 1953 notification. However, now this aspect has ceased to be a constraint as rubber has been made acceptable as forestry species that qualifies for planting on large tracts of degraded forest lands. The state can look forward to higher economic activity not only in plantation but also through downstream industry based on

natural rubber. Rubber plantation along the international border will have an added advantage for security patrols as it would be leaving a clear field of view given the absence of low branching in these trees and the negligible bushy growth under them.

Despite the criticism of rubber being a monoculture plant, it is an eco-friendly species. The leaf litter contributes nearly five tonnes of bio-mass to the soil, it has resulted in rise in the primate population in the plantations, it is an excellent source of timber which, after treatment, is ideally suited for furniture and paneling, and is home to honey bees. In fact, with a bit of treatment, involving pressurized steam and minimal chemicals, rubber wood lends itself into excellent material for furniture-making that retains Scandinavian looks. Rubber seed is also a good source of oil (non-edible) and cattle feed. It does not suffer on account of smugglers' evil eye as the normal forest timber produce does by becoming a commodity for illegal Indo-Bangladesh trade.

Most of all, in Tripura's past few decades that saw intense tribal extremist activity, the rubber plantations appear to have been spared any damage by human hands, giving rise to the belief that rubber-led development effort has found favour with the tribal population. Clusters of tribal families involved in rubber growing can form viable habitations where services like roads, drinking water, electricity, school and primary health care can be efficiently delivered by the state. The wayward youth can get a new direction for fulfilling their aspirations, the unemployment problem can be dented substantially, and, the scarce resources of the state and the society fruitfully applied to the engines of growth instead of being frittered away on containing turmoil. □

India Economic Summit 2005

Building of a broad-based economy provides sufficient internal strength to support India's ambition to become a major world player

TARGETING A GDP (gross domestic product) growth of 10 per cent in two-three years and terming it as "eminently feasible," Prime Minister Manmohan Singh pledged to explore the possibilities of permitting foreign direct investment (FDI) in the retail sector, sort out problems in the power sector and strive to usher in flexibility in the labour market.

Dwelling on the two ticklish issues while addressing delegates at the concluding session of the India Economic Summit, Dr Singh said: "We will try for a consensus on making labour markets more flexible... As for FDI in retail, we are engaged in an intellectually stimulating exercise to understand the possibilities that exist in opening up this sector and how best we can harness it for our needs."

Setting the country's GDP growth target still higher, Dr Singh said that India was likely to average a growth of 7.5 per cent in the next four years but "we should be targeting 10 per cent growth in two-three years. In my view, this is eminently feasible, if we manage a quantum leap in growth rate of agriculture, if investment in infrastructure provides a fresh impetus to industry and if services continue with

their impressive performance," he said.

The country's infrastructure, Dr Singh said, had reached a "take-off" point. "All the elements of an essential institutional framework are now falling in place. If the private sector seizes the initiative, the sky is the limit," he said.

The only hurdle in this regard was the power sector, which was plagued

- Likely to average 7.5 per cent growth in next four years
- Big growth in agriculture, more investment in infrastructure required
- Roadmap for free trade agreements with China, Japan, South Korea

with complex problems. Assuring that this problem too, would be sorted out, Dr Singh said, "We are determined that we will set many things right in the coming year. I am personally holding wide consultations to remedy the situation here [power sector]."

On the trade front, Dr Singh visualised the emergence of a free trade area in Asia within the next few years and outlined the road map for free trade agreements (FTAs) with China, Japan,

South Korea and possibly, even Australia and New Zealand. "This pan-Asian Free Trade Area could be the third pole of the world economy after European Union and NAFTA and will open up new growth avenues for the economy," he said.

Efforts were being made to move towards a single integrated farm market, Dr Singh said. For this, an integrated food law, transferable warehouse receipts, an advance forward market in commodities along with amendments to the Essential Commodities Act were essential.

"We should work towards liberating agriculture from controls that shackle its potential. We have nudged many states into amending the APMC Acts ... We may see India emerging as the granary of the world. The private sector must not miss out on this opportunity and must ride the boom that I see on the horizon," he said.

As for FDI, the Prime Minister said the policy regime was already quite liberal. But still, a group of Ministers was looking into ways of further revamping the existing FDI regime with the aim to cut red tape. In fact, "barring the financial, retailing and coal mining sectors, India was extremely liberal in welcoming FDI," he said.

Noting that there were no external constraints to growth, Dr Singh said that the hurdles being faced were all internal, "imposed by polity, social structure, regional imbalances and inequity, besides (the) inability to take hard but essential decisions."

"We need growth, we need jobs, we need income and we need security," he said. "History will judge us harshly" if bold decisions were not taken. Dr Singh added.

While not ruling out a double-digit achievement, he told the India Economic Summit, organised jointly by the World Economic Forum and the CII: "It is tempting to go for 10 per cent. Even my boss (Prime Minister) wants this. As of now, we have a lot of work to do to even attain the 8 per cent growth rate. Let's be practical and look at 8 per cent before thinking of attaining 10 per cent."

Taking the clock back, Mr Ahluwalia said that in the 1990's, the average growth rate was in the region of 5.6 per cent. The turn of the millennium saw an increase in the GDP to 6.5 to 6.7 per cent.

The finance minister referred to "two purple patches" in the economy – the first in 1994-97, with an average of 7.5

per cent and the second in 2003-04 with 8.5 per cent.

"The question is, can we sustain (the current 7 per cent GDP growth rate), how can we sustain it and what needs

depending on policy initiatives taken today. While the first two talked of an India stumbling over mistakes and its current economic growth gradually tapering off, the third presented a

confident and prosperous India taking on the world in every sphere. Pahale India describes how a widely shared vision for India's future aligns national aspirations and creates common goals. Dynamic internal developments make the country a source of inspiration for the rest of the world. This building of a broad-based economy provides sufficient internal strength to support India's ambitions to become a major world player.

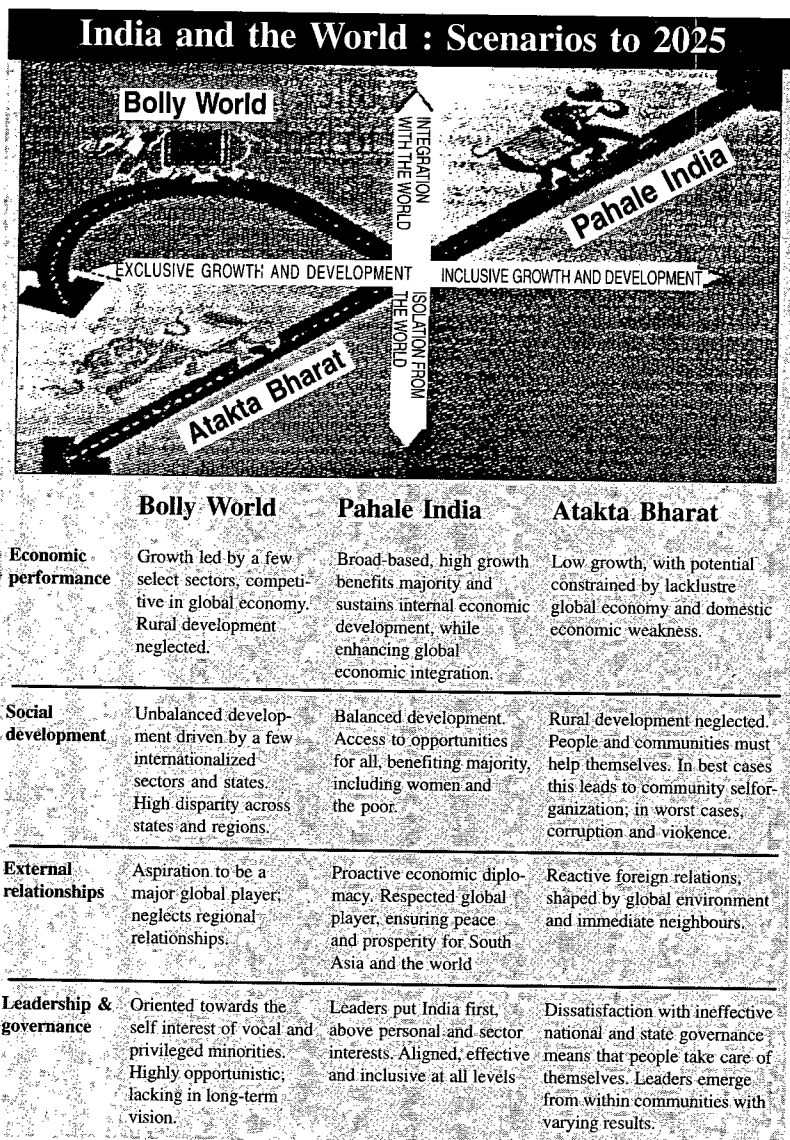
In Pahale India, economic growth is broad based, benefits the majority and sustains internal economic development, while enhancing global economic integration. Six key areas needing urgent, large – scale investment are identified. They became the cornerstone of a country wide campaign for change known as "Pahale": The Six Pillars

of India's Future". These are :

Pahale India ("India First"):

Poverty alleviation,
Agriculture and rural development,
Healthcare,
Access to education,
Leapfrogging infrastructure constraints, and
Effective governance

(Agencies)



to be done to take it to 8 per cent and beyond," he asked.

In his response to a presentation on India and the world scenarios in 2025. Mr Ahluwalia said: "I would rule out the dooms-day scenarios."

Three scenarios – titled "Bollyworld" or India and its global relations, *Atakta Bharat* or stumbling India and *Pahale Bharat* or India first – presented the three possible course of directions that India could take

Economic Freedom Indices of States

The latest indices of states show ups and downs, and no evidence of convergence, says Bibek Debroy

Last year, Laveesh Bhandari and I started an exercise of ranking Indian states on economic freedom. Such studies exist at the cross-country level. They are rarer at sub-regional levels and have not been attempted in India earlier. This is about economic freedom. It is not about political freedom or social freedom. Had we attempted to capture these other categories, as opposed to economic freedom, we would have used different variables. In the work that Laveesh and I do on Indian states, we have never used responses to questionnaires. Our rankings, including this one, are based on officially published government data. And because such data aren't always available for every state, we couldn't rank all 35 states and union territories last year. We ranked 20 last year. And this year too, we are stuck with 20. Our 2004 rankings resulted in some controversy in the first half of 2005, chiefly because people hadn't bothered to read what we had actually done. This is a brief preview of this year's rankings. The entire study will be in the public domain in a few weeks. The time-line for data used this year is mostly 2002-03. In some instances, it is 2004-05. And in rare instances (Judicial data), it is 1998-2002. Had later data been available, we would have used that.

Broadly, there are three heads for measuring economic freedom—size of government (revenue expenditure, administrative component in state domestic product, power subsidy, government share in organised employment, taxes, stamp duties, disinvestment), legal structure and security of property rights (Stolen property rights recovered, violent crimes, economic crimes, vacant judiciary posts, completion of investigations by police, completion of trials by courts); and regulation of credit, labour and business (minimum wages, man-day lost in strikes and lockouts, share of unorganised labour force, number of SEZs, license fees implementation of Industrial Entrepreneurs' Memorandum, power shortages, pendency of cases and persons arrested under corruption-

related laws). All variables are naturally normalised.

Rarely have we been criticised for omission of variables. We have often been criticised for omission or non-inclusion of variables. But in all such instances, when additional variables are suggested, we find that objective data across all states don't exist. Although data are objective, there is minor subjectivity in our rankings. This concerns weights attached to variables,

reported aggregation of variables using equal weights. Space limitations prevent detailed reproduction of tables under these three heads. Instead, we report the overall or composite table, obtained by aggregation of scores across the three heads. Tamil Nadu tops the list and Assam is at the bottom. The scores show that Tamil Nadu is at the top by a significant magnitude and Assam (at the bottom) is also a fair distance away from Uttaranchal. Explanation as to why a state performs the

way it does, lies in the movement of individual variables. However, most movements concern legal structure and security of property rights. The impact of size of government is less palpable. And there is little change due to regulation of credit, labour and business, except for declines in Rajasthan and Chhattisgarh.

