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July-Dec., 2021



Editor
R.K. Verma

Indian Institute of Public Administration
Bihar Regional Branch, Patna

Indian Institute of Public Administration Bihar Regional Branch ,Patna

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R.K. Verma

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From the Desk of the Chief Editor

I have immense pleasure to present before the readers the Vol. XVIII No. 2, July-Dec., 2021 Issue of Bihar Journal of Public Administration. The processing (internal and external reviews, as well as computer typography) of the contributions took place amidst tough time of cataclysmic second wave of Covid-19 pandemics. As the Journal has been receiving a large number of contributions of good quality in shape of research papers, research notes, book reviews etc. from across the disciplines and the country, it becomes difficult to publish them in two issues. However, the editorial board intends to accommodate the new ideas and issues of our focus area of research. We have endeavoured to provide space for new ideas, related to Public Administration and allied disciplines.

The Branch has been conscious of maintaining quality and punctuality of the journal in order to make it useful for teachers, researchers, students, policy makers and administrators. I express my thankfulness to the editorial team, anonymous referees, learned contributors and institutions of higher education that have rendered helping hands to our venture.

Prof. S.P. Shahi
Chief Editor

Editorial

I have the pleasure to present the Second Issue of Volume XVIII, 2021 of Bihar Journal of Public Administration (BJPA) before the readers. It has been brought out in amidst tough conditions of unprecedented devastating second wave of Covid-19 pandemic. Thanks to the digital equipments that facilitated us to complete the venture. We feel sorry for not accommodating all the quality research papers due to paucity of space. We had a number of quality contributions in shape of research papers dealing with varied range of areas of Public Administration and the policy issues. As enshrined in our objectives, we have also published papers examining the issues of administration in administrative systems of some countries other than that of India.

The present number of BJPA encompasses very relevant issues like a) Comparative public administration - Indonesia and Nepal systems b) Governance - in the context of Social Media Government (Government 2.0), PPP Model in Railways, digital banking vis-a-vis social adaptability and arresting corruption c) Theory and administration of Aatma Nirbhar Bharat d) Local self-government, especially PRIs in the light of pandemic management, rural governance and justice delivery by women sarpanchs. e) Participative governance - in the light of Forest Management by Self-governed Institutions in Jharkhand f) Urban Governance - Waste Management in Patna Municipal Corporation Social Inclusion of Street Vendors g) Foreign Policy contexts related to India-Africa Security ties and Indo-Philippines cooperation h) Administrative and political developments in context of general elections i) Social Security, Adjustment among women and Human security at strategic points. j) Independence of Judiciary. In addition to these, the Issue covers the impressionistic notes of working bureaucrats. Further, the empirical attempts, particularly concerning Bihar and Jharkhand have been accommodated in the issue with emphasis on highlighting emerging issues and ideas.

The Editorial Board has taken utmost care to maintain the quality of the Journal. However, we are open to welcome the suggestions for improvement of the quality of the Journal by the readership and scholarship.

R.K. Verma,
Editor

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THE CORONAVIRUS PANDEMIC AND PANCHAYATI RAJ SYSTEM: A CASE OF ODISHA

Bibhuti Bhushan Malik* and Doleswar Bhoi**

Abstract

The paper discusses the effect of the Coronavirus pandemic on the life of the people of Odisha vis-à-vis the role of gram panchayats and Sarpanch to combat it. After the significant change in the Panchayati Raj system by giving the magistrate's power to Sarpanches, no substantive transformation has occurred. However, the overall management and work in quarantine centres during the pandemic is found to be satisfactory. Nevertheless, the Corona situation affects rural people's lives, particularly their work, occupation, mobility and education.

Keywords: Coronavirus, Pandemic, Panchayat, Sarpanch, Discrimination, Odisha

INTRODUCTION

Gram Panchayat (GP) in Panchayati Raj Institutions (PRIs), the government at grassroots level is at the bottom of the institution. The PRIs are responsible for deciding an array of government services. Odisha Chief Minister Naveen Patnaik said on April 18, 2020, 'Sarpanch' in gram panchayats will hold a District Collector's power in their territorial localities to tackle the Covid-19 pandemic. He addressed the people saying, 'In order to protect the returnees and their families, a 14-day quarantine is important. As per Section 51 of the Disaster Management Act, 2005 and Epidemic Disease Act 1897, and with Odisha Covid-19 Regulation 2020, the state government transfers the authority of District Collector to gram panchayat

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sarpanches for their jurisdiction to enforce this successfully' (Mint, 2020). Therefore, the present research paper makes an urgent imperative to understand gram panchayat's role to fight against the Coronavirus pandemic.

THE OBJECTIVES AND METHODOLOGY

In this backdrop, the paper examines role of GPs in the context of applying directives of Indian government to contain the pandemic and empirical assessment of grassroots level situation. In view of the above major objective, the paper intends to assess the awareness among masses about magistrial power conferred on Sarpanchs, Sarpanchs' roles in management of pandemic and effects of life of people in rural Odisha. During the pandemic, people were suffering in terms of their income, mobility and health. As strict guidelines of the government of India were in operation, the data was collected online by sending the questionnaire by mail and WhatsApp. A total of 213 responses were received by October 31, 2020, from 180-gram panchayats out of 7,699-gram panchayats of Odisha. Out of 213 respondents, 69.9 per cent were male, and 29 per cent were female. The respondents' social categories were: 30.5 per cent OBC, 26.7 per cent others (non-SC, ST, and OBC), 32 per cent SC and 10.3 per cent STs. Compared to other social categories, SC constituted the majority. Likewise, most of the respondents were Hindus (84.5 per cent), followed by Christians 9.3 per cent. Regarding respondents' educational level, all the respondents were more than a 10th (high school) pass. Furthermore, 40.8 per cent of respondents were postgraduate. A total of 33.8 per cent of respondents were in the age group of 21 to 25. The respondents' employment status is 19.2 per cent government servants; 18 per cent are engaged in the private sector; 9.8 per cent are self-employed; 42.5 are students, and 3.2 per cent are working outside of the state.

THE PANCHAYAT RAJ SYSTEM AND CORONAVIRUS PANDEMIC: AN OVERVIEW

The Panchayat raj originated in 250 CE (Udgaonkar, 1986). The word 'raj' means 'rule', and 'panchayat' means 'assembly' of five (panch) people. During the ancient period, a panchayat consists of wise and respected elders, chosen and accepted by a local community. However, different forms of such assemblies were found. These assemblies settled disputes between individuals and conflicts between other villages. The Panchayat leaders are often called the *Mukhiya*, *Sarpanch*, or *Pradhan*, an elected or generally acknowledged position. Mahatma Gandhi strongly advocated for 'Panchayati raj' as the foundation of India's political system. It is a decentralised form of government in which each village is accountable for its problems and solutions (Sisodia, 1971; Sharma, 1987). These PRIs are realization of Gandhian dream of *Gram Swaraj* (village self-governance). However, there are

substantial dissimilarities between the traditional Panchayati raj system envisioned by Gandhi and the present system formalised in India in 1992 (Singh, 2003).

The scheme of three tier Panchayati raj system began with introduction of recommendations of Balwant Rai Mehta committee and finally these were formalised given constitutional status by the 73rd Amendment in 1992. Odisha worked out the scheme on January 26, 1961 for the first time and later in accordance with the 73rd Constitutional Amendment. , along with other Indian states (Behuria, 2012). The gram panchayats have the primary responsibility to implement the development programme and identify the villages' needs under its authority (Ghatak and Ghatak 1999). In addition, it defined the critical roles for local facilities (public buildings, water, and roads) to be maintained and specified that the targeted welfare recipients should be determined. But at this point of time, the gram panchayat does not have precise control over government teachers or health staff. In a nutshell, healthcare practices are not given due importance in the Panchayati raj system. However, it still has a substantive role in providing drinking water, mid-day meals in schools, Anganwadi works, which have a bearing on public health. However, the Coronavirus outbreak has given importance to the panchayat, especially after the World Health Organisation acknowledged a worldwide crisis on January 30, 2020, and March 11, 2020. The situation has continued to escalate dramatically. The Prime Minister proclaimed a 21-day national lockdown on March 24, 2020, impacting India's whole population of 1.3 billion. India continued the nationwide lockdown from April 14 until May 3, followed by two-week postponements starting on 3 and 17 May 2020 with considerable relaxations. Soon, India registered the most significant number of confirmed cases in Asia, the second-highest in the world after the United States (ToI, 2020; Kulkarni Sagar, 2020). The infection of Coronavirus in India continues to rise day-to-day despite implementing social distancing and nationwide lockdown. Table 1 depicts the picture.

Table 1: State-Wise Confirmed, Recovered and Death Cases

(On November 4, 2020)

<i>State/U.T.</i>	<i>Confirmed</i>	<i>Recovered</i>	<i>Deaths</i>	<i>State/U.T.</i>	<i>Confirmed</i>	<i>Recovered</i>	<i>Death</i>
Total (India)	8313876	7656478	123611	Telangana	244143	224686	1357
Maharashtra	1692693	1531277	44248	Bihar	218203	210672	1108
Karnataka	832396	780735	11247	Assam	207361	198042	934
Andhra Pradesh	830731	802325	6734	Rajasthan	202220	183,899	1936
Tail Nadu	731942	701527	11214	Chhattisgarh	192237	168201	2266
Uttar Pradesh	487335	457708	7089	Gujarat	175471	159311	3731
Kerala	451130	364745	1559	Uttarakhand	63197	58459	1033
Delhi	403096	360069	6652	Haryana	172130	156975	1817

State/U.T.	Confirmed	Recovered	Deaths	State/U.T.	Confirmed	Recovered	Death
West Bengal	385589	342133	7013	Punjab	134786	126315	4245
Odisha	294415	280553	1352	Jharkhand	102887	96975	891
Madhya Pradesh	173384	162366	2974	Jammu and Kashmir	96188	88718	1502
Puducherry	35325	32284	596	Goa	44,189	41362	618
Tripura	31105	29430	353	Nagaland	9151	7869	42
Himachal Pradesh	22932	19469	344	Arunachal Pradesh	15083	13367	42
Manipur	19241	15460	184	Sikkim	4004	3660	73
Andaman and Nicobar Islands	4372	4153	60	Dadara and Nagar Haveli and Daman and Diu	3257	3225	-
Chandigarh	14608	13751	-	Mizoram	2893	2376	1
Meghalaya	9741	8680	90	Lakshadweep	0	0	0
Ladakh	6441	5701	76				

Sources: Author compiled from various sources, Hindustan Times, 2020

The union government called for Gram Panchayats to play an active role in containing the coronavirus disease by identifying affected areas. So the government began tracking people with a history of contact with participants in the Jamaat congregation. Gram panchayats were asked to set up monitoring committees and report anyone who could have come in contact with participants in the Jamaat gathering. A gram panchayats were entrusted some specific duties like raising awareness of the health advisories regarding the pandemic and monitoring home quarantine where people were sheltered.