For comparisons, the table also reproduces the 2004 ranks and scores. One notices significant improvements in Tamil Nadu, Madhya Pradesh, Jharkhand, Uttar Pradesh, Karnataka and West Bengal and significant deterioration in Maharashtra, Rajasthan, Jammu and Kashmir, Orissa and Chhattisgarh. Indeed, one should flag not only the deterioration in ranks, but the

absolute decline in scores in states like Maharashtra, Rajasthan, Jammu and Kashmir, Orissa, Punjab, Chhattisgarh, Bihar, Uttaranchal and Assam. Governance, and its lack, is an elusive concept and any equation of good

governance with economic freedom can be debated. However, economic freedom is about personal choice, voluntary exchange, freedom to compete, protection of person and property and availability of legal and monetary arrangements that not only protect property rights of owners, but also

ensure enforcement of contracts. From this perspective, greater economic freedom should be the objective of governance and on this account, there is no evidence of convergence across India's states. □

Source: The Business Standard

Composite Ranks for Economic Freedom of States, 2005

State	2005 Rank	2004 Rank	2005 Index	2004 Index
Tamil Nadu	1	5	0.515	0.371
Gujarat	2	1	0.450	0.404
Kerala	3	3	0.447	0.374
Andra Pradesh	4	2	0.381	0.377
Madhya Pradesh	5	9	0.374	0.332
Haryana	6	8	0.366	0.348
Jharkhand	7	16	0.354	0.294
Uttar Pradesh	8	13	0.347	0.303
Karnataka	9	12	0.337	0.309
Maharashtra	10	6	0.335	0.365
West Bengal	11	14	0.335	0.299
Rajasthan	12	7	0.335	0.348
Himachal Pradesh	13	15	0.317	0.296
Jammu & Kashmir	14	10	0.311	0.328
Orissa	15	11	0.295	0.316
Punjab	16	17	0.290	0.292
Chhattisgarh	17	4	0.266	0.373
Bihar	18	19	0.240	0.265
Uttaranchal	19	18	0.224	0.276
Assam	20	20	0.218	0.222

required for aggregation. However, when we use alternate methods of weighting, we find the state scores don't change that much. The ranks do. This is a point that needs emphasis. People are obsessed with state ranks. What is important is scores that drive the ranks. A difference in ranks may be due to a marginal difference in scores. But it may also be due to a significant difference in scores.

There are, thus, three sets of scores and ranks, one for each head. On size of government, Jharkhand and Gujarat are at the top and Uttaranchal is at the bottom.

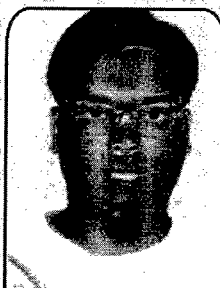
On legal structure and security of property rights, Tamil Nadu is at the top and Bihar is at the bottom. Finally, on regulation of credit, labour and business, Kerala is at the top and Chhattisgarh is at the bottom. In reporting scores under these heads, we have

Why a state performs the way it does, lies in the movement of individual variables.

However, most movements concern legal structure and security of property rights

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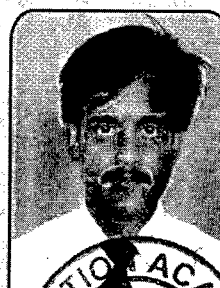
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The Road to Hong Kong

Vijaya Katti

THE MINISTERIAL Conference is the highest authority of the WTO structure and meets at least once every two years. The structure of the WTO places great emphasis on the meetings, and past Ministerial Conferences have marked major turning points in the multilateral trading system.

The 1999, the 3rd Ministerial Conference in Seattle established the modern era of global non-governmental organization (NGO) activism in multilateral trade negotiations. The 4th Ministerial Conference, in Doha, Qatar, established the current 'Doha Round' and placed development firmly on the agenda of multilateral trade negotiations. The 5th Ministerial Conference, in Cancun, Mexico, is noted primarily for its failure to achieve consensus on key issues which continue to divide developed and developing nations.

The Sixth WTO Ministerial Conference scheduled in Hong Kong, from December 13-18, 2005 is critically important as it is expected to put into action the development promises of the 2001 Doha Ministerial to make the multilateral trading system work for the poorest countries.

The main task before members in Hong Kong is to settle a range of questions that will shape the final agreement of the Doha Development Agenda, which members hope to complete a year later, at the end of 2006.

Launched at the Fourth Ministerial Conference in November 2001, the Doha Development Agenda includes negotiations on a range of subjects, and work on issues related to the implementation of agreements arising from previous negotiations (the 1986-94 Uruguay Round, which created the WTO).

For the negotiations on agriculture and non-agricultural market access, the aim is to agree on formulas and other details that will determine the scale of reductions in tariffs on thousands of products and on farm subsidies. Also on the agenda are preparation for the final stages of negotiations in services, various WTO rules and a number of development issues. Originally intended for Hong Kong, some of the objectives are being delayed to early 2006 with Hong Kong as an important staging post.

The technical and political process following the July Framework has showed little movement in Geneva or at

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international level. Furthermore, deep divergences among developed and developing members on key negotiating issues continue. They are the same divergences that shaped the Cancun outcome: on one side developed countries maintaining their agriculture policies, particularly in regard to export subsidies and domestic support; and on the other side developing countries struggling for better access to developed markets and the effective implementation of Special and Differential Treatment provisions in all areas of negotiations.

The current multilateral scenario has also been weakened by the proliferation of negotiations of bilateral and regional trade agreements. In most cases, these agreements have proven to be detrimental to the interest of developing countries because they are negotiated under unequal conditions among trade partners and their outcome often brings more obligations than benefits for the most vulnerable in the developing world. Due to the complexity of the existing context, everyone is keeping the fingers crossed on predictions for Hong Kong. But the negotiations towards Hong Kong and the Hong Kong Ministerial itself are crucial opportunities to ease the tensions among developing and developed countries – and demonstrate that trade could be used as an important means to achieve sustainable development and as an instrument for achieving the Millennium Development Goals agreed by the international community. Thus, Hong Kong ministerial is the time to restore faith in WTO.

India has gradually assumed the position as a leader of the developing world, and thus has more responsibility while engaging in multilateral negotiations. All the three market access areas, namely agriculture, NAMA and

Services are equally important for India.

Development issues are at the centre of the on-going negotiations and effective Special and Differential treatments would be an important element.

Industrial Tariffs

Non Agricultural Market Access (NAMA) negotiations are also likely to take centrestage in the forthcoming ministerial, though progress in this area is largely dependent upon the progress made on the agricultural talks. The main elements of the mandate for NAMA negotiations in the Doha Work Program include reduction or, as appropriate, elimination of tariffs including tariff peaks, high tariffs and tariff escalation. Developing countries have the flexibility of 'Less than full reciprocity in reduction commitments'. Non Tariff Barriers is also an issue for negotiation. The July 04 framework text stated that the tariffs should be reduced through a 'non-linear' formula applied on a line-by-line basis', taking into account the special needs and interests of the developing countries. The movement in this area has been very slow; developing countries have generally been against a non-linear formula, wherein high tariffs would be cut more steeply than the lower tariffs, implying larger cuts by the developing countries. Most of the developing countries have rejected a simple Swiss formula, wherein they would be required to make steepest cuts. Further, they want that the formula should effectively address the issue of tariff peaks and tariff escalations.

Argentina, Brazil and India have jointly proposed a modified a Swiss type formula based on the average tariffs of the members. Under the NAMA negotiations, India's objectives include enhancing market access in developed countries; retaining

flexibility to accord tariff protection to sensitive products where the need arises in future, and; obtaining adequate flexibilities for developing countries to address developmental sensitivities. The Swiss formula is a tariff dependant, non-linear formula which results in higher cuts on higher tariffs, and that harmonizes the tariff lines around the coefficient selected. It means that the bigger the coefficient, the less steep will be the tariff cut. The Swiss formula, depending on the coefficient, can achieve high levels of ambition for the developed countries who want real market access by seeking binding below the present applied rates. On the other hand, developing countries need tariffs as their economies are unstable. Tariffs provide revenue for developmental needs, help countries cope with external shocks especially for those that follow IMF policies regarding free capital flows and liberal exchange rate regime.

While developed countries have very low tariffs, non tariff barriers (NTBs) are increasingly becoming front-stage market access concerns.

Agriculture

Agriculture is of immense importance as a means of livelihood, as a source of food security, and as the prime focus for any programme of rural development and poverty alleviation.

Negotiations on agriculture have been the most crucial as well as most difficult since it is politically the most sensitive sector, directly impacting the livelihoods of a large number of farmers in member nations. The July 04 framework agreement laid down a negotiating map for the three pillars of Agreement on Agriculture viz domestic support, market access and export subsidies. With respect to the domestic support, the framework agreement provides for substantial reductions in the overall levels of support. The agreement of the EU, the US and Japan

on one hand and the developing countries on the other hand would be the key deciding factor in reaching a consensus on the structure of tiered formula since the former three account for nearly 82% of the sum of aggregate measures of support (AMS) for all the member countries. Further, the text provides for reductions in the de minimis support (i.e. the minimum amount of support permitted) taking into account the principle of Special and Differential Treatment.

A ccording to the July 04 framework agreement, Blue Box support (i.e. subsidies tied to programmes that limit production) shall be reviewed to ensure that these payments are less trade distorting than the AMS. Further, these payments will be capped at no more than 5% of the average total value of agricultural production of the country over a period that will be negotiated. Although there are different proposals on this issue, there is limited consensus till date. At the same time, it has also been agreed to review and clarify the Green Box (permitted subsidies) criteria to ensure that they do not distort trade. The G-20 is of the view that the Green Box should include provisions to accommodate genuine agricultural and rural development concerns of the developing countries. During the forthcoming ministerial, it is possible that a few developed countries would try to increase the support criteria under one box while reducing support in the other box. Thus, it is essential for the developing nations to watch and ensure that negotiations do not lead to more box shifting.

The major breakthrough has been achieved in the area of export subsidies, which shall be eliminated by a fixed date that is to be negotiated. However, the date of elimination has not been agreed upon as yet even though the

G-20 has proposed a period of five years for elimination of all forms of export subsidies. In the area of market access negotiations, no concrete decision has been taken on the structure of the tariff reduction formula even though the key principles that need to be considered have been set out in the framework text of Jul 04. The text provides that the tariff reduction formula shall be tiered and progressive and that reductions will be made from bound rates. Further, it stipulates that flexibility shall be allowed by way of designating a number of products as sensitive, which shall not be subject to such tariff reductions. During the Dalian mini-ministerial meeting in Jul 05, participating members agreed to start market access negotiations based on the G-20 proposal and to find a midway between the Swiss formula and the Uruguay Round approach.

Market Access

The Market Access pillar is the most critical of all pillars to India. India's interests in the negotiations are more complex than developing countries such as Argentina and Brazil who have a clearly defined interest in the negotiations. While India may have a comparative advantage in some products, it may not in many others.

Modeling results show that the gains to India are maximum under liberalization in the market access pillar, compared to liberalization in the other two pillars, on account of the limited scope, coverage, and reduction targets in the other two pillars.

Domestic Support

Substantial and effective reductions in domestic support of developed countries were considered essential and a pre-requisite to any market access commitments by developing countries. Cascading effects of depressed prices, owing in part to subsidization by

developed countries, resulted in lower prices and returns to farmers in India.