For example, in Jharkhand, gram panchayats were encouraged to raise awareness about migration through wall painting and establish isolation units to treat migrants. Anganwadi personnel provided nourishment to children and pregnant mothers in the Andaman and Nicobar Islands. Gram panchayats were pressed into duty in eastern Uttar Pradesh's Gorakhpur area to reach *Mahadalit* communities such as the Mushahars and Vantangiya. In West Bengal, gram panchayat members were involved in fabricating and distributing personal protective equipment such as masks and hand sanitisers. (Ramachandran, 2020).

PROFILE OF PANCHAYAT IN ODISHA

Odisha (formerly Orissa) is an eastern Indian state known for its many ancient temples and tribal cultures. It is surrounded by Jharkhand and West Bengal to the north and northeast, on the east Bay of Bengal, and in the South by Andhra

Pradesh's states Telangana, and to the west Chhattisgarh. On April 1, 1936, as a distinct jurisdiction in British India, the modern state of Odisha was created. India's ninth and eleventh largest state by territory and population, contributing to 4.7 per cent of the geographical areas and 3.7 per cent of its population (Odisha Profile, 2018). Odisha comprises 30 districts, and these districts have been grouped as three distinct revenue divisions: north, south, and central to streamline their governance. As per the 2011 census, the total number of residents of Odisha is 41,974,218, of whom 21,212,136 and 20,762,082 are male and female, respectively. 93.63 per cent of Odisha's population are Hindus, while 2.77 per cent are Christians, 2.17 per cent are Muslims, 0.05 per cent are Sikhs, and 03 per cent are Buddhists. In addition, there are 62 Scheduled Tribe, 93 Scheduled Caste and 13 particularly vulnerable tribal groups living in Odisha. There are 317 tehsils, 314 community development blocks, 6799-gram panchayats, and 51313 villages having the number of habited villages is 47,677 (Odisha Profile, 2018).

The first law, the Orissa Gram Panchayat Act, 1948, provided the structure of authority and functioning of the state's gram panchayats, and the three tier PRIs were introduced in 1961. The Orissa Zila Parishad Act was enacted in 1959 and then revised in 1961 as the Orissa Panchayat Samiti and Zila Parishad Act 1959 (Orissa Act 24 of 1961). Odisha has modified the current laws relating to the panchayat under the 73rd Constitutional Amendment Act, 1992, including the Odisha Zilla Parishad Act, 1961, the Odisha Panchayat Samiti Act, 1959 the Orissa Gram Panchayat Act, 1964. Panchayats are assigned duties, responsibilities, and functions on various matters in the 11th Schedule of the Odisha under this legislation at all three levels. In addition to this, the government of Odisha decided that sarpanches are given the magistrate's power to fight against Coronavirus.

RETURN OF MIGRANT WORKERS AND THE PANDEMIC

When the lockdown was declared, migrants from different cities of India desperately started their home journey. The photographs of various newspapers of migrants walking on roads and railways tracts started appearing prominently. Television channels and other social media focused on those cases. Table 2 shows the situation of return of migrants.

Table 2: Returnees to Odisha by Vehicles, Train And Flight

Numbers of Persons Returning to Odisha by Vehicles			
<i>District</i>	<i>No. of Returnees</i>	<i>District</i>	<i>No. of Returnees</i>
Anugul	4043	Kalahandi	5446
Balangir	9891	Kandhamal	2163

Baleshwar	20454	Kendrapara	10768
Bargarh	4371	Kendujhar	6610
Bhadrak	16461	Khordha	16227
Boudh	1622	Malkangiri	1323
Cuttack	11452	Mayurbhanj	11515
Deogarh	906	Nabarangpur	1721
Dhenkanal	4001	Nayagarh	3046
Gajapati	1374	Nuapada	1957
Ganjam	24835	Puri	7073
Jagatsinghapur	7804	Rayagada	4797
Jaipur	10217	Sambalpur	2637
Jharsuguda	1298	Sonepur	3400
		Sundargarh	7028
Returns to Odisha by Train		Persons Returning by Flight	
Gujarat	130537	United Arab Emirates	1293
Telangana	60053	Kuwait	314
Tamilnadu	54968	Saudi Arabia	275
Karnataka	25339	United States	222
Kerala	23716	Oman	176
Other states	63788	Other countries	947

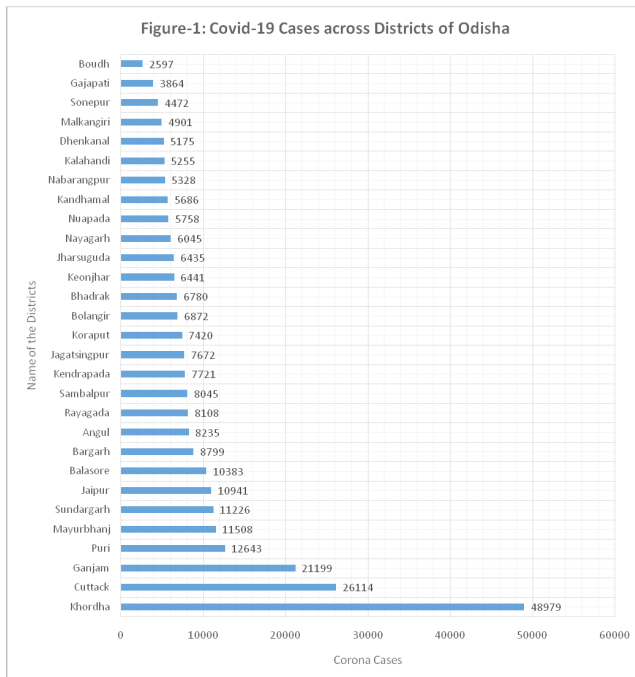
Source: Odisha State Dashboard, accessed November 4, 2020

It is well understood that the returnees became unseen to the planners and politicians during the early phase of the lockdown. However, when they had no work, foodstuff, and roof, they rushed to the railway stations and bus stops to return to their native place. Subsequently, the migrants live in two worlds: insecure urban occupation and an unstable homeland; they were forced to return to their homes during this pandemic. Social distancing had no meaning for the migrants and those who stayed in densely populated and unhygienic conditions. They always thought about how to stay alive. Thus, they came together on the roads during the lockdown and began walking towards home states, and crowds at different stations shown in various media platforms were proof of reverse migration. There were about 20 lakh migrants returned to Odisha (Mishra, 2020). It was recommended to the government to remove the travel and other related restrictions for migrant workers in a staggered manner with proper registration and necessary checks. To manage such a massive influx of population was a challenge for surveillance and screening issues, along with quarantine facilities and employment guarantees for them (Meher and Nanda, 2020:6). A total of 256 special trains were engaged to carry passengers of 3,58,401. Special flight arrangements were made for bringing

back 3,227 passengers. Further, with a total vehicle of 26,971 put to work 2,06,725, people could return to their homes during the lockdown. The details are presented and illustrated in Table-2.

THE CORONAVIRUS CASES IN ODISHA

The first group of Odia migrant labourers arrived in the state from Surat on April 29, 2020. Surat is one of India’s cities where thousands of labourers starved in the wake of the lockdown. Odisha had only 125 positive cases of Coronavirus. Nevertheless, within one month, the number of positive cases in the state rose to 1,948. Around two lakh migrants’ labourers returned to their homes from different parts of the country. Containing the infection, particularly in rural areas became a grave challenge for the state government. The state government also prepared 15,867 impermanent medical centres in 6,798 panchayats, where around seven lakh beds were provided to treat Covid-19 patients. Quarantine centres were set up in each Panchayat for Odia people returning to their state from outside with food and primary care for those houses (Mishra, 2020). As of November 4, 2020, there were 2,94,415 Corona cases and 1,352 deaths in Odisha. Almost most all the districts were affected by the virus. In some districts, it was less compared to other districts, which is revealed in Figure-1.



Source: Odisha State Dashboard, access November 4,

SOCIO-ECONOMIC PROFILE OF THE RESPONDENTS

Socio-economic status constitutes the essential indices of an individual and family's economic and social position concerning others and provides a basic understanding of the respondents and their backgrounds. The Table 3 depicts the socio-economic profile of the respondents.