The outcome in domestic support reduction should be harmonization of relative levels of support, as well as product specific support caps. It is necessary to ensure that the developed countries are not be allowed to circumvent their reduction commitments by 'shifting boxes'.

Export Competition

India needs to have the flexibility to provide infrastructure for common use by small and medium exporters, quality improvement and certification measures, credit guarantees and insurance to exporters. As far as disciplining subsidies goes, India should negotiate for a short phase out period for developed countries, press for the introduction of ad valorem limits on per unit subsidy on commodities and the phase out of all export subsidies.

The strategy of priority reduction of direct export subsidies by developed countries, front-loading their reduction commitments, with an initial focus on products of significance to developing countries, ensuring that the developed country support is not shifted to other heads, and ensuring special and differential treatment for developing countries (in terms of longer phase out period, smaller reduction commitments, differential rules for state trading enterprises, and provision of subsidized export credit) would benefit India. In the case of specific products, such as cotton and sugar, where both domestic and export markets are affected by export subsidies of developed countries, emphasis needs to be placed on the priority elimination of support to these products.

Services

Services negotiations have remained low key till date and unless the member countries display some aggression, talks

on the subject will remain largely neglected in the forthcoming ministerial. The services sector is very important for India, as it has been the engine of growth. India is considered to be the services powerhouse. India ranks in the top 20 services exporting countries. In particular the Information Technology (IT) industry in India has witnessed stupendous growth. Out of the four modes of supply in trade in services, India has a comparative advantage in Mode 4 (movement of natural persons); Mode 1 (crossborder supply) (consumption abroad). India has a great interest in liberalisation of services, as India has lately emerged as a strong exporter of services. India's services exports in FY05 are estimated at US\$ 50 bn and have the potential to increase manifold provided the developed countries liberalise their markets further by improving their services offers in Mode 1 (cross border supply of services) and Mode 4 (movement of natural persons).

Trade in services presents both challenges and opportunities to India. A major constraint preventing India from realising the welfare gains from trade in services is its inadequate infrastructure. India needs FDI to the tune of US \$ 200 – 500 billion to fulfill its infrastructure requirements. Enhanced trade in services could also take care of this infrastructural deficit.

India's objectives in GATS negotiations are to achieve effective market access in Modes 1,2 and 4. Liberalisation in Mode 1 offers significant gains for India considering the increasing growth and potential in delivering services through electronic means. Increasing innovation in business practices have led to out-location of a number of services activities.

In mode 4, presently the following 2 categories are recognized: Business Visitors and Intra Corporate Transferees. The need is to have 2 new

categories namely: Contractual Service Suppliers and Independent Professionals. These 2 categories should be delinked from mode 3 (commercial presence). India in its proposal TN/S/W/31 dated 18 February 2005 submitted to WTO along with other countries including Argentina, Brazil, Philippines, Thailand etc. has highlighted the point of "Substantial improvements in the coverage of categories and the market access conditions for each of them is, therefore, key to improved market access in Mode 4.

Trade Facilitation

One of the basic objective of trade facilitation was to reduce transaction costs of the border clearance of goods for the trader. High transaction costs for border clearance of goods are a significant constraint to exports and imports and reduce competitiveness of the trader in domestic/international markets, with ultimate adverse impact on employment generation and the inflow of investment.

Transaction costs were very high in developing countries when compared to developed countries. As per a study, customs clearance of sea cargo takes an average of 2.1 days in developed countries but can take up to 4.8 days in the case of East Asia and the Pacific, 9 days in the case of Latin America and Caribbean and 10 days in the case of South Asia and Africa. It has been estimated that if the time spent on port clearance by developing countries were to reduce by 1 day, the gains would amount to \$ 240 billion. It was estimated that an Indian exporter needs to complete 29 documents, make 118 copies and get 258 signatures to secure the export of a consignment. Increasing trade volumes coupled with the fact that infrastructure was limited and slow in growth, called for the adoption of efficiency measures by both

government and private sector as a short to medium term strategy, for speeding up border clearances as the need for infrastructure growth could only be addressed in the long term.

The most important aim of the negotiation was improvement and elaboration of the three existing GATT Articles-V (freedom of transit), VIII (fees and formalities connected with import and export) and X (transparency of trade regulations and appeal procedures), with a view to further expediting the movement, release and clearance of goods including goods in transit. India has taken a series of reform measures in recent years to modernise its customs administration and adopt best practices applied by different countries. It already has a credible and advanced automation programme to simplify and modernize customs clearance procedures further. This puts India in a relatively strong position to participate in trade facilitation negotiations. India has played a pro-active role in the negotiations. This was evident for example, in the Annex 'D' modalities in which Indian concerns regarding the customs compliance issues through an effective cooperation between customs authorities were duly reflected. In Annex D of the July Package, India played a central role in the introduction of the provision that negotiations would "aim at provisions for effective cooperation between customs or any other appropriate authorities on trade facilitation and customs compliance issues". India had also filed a joint submission with the USA on this subject which has now been co-sponsored by South Africa.

Trade Facilitation negotiations present an opportunity to consolidate India's on-going domestic reform programme by accepting commitments in areas where reforms have been under way and provides an opportunity to

address some of the problems faced by Indian exporters in the foreign markets.

Evolving Drafts

There are two drafts of Hong Kong ministerial : The first draft was released by the Director-General of the WTO, Mr Pascal Lamy, on November 26 and the second on December 1, 2005.

A careful reading of the two indicates differences in the text, which must have been the result of detailed feedback from the WTO member countries. The basic disagreement among WTO members remains – that the draft does not reflect the spirit of the Doha Round, finalized in 2001 – Development. Drafts are not limited to farm issues and NAMA but extend to other subjects such as Special & Differential Treatment of matter of interests to developing economies and LDCs, DSU Negotiations implementations issues small economies and TRIPS.

As far as S&D aspect is concerned, there has been no change in the two versions of the evolving declaration. The possible explanation is that the negotiators could not arrive at any positive solution. The other relatively important subject (among others) which has escaped any major alteration in the second draft is “services negotiation” which, clearly, holds a critical place in future trade exchanges for economies like India. Specifically, there have been two changes. While the first is the addition of a reaffirmation of the “objectives and principles” indicated by “the Modalities for the Special Treatment for Least-Developed Country members in the Negotiations on Trade in Services adopted on 3 September 2003”, the second is the exclusion of the following two sentences (included in the first draft): “We recognise the special situation of recently-acceded Members who have undertaken extensive market access commitments

at the time of accession. This situation will be taken into account in the negotiations.”

A new section added in the second draft relates to TRIPS and paragraph 19 of the Doha Declaration, the section reading in part: “We take note of the work undertaken by the Council for TRIPS pursuant to paragraph 19 of the Doha Ministerial Declaration and agree that this work shall continue on the basis of paragraph 19 of the Doha Ministerial Declaration and the progress made in the Council for TRIPS to date”. Among other things, paragraph 19 asks the TRIPS Council to “examine, inter alia, the relationship between the TRIPS Agreement and the Convention on Biological Diversity, the protection of traditional knowledge and folklore, and other relevant new developments raised by members...”

Substantial changes have been made in the second draft on the subjects of agriculture and NAMA, perhaps reflecting the fact that these two areas have been the real problematic spheres for the ongoing Doha Round negotiations. Quite inexplicably, the first draft had just one paragraph on the subject of “agriculture negotiations” which said precious little about anything except that the progress made in Geneva in the special session of the Committee on Agriculture since 2004 was welcomed and that “much remain(ed) to be done in order to establish modalities and to conclude the negotiations”.

The second draft has six paragraphs dealing with sub-issues like domestic support, export subsidies and market access, not to miss out on special and differential treatment where the draft takes note of the “consensus that exists in the Framework on several issues in all three pillars of domestic support, export competition and market access” and also the fact that “some progress

has been made on other special and differential treatment issues”. On market access, the draft refers to “some recent movements on the designation and treatment of Special Products and elements of the Special Safeguard Mechanism”.

In place of just one routine paragraph on the NAMA talks in the first draft, the second has seven focused paragraphs dealing with, among other issues, tariff formulae, non-tariff barriers and, of course, S&D treatment the point being also made that the WTO members reaffirm their “less than full reciprocity commitment as (an) integral part of the modalities”.

Paragraph 18 of the second draft (relating to NAMA) reads: “However, we recognise that much remains to be done in order to establish modalities and to conclude the negotiations.

Countdown

Outcome of WTO Ministerial in Hong Kong is uncertain. Member countries do not expect any positive substantial improvement in Doha Agenda. In all likelihood there will be another ‘unscheduled’ ministerial early next year to accomplish what Hong Kong may fail to. Instead of one giant leap forward, the ministerial at Hong Kong may be an intermediate stage. Presumably another high-level meeting will be needed to wrap up the Doha round. That will extend the date for closing the Doha round. In that case, trade talks will have to reckon with another major uncertainty. Despite the sharply lowered expectations, the Hong Kong meet may still be a step forward. It may not live up to its initial promises but will certainly help in the days after. Clearly the focus is on the Doha round. Pegging all hopes on Hong Kong may not be proper, but it should certainly help brighten up the trade environment so that Doha talks can be concluded successfully later. □

SAARC Summit

G K Sharma

THE MUCH-delayed 13th SAARC summit took place in Dhaka in Bangladesh on 12th and 13th of November, 2005. The SAARC is a seven Member regional forum for the last two decades. This summit welcomed Afghanistan as a new and 8th member within its fold.

The Indian Prime Minister while speaking on the first day, exhorted the member nations to shed the old proclivity and to act speedily to become part of dynamic Asia. Addressing his first SAARC Summit Dr Manmohan Singh said that a dynamic Asia is emerging and in this scenario we have to decide if we are prepared to be a part of this resurgence or want to remain marginalized in its periphery. To enable SAARC to become part of this great rebuilding the Indian Prime Minister proposed a number of measures for the consideration of the member-nations. They include:

- All South Asian nations should provide reciprocal transit facilities to connect one another, as well as with third countries in the Gulf, Central Asia and the South East Asia. First efforts should be made to reconnect the countries of the sub-continent and then connect the sub-continent to the larger Asian

neighbourhoods. Dr Singh offered all the SAARC neighbours the facility of daily air services to Delhi, Mumbai, Kolkata, Chennai, Hyderabad and Bangalore on a reciprocal basis along the same lines as India had proposed to ASEAN countries a couple of years before. Designated SAARC airlines can start as many services as they want to 18 more destinations across India. Dr Singh also proposed to hold South Asian car rally before the next summit to symbolize regional identity and to draw urgent attention to the need to improve the transport infrastructure in member nations.

- India proposed the setting up of a South Asian University—a centre of excellence. It could be located anywhere in the region including India.
- India called for the establishment of a regional food bank on contributory basis to meet shortages and losses caused by natural calamities in any SAARC nation.
- India further suggested that no member country should allow its territory to be used against the interest of another member country. There should be zero tolerance for cross border terrorism.

*Unless the issue
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addressed
seriously, growth
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development
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- India proposed for establishing a SAARC High Economic Council to promote initiatives for the creation of South Asian Economic Union by 2020.

During the 13th summit, three very important agreements were signed. They are:

- Agreement on mutual administrative assistance in Customs matters.
- Agreement on the establishment of SAARC Arbitration Council.
- Limited Agreement on avoidance of Double Taxation and Mutual Administrative Assistance in Tax Matters.

The seven leaders have directed the standing committee to formulate its recommendations at its next special session, on a VISION for SAARC's Third Decade and the course of action. They have decided to declare 2006-15 the SAARC decade for poverty alleviation and welcomed the signing of the above three agreements.