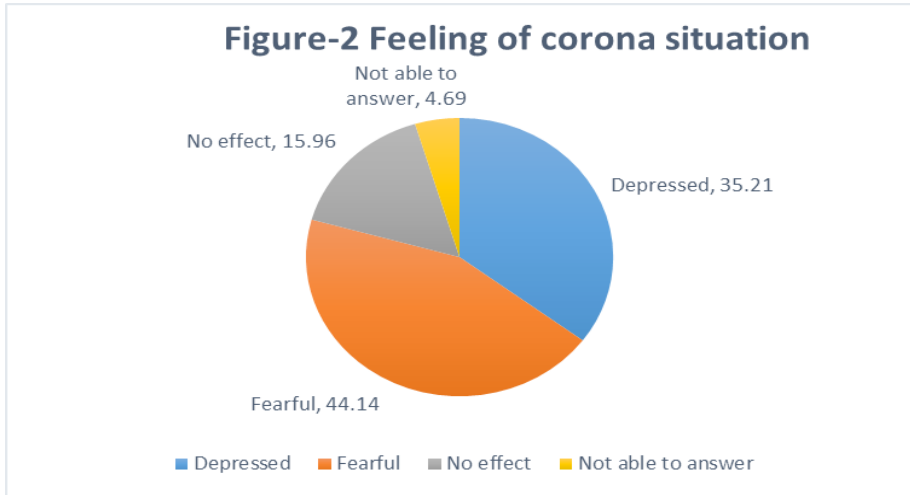
Table 3: Sex, Social Categories, Religion, Education level, Age and Occupation of Respondents

<i>Sex</i>	<i>Frequency (%)</i>	<i>Social categories</i>	<i>Frequency (%)</i>
Male	149 (69.95)	OBC	65 (30.51)
Female	63 (29.57)	Others	57 (26.76)
Prefer not to say	01 (0.46)	SC	69 (32)
Total	213 (100)	ST	22 (10.32)
<i>Religion</i>	<i>Frequency</i>	<i>Education Level</i>	<i>Frequency</i>
Buddhist	07 (3.28)	10 th	03 (1.40)
Christian	20 (9.38)	Intermediate (+2)	09 (4.22)
Hindu	180 (84.5)	Undergraduate (+3)	57 (26.7)
Muslim	01 (0.46)	B.Ed.	05 (2.34)
Others/none	05 (2.34)	PG	87 (40.84)
<i>Age</i>	<i>Frequency (%)</i>	MPhil	12 (5.63)
15-20	15 (7.04)	Ph.D.	24 (11.26)
21-25	72 (33.80)	Others	16 (7.51)
25-30	47 (22.06)	<i>Employment</i>	<i>Frequency</i>
31-35	32 (15.02)	Employment outside Odisha	07 (3.28)
36-40	17 (7.98)	Government servant	41 (19.24)
41-45	12 (5.63)	Private sector	40 (18.77)
45-50	11 (5.16)	Self Employed	21 (9.85)
51-55	04 (1.87)	Students	90 (42.25)
56 and Above	03 (1.40)	Others	14 (6.57)
Total	213(100)	Total	213 (100)

THE PERCEPTIONS OF FEAR AND DEPRESSION

The outbreak of corona pandemic had direct psychological impact on the people of Odisha also. The depression and unwellness caught the psych of the people owing to conditions of lockdown and havoc of disease and deaths. Figure 2 depicts the psychological state of the respondents. It reveals that 35.21 per cent of respondents felt depressed, and 44.14 per cent felt fearful. If fearful and depressed cases are taken

together, then 80 per cent of respondents were psychologically affected. However, 15.9 per cent were not at all affected by the outbreak.



Along with these, 14.08 per cent of the respondents thought that the Coronavirus situation was having impact on only higher classes. One of the respondents wrote, ‘I observed that such situations are fearful or painful in this lockdown. No one can do their work properly; so the middle-class people are less affected by their hopelessness and income lessness.’ It reflects that people were fearful, depressed and forced to desert the place they lived in due to the unexpected situation.

THE EFFECTS OF LOCKDOWN

The responsibility of implementation of lockdown guidelines and controlling the law and order situation mainly fell on police and general administration. Hence, it was essential to ascertain as to how people viewed the guidelines.

Table 4: Opinion on Lockdown

<i>Responses</i>	<i>Frequency</i>	<i>Percentage</i>
Lockdown is a political decision, and it has nothing to combat the Corona pandemic	50	23.47
Lockdown and shutdown is not useful	34	15.96
Lockdown and shutdown is useful	120	56.33
Not able to answer	09	4.22
Total	213	100

Table 4 reveals the people’s opinion on the decision of lockdown. 23.47 per cent of respondents stated that ‘lockdown was a political decision and it had nothing to combat corona pandemic’; whereas 56.33 per cent considered it beneficial and

good for a limited period. One of the respondents wrote that ‘Covid-19 is the only opportunity for the politicians who took such wrong decisions against common people. Because the government decision was not able to help out the poor and migrant people of India, the government could not save the lives of this country’s citizens in this pandemic situation. Government is useless in this pandemic situation; many poor people have been dying in this pandemic not only due to Coronavirus but also for food and hunger. People suffering from other diseases were the worst sufferers during lockdown’.

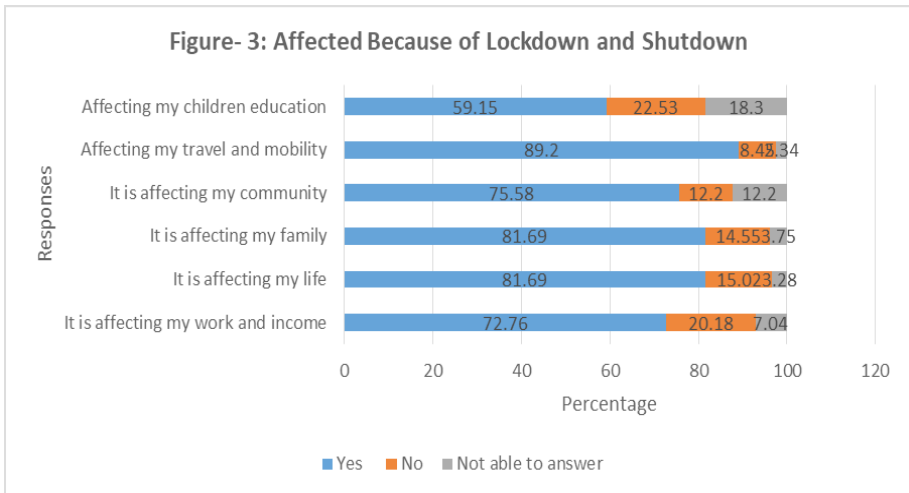
The variables like sex, religion, socio-economic categories, occupation etc. had impact on the opinion of the respondents. Table 5 shows 88.26 per cent of the respondents were affected by the lockdown, whereas 11.73 per cent were not affected. It shows that a large population was affected due to lockdown. Out of the total 88.26 per cent of affected respondents, 69.68 per cent were male and 29.78 female, 84.04 per cent Hindus, 3.19 per cent Buddhists, 10.10 per cent Christians, 2.12 per cent Muslims, 31.28 per cent OBCs, 34.38 per cent SCs, 10.63 per cent STs and 23.93 per cent others. Of these, 3.19 per cent were employed outside Odisha, 19.68 per cent were government servants, 19.68 per cent were private-sector employees, 7.97 per cent were self-employed, 43.08 per cent of students were also affected.

Table 5: Effect of Lockdown and Shutdown by Sex, Religion, Social Categories and Employment

	<i>Responses</i>	<i>Yes (Percent)</i>	<i>No (Percent)</i>
	Frequency	188 (88.26)	25 (11.73)
Sex	Male	131 (69.68)	18 (72.00)
	Female	56 (29.78)	07 (28.00)
	Prefer not to say	01 (0.53)	0 (00)
Religion	Hindu	158 (84.04)	22 (88.00)
	Buddhist	06 (3.19)	01 (4.00)
	Christian	19 (10.10)	01 (4.00)
	Muslim	01(2.12)	01 (4.00)
	None/others	04 (2.12)	01 (4.00)
Social Categories	OBC	59 (31.38)	06 (24.00)
	SC	64 (34.04)	05 (20.00)
	ST	20 (10.63)	02 (8.00)
	Others	45 (23.93)	12 (48.00)

	<i>Responses</i>	<i>Yes (Percent)</i>	<i>No (Percent)</i>
Employment	Employed outside Odisha	06 (3.19)	01 (4.00)
	Government Servant	37 (19.68)	04 (16.00)
	Private Sector	37 (19.68)	03 (12.00)
	Self Employed	15 (7.97)	06 (24.00)
	Students	81 (43.08)	09 (36.00)
	Others	12 (6.38)	02 (8.00)

Almost all spheres of life were adversely affected during the lockdown like, education, health, industry, transportation, informal economy, and others. Figure 3. Shows that out of the total respondents, 72.76 per cent of respondents were affected by lockdown in terms of their livelihood.. Further, 81.69 per cent felt that their family life was affected and 75.58 had their community life affected, 89.20 per cent, and 59.15 per cent of respondents felt loss of travel, mobility, and children’s education.



The worst sufferers were lower and middle-class people as they lost their jobs, daily earnings, etc. One of the respondents commented that ‘students lost one year in their life, and political and administrative people earned black money in the name of Covid-19. It is affecting a major portion of the population, particularly the students and underprivileged people’. One respondent lamented that people were short of proper hospitals and other infrastructure. Another respondent wrote, ‘It has badly affected my sister’s life as she suffers a life and death situation. We have nothing to do for her as we do not have money to give her treatment properly. The doctor also not helped her’. Again another respondent mentioned that ‘private hospitals are looting people, which is known to all, but no one is complaining, as they are the big mafias.

We have personal experience with Vikash Hospital of Bargarh district, as one known relative was admitted to this hospital but died. However, they have charged rupees 5.70 lakhs, which we borrowed from our relatives... As per government guidelines, the charges per ICU per bed are a maximum of Rs.18,000 per day, but the hospital charged Rs. 50,000. There are thousands of patients suffering what we suffered. No government officials listen to our pain.