On conclusion of the summit an eight page "Dhaka Declaration" was adopted and signed. The Dhaka declaration renewed the pledge to make SAARC an effective instrument for cooperation to visibly improve the quality of life in South Asia. The major declarations adopted in it and agreed by the seven leaders of the region are listed as below:

- The declaration resolved to work together to address trafficking of women and children.
- A SAARC energy centre shall be set up in Islamabad.
- SAFTA's scope shall be expanded to include trade in services, enhanced investment and harmonized standards.
- SAARC's engagements with the civil society, professional groups and entrepreneurs shall be broadened
- The member-nations are urged to promote and assert their South Asian

identity, encourage greater people to people contact and draw strength from their shared cultural heritage.

- SAARC nations shall unite in their efforts to prevent and combat terrorism and made reference to UNSC resolution No. 1737 (2001)
- Afghanistan's request for membership has been accepted and she has become the 8th member of the fraternity. At the same time Japan and China's request for being accorded observer's status had been accepted in principle.
- The Dhaka declaration calls for promotion of cooperation in an environment of enduring peace and stability. It reaffirms its commitment to sovereign equality, territorial integrity and national independence, non-use of force, non-intervention and non-interference in the internal affairs of other member states. It also underscores the need to ensure universal adherence to the principles and objectives as stated in the UN Charter. It affirms full support for a comprehensive approach to implementation of millennium declaration and millennium development goals, ensuring global peace and security. It reaffirms the commitment to further strengthen the multilateral trade regime of the WTO.
- The Declaration calls for realization of the vision of South Asian Economic Union in a phased and planned manner and calls for drawing a road map for enhanced cooperation. It urges that all SAARC institutions and mechanisms should work collectively towards a decade dedicated to the implementation of the plans. It will enable SAARC on one hand to realize its basic objective of improving the quality of life of South Asian people; it will also enable to create an environment for the establishment of South Asian Economic Union on the other.

- The declaration calls for establishing a SAARC Poverty Alleviation Fund (SPAF) with contributions both voluntary and assessed.
- SAARC centre for disaster shall be located in India.

Unfortunately, in spite of all the rhetoric and noble declarations this seven countries' forum has failed to realize the SAFTA till now. The fact that a country of India's size and resources has been signing and implementing bilateral agreements with countries like Sri Lanka only underlines its reality. The entry of Afghanistan will require reworking of schedules and deadlines to enable her to understand and integrate with the region as well as with the forum. This responsibility shall lie with other member states given the fragile nature of Afghan polity. Nonetheless Afghanistan fits in economically and culturally with this region and over a period of time with stability returning to it, might serve as a bridge between Central Asia and South Asia. Similarly by inviting China and Japan to become observers shall provide good scope for interaction, trade and investment. It will also counterbalance the Chinese presence in the forum.

Besides the expansion, the SAARC leaders also focused on poverty and terrorism. Poverty has been debated and discussed since the time of Sri Lankan President Premadasa. A SAARC Commission was also set up to chalk out an action plan. In Dhaka declaration, it is for the first time that the issue of poverty is addressed comprehensively and convincingly. It is a realization that unless issue of poverty is addressed seriously, growth rates and development shall be meaningless. Similarly It is also true in case of terrorism. It requires political will and courage to crack down on terrorism and terrorist infrastructure. Now that India assumes the leadership of SAARC it is her responsibility to take DHAKA declaration forward. The South East Asian Forum should be our good guide. □

NATIONAL SAFAI KARAMCHARIS FINANCE AND DEVELOPMENT CORPORATION

(A Government of India Undertaking under the
Ministry of Social Justice & Empowerment)
B-2, 1st Floor, Greater Kailash Enclave Part II, (Savitri Crossing),
New Delhi - 110 048 Telefax : (011) 29221331, 29216330, 29222708



ORGANISATION

Incorporated on 24th January, 1997, a company not for profit under Section 25 of the Companies Act, 1956. The Authorised Share Capital of the Corporation is Rs.200.00 crores.

MISSION

The mission of NSKFDC is to empower the Safai Karamcharis, Scavengers and their dependents to break away from traditional occupation, depressed social condition, poverty and leverage them to work their own way up the social and economic ladder with dignity and pride.

OBJECTIVES

To promote socio-economic upliftment of Safai Karamcharis and their dependents by way of providing financial assistance at concessional rate of interest for income generating activities and loans to students for pursuing professional and technical education.

To provide technical and professional training, quality control, technology upgradation, and common facility centers for carrying out sanitation works.

KINDS OF LOAN

Term loan - Term loan upto 90% of the projects costing upto Rs.5.00 lacs is given. For sanitation-based equipments, Term loan upto Rs. 10.00 lacs is given. The balance 10% is to be provided by the State

Channelising Agencies (SCAs) as margin money including subsidy alongwith promoter's contribution.

Promoters contribution not to be insisted upto project cost of Rs.2.00 lacs and beyond Rs.2.00 lacs, minimum promoters contribution to be insisted would be 5%.

No income limit is fixed for availing financial assistance.

Rate of Interest:-

NSKFDC to SCA	3%
SCA to beneficiary	not exceeding 6%

Repayment period - Loan shall be repaid within 5 years after moratorium period of 6 months and thereafter the penal interest @ 2% is chargeable from the beneficiary.

Micro Credit Finance (MCF) - Micro Credit Finance (MCF) is provided for small/petty trade/business & sundry income generating activities upto 90% of the cost of the projects upto Rs.5.00 lacs restricted to Rs.25,000/- per beneficiary and balance is provided by SCAs.

Rate of Interest :-

NSKFDC to SCA	2%
SCA to beneficiary	not exceeding 5%

Repayment period :- The loan shall be repaid within a period of 3 years after moratorium of 6 months thereafter penal interest @ 2% is chargeable.

Mahila Samridhi Yojana - Loan under Mahila Samridhi Yojana is provided to Safai Karamcharis and Scavenger women and their dependent daughters upto Rs.25,000/- per beneficiary at an interest rate of 1% from NSKFDC to SCA and 4% from SCA to beneficiary.

EDUCATION LOAN

Education loan is extended to the members of Safai Karamcharis including Scavengers and their dependents for pursuing professional or technical education at graduate and post-graduate level and also for higher study in Engineering, Medical, Management, Law etc. to the extent of 90% of the expenditure of the course subject to maximum loan limit of Rs.3.00 lacs or Rs.75000/- p.a. The balance 10% will be borne by student/SCA.

LOAN COMPONENT UNDER NSLRS

The loan component 65% of the project cost under NSLRS was earlier financed by the banks which has now been financed by NSKFDC to avoid delay in implementation of the schemes.

SCHEMES/PROJECTS UPTO RS. 1.00 LAC

The SCA may draw funds from NSKFDC based on the schemes/Projects in the annual action plan or the summary details contained in the letter of request for drawal of funds for schemes/projects already approved by NSKFDC for the SCA concerned and approved schemes/contained in the compendium of NSKFDC.

TRAINING

Training is imparted to the eligible members of the target group for self employment ventures and skill development for taking up income generating activities in Industry, Services & Business sectors in the form of 100% grant upto the maximum limit of Rs. 100,000/- per trade.

ELIGIBILITY CRITERIA

A Scavenger/Safai Karamchari and their dependents duly identified under the NSLRS/survey/registered co-operative society of Safai Karamcharis/legally constituted association/firm promoted by the target group and also all those who produce a certificate from local Revenue Officer/local Municipal Officer/Cantonment Executive Officer/Railway Officer not below the rank of gazetted officer.

Under section 3 of 1993 Act, Scavenger means and includes a Safai Karamchari wholly or partially employed for manual handling of human excreta and includes his dependents.

Safai Karamchari means a person engaged in, or employed for any sanitation work and includes his dependents.

India and Russia Forge New Ties

Mayank Kumar Agrawal

INDIA AND Russia enjoy a long lasting relationship of friendship and mutual cooperation which has withstood the test of times. Despite the disintegration of Soviet Union in 1991, end of cold war era and emergence of multipolar world where individual interests of nations govern policy matters, the relations between the two countries have strengthened and diversified into different areas. The visit of the Prime Minister Dr. Manmohan Singh to Moscow during the first week of December and his annual summit with the Russian President Vladimir Putin is being described remarkable as it opened up a new chapter of collaboration in the field of defence and strategic ties.

Three major agreements were signed between India and Russia in the field of defence, space and science & technology during Dr. Singh's visit. The agreement on protection of military Intellectual Property Rights clears the hurdles in the way of transfer of Russian defence technology to India. The agreement addresses concerns regarding technology transfer as per international standards on intellectual property rights. Now the two countries will have to seek permission of each other if jointly developed defence equipment is sold to or shared with another country. It may be noted that Russia is at present assisting India in the development and production of supersonic Brahmos missiles. The agreement on military Intellectual Property Rights paves the way for more such joint collaborations.

Another important agreement on "Safeguard Technologies" enables India to jointly participate in Russia's Global Navigational Satellite System, GLONASS. With this agreement India will be able to launch GLONASS satellites from Indian soil aided by its own launch vehicles. At present India depends on the USA

controlled Global Positioning System, GPS for certain applications. The agreement on GLONASS which gives India an additional and more reliable platform for satellite data communications heralds a new era of joint partnership in the field of co-operation in space programme between the two countries.

The two countries also signed an agreement for cooperation in the field of Solar Physics and Solar-Terrestrial Relationships within the framework of the Coronas-Photon project. The agreement enables the integration of the Indian RT-2 payload with the Coronas-Photon spacecraft and a joint space experiment using the RT-2 equipment. A Protocol to the Agreement between India and Russia on implementation of the Programme of the Military-Technical Cooperation for the period upto 2010 was also signed during the Prime Minister's visit. The protocol which relates to procedures for making changes in the above programme will expand the scope of strategic partnership. In addition India and Russia have also decided to work jointly on the medium range transport aircraft and fifth generation aircraft.

India intends to develop a long term energy cooperation with Moscow. Russia has abundant resources of oil and natural gas while India is energy deficient. ONGC has invested huge amount in Sakhalin-I project in Russia which is the largest investment by India abroad. It plans further investments in more oil and gas projects in Russia. On the other hand Russian company Gazprom has shown interest in investing in the proposed Iran-Pakistan-India gas pipeline. Recognising India's technical know-how in the oil sector, Russia proposed India to join it in exploration and production of oil and natural gas in third countries mainly in central Asia. Russia is also assisting India in building up two nuclear power reactors of 1000 MW capacity each in Kudankulam which are likely to start

production by 2007-2008. Russia promised continuing its assistance to India in civilian nuclear energy programme during the Prime Minister's visit.

The flip side of the relationship is low trade volume of about \$1.9 billion only between the two countries. A high level business delegation also accompanied the Prime Minister to Moscow. Dr. Manmohan Singh in his address to the joint meeting of Indian and Russian businessmen expressed concern over the decline in trade in traditional items like tea, tobacco, textiles and leather. Upon Russian business community to expand the trade basket to include value added items in areas of applied technologies, information technology, telecommunications, automobile components, gems and jewellery and energy. Dr. Singh emphasized for strengthening the banking links between the two countries and liberalization of visa regime by Russia for greater commercial contacts.

Dr. Manmohan Singh was also given honorary title of "Professor Honoris Causa" by the Moscow State University. Former Prime Ministers Jawaharlal Nehru and Indira Gandhi are among the Indians similarly honoured earlier. Dr. Manmohan Singh used the occasion to make a call to young generation Russians to look once again at India and discover its new face. Pointing out that of late, people-to-people, business-to-business contact has been far below potential, he said that there is a need for a new generation of Indians and Russians to rediscover each other.

The regular annual summits between the leaders of the two countries since the year 2000 demonstrate the importance India and Russia attach to bilateral ties which have entered a new phase departing from buyer-seller relations to joint planning and production of high technologies. □

Mr Mayank Kumar Agrawal is Director (News) AIR, New Delhi.

Tea Making Machine for Customised Taste

ASHOK KUMAR Dhiman (21), a native of Firozpur, Haryana has had a keen interest in science from his early childhood. While studying in the sixth standard, he made a photo enhancement system in which, on a reel of 35 mm, one could take 44 photos instead of the usual 36. By the time he was in the tenth standard, he was a proud innovator of a pair of binoculars, a number based locker, and an automatic curfew siren. After his tenth standard he underwent ITI training.

Genesis

The responsibility of making tea for his ailing mother often fell to Ashok and he found this a tedious process, essentially because there was no LPG or kerosene stove at home. Preparing two cups of tea meant that he had to go through the entire process of lighting the wood fire in the conventional *chulas*. Also, if nothing else needed to be cooked then, the wood which had already been lit would be wasted. This forced him to think of a solution which could prepare tea using electricity. He didn't use the conventional electric heater as it consumed too much electricity and he thought of a creative new solution. He took four months to develop the prototype. The initial prototype had cost him about Rs 8,000 but he maintains that with a degree of redesigning and

refinement the cost can be brought down to Rs 3,000.

The Innovation

This machine facilitates the Indian method of making tea by separately pumping in water, adding tea-leaves and sugar, heating, adding milk, boiling and filtering, and dispensing the tea automatically into cups in pre-assigned proportions. Each user can set these proportions according to his/her taste. Apart from putting the cups and setting the number to deliver up to four cups, the entire tea making process is automatic and the cups are laid out on a sliding tray once the tea is ready. It produces four cups of tea in five minutes and can be used as many times in a day as required.

In this machine, the water, tea leaves, sugar and liquid milk are taken automatically from different containers within the machine and are boiled in a vessel equipped with a heater. The water is collected from the container in this heating vessel with the help of a pump. After the water boils for some time, tea leaves and sugar are added from their respective chambers (placed just above the heating vessel) with the help of a motor-operated mechanism. This mixture is boiled for some time and thereafter liquid milk is added from the milk container. This whole mixture is then boiled for about 30 seconds to one minute and the tea is ready. The tea is then poured into cups with the help of an

outlet tube. The boiling time at each stage and the timing of the operation is controlled with the help of a mechanical timer.

Advantages

This device has the capacity to store tea-leaves and sugar for a month and milk and water have to be filled only once a day. An additional advantage is the provision for personalising the taste. Since processing happens in a closed system, contamination or evaporation of milk is minimized. By circulating hot water in the system, the entire unit can be cleaned effectively. The heater being of low capacity, the machine can also be run with the help of an inverter during power cut. This machine is easy to build and operate and requires minimal maintenance.

Various other tea-making machines are available in the market, made by different companies but each has its disadvantages. First, they are not suitable for preparing the tea as per the process followed in India. In the existing machines premix powder or tea-bags are used and the water is boiled in one container and added to tea leaves in another container and thereafter black tea is collected in cups. Further the devices available in the market are rather complicated and are very costly with the cheapest model costing Rs 15,000 as compared to the Rs 3,000 required to make this

machine. Cleaning is also difficult in such machines.

Current status

Initially the tea-making machine had 18 motors and the structure was quite fragile. GIAN (N) took up the task of making modifications in the machine. One of the first objectives of the value addition process was to reduce the number of mechanical moving parts and replace these with electronic parts so as to make the machine sturdier and easier to maintain. This would reduce the weight, increase efficiency and cut costs. Later a market survey was conducted by a student to assess the features that consumers wanted and additional price they were willing to pay. A focus group discussion was also organised to discuss with experts the best strategy to take the device forward. The experts feel that there is a market waiting to be tapped with the main users being hostels, restaurants, offices/corporate and families. They also feel that thorough market research and test-marketing should be done before commercialisation. Some prototypes should be installed in selected localities for demonstration and for collecting direct feedback from users. The modifications are still going on and NIF is quite hopeful that once modified, the machine would change the way Indians make tea. An amount of Rs 37,500 has been sanctioned for prototype development of the machine under the Micro Venture Innovation Fund of NIF. Also, NIF has filed a patent application for the machine (994/DEL/2004, 31/05/2004).

Triumph amidst adversity

Ashok's first job was that of a turner-fitter in a local company where he worked for two years. He has recently found a job with a company. He earns around Rs 2,500 p.m. and that is the sole income of the family. He recalls that, while making the device, he faced a lot of financial difficulties and regrets that he did not

receive any support from his family. He was discouraged in his endeavours and there were even attempts to break his tea making machine.

In spite of all this he never lost his zeal. His model has been displayed at GIAN (North) and various exhibitions. It was also featured in the "Dainik Jagaran" newspaper and a couple of other local newspapers. Ashok hopes to start a business of his own with this innovation. Even now he spends more than 50% of his meagre income on experiments, gadgets, scientific equipments, books etc. At present he is working on a water reactor which would produce electricity at a minimal cost for which he would require

Rs 20,000-25,000 to meet the initial construction costs. One salutes the indomitable spirit of this grassroots innovator. □

"If the readers know of any one who has solved a local technological problem in a creative manner or know of someone who has very rich traditional knowledge in any field of survival, they may please send the details or even the contact information to NC (S and D), NIF, Post Box 15051, Ambavadi, Ahmedabad - 380 015 or by email at info@nifindia.org".

CARTOON TIME



THEY WANT TO KNOW THE REASONS OF THEIR MISERY AND POVERTY. I DON'T THINK IT COMES UNDER THE "RIGHT TO INFORMATION ACT."

Our Dirty Game is Far More Dangerous!

Madhu Dandavate

THERE IS deterioration in various fields. However, what is of far reaching consequence is the denigration of our democratic institutions due to erosion of values. This has badly hit the politicians and the political institutions in the country.

In the famous book "God that failed", Ignazio Silone says.

"The distinction between theories and values not sufficiently recognised, but it is fundamental. On

a group of theories one can find a school, but on a group of values one can find a culture, a civilization, a new way of living together among men".

However, group of values to which Ignazio Silone has referred has suffered in politics. Corruption is not a new phenomenon. During the British regime in India too there was corruption. Even after independence the corruption was not eradicated. But our concern for values made the society consider corruption as an aberration. Now there

has been institutionalisation of corruption and no stigma seems to be attached to such corruption. There is no burden on politicians' qualms of conscience. Those who lose majority in legislatures and have to relinquish power do not do it so easily and ungrudgingly. In their last ditch effort for survival they treat members of legislature as power chasable commodities to swing the balance of power. The political minority in a legislature is transformed into a majority overnight and with the dirty succeeding they manage to keep

Obituary

Former Union Finance Minister and scholar-politician Madhu Dandavate, who passed away would be remembered as the last vanishing breed of erudite politicians with a squeaky clean image in public life.

Known for his simplicity Mr Dandavate with his booming voice and effective articulation made intelligent use of Zero Hour in Parliament to raise issues of public importance.

Born on January 21, 1924 the

Last of the gentle, erudite politicians

veteran socialist parliamentarian was known for his incisive speeches laced with wit and humour from the Opposition benches.

The last of the gentle, erudite politician, Mr. Dandavate was a five time MP from 1971 to 1990 from Rajapur in the Konkan region of Maharashtra and was a leading light of the Opposition during the days of Indira Gandhi and later her son Rajiv Gandhi as Prime Minister.

He was Railway Minister in the Morarji Desai Government in the post-

Emergency years and Finance Minister in the short-lived V P Singh Government. He had also played a leading role in the conception of the Konkan railway project.

Mr Dandavate was also Deputy Chairman of the Planning Commission twice—during 1990 and later during 1996-98. In the recent past, Mr Dandavate was associated with Janata Dal (S) led by former Prime Minister H D Deve Gowda and was his close associate.

(Agencies)

themselves in the saddle of power. This filthy game in politics has resulted in the denigration of the very institution of parliamentary democracy.

Communal Violence

Recently there has been an unprecedented outburst of communal violence in places like Bhiwadi and Bombay in Maharashtra. Common man left to himself is peace loving. He desires to live in amity with his neighbours no matter to which religious and communal groups they belong. However some politicians build their positions only by capitalizing on communal passions of the people. It is difficult to awaken the people on injustice perpetrated against them in socio-economic fields. The short-sighted politician is at his dirty game. He remains in his ivory tower and through his pen and spoken words he provokes communal frenzy. Because of his populist approach he gains ascendance in his own community. But the result is communal disturbances in which only the poor among various communities get killed, only their petty belongings are destroyed, and the politician who fans all troubles merely watches the smouldering fires of the huts of the poor from a safe distance.

"There is no burden on politician's qualms of science. Those who lose majority in legislatures and are to relinquish power do not do it so easily. In their last ditch effort for survival they treat members of legislature as purchasable commodities to swing the balance of power.

In some of the recent communal riots the dirtiest race of a politician backing vested interests has been revealed. At Bhiwadi some hutment dwellers were roasted alive along with their hutments which were set on

fire. It is widely said that this was the conspiracy hatched by landlords and backed by politicians. They had a vested interest in getting the possession of the vacant land and so they chose to set the hutments on fire. When the authorities announced that the hutments gutted in the fire would be rebuilt to rehabilitate the survivors, the landlords went to the court of law to secure stay on the reconstruction of the demolished hutments. They were blessed by some politicians. Can there be a dirtier game?

The politicians often talk in high sounding terms about the dignity and sanctity of the places of worship. The strange paradox is that the very politicians who stoutly uphold the dignity of the place of worship contribute to converting the places of worship into an arsenal of ammunition and arms and abode of criminals and terrorists.

"These acts constitute the desecration of the places of worship. This again is a dirty game of the politicians. Unfortunately the victims of this game are the common folk."

A divisive force!

There was a time when the mainstream Indian politics was an integrating force in the country. Today politics is fast becoming a divisive force. Lured by the prospects of electoral victory, politicians are encouraging caste-ridden politics. Politics has become a game of the caste-ridden backward states. It has ceased to be a science of change but has been reduced to the manipulative arithmetic of caste. The tensions between these castes is the capital for electoral gains and so the politicians remain deeply involved in the dirty game of accentuating caste conflicts with an eye on elections.

Only in times of national crisis like aggression or struggle against authoritarianism, the fissiparous tendencies meticulously nurtured by politicians recede to the background only to surface again when the crisis is over.

Whether it is the politicians' engineering, defections, institutionalising corruption or capitalizing on communal and caste tension or whether it is trader backed by politicians or a bureaucrats indulging in adulteration, it is the serious erosion of values that has made politicians' dirty game possible.

"Some politicians who can build their positions only by capitalizing on communal strife rouse the communal passions of the people. It is difficult to awaken the people on injustice perpetrated against them in socio-economic field. However, appealing to their baser communal instincts is comparatively an easier task".

Only through the fire of struggle and sacrifices for a cleaner public life or in a long-drawn education process of cultivating character and nourishing ennobling values that this dirty game in politics can be defeated. The path is an arduous one. But it has to be trod in the interest of cleansing our public life and politics.

"Whether it is the politician engineering defections, institutionalising corruption or capitalizing on communal and caste tension or whether it is a trader backed by politician or a bureaucrat indulging in adulteration, it is the serious erosion of values that has made politicians' dirty game possible." □

(The article was published in the 15th August 1984 issue of Yojana.)

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Technological Development : Lessons from East Asia

Amit Shovan Ray
Amitendu Palit

INDIA IS not the only but among the few developing countries, which have pursued a well-articulated technology policy providing the broad guidelines for technological development within the country. Indeed, India's share of national R&D expenditure in gross national product (GNP) had increased steadily from 0.17% in 1958-59 to 0.98% in 1987-88. However, this share has been declining thereafter, which is a rather alarming trend, especially in the context of the new economic policy regime of reforms and globalization.