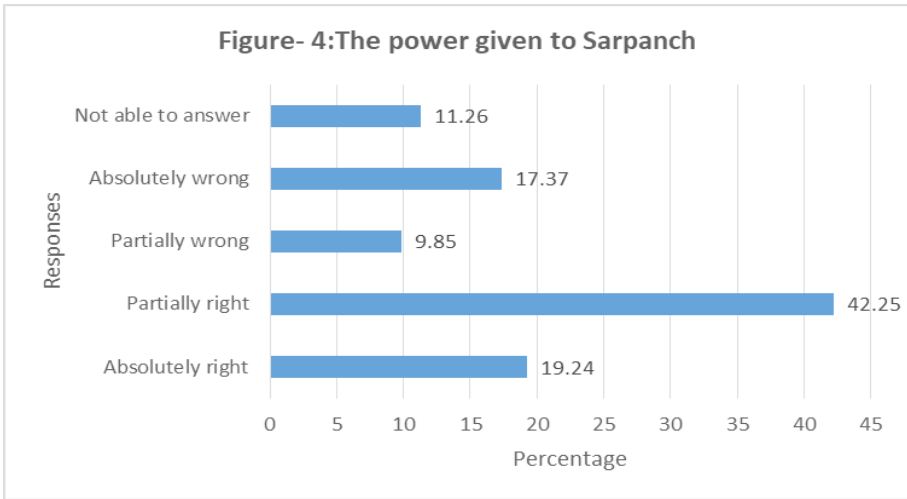
OPINION ON MAGISTERIAL POWER TO SARPANCH

The magisterial powers were devolved on Sarpanchs to tackle the pandemic crisis. Thus it was ascertained the opinion of respondents on the issue. Table 6 reveals that 82.15 per cent respondents confirmed that Sarpanch was given the magistrate's power; 7.98 per cent could not answer; 9.85 per cent felt that no power was given and no changes in the position of the Sarpanch took place even after such a decision by the government.

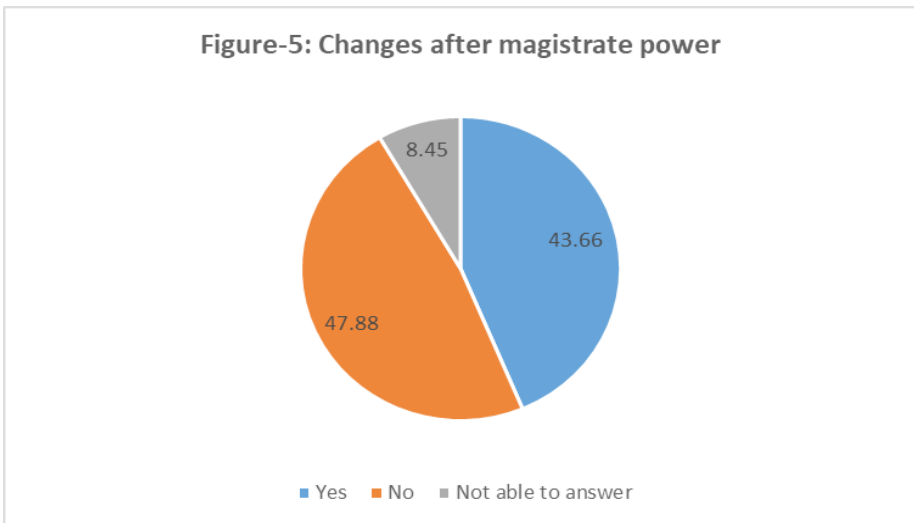
Table 6: Powers Given to Sarpanch during the Covid-19 Pandemic

<i>Responses</i>	<i>Frequency</i>	<i>Percentage</i>
No power is given, and no change in the status of Sarpanch	21	9.85
Sarpanches are given magistrate power	175	82.15
Not able to answer	17	7.98
Total	213	100

The collected data reveals that though they were aware of the transfer of magisterial power to Sarpanchs, yet they were not clear as to whether the step worked. Figure 4 depicts their opinion in following category - right, partially right, partially false, absolutely wrong, and unable to answer. A total of 19.24 per cent of respondents considered it right, 42.25 per cent partly right, 9.85 per cent partially wrong, 17.37 per cent wrong, and the rest 11.26 per cent did not answer. It can be said that the government's decision was seen as partially correct as more than 62 per cent confirmed in affirmative.



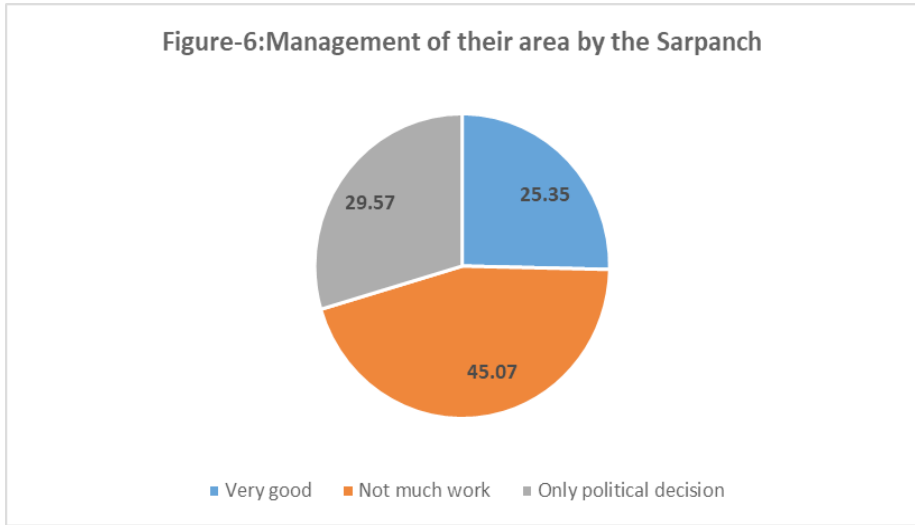
CHANGES AFTER CONFERRING MAGISTRATRIAL POWER



During the lockdown period, the Sarpanch was responsible for tackling the situation and the different stakeholders. The Sarpanch was primarily responsible for managing the quarantine centres, tracking the people affected by the virus, and checking other villagers from the contact with infected persons. After receiving the magistraterial power, it is essential to know the management of gram panchayats by the sarpanches during this pandemic.

Figure 5 reveals that 43.66 per cent of respondents mentioned a significant change after magistraterial power is given to the Sarpanch, whereas 47.88 per cent

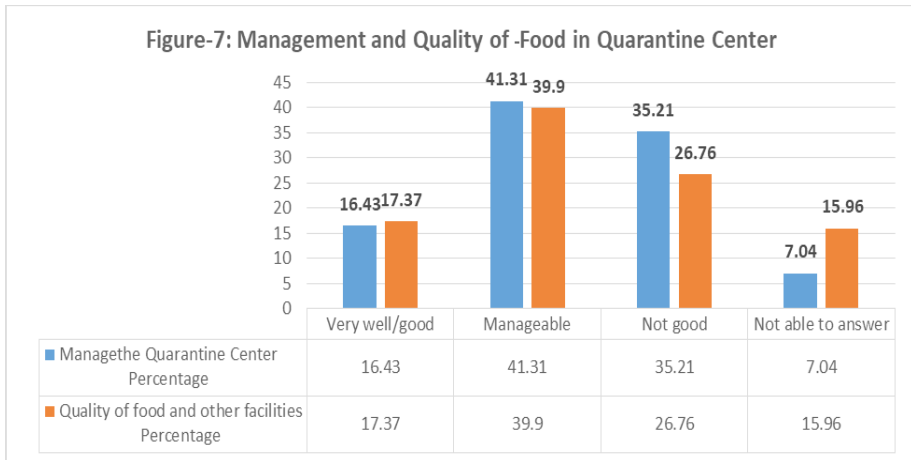
of respondents were cynical about it. It shows that there was not much significant change that occurred after such a decision. The ascertained facts depicted in figure 6. A total of 25.35 per cent of respondents rated the management as 'very good'; 45.07 per cent 'not much work done'; and 29.57 per cent of people think that the giving magistraterial power to the Sarpanch was 'only a political decision'.



Further to substantiate this, one respondent wrote, 'in every panchayat, corruption is the main issue, and due to this, facilities were not provided correctly. Some sarpanches think this is the right time to earn. I wrote ... requested the Sarpanch to mask poor people in my area. However, it was not done.' Another respondent commented, 'The Sarpanch thinks that he has got a superpower. The Sarpanch is utilising such powers, and the corruption has increased in the panchayat. All Covid funds were utilised for their family. .. They should be punished with a minimum of 10 years of imprisonment for their corruption and not properly utilising the fund. Devolution of power and resources on the Sarpanch should be subject to audit.'

THE MANAGEMENT OF QUARANTINE CENTRES

The management of the quarantine centres was one of the essential works of the Sarpanchs and gram panchayats during the Coronavirus pandemic. In addition to this, the Sarpanch and other staff were tasked to provide food to the migrants. The Figure 7 reveals that 16.43 per cent of respondents were of the opinion that Sarpanchs and the staff managed the quarantine centre 'very well', whereas 41.31 per cent described it as 'manageable', and 35.21 per cent said 'not appropriately managed'.



As far as the quality of food and other facilities are concerned, 39.90 per cent of people opined that the quality of food and other facilities were ‘manageable’, followed by ‘not good’ (26.76 per cent), and only 17.37 per cent said the food quality and other facilities were ‘excellent’. In addition to this, some more comments were also received from the respondents’ an administrative officer will be good to manage quarantine centres rather than sarpanch’; ‘during the pandemic situation, they can quarantine only migrants who belong to marginalised and untouchables, not to upper castes like Brahmins and Baniyas’.

THE BEHAVIOUR OF SARPANCH AND PANCHAYAT STAFF

It was opined that Sarpanch and panchayat staff were partisan in contacting people of their own caste and religious communities live. However, their behaviour varies based on the identity of the person they interact with. Gender-based behaviour also varies from caste to caste and religiously different groups.

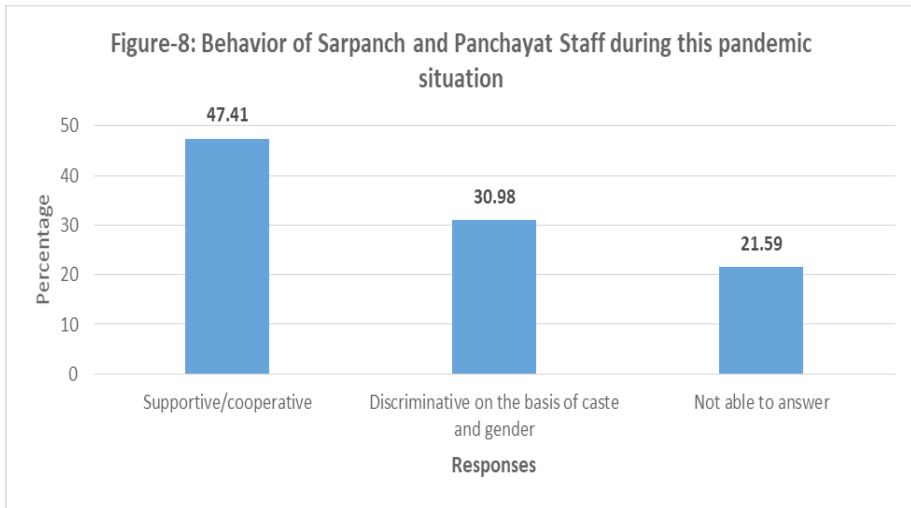


Figure 8 depicts the behaviour of the Sarpanchs and panchayat staff during the pandemic. It reveals that 38.02 percent respondents found the sarpanch and panchayat staff supportive and cooperative, but 21.59 per cent found their behaviour discriminatory. Hence, the social matrix and dynamics of caste and gender remain usual despite the pandemic situation. Further, some respondents found the 'gender based discrimination' by Sarpanches as they enjoy the political privilege. Labourers and students, were not given the supposed allowance they were assured of after being quarantined.

CONCLUSIONS

The roles of Gram Panchayats and Sarpanchs are vital and worth promising in containing the crisis arising out of the pandemic despite certain shortfalls and maladies like corruption and favouritism in tackling the situation. The Gram panchayats must be functioning properly in crisis situations as effects of pandemic did not regard the barriers like castes, gender, age, region and religion. In the opinion of the people, the devolution of magisterial powers on panchayat bodies was motivated by politics and not of much benefits.

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REPOSITIONING WOMEN IN INDIA: AN ETIC DESCRIPTION

Saket Bihari*

Abstract

Gender plays an important role in taking-up employment opportunities. To accept women as one of the prime stakeholders, the 2030 agenda for Sustainable Development has a stand-alone goal on gender equality and the empowerment of women and girls. However, women workers constitute a marginalised category within the class of workers. The household activities carried out by women far exceed that of the men. The paper describes and interprets recurrent themes indicating cultural deterrents principally decide the type of employment women have to opt for. Most of the women do not participate in the workforce for reasons owing to their engagement with households and double-edged responsibilities. Though several interventions are in place to provide upward mobility to women, the social perspectives keep on curbing and controlling their activities. The paper highlights the reasons why women participation in the workforce is dropping over the years.

Keywords: Work participation rate, cultural control, remunerative jobs, double-edged responsibilities, skill-set and opportunities

BACKGROUND

Recognising and acknowledging women as one of the crucial stakeholders in making economies and societies more prosperous, their effective participation has broadly been ignored. This issue has adversely affected the pace of social development in our country. To accept women as one of the prime stakeholders,

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the 2030 agenda for Sustainable Development has a standalone goal on gender equality and the empowerment of women and girls. Studies have brought out the fact that women's economic empowerment is significantly correlated with poverty reduction and a driver for economic growth. The culturally layered deterrents have created a gap for women entering the workforce and their earnings. According to World Bank Data points, the total world population in 2019 was around 7.674 billion, out of which females constituted around 49.584 percentage points (3.803 billion). However, the percentage of females in the workforce accounted for 38.85 percentage points. While developed countries have a higher percentage of the female labour force, the corresponding figures for many developing countries including India are abysmal. 'When both paid and unpaid work such as household chores and caring for children are taken into account, women work relatively longer hours than men. An average of 30 minutes a day longer in developed countries and 50 minutes in developing countries have been recognised (United Nations, The World's Women 2015). According to the India Development Report of the World Bank, India ranks 120th among 131 countries for female labour force participation. When half of the population is not provided with equal access to quality education, skill-set, and opportunities, the economy cannot reach out its fullest potential. In fact, the schedule for unpaid jobs done by women is long. It ranges from cooking to ironing to cleaning to collecting water to fetching firewood to child care to look after the elderly to plow fields to harvest crops to weave and to make handicrafts and so on. These services delivered by women often are not formally recognised and accounted for. At the same time, their preferences, choices, skill-sets and capabilities are ignored to be integrated with productive processes. It may be inferred that since women are engaged in such activities, they hardly get time to engage in paid or remunerative jobs. If the unpaid works rendered by women are accounted for by developing proxy indicators coupled with opportunity costs, they contribute a substantial size of inputs to our economy. The fact is if women are freed from the unpaid works; and provided access to participate in remunerative economic activities, their contributions can tangibly be recognised.

To ensure inclusivity with equity, women's employment is critical to poverty alleviation. If the household income is to be raised to a satisfactory level, the earnest efforts done by women need to be recognised. However, through effective interventions, several efforts have been made to empower women by taking them into gainful employment opportunities. Though employment among women has grown over the decades as a result of a large number of women being self-employed or working as agricultural labourers, they have always been underpaid, and their contributions left scot-free. The bulk of employment that women have received in the last few years is not optimally incentivised due to an elliptical illusion for women being non-serious. The non-seriousness with work is merely an articulation

designed by male-chauvinism to historically continue with 'women as a second sex'. The idea is largely incorrect and requires immediate rectification. If its iota remains, it may further amplify and roots will become ever more stringent. In most cases, it has been found that discrimination is not only limited to the economic level but also percolates to educational attainment. The women have been found to receive sub-standard education in sharp contrast with their male counterparts. The Covid pandemic has shown if the resource crunch in a household occurs, women become its prime victim. Poor literacy levels in girl children can be a deterrent to their socio-economic growth and upliftment. A better educational level can potentially provide a social thrust to do away with underpayment and underemployment provided they are freed to exercise their accrued educational potentials. To ensure the well-being and additionally capacitate women, their awareness level about government interventions can play a pivotal role. Large-scale surveys have shown that an effective level of literacy coupled with employment can help women reposition themselves in contemporary society where their say in household decisions can be well recognised.

The paper intends to investigate reasons why women have not been able to receive qualitative literacy as that of their men counterparts. Side by side, the paper also suggests policy measures through which the status of women can be enhanced to a satisfactory level thereby ensuring equity-oriented economic growth. This may further trigger parity, equality, and equity in our society. Instead of women tending to receive sponsorship from the outside, they require to get engaged with quality education, access available opportunities, and exploit the resources to move on the social ladder. To leverage equality from outside sources may be trapped under narrative oriented paradigm which in turn cannot help them to sensibly feel the articulation of self-reliance. The interventions and strategies should be planned in such a way that it works well against the cultural inertia that confines women under the four walls.

The employment opportunities can help women develop, provided they are separated from social distress, underpayment, and drudgery. The paper has been divided into four parts. The first part analyses the socio-economic characteristics of Indian women such as caste, religion, and economic status. The second part discusses the participation of women in economic activities. The third part delves upon some of the workforce determinants including education and poverty. The final part of the paper concludes with an overview of instrumental interventions, factoring in suggestions for improving the conditions of women in the workforce. The fact that the different parts explained in the paper is the recurring themes to be placed in the intellectual discourses. However, there are more important themes than mentioned above that are equally instrumental in elevating the socio-economic status of women. For instance, there are incidences where despite all remedial

measures at work, due to harsh geographic terrain, women's participation in the workforce becomes low. There are more familial obligations and pressure to handle the household jobs, as a result, women fail to grab employment opportunities. As such, the poor participation of women in the workforce and corresponding social status has a host of multiple deterrents. Moreover, the paper is restricted to four parts, as mentioned above.

SOCIO-ECONOMIC CHARACTERISTICS OF INDIAN WOMEN

Women's participation in the workforce is largely conditioned and contingent upon their socio-economic conditions. In a certain community, the participation of women in the workforce is considered demeaning whereas, some attach special social value to it. At the same time, the lower participation of women in the workforce is also due to the unavailability of women-centric jobs. The availability of men-centric works is the result of activities potentially contributing to the quality of life and ease of doing business. In underdeveloped parts of our country, the major developmental works are related to road constructions, housing, and other similar activities that are largely men-centric. However, recent years have witnessed an upsurge in IT-related jobs where women can be potential participants. The women from backward castes are largely devoid of getting placement under the IT sector as they are generally devoid of proper skill, knowledge and know-how. However, this problem is being sorted out by the flagship schemes like Pradhan Mantri Kaushal Vikas Yojna (PMKVY), Jan Sikshan Sansthan (JSS), Deen Dyala Upadhayay Grameen Kaushlya Yojna (DDU-GKY) and so on. Qualitative literacy has not reached an effective level, particularly amongst women to incentivise benefits. The Covid Pandemic is likely to harm more women-centric jobs than men. "McKinsey study found that female job loss rates due to COVID-19 have been about 1.8 times higher than male job loss rates globally. Meanwhile, an ILO report from July 2021 forecast that by the end of the year, there would be 13 million fewer women at work globally, while men's employment will begin to recover to 2019 levels"¹.

This shows that both in induction and the existing job market, women are the worst sufferers. The work participation rate for women differs based on their socio-economic categories. Rural women are more vulnerable to losing their jobs as compared to women in the urban area. Upper-class women are likely to be lesser affected than women from the lower or middle class in the job market. The fact that buoyancy is provided by the educational standard, as well as the power to bargain, is more with women from the upper class and bitterly educated. Overall, women of the lower strata may experience more acute crisis than women positioned in the higher classes. The majority of Indian women believe in Hinduism and the practice of the caste system is an integral part of it. However, in the literate lot, the practice of caste is discouraged. Moreover, the instrument of hierarchy is practiced on

some basis or the other. It is concluded that socio-economic conditions of women influence their social status, dispensability and decision making.

PARTICIPATION OF WOMEN IN ECONOMIC ACTIVITIES

It comes from the common quarter that 'women secure higher than men in key skills related to business enterprise viz. teamwork, problem-solving and orientation'². It has also been found that the economic empowerment of women boosts productivity, increases economic diversification and income equality in addition to other outcomes. Women constitute 48.1% of the Indian population. 'The work participation rate (WPR) was found to be approximately 26% in 2005. It has dropped from 26% in 2005 to 20.3% in 2019'³. It is a net fall of 5.7%. Strikingly, women earn only 65.5% of what their male colleagues earn for doing the same job. 'Out of the total women representation in the job market, most of the women are engaged in information technology (28%), followed by pharmaceutical and health care (11%), automotive sector (10%), oil & gases (7%) and others'⁴. As automation moves on, there is a possibility that 10% additional drop-in women employment be witnessed which may affect women severely. However, the data of 2018-19 reveals that women are closing the higher education gap. It has been found that women represent '53%'⁵ at undergraduate degrees, '69.6%'⁶ at MPhil degrees and '41.8%'⁷ at PhDs. Thus, educational attainment amongst women shows a moving change. This may further a fewer number of women to be represented in the workforce, as they are interested in educational attainments.