The major share of the national R&D expenditure in India is borne by the government (about 75.5% in 1998-99). The government's R&D expenditure takes two forms: institutional R&D in Central and State government laboratories and industrial in-house R&D in public sector enterprises, accounting for 62.5%, 8.0% and 5.0% of total R&D expenditure respectively. Industrial R&D (public + private sector) constitute only 26.6% of total R&D. This is remarkably low compared to some of the East Asian countries, e.g. Singapore (60% in 1992), Korea (around 80% in 1992) and Taiwan (50% in 1993).

The basic objective of India's technology policy, as documented in the Technology Policy Statement 1983, has been "the development of indigenous technology and efficient absorption and adaptation of imported technology appropriate to national priorities and resources." Specific incentives for R&D have been offered by the Government, with the objective of building up of domestic technological capability for rapid industrialization and employment generation.

The thrust of R&D incentives in the 1990s shows a clear shift away from the institutional sector to technology generation by the industrial sector. In the post reforms period, industrial productivity and technological capability in a more market driven (profit maximizing) framework have perhaps been given priority over indigenization (import substitution) of technology and self-reliance. However, it is perhaps incorrect to suggest that import substitution has become less important.

There has also been a move to encourage collaborative R&D between industry and R&D laboratories. Firms have been given tax deductions if they sponsor R&D in these institutes. Moreover, scope of tax holiday to scientific research has also been meant

The human capital driven technological learning process by leading East Asian economies would not have occurred without huge investments in primary and higher education

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to encourage in-house R&D. From 1997 the government has also taken industry specific steps in order to encourage R&D in some priority industry groups. These industries are considered as core industry with potential for augmenting dynamic comparative advantage through R&D.

The evolution of technology is shaped and fostered by several supporting institutions. One such (perhaps the most) important institution is the intellectual property rights (IPR) regime. The main reason why IPR is important is that it creates a legal means to appropriate knowledge. But the optimum degree of protection of knowledge would vary over time and across countries depending on the level of technological capability as well as the technological policy goals.

Within the path dependent evolutionary process of technology development, a weak IPR would be preferred over a stronger one in the initial stages of technological capability as it provides a favorable selection environment for firms to grow by augmenting technological capabilities through imitation and reverse engineering. Once a country reaches technology maturity to achieve major breakthroughs, the benefits of protecting knowledge through strong IPR (incentive to innovate) might outweigh the benefits of diffusion and hence a strong IPR would be desirable at that stage. This is evident from the experience of countries like Switzerland, Germany, Japan, and Korea.

Unfortunately, however, with the advent of the TRIPS agreements under WTO, the flexibility of designing appropriate IPR regime by member nations has been removed. This would have serious implications for countries involved in the technological catch-up process by suppressing the interdependent co-evolutionary character of their TC and IPR institutions. These countries will now have to treat IPR institution as *given* or *exogenous*.

It may be in order to quote Lall (2002) summarizing the apprehensions of developing nations: "there is reason to doubt the benefits of stronger IPRs for developing countries. The new TRIPS regime can promote innovation but at the same it can also restrict one of the most fruitful sources of learning and competitiveness development: imitation, local diffusion and reverse engineering."

Lessons from East Asia

Enhancing technological capabilities in developing countries depends heavily upon the latter's abilities to adopt and adapt new technologies and make productivity advances. Such abilities are acquired from education and training. The East Asian experience is indeed a case in point. The human capital driven technological learning process institutionalized by leading East Asian economies would not have occurred without huge investments in primary and higher education. There are important lessons to be learnt by both Vietnam and India in this regard. It is worth noting that while government intervention in developing technological capabilities has varied between 'heavy' to 'moderate' in different East Asian nations, such intervention has been highly significant in setting up appropriate educational and technological infrastructures for facilitating acquisition and assimilation of technologies.

In Vietnam, like in India, the public sector has historically played the key role in expanding technological capabilities, by following a dedicated policy of import-substitution. Though, of late, the private sector has been encouraged and allowed to participate actively in developing technology, the state still must play the leading role in strengthening technology-creating capabilities by investing in R&D. At the same time, the state is also required to deploy large resources in education and training in Vietnam, for rearing a potent work force capable of applying and adapting imported technologies.

In recent years, India has made significant progress in production and export of a diversified basket of high value-added items, which includes technology-intensive manufactures (e.g. automobiles and pharmaceuticals), as well as services (e.g. software and information technology). In all these sectors, presence of a low cost, yet technically skilled, reasonably well-educated, and English-speaking work force has been the main source of comparative advantage. The emergence of a low cost, technically competent cost work force has much to do with the sustained investment made by successive Indian governments in technical education as well as applied research.

It is important for the Vietnamese labour force to acquire the ability to absorb and apply advanced technology. The initiatives taken by India in building up its human capital base can serve as useful inputs for Vietnam in this regard. The latter has impressive achievements in primary education. In higher education, however, Vietnam's main problem appears to be the lack of a multi-disciplinary approach and an excessive thrust on a mono-dimensional approach, which is attributable to the marked influence of the erstwhile Soviet system of education. The prevailing system of education, while churning out highly talented 'pure' scientists, has fallen short of producing a technically diversified skilled labour force capable of efficiently applying technologies. India's existing high-class institutional reserves of technical, management, and financial education, can be of significant help to Vietnam in meeting shortage of people with 'applied' skills through appropriate mechanisms of bilateral cooperation.

India's existing resources can meaningfully complement Vietnam's initiatives in yet another area. Vietnam is implementing a high-priority national programme on development of IT. The main objective of the programme is to

put in place a modern information infrastructure, based on computing, multimedia and data interchange. The infrastructure is expected to modernize industry and related economic activities, apart from enhancing Vietnam's IT capabilities. Lack of adequate trained personnel, however, is seen as a hindrance to effective implementation of the programme. While Vietnam has a good supply of programmers, it does not have enough systems engineers, project managers, and other middle managers and persons with advanced academic specializations. People with such skills are readily available in India. If procedures governing cross-border movement of natural person are facilitated, then Indian IT professionals can fill up the 'skill' gap in the IT labour force in the Vietnamese economy.

It is also important for Vietnam to

address the problems that are likely to arise from a fast aging scientific community. The average age of scientists engaged in research at senior levels in Vietnam is between 55-60 years. Indeed, since the disintegration of the Soviet Union, few Vietnamese scientists have been exposed to advanced research, creating a serious shortage of well-trained young scientists. Possessing an aging scientific community, in the long run, has significant implications for acquiring capabilities for generating new technologies. It is important to put in place institutional mechanisms for exposing young science students to advanced research for meeting the larger objective of gathering a work force capable of adapting to and applying imported technologies, as well as acquiring capabilities of creating new indigenous technologies. Both these

requirements can be fulfilled by tapping India's existing network of scientific research and training institutions. Entering into alliances with educational and research institutes like the Indian Institute of Technologies (IITs), Indian Statistical Institutes (ISI), the Indian Institute of Science (IISc), various universities, and the different research laboratories and institutes under the aegis of the Council of Scientific & Industrial Research (CSIR), can enable young Vietnamese students to pursue advanced research and develop cutting edge innovative capabilities. As in the field of information technology, existing mechanisms are already in place enabling Vietnamese students to study in India. There is a strong case for increasing the number of students, backed by, if necessary, financial support from the Vietnam government. □

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Globalization and Macro-Balances

HAS THE size of governments in countries increased or decreased as the country has got integrated into the global economy through foreign trade (i.e. exports and imports). The question posed has been looked into by Cameron (1978) and Rodrik (1996, 1998), which found a robust empirical relationship between the extent to which an economy is exposed to trade and the size of its government sector. An attempt has been made to estimate the relationship between international capital flows and government expenditures to find the linkage between the size of governments and globalization through financial integration. This relationship also leads us to the question whether economies with a greater degree of openness are more vulnerable to external shocks.

Countries selected for studying the trends of certain macro-variables for

developing countries include – i) Argentina; ii) Chile; iii) Malaysia; iv) Indonesia; v) Thailand; vi) Egypt; vii) Nigeria; viii) South Africa; ix) Iran; x) Jordan; xi) India; xii) Pakistan; xiii) Sri Lanka.

Date base : *International Financial Statistics*, IMF.

Time series data : 1995-2004

Methodology : The countries have been divided into three clusters. In cluster I we have included those countries which have witnessed external shocks in recent years resulting in significant fiscal adjustments. In clusters II and III we analyze a group of countries that have not witnessed external shocks. In cluster II we consider those that have fairly high share of foreign trade in their GDPs (i.e. more than 60 per cent). And cluster III includes countries with share of foreign trade of 50 per cent and below in the GDP.

Cluster I : Argentina, Malaysia, Indonesia, Thailand and Pakistan

Cluster II : Sri Lanka, Jordan, Chile and Nigeria

Cluster III : Iran, South Africa, Egypt and India

An attempt has been made to capture the relationship between the size of the government and globalization of countries by estimating the correlation coefficient between:

- government expenditure as a proportion of GDP and share of foreign trade (exports plus imports) in GDP;
- government expenditures as a proportion of GDP and foreign capital flows reflected by financial account in the BOP as a proportion of GDP;
- budgetary deficit as a proportion of GDP and foreign trade as a proportion of GDP;
- revenue as a proportion of GDP and foreign trade as a proportion of GDP; and

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(The authors prepared this paper for the course on 'Macro-Economic Management and Fiscal Policy Issues' held at IMF Institute, Washington DC between May to July 2005).

- rate of growth of real effective exchange rate and rate of growth of government expenditure (this relationship has only been estimated for two countries: Malaysia from Cluster I and South Africa from Cluster III as data for real effective exchange rate is not readily available for all the countries)

We have taken the share of foreign trade in the country's GDP to be an indicator of globalization through integration of product market and capital flows reflected by financial account as integration through financial markets.

The definitions used in the IFS apply to our study. For instance,

- government expenditure comprises all non repayable payments by government whether required or unrequired and whether for current and capital purposes;
- the deficit or surplus is the difference between revenue and, if applicable, grants received on the one hand and lending minus repayment on the other;
- revenue comprises all non repayables government receipts whether required or unrequired other than grants; revenue is shown net of refunds and other adjustment transactions;
- financial accounts are the net sum of direct investment, portfolio investment, financial derivatives and other investments.

The data sample for the study is only for a few years and the sample size of the countries is also limited to thirteen. The data sample has restricted us from doing a more

exhaustive econometric analysis to test our hypothesis.

Main findings

Cluster I : Argentina, Malaysia, Indonesia, Thailand and Pakistan

- There is a positive correlation between the share of foreign trade in GDP (proxy for degree of globalization) and government expenditure as a proportion of GDP for all countries except for Argentina which shows a negative trend;
- There is a positive correlation between revenue and foreign trade for all countries except Indonesia and Thailand;
- There is a negative correlation between overall budgetary deficit and foreign trade for all countries except Argentina;
- There is a negative correlation between financial account as a proportion of GDP and government expenditure as a proportion of GDP for Thailand, Malaysia and Indonesia but positive correlation exists for Argentina and Pakistan;
- There is a high positive correlation (0.8) between the rate of growth of real exchange rate and rate of growth of government expenditures for Malaysia for which data on real effective exchange rate is readily available.

Cluster II : Sri Lanka, Jordan, Chile and Nigeria

- There is a positive correlation between government expenditure as a proportion of GDP and foreign trade as a proportion of GDP for all countries;
- There is a positive correlation

between revenue and foreign trade for all countries except Sri Lanka;

- There is a negative correlation between overall budgetary deficit and foreign trade for all countries except Jordan;
- There is a negative correlation between financial account and government expenditure for all countries except Sri Lanka.

Cluster III : Iran, South Africa, Egypt and India

- There is a positive correlation between government expenditure as a proportion of GDP and foreign trade as a proportion of GDP for all countries except for South Africa, which shows a negative relationship;
- There is a positive correlation between revenue and foreign trade for all countries;
- There is a negative correlation between overall budgetary deficit and foreign trade for all the countries except South Africa and Egypt;
- There is a negative correlation between financial account and government expenditure for India and Egypt while positive for Iran and South Africa;
- There is a positive correlation (0.1) between the rate of growth of real exchange rate and rate of growth of government expenditures for South Africa for which data on real effective exchange rate is readily available.