The bulk of the women population stays in villages where only seasonal works are available. The works available for them become subsidiary work and not the mainstay. This also indicates that 'recent economic changes appear to have enlarged work opportunities for women in urban areas, but have had a limited impact in rural areas. Yet, there are large variations in women's participation in work across socio-economic groups and regions and states in India'⁸. Economic factors instrumentally determine men's participation in employment, there is a host of factors like demographic, reproductive, cultural, social, and education that either hinder or facilitate the women's participation in employment ventures. Due to socio-economic impoverishments, SC and ST women are more prone to take a job in the informal labour force and hence more vulnerable and distressed. Though higher education facilitates men to participate in the workforce, women's participation shows a reverse trend. The illiteracy propels lower caste/class women to receive employment in informal settings. It becomes plausibly evident because wage discrimination may not be acceptable to literate women. However, the compulsion for men to earn, accessibility of jobs in odd hours, the cultural restriction imposed on women to get a job; appear to explain the fact that women's participation in the workforce is less, as compared to men's engagement. It has also been found that in

the lower strata of society, as the per capita income of a household increases, the participation of women in the workforce decreases.

WORKFORCE DETERMINANTS FOR WOMEN

Higher educational attainments, higher household income and availability of employment are some of the major determinants of women's employment. Side by side, encouragement of equality and enhancement of women-centric opportunities also improve women's participation in the workforce. In classificatory terms, the trend of the VUCA world, women safety at workplaces, patriarchal society, social norms, cultural norms and mindset of people, family pressures, early marriage and household duties are some of the reasons that affect women employment. Marriage, as an institution often acts as a deterrent in getting out from home and taking advantage of women's capabilities and skillsets. This is really unfortunate. With the persistence of traditional gender norms, quest to ensure the purity of women by safeguarding them from men other than husbands, mobility is restricted to move out from the households. Generally, men do not allow their daughters, wives and daughters-in-law to leave the households for training and job placements thereafter. As such, trainers, whose regularity is based on the employment outcomes of their trainees, are reluctant to train women, as they are less likely to accept job placements. In urban India, jobs are closer to their households but women struggle with a lack of access to traditional male-dominated job networks. Women end up in lower-paid and less-responsible positions than their abilities would otherwise fetch returns. Dislocation becomes a major deterrent for women to take part in jobs, particularly after marriage. Significantly, when the household income grows, they are restricted not to continue with the job.

If at all is allowed, women are expected to manage the workplace and household at the same time. That creates a role inconsistency. They keep on vacillating between professionalism and double-edged responsibilities. The vacillation further exerts pressure on them encountering diseases and other issues. However, it is commendable to notice that women in India run about 14% of the total entrepreneurs. 35.5% of start-ups are owned by women. Of which 58% of entrepreneurs have started their ventures at the age of 20 to 30 years. It shows the tremendous zeal and enthusiasm in women to prove themselves and contribute to the economic growth of our country.

CONCLUSIONS

The backwardness amongst women can be attributed to unequal access to resources and their distributive processes. Though cultural bondage has been a historical fact, women's struggle for emancipation has brought about many desirable changes.

There is evidence to show that some women can enter productive jobs. Some positive signs in the recent past are there are various Government's programs such as skill development, concessional loans for women to initiate start-ups, Prime Ministers' Employment Generation Programme (PMEGP), Udyam Sakhi, Udhyam Shakti Portal for Women Entrepreneurs, Economic empowerment of women Enterprise and starts-ups by women in collaboration with a German-based Development Authority, Stand-up India Scheme, Credit Guarantee Fund Trust for Micro and Small Enterprises and so on. Though many policies got initiated focusing on women's empowerment, there is a lot more yet to be done to increase women's participation in the workforce to ensure inclusive development. More policies and practices are required to improve women-related infrastructure, greater public safety, promote sharing of domestic work between men and women. It is required to have measures aiming at freeing the women from unpaid and low productive jobs for which improving access to education, better health care, water supply, sanitation, electricity and transport services can be improved. Awareness programme on women-related issues should be publicised and mainstreamed from the margins in all developmental programmes of the government. The other half of society needs to be educated and sensitised to recognise and respect in the direction of achieving a shining, promising, inclusive and sustainable society for mankind.

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SELF- GOVERNANCE AND COMMUNITY PARTICIPATION IN THE NATURAL RESOURCE MANAGEMENT IN JHARKHAND

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Abstract

Forest and village commons have been a vital source of livelihood and basic necessities for the rural poor households. The present study focuses on the traditional common property resources and self-governed community forest management system in Jharkhand. Different studies in India have found that CPRs contribute 12% and 25% to poor households and the poorer households are more depended on CPRs. They have contributed critically to the survival of the poor and women who are in abject poverty. CPRs are not only important from the economic perspective, rather they are central to many cultural and social activities of poor rural women and men. This study aims to study the status of common pool resources which is managed by community based self-governed institutions. The analysis exhibits the significant role of the community participation in the sustainable protection of common pool resources and demonstrates the importance of self-governed institutions in the natural resource management.

Keywords: Self-governed Institutions, Forest- management, Common Property Resources (CPRs), Tribal, Jharkhand

INTRODUCTION

In India there are many self-governed groups which have been protecting the forests and other natural resources since many years (Bhallabh and Singh, 1994; Chopra et. al., 1990; Sarin, 2001; Ghate, 2004). These are formal and informal institutions and follow norms and regulations. An institution increases the productivity of common

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property resources (hereafter CPRs) increases (Ostrom, 1990). Collective action is important for the efficiency of the management of natural resources. Historically CPRs were used and managed by local communities in a sustainable form through their own indigenous methods based on a variety of cultural, social and religious ethos (Kumar, 2000; Guha, 1983).

The over exploitation of resources is prevalent in all kinds of resources under every kind of property regime. But the worst affected are the CPRs and the communities who are depended on it for their survival. CPRs are a central part of poor women and men's coping and adaptive strategies, contributing to sustainable livelihoods and playing a major role in poverty reduction. The poor include those who experience vulnerability, social marginalization and exclusion from a sustainable livelihood as well as income poverty. Common property resources constitute diverse categories such as land, water and forests. Common pool resources are accessible to the community members of a village and no individual has exclusive rights over the resources (Jodha, 1986). It connotes an economic resource or a facility which is communally or collectively held or owned by a group of people and is accessible to and jointly used by all the members of the community (Singh, 1994).

In protected forests user rights have been given to the local communities. Prior to the introduction of the formal legal system in India, the formal ownership of CPRs was with the kings and feudatory chiefs but the people have unrestricted 'occupancy rights' (right to possess, manage and use) and the rulers neither collected tax nor intervened in their use and management (Guha, 1983; Gadgil and Guha, 1992). In the pre-colonial period CPRs were governed by customary laws and community had collective choice rules. There was strong bond in the community which was due to social norms, religious beliefs, common understanding and common needs. Ostrom (1998) have said that social norms moderate the cost of monitoring and avert conflicts. They enjoyed the autonomy and had all the rights which include access, withdrawal, management and exclusion and this was enjoyed by the entire community.

Self-governed village forest management committees are widely prevalent in Jharkhand. The institutional structure and laws and regulations vary from region to region. According to the India State of Forest report (2019), 29.62 percent of the total geographical area of Jharkhand is under forest cover. Out of which 18.54 percent constitute Reserved Forest, 81.28 percent constitute Protected Forest and 0.14 percent is Unclassed Forest (Government of Jharkhand, 2021) After the introduction of Joint Forest Management (hereafter JFM) in 1990 many of the self-governed village forest committees have registered all the village committees as JFM. The successful JFM committees claimed by forest department (hereafter FD) are those which had a long history of village forest committee before any state

initiative. As per the FD records there are 8721 village forest management and conservation committees and about 228 eco-development committees.

Tribals enjoy customary rights over land and forest. Forest is a communal property of the villages. They had customary rights to claim or to appropriate all the required resources from the forest (food, fodder and fuelwood). The land and forest which was commonly owned by the village was used by everyone without any restrictions however the trees planted on one's own land was exclusively used by the owner. The British forced the people to clear forests and prepare paddy fields wherever it was possible and the rest of the forests were put to severe exploitation (Guha and Gadgil, 1992). Reserved forests and protected forests were under the control of the forest department. Village forests were left to the mercy of the *zamindars*. It was left up to them to protect the village forests. *Zamindars* took the help from the villagers and asked them to protect forests (as narrated by the villagers during fieldwork). From that time onwards they started protecting forests.

OBJECTIVE & METHODOLOGY

The present study aims to examine the sustainability of the common property resources managed by the community based self-governed institutions. This paper adds to the existing theory of decentralized forest governance in India by examining the self-governed community based institutions in managing common property resources in tribal dominated region of eastern India.

Data has been collected by using both secondary and primary sources. Secondary sources include books, journals and government (forest department) records. Informal interviews were conducted with the forest department officials and groups working with the villagers and with the village forest committee to know about their respective role. The universe of the study was tribal community of Jharkhand. Purposive sampling method was used. A sample size of 200 tribal people associated with self-governed institutions was taken. Primary data was collected from the field by using tools like semi-structured interview schedule, focus group discussions and participant observation.

PROFILE OF THE STUDIED AREAS

The present empirical study was carried out in Khunti district of Jharkhand because the widespread community forest governance was operative in the district. Another factor responsible for selecting the district was its being one of the districts with that the highest concentration of Schedule Tribes (hereafter ST) populations in India (26 percent as per the 2011 Census). Around 91.01 percent of ST populations in Jharkhand are residing in rural areas, out of which 51.6 percent are below poverty line (Census, 2011). This implies that they are greatly depended

on the forest resources and non-timber forest products (hereafter NTFPs) for their sustenance. The government data reveals that Khunti has high incidence of forest area cover and operative community forest committees.

Further Khunti block was selected from the district as it has ST population to the tune of 73.3 percent of the total population, out of which female population is numerically dominant. The literacy rate of the block is 63.86 percent per cent. The main tribes inhabiting in the region are Mundas. The region is hilly terrain and has both dense and medium dense forest cover. The soil is not fertile. The entire district of Khunti is covered by red soil except for a small portion in the southeast which contains red and black soil. For irrigation people depend on rainfall. The main crops grown in the region are rice, millets, pulses and oil seeds. Besides, “Dry peninsular sal” is the main type of vegetation in the area. The trees found along with Sal trees are *Sakhua*, *Gamhar*, *Asan*, *Kend*, *Simul* and *Mahua*.

There forested areas were originally abode of the adivasis (STs). Their everyday life and the major source of sustenance is natural resources. With the introduction of Permanent Settlement the Zamindars occupied the forests and turned them into their private property for cultivation. In 1946 under the promulgation of the Bihar Private Forest Act these forests were converted into “Private Protected Forests” (PPFs). Later with the abolition of *zamindari* system all PPFs were vested into the State and re-notified as Protected Forests (PF) under the Indian Forest Act, 1927.

Table 1: Forest cover in Jharkhand and Khunti district (in sq. km)

<i>State/ District</i>	<i>Very dense forest</i>	<i>Medium dense forest</i>	<i>Open forest</i>	<i>Total</i>
Jharkhand (State)	2603.00	9687.00	11321.00	23611
Khunti (District)	73.00	342.91	489.58	905.49

Source: India State of Forest Report, 2019

Khunti district has presence of self-governed institutions. To facilitate the administration of the Munda belt Khunti sub division was formed in December 1905. Total forest cover in Khunti district is 905.49 sq. km. In Khunti four villages were selected based on the following criteria - demography (ST population), socio-economic factors (social norms, poverty rate) and institutional aspect (functioning of self-governed community forest committees). The villages where study was conducted were *khunkattidari* villages. By *khunkatti* village, it is meant that the primary settlers of the region were the Mundas. *Khunkattidars* are the descendants in the male line of the original founders of the village.

The table given below gives a brief profile of the villages where the primary study was conducted.

Table 2: Profile of the villages

Sl. No	Name of the village	Type of forest	Type of land ownership	Forest area (in hectare)	Population TOTAL/Schedule Tribe/Schedule Caste	No of households
1	Patratoli	PF	Khuntkatti	125.18	387/306/63	78
2	Garhamarha	PF	Khunkatti	62.96	616/608/2	100
3	Setegarha	PF	Khunkatti	40.26	109/109/0	22
4	Dulitoli	PF	Khunkatti	62.15	439/434/0	80

Note: PF-Protected Forests

Source: Data collected during the field work

Almost all the villagers have their own cultivable lands. Though the landholdings are very small (0.5 acre to 7 acre). Their primary occupation is subsistence agriculture and gathering. Both males and females are involved in these two activities. The quality of cultivable land is very poor. Due to poor quality of the land productivity is very poor. The production lasts only for 6 months. They usually grow rice, *madua* and pulses which include *arhar*, *masur*, *urad* and *kurthi*. Rest of the year they are depended on forest products. Each household in the village owns on an average 2 cattles, 5 to 6 pigs, 2 to 3 goats and hens. Livestock's are being fed in the village wastelands. Other activities include collecting NTFPs, selling *mahua*, plate making (both men and women are engaged in it), basket making (done by turi community), lac cultivation which is major income generation activity done in almost every family, bee cultivation and bamboo cultivation. Poverty and scarcity is still rampant. They are depended on the NTFPs collected from the forest. They consume forest products like *mahua*, *koind* (fruit), jackfruit, *jamun*. The annual income range of the respondents in all the four villages was between 12,000-20,000 Rs per annum. Due to poverty seasonal migration is highly prevailing in the region.

SELF=GOVERNANCE AND COMMUNITY PARTICIPATION

The unsustainable rate of forest exploitation is a matter of grave concern for environmentalist, policymakers and government. There are lot of empirical studies which show that state-controlled forest regimes have failed (Guha and Gadgil: 1995). From the various studies it has been found that in a self-governed common property system, forests are well managed and cared (Agarwal: 2001, Ostrom: 1990). In India there were well maintained forest areas managed and protected by the local communities. There were few who proposed decentralized collective management of the resources (Wade: 1988, Jodha: 1986).

Common property resources can be defined as those resources in which a group of people have co-equal use rights (Jodha: 1990). Jodha (1986) identified CPRs as gathering areas which included village pastures, community forests, wastelands, common threshing grounds, waste dumping places, watershed drainages, village ponds, tanks, river/rivulets, and riverbeds etc. Agarwal (1997) listed number of items gathered by rural households from the village commons and for personal use and sale: food, fuel, fodder, fibre, small timber, manure, bamboo, medicinal herbs, oils, materials for house building and handicrafts, resin, gum, honey, spices and so on. Kumar (2000) have classified the total CPR area in India into five categories. They are as follows:

- 1) Protected and Unclassed Forests;
- 2) Barren and Unculturable land;
- 3) Permanent pastures and other Grazing land;
- 4) Culturable Wasteland; and
- 5) Fallow Land other than Current Fallows

In India forest forms the largest part of CPRs, which is about 10.86 percent. However legal ownership of 95.8 percent of the forest area is vested in the State. Only 2.5 percent of the forest area is with corporate bodies which include municipal and other corporate bodies, village panchayats etc (Chopra et. al: 1990). In protected forests user rights have been given to the local communities. In their study of role of participatory development in the context of the management of common property resources Chopra et.al (1990) found that establishment of 'non-governmental, non-market institution' is pertinent for the effective functioning of environmental preservation programmes involving common property resources. According to them the maturation of participation reckons on the socio-cultural and economic structures of the village. The common property resources are determined by some principles which differentiate them from open access resources. The principles are well defined boundary, collective choice arrangements, monitoring, congruence between appropriators and provision and graduated sanctions.

In a self-governed system, individuals frame rules to govern CPR that will affect the sustainability of the resource system and its use. Ostrom (1998) defined self-governed forest resources as an institution where individual appropriators are collectively framing and adapting rules regarding strategies of appropriation, obligations of the appropriators, conflict resolution monitoring and sanctioning. There are several variables of resources and there are several attributes of appropriators and resources which are instrumental in the formation of self-governing associations. Attributes of the resources includes improved resources, availability of reliable and valid indicators of the condition of the resource system at relatively low cost, predictability of the flow of resources and clear demarcation of the boundary of the resource system. The attributes of the appropriators are their

dependence on the resource system for their livelihood, common interest, common culture, social norms necessary for monitoring and sanctioning of the system and autonomy to determine rules without the assistance of the external forces. Ostrom (1990) has given design principle by which she mean such conditions or norms which helps in the management of the natural resources and sustenance of the common pool resources for the present and the future generation.

Table 3: Design Principles takes into account the following components:

Clearly defined boundaries	Boundaries are clearly demarcated and only the users or members of the committee can withdraw resources from the CPRs
Congruence	The appropriation rules and provision of common resources are in accordance to local conditions
Collective choice arrangements	Individuals participating in decision making process, in preparing and modifying operational rules
Graduated sanctions	Those appropriators who violate rules face sanctions
Conflict resolution mechanism	Conflict resolution among appropriators and between appropriators and officials
Minimal recognition of rights to organize	The self-determination rights of the appropriators are recognised by government or authorities
Nested enterprises	appropriation, provision, monitoring, enforcement, conflict resolution and governance activities are organized in multiple layers of nested governance

Source: Ostrom, 1990

Ostrom (1998) gives a very well-defined set of components which will enhance appropriator's role in the maintenance of the resources and thereby improve the condition of the natural resources. She is of the opinion that in a decentralized system collective action of people are recognised. She cites the example of forest councils of Kumaon who got power to exercise rights over forests. It could be said that if protected area management is to be successful local residents must be involved in management of resources which could be easily seen in case of Kumoan hills.

WORKING OF FOREST MANAGEMENT COMMITTEES IN JHARKHAND

In Jharkhand self-governed forest management committees have clearly defined boundaries which comprises of number of villages being a part of the 'gram sabhas'. They have their own sets of defined rules. The rules are designed by the villagers with the goal to maintain a good health of the common property resources. These committees were initiated by the villagers under the leadership of village elders without any external intervention. The forest management system practiced by

them is based on the *khunkatti* system. The organizational structure of the gram sabha follows the hierarchy in accordance to the *khunkatti* system. The village head 'Munda' who is the first *khutkattidar* still holds the most respectable and prominent position.

In these villages they have traditional *hatu* panchayat which is known as gram sabha. It is composed of the heads of all the households. The head or president of the panchayat is the village Munda. He is the lineage belonging to the first settler and they are known as *khewatdar*. This position is hereditary. Next is vice president. Next to it is the post of secretary. Both the post is held by tribals. There is no fixed qualification for these three posts. However persons with some minimum education are given preference. The persons responsible for these posts should know to write and read and should be able to place their case in the court and able to defend their position. As said by one of the villager, '*padha likha aur samajhdar hona chahiye aur vakeel se baat kar sakta ho*' (he should be educated and intelligent and should be able to talk to the lawyer). Each village contained carefully recorded defined numbers of households. In the studied villages the size of gram sabha varied from 20-80. Small size is manageable and effective.

The 5 members of the panchayat, locally known as *Panchas* are elected by the people. Each household has one vote. The election is held by the method of putting the proposal and acceptance. The election is exclusively for men. Women don't participate in the election and they never thought of taking part in the gram sabha election. Voting rights is one vote per household. The tenure of the committee is not fixed. Usually it is for one year. If it is functioning well and everyone is satisfied by its work then it can continue its work till the next election. If dissatisfaction emerges then new election is conducted.