Interpretation

- The existence of a positive correlation between government expenditure and foreign trade for most countries in the sample of

this study validates Rodrik's hypothesis for the period 1995/2003, except for Argentina and South Africa;

- The existence of a positive correlation between revenue and foreign trade shows that more open economies would benefit from their export sector through higher revenue generation, exception being Indonesia, Thailand, and Sri Lanka;
- The negative correlation between the overall budgetary deficit and foreign trade for most countries except Argentina, South Africa, Egypt, and Jordan, only conforms to the observations at previous point (ii). Above that, foreign trade is a source of revenues for governments, which helps them to reduce the budget deficits through generation of revenues;
- The negative correlation between financial account and government expenditure which is the case for most countries in the sample of the study (8 out of 13) shows that financial liberalisation does not prompt governments to increase their size. In other words governments despite increased access to international capital markets are adopting a cautious approach towards accessing such markets to finance expenditure;
- The positive correlation between the rate of growth of the effective exchange rate and government expenditures for both Malaysia and South Africa have implications on the vulnerability of these countries to external shocks. Malaysia which is a far more open economy as compared to South Africa has a positive correlation of 0.8 as against 0.1 for South Africa which only indicates that Malaysia is more vulnerable to external shocks as compared to South Africa;
- The explanation given by Cameron and Rodrik for the positive relationship between government expenditure and share of foreign trade in GDP has been that government consumption plays a risk-mitigating role in economies exposed to a significant amount of external shocks such as terms of trade uncertainty and product concentration of exports. The result of our study expands the argument only for the real sector as indicated by exports and imports but not for the financial sector as indicated by international capital flows. □

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In the News

- India Infrastructure Finance Company Ltd, a special purpose vehicle (SPV) to fund mega-projects infrastructure sector.
- Nod to national steel policy which aims to hike production to over 100 million tonnes and to make the domestic steel industry globally competitive.
- Proposal for operationalisation of National Investment Fund cleared.
- Nod to implementation of revised scheme of quality improvement in schools with a 10th Plan outlay of Rs 115 crore.
- India to amend double taxation avoidance convention with Italy.
- Ban on six Manipuri underground organizations including People's Liberation Army and Prepak, extended for two more years.
- India to join the 1998 agreement on global technology regulation to facilitate exports of vehicles and reduce costs of part development and production of automobiles.
- The Union government has approved a new crèche scheme, Rajiv Gandhi National Creche Scheme for children of working mothers. It envisages setting up of 14, 719 new crèches across the country during the remaining period of 10th Plan. The annual allocation per crèche has been revised from Rs 18, 480 to Rs 43,384.
- As per the National Common Minimum Programme, the Union Cabinet has approved the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005. The Bill will be introduced in Parliament and the Ministry of Home Affairs will put the draft Bill on its website so that widespread informed debate can take place.
- The Union Cabinet has approved Bill on disaster management. The proposed law will provide for the institutional mechanisms for drawing up and monitoring implementation of disaster management plans, ensuring measures by various wings of the government to prevent or mitigate the effects of disasters and to ensure a coordinated and prompt response. The Rajya Sabha has passed the Bill.
- The Ministry of Information and Broadcasting has notified the downlinking policy approved by the Cabinet recently. With this, it becomes mandatory for channel to register before beaming into India. Besides foreign news and current affairs channels stand barred from sharing advertisements designed specifically for Indian audience. The sports channels/sports rights management companies having TV broadcasting rights shall with immediate effect share their feed with Prasar Bharati for national and international sporting events of national importance, held in India or abroad, for terrestrial transmission and DTH broadcasting. The events to be shared with Prasar Bharati will be notified by the union sports ministry. But in case cricket events featuring India in final and semi-finals of international competition, notification by the sports ministry will not be required.
- Ramlila, the dramatized rendering of the Indian epic Ramayana, has been proclaimed by UNESCO as a masterpiece of oral and intangible heritages of humanity. Ramlila figures among a new list of 43 such master pieces recognized by UNESCO.
- To mark the birth anniversary of the country's first Prime Minister, Jawaharlal Nehru, the Union government has announced two scholarships – Chacha Nehru Scholarship for Artistic and Innovative Excellence and Chacha Nehru Scholarships for Sports for Children. NCERT will administer these scholarships.
- After a gap of four decades, India and Pakistan are ready to re-establish banking ties. The central banks of the two countries have signed an understanding to this effect. The understanding will allow Indian banks to open two branches in Pakistan and vice-versa. The two neighbouring countries had snapped banking ties after the 1965 war.

- India and six other South Asian countries of SAARC have signed three agreements covering avoidance of double taxation, on customs, setting up of SAARC arbitration council besides liberalizing regime to facilitate free travel among people including media persons.
- India has retained the top position in the number of international students studying in the US for the fourth year in succession. With over 80,000 students of Indian origin getting admission for 2004-05, there has been a one percent increase in their numbers.

Foreign Students in US

India	80,466
China	62,533
South Korea	53,358
Japan	42,215
Canada	28,140

- The Nilgiri Mountain Railway has been declared as a World Heritage Site by UNESCO.
- The Punjab government has identified six places – Ludhiana, Jalandhar, Patiala, Amritsar, Hoshiarpur and Mohali to boost medical tourism.
- The Uttaranchal government has signed agreements with leading IT player including Tata Consultancy Services for development and implementation of state-of-the-art IT led projects for its public works, urban local bodies, and the education and agriculture departments.
- Uttaranchal took a major step forward towards becoming a power surplus state with the signing of agreement for 14 hydroelectric project to produce over 2400 MW of power with central public sector power undertaking.
- The Orissa government has signed MoUs with six companies and a final agreement with Bhushan Steel and strikes to set up a 12.35 million tonne steel capacity in the state with an investment of Rs 22.975 crore.
- The cooperation banks in Rajasthan will disburse loans upto Rs 50,000/- to small and marginal farmers at an interest of 9 per cent from the beginning of the new year. Besides, the village cooperative societies holding a balance of Rs 50 lakh or more will be provided with computers to maintain their accounts.
- The Andhra Pradesh government has decided to launch the Rs 23,000 crore, three-year programme to create model villages and provide basic facilities to below poverty line families. The project is known as INDIRA MMA (Integrated Novel Development in Rural Areas and Model Municipal Areas). The objective is to create model villages and municipal areas.
- The Prime Minister Dr Manmohan Singh has sanctioned Rs 500 crore to Tamil Nadu for immediate relief works in the flood-affected areas to cope with the devastation caused by the unprecedented rain. The amount has been sanctioned pending finalization of the total relief package by a Central team deputed to assess the damage caused in 15 districts following torrential rains in October-November this year.
- The UN Secretary General Mr Kofi Annan has hand picked top-notch McKinsey executive Rajat Kumar Gupta as his special advisor to help with urgent reforms of the world body. An alumnus of IIT Delhi and Harvard University, the Kolkata – born Rajat will advise on reform strategies to make UN's administration more effective and transparent.
- Peter Drucker, one of the world's foremost management theorists, is dead. He was 95. An Austrian – born, journalist and intellectual, Drucker is considered the inventor of management as a field of study.
- The government has constituted a National Disaster Response Force, consisting of eight battalion of paramilitary forces, to provide specialist response in disaster situation, including nuclear, biological and chemical.
- The Centre's fiscal deficit shot up by nearly 50 per cent to Rs 92,068 crore during the first seven months of 2005-06 despite a 24 per cent higher tax collection. The fiscal deficit till October, which was 60.9 per cent of the budgeted Rs 1,51,144 crore for the entire year, works out to 2.6 per cent of GDP. The figures have been released by the Controller General of Accounts.
- **ITER project: India becomes Full Partner**
The International Thermonuclear Experimental Reactor (ITER) Projects admitted India as a full partner into the consortium. This decision was taken at the ITER Negotiations at Jeju Republic of Korea. The ambitious multi-billion dollar project is aimed at demonstrating the scientific and technological feasibility of controlled nuclear fusion as a future source of energy. Indian will be the seventh participating member of ITER. The other members are China, European Union (EU), Japan, Republic of Korea, Russia and the United States. With India's

entry, half of humanity is now participating in this unique scientific mission to devise ways of tapping this enormous source of energy.

■ **EPF rate cut to 8.5 per cent**

The Board of Trustees of the Employees Provident Fund have cut the interest rate on EPF from last year's 9.5 per cent to 8.5 per cent for 2005-06. The one per cent cut would give a relief of nearly Rs 800 crore to the EPF Management.

■ **Sixth Schedule status for Darjeeling Gorkha Hill Council**

The Centre has announced Sixth Schedule status to the GNLF-led Darjeeling Gorkha Hill Council which would ensure greater autonomy to the governing body in the hill district of West Bengal.

The tripartite Memorandum of Settlement (MoS) was signed at New Delhi between the Centre, West Bengal Government and Subhas Ghising led Gorkha National Liberation Front (GNLF) after two days of hectic deliberations. The agreement was signed by Union Home Secretary V K Duggal, West Bengal Home Secretary Amit Kiran Deb and Subhas Ghising in the presence of Union Home Minister Shivraj Patil and West Bengal Chief Minister Buddhadev Bhattacharya.

■ **Gates opened for \$1.7 bn investment**

Microsoft Corporation will invest \$1.7 billion in India in the next four years. Nearly half of the investment will go into expanding Microsoft research, product and application development competencies in India. Microsoft Chairman Bill Gates said on 7 December, 2005 that, "That is a fairly conservative estimate but an evidence of the role that we see for India in our overall strategy." He said "As part of our commitment, we plan to ramp up our staff strength from 4000 to 7000 in the next three-four years."

A part of the investment will be pumped into establishing two innovation centres—one in Delhi, in association with the National Institute of Smart Government for e-governance projects and in Bangalore.

■ **'Jazireh Ahani' bags Golden Peacock**

Iranian film Jazireh Ahani (Iron Island), directed by Mohammad Rasouluf went home with the Golden Peacock and a cash prize of Rs 10 lakh as the curtains went down on the International Film Festival of India. The special jury award, the Silver Peacock and a cash prize of Rs 5 lakhs, went to the South African courtroom drama Red Dust directed by Tom Hooper. □

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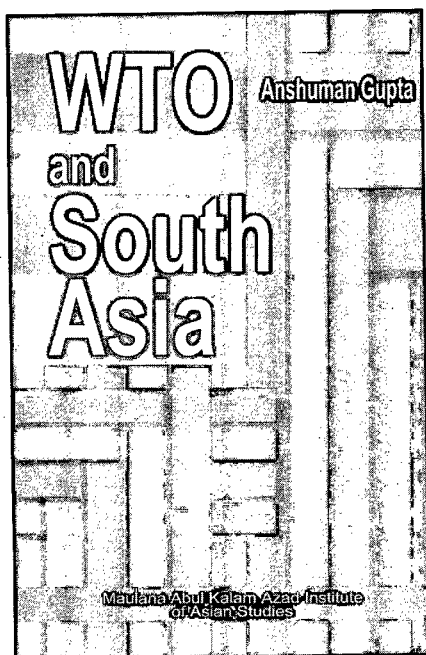
Issue on *Knowledge Economy*

- Today, India is metamorphosing from a traditional industrialized economy to a knowledge economy.
- She is looking for innovative solutions that can improve the quality of life of the people.
- Indepth articles and write ups on the different dimensions of 'Knowledge Economy' are covered in the issue. To name a few:
 - The Structure of Knowledge Economy;
 - The Honey Bee Network: Grassroots innovation;
 - India's Research & Development;
 - Indo - US Knowledge Trade Initiatives - FICCI Report
- Eminent Writers, specialists contributing to the issue include:
 - Prof. Ranganath Bharadwaj, Chairman, Institute of Educational Research & Development, Mumbai;
 - Prof. Anil K Gupta, Vice Chairperson, National Innovation Foundation, Ahmedabad; and
 - Prof. Jayati Ghose from JNU, among others.

BOOK REVIEW

Trade Agenda for South Asia

Sunjay Sudhir



ADDRESSING THE first SAARC Business Leaders' Conclave in Delhi in on 17th November 2005, Prime Minister Manmohan Singh said that even after two decades, intra SAARC exports are a mere 5 per cent of the total exports of the region. He also said that, by comparison, intra EU exports stood at 55.2 per cent, intra NAFTA exports at 51.7 per cent and intra ASEAN at 20.4 per cent. Seeing the same situation from a different perspective, it implies that reliance of EU and NAFTA on exports under the multilateral trading regime is less than 50 per cent whereas for SAARC countries it is about 95 per cent. This speaks of the stakes India and its neighbours in the sub continent have in WTO.

foremost India, were against beginning a new round of negotiations till the Uruguay Round (UR) agreements were fully implemented. Logically so, since they wanted to realize the benefits of UR agreements before making fresh commitments to new agreements. The developed countries too adhered to firm positions on issues like agricultural subsidies, services liberalization, labour standards etc. Matters seemed to be reaching a deadlock. After the failure at Seattle, a ray of hope emerged at Doha, where the members of WTO, realizing the importance of increasing international trade at the multilateral level, showed a determination to show flexibility and move ahead. Participants at Doha adopted a more flexible and compromising approach to reach convergence enough to launch a new round of trade negotiations.

The twin processes of globalization and liberalization are shaping a new system of international economic relations and providing increased opportunities for growth and development. However, the ability of developing countries to take advantage of this opportunity remains weak. The vulnerability of developing countries has increased due to distortions and protectionist barriers that create asymmetric opportunities for production and export.

In this context, the author argues that the South Asian countries, first and

The book investigates the unrealized benefits promised by the developed countries to the developing and least developed countries. The book also makes a critical examination of the new issues sought to be brought in the final agenda for negotiations and attempts to ascertain the most appropriate position on each issue for the South Asian countries. In the context of the 6th WTO Ministerial meeting at Hong Kong in mid December, the issues raised in the book are very timely. Following the failure of the Cancun meeting, which put a question mark on the WTO, success of

TITLE : WTO AND SOUTH ASIA

Author : Anshuman Gupta
Price : Rs 450
Pages : 183

Publisher : Shipra Publications,
115-A, Vikas Marg,
Shakarpur, Delhi

the Hong Kong meeting may determine the lifeline of WTO.

"WTO and South Asia" has been divided into five chapters. The first chapter critically studies the UR agreements and their impact on the South Asian countries. The author analyses the economic status of the region as a whole and the status of each country individually. This is followed by an analysis of the agreements concluded under the UR and their impact on South Asian countries. These agreements include the Agreement on Agriculture, Agreement on Textile and Clothing, TRIMs, TRIPs and General Agreements on Trade in Services.

The second chapter analyses the issues negotiated in the five WTO Ministerial meetings including Seattle, Doha and Cancun. There is special focus on the issues discussed at Doha. The author endeavours to evaluate the positions of the South Asian countries on the critical issues competing for inclusion in the WTO agenda.

The third chapter analyses the implications of the entry of China to the WTO for the international trading community in general and South Asian countries in particular. While China had MFN agreements with a large number

of countries, its joining the WTO might witness a dynamic rebalancing of influence among stake holders in the institution governing multilateral trade. It might also bring a new stability to world trade by getting a major player within the system.

In the fourth chapter, the author evaluates the scenario after the Cancun fiasco and tries to bring out the reasons, actors and interests responsible for the fiasco. While Doha witnessed protracted and nail biting negotiations, Cancun was like sudden death. This was largely due to a grand agenda and inflexible positions on issues like agriculture. The author adds that one of the inevitable outcomes of the failure at Cancun (and other deadlocks at GATT and WTO) has been the renewed impetus to bilateral and regional trade negotiations.

The fifth chapter contains an overall appraisal of WTO issues arising out of UR agreements and those picked up along the way till Cancun. It also includes the dropping of contentious issues of labour standards and the temporary shelving of the Singapore issues. The author makes recommendations for equitable benefits from the opening up of economies

under the aegis of WTO for the poorer countries in general and the South Asian countries in particular. A rule bound multilateral trading system is indispensable for a globalizing world with rapidly integrating world economies. However, the system needs to be fair and equitable. Undoubtedly, the WTO can provide such a system without which world trade can land in chaos.

The book is timely and analytical as we move to Hong Kong WTO Ministerial meeting and the kind of attention India is paying to a robust framework of international trade sought to be provided by the WTO. The issues are clearly brought out and analyzed in details enough for the layperson to fathom without going into profound technicalities and academic details. The bibliography is quite exhaustive but the author could have done better to include a list of relevant websites which contain wealth of information and easy accessibility. The data used in most places is till the year 2000. Thus, the analysis ignores the last 4-5 years. In today's fast changing world, this is a long period.

(Mr Sunjay Sudhir is from the Indian Foreign Service, presently posted as First Secretary, High Commission of India, Colombo - Sri Lanka.)

BOOK REVIEW

Challenges before Governance

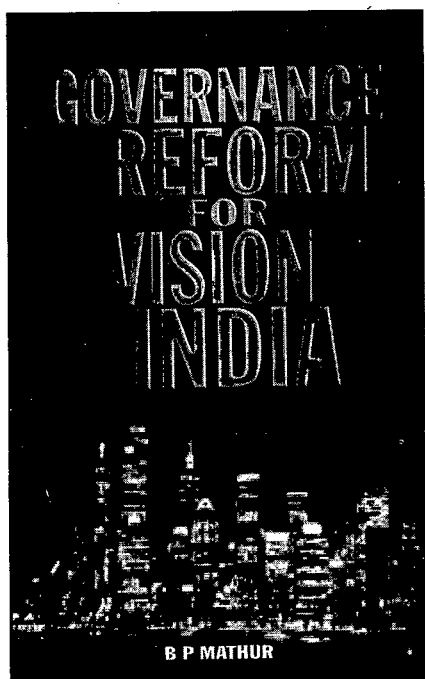
G Srinivasan

WITH A weight of three and half decades experience of having worked in the government as a career civil servant of the Indian Audit & Accounts Service in multifarious capacities; the author is eminently

qualified to present a dispassionate assessment of the famed steel frame, the Indian Bureaucracy. If one dismisses the derisive regard displayed by the revenue service people for the holier Indian Administration Service (IAS), the book under review is a must read for

understanding the underlying problems currently plaguing the country that could be squarely ascribable to yawning governance deficit.

The author modestly mentions that the book is "a humble attempt to analyse some of the critical problems



**TITLE : GOVERNANCE REFORM
FOR VISION INDIA**

**Author : B.P. Mathur
Price : Rs 395
Pages : 367**

**Publisher : Macmillan India Ltd.
2/10, Ansari Road,
Daryaganj,
New Delhi-110 002**

facing public administration and endeavours to draw a roadmap for reform". But, the book emphatically makes the point that the human resource management holds the key for bringing efficiency in the government. Hence how to translate the potential of public employees for delivering efficient services is the biggest challenge facing the public administration. The author is not off the mark when he says that the IAS today dominates all policymaking posts in the central ministries even in realms like finance where specialist officers are available from the central class I services to which the author himself belonged. He points out wryly that a large number of posts of the financial advisers in the central ministries which were held by officers of the central account services such as IA&AS, ICAS, IRAS is now held by IAS officers with no background in finance and account. The most blatant encroachment is reflected by the appointment of IAS officers to the post of the comptroller and auditor general (CAG), when competent and technically qualified officers are available from the audit and account service which runs the public audit system in the country.

The author is not off the mark when he cites a perceptive commentator wondering how the IAS sabotaged all expert recommendations for administrative reforms. The key posts of the Cabinet Secretary, the Secretary personnel and establishment officers are invariably held by IAS officers who are not able to rise above narrow partisan interest. The author also questions the insertion of a new proviso under FR 56 made in July 2001 so that the Government could grant extension of service upto two years to the cabinet secretary. "How can a cabinet secretary who depends on the government's bounty to get extension of service maintain independence and protect

other members of the civil service?" so asks the author with justifiable wrath. Similarly, appointment of a large number of IAS officers nearing superannuation as members of the UPSC has led to dilution of the representative character of the Commission whose members are required to be drawn from diverse professional backgrounds. Hence a suggestion that all appointments to the post of the Joint Secretary and above in the Central Secretariat and all senior level appointments in Group A services should be made with the approval of the UPSC. They should also be thrown open to all the Services as well as persons outside the government, with merit being the sole criterion for selection.

The book under review deals in extenso with issues pertaining to personnel, financial, procurement and contract management which are crucial for the efficacious functioning of government bodies and puts forth measures to streamline them. The author also questions the philosophy of one-size fits all approach of the bureaucracy. It is a crying shame that after almost six decades of independence India has not been able to put in place a decentralised system of governance in consonance with our democratic polity.

Considering the fact the coalition era of governance has become an accepted norm, it is time that cooperative federalism is made easier with a new paradigm shift in the functioning of administration at the Central, State, district and taluk levels. The book has forcibly pleaded for such a dispensation to be devoutly accomplished in the larger interests of promoting the interests of the people of this vast country with varied cultural and linguistic background. □

(Mr G. Srinivasan is a senior journalist.)

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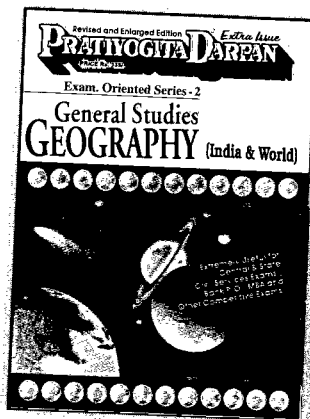
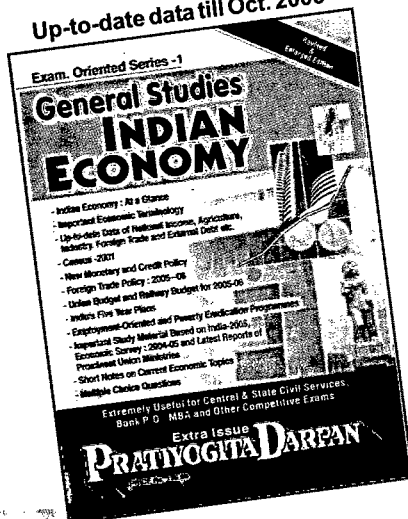
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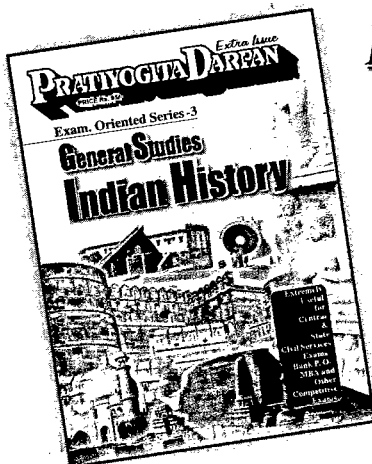
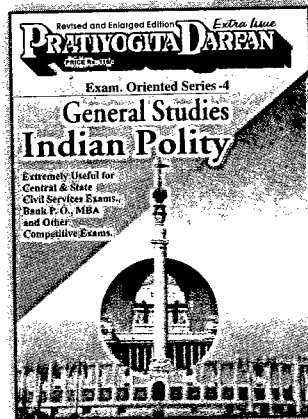
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