Weekly meetings are a significant feature of these committees. It is compulsory for the head of each household to be present. A register is maintained in which the entire member's names are enlisted. Duty is assigned for the entire month. If for some reason they are not able to come for the meeting then they have to take permission from the '*gram sabha*'. A prior permission has to be taken and in case of no permission, some nominal amount is charged as penalty. In families where there are no male members, such as a widow or a minor son or unmarried, women are allowed to attend the gram sabha meetings.

RULES REGARDING APPROPRIATION OF BENEFITS FROM CPRS

The gram sabha, in consonance with the villagers frame the institutional rules and regulate sanctions in conformity with their tradition, cultural milieu, and condition of the resources. Rules are framed by the majority vote in the gram sabha. In all the villages, forest produce is used and collected by the villagers mainly for self-

consumption. The benefits arising from collective management of the community are both economic and social.

Villagers have equal rights to access the resources and to determine the quantity of resources to be extracted. The forest products are for self-consumption. The quantity of appropriation depends on the need of the appropriator and the availability of the resources. According to the rules and regulations defined by the gram sabha, the collections of the fuelwood are restricted to the dry and fallen trees. It is collected according to ones need. The green trees or trees with larger girth are not used for fuelwood purpose. Some trees such as Sal and *Sakhua* are not permitted to cut due to certain religious and social norms. NTFPs products are collected by the villagers. For instance in the season of *Mahua* and *Char*, villagers go the collect the fruits and seeds. However except for *Mahua*, selling these products in the market is strictly prohibited.

In case of timber the permission has to be taken by the gram sabha. The members of the gram sabha do the inspection and assessment of the timber required and accordingly they allocate the number of timber to be harvested. The community members can extract timber for house construction or for making agricultural apparatuses only after informing and getting the approval of the gram sabha. The cutting of the timber depends on the requirement of the appropriators. In case of both timber and firewood a tree can only be cut down after it grows to certain minimum girth.

MONITORING

Everyday member of the committee go for monitoring and protecting the forest. The guards who are nominated by the gram sabha do patrolling of the forested area day and night. It is done on rotation, which implies at least there are two groups of guards who patrol in a whole day. They keep a vigil and report violations to the gram sabha. The number of guards varies from 5 to 7. Both men and women go for guarding and protection of the demarcated forested areas. In Patratoli village women do not go for patrolling. They have very small contribution towards protection of the forest. Apart from the regular safeguarding of the forested area, the committee members also monitor the requirements and needs of the villagers. For any demands arising from villagers they do a physical verification before giving permissions for extraction of any resource. Any conflicts arising in the village are regularly monitored and resolved by the gram sabha.

GRADUATED SANCTIONS

Sanctions in community based organization have two important dimensions: (a) restriction on free riding, and (b) rectification of rule breaking by imbibing a sense

of repentance. The members of the '*gram sabha*' do regular inspection of each house. Sanctions are determined on the basis of (a) gravity of violation, (b) experiences of past sanctions and their consequences, and (c) cultural conduciveness. A sanction varies according to the severity of the offence. In case of first offence stern warning is given to the violators and minimal sum is charged as a penalty. If the offence is repeated then the punishment is made more severe. According to the magnitude of the crime fines are imposed on the rule breaker. The most serious sanction is complete banishment from the village.

The analysis done so far on the parameters of the design principles postulated by Ostrom indicates the importance of social, cultural and economic aspects for the sustainable management of natural resources. It also ascertains the notion that community participation based on trust and norms is crucial for the protection of resources. The table given below gives a description of the self-governed village forest management committee in the studied villages in accordance with the design principles as described by Ostrom (1990).

Table 4: Features of '*gram sabha*' - village forest management committee

	<i>Patratoli</i>	<i>Garhamarha</i>	<i>Setegarha</i>	<i>Dulitoli</i>
Defined boundaries	Yes	Yes	Yes	Yes
rule makers/ decision makers	Villagers/Munda/Elders/panchayats	Villagers/Munda/Elders/panchayats	Villagers/Munda/Elders/panchayats	Villagers/Munda/Elders/panchayats
Appropriators	Entire Village	Entire Village	Entire Village	Entire Village
Monitoring No of people guarding forest	7	9	4	5
Graduated sanctions	Villagers/Munda/Elders/panchayats	Villagers/Munda/Elders/panchayats	Villagers/Munda/Elders/panchayats	Villagers/Munda/Elders/panchayats
Conflict resolution mechanism	Villagers/Munda/Elders/panchayats	Villagers/Munda/Elders/panchayats	Villagers/Munda/Elders/panchayats	Villagers/Munda/Elders/panchayats
Voting Rights	One head per household	One head per household	One head per household	One head per household
Management Unit	Single village	Single village	Single village	Single village

	<i>Patratoli</i>	<i>Garhamarha</i>	<i>Setegarha</i>	<i>Dulitoli</i>
Tenure of the committee	1-2 yrs	1-2 yrs	1-2 yrs	1-2 yrs
Representation of Gender in gram sabha	No	No	No	No
Women going to guard forest	No	Yes	Yes	Yes
Operational Choice	Villagers	Villagers	Villagers	Villagers
Constitutional Choice	Villagers	Villagers	Villagers	Villagers
Collective Choice	Villagers	Villagers	Villagers	Villagers

Source: Drawn on the basis of the information gathered from the field work

In the villages studied the *gram sabhas* based on traditional values, norms and systems are significant for the forest protection. In this modernization and globalization era tribals of this region have preserved their traditional hereditary rights and practices. They are well aware of their traditional '*khunkatti*' rights. Scarcity, dependence on the resources, expected benefits from the resources have been perceived as the main conditions for collective action (Ostrom: 1990). The social and cultural homogeneity was one of the reasons for collective action.

CONCLUSION

The traditional forest management in Jharkhand is deeply rooted in their ancient social, cultural, religious and political system. They follow the traditional parha system where village Munda is the supreme head. Protection of the forest is significant for them not only from the standpoint of livelihood. They consider it as their duty because forest is their property. They have an effective institutional arrangement for the effective management of resources. In these villages informal institutions have been successfully sustaining and protecting the resources since so many years.

It is indicative from this study that the homogeneous nature of the gram sabha, small size of the forest committee, strong social and cultural bonding, presence of strong traditional social and political system, existence of sound institutional mechanism and the evolution of new leadership are the determining factor in the success of the well maintenance of the forest. The social and cultural attachments have helped in building social capital. The dependence on resources and the homogeneous nature of the villages have strengthened the collective action. This study reflected the significant contribution of women in various activities of forest

management such as collection and gathering. They are participating in guarding the forest however their basic rights are infringed by not giving them representation in gram sabha. Thus this institutional model is inadequate since it is not giving equal representation to women. There are many studies to support the importance of women in resource management (Agarwal, 1997). Hence, this study argues that a substantial role of women is imperative for sustainable and equitable community based forest governance.

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SOCIAL INCLUSION OF THE STREET VENDORS IN URBAN CITIES: A STUDY OF INDIA AND INDONESIA

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Abstract

Street vendors have faced exclusion from the cities which are dependent upon these vendors for their existence and proliferation. Over the years, the governments have rejected their existence and countered them with eviction. However, with the passage of time, vendors have been able to force the world to rethink about their approach. The present paper explores how the vendors in Indonesia and India are being roped in the process of inclusion by their respective countries. Through extensive review of literature, study has established that the status of the vendors in their respective countries is affected by certain critical factors like, the change of the form of government and the presence of support from the non- governmental organizations. Government of India has introduced an act for their betterment which ensures their long-term inclusion, yet street vendors still suffer as the law is not fully implemented. The street vendors of Indonesia appear to be better in the short-term as they are able to secure better bargains from the political leaders in return for their votes whereas in India no such political contracts could be observed.

Keywords: *Urban Economy, Urban Public Space, Street Vendors, Unorganized Sector, Urban Policy*

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INTRODUCTION

Street vendors are an imperative component of the urban cities as the different classes existing in the cities are dependent upon them for various commodities and services. Despite that the street vendors have remained excluded from the process of development. Since decades, street vendors have been facing rejection and eviction which has caused the exclusion of the vendors from reaping the benefits of the growth and development taking place in the cities. Neither they have ever mingled with the mainstream, nor the mainstream has made efforts to associate the vendors with themselves and thus, they have survived in the cities like an undesirable (Bhowmik, 2001). This has led to the lack of upgradation of these vendors in the cities and they have lived a life full of struggles and misery. However, gradually the concept of including them in the process of development has emerged owing to the struggles of the vendors, the push and pulls from the non-governmental organizations and the gradual realization of the cities that the vendors cannot be removed and thus, need to be encompassed in the path of development (Saha, 2009). The present paper elucidates the inclusion process of the street vendors in Indonesia and India through the review of literature. The second section explains the case for Indonesia and the third section elaborates the process of inclusion of the vendors in India. The last section concludes the findings of the study.

INCLUSION OF STREET VENDORS IN INDONESIA

Indonesian cities are cluttered with street vendors (Yatmo, 2008; Gibbings, 2013). These may be stationary or non-stationary. Stationary ones are those who sell at one place using either a mat or a tent. The non-stationary vendors use pushcarts or carry their products on their back (Dimas, 2008; Yatmo, 2008). These vendors may keep moving continuously or may stop at certain selected locations at specified intervals. The reason for the proliferation of this profession is the presence of the demand and supply factors (Dimas, 2008; Gibbings, 2016). Due to the hassles involved with the vendors, the Indonesian government has also perceived them as a threat (Yatmo, 2008, 2009; Gibbings, 2013, 2016; Recio, Mateo-Babiano and Roitman, 2017). Therefore, most of the times, the vendors have faced troubles with the government. The government has passed laws which criminalize informal activities. The administrations have largely opted for evictions carried out to remove the vendors which has resulted in increase in corruption. However, with the shifting of Indonesia towards democracy, a lot of devolution has taken place. This is because after devolution, the local governments are allowed to frame policies for their local issues which includes street vending (Gibbings, Lazuardi and Prawirosusanto, 2017). This has caused a major transformation in the lives of the vendors. On one side, governments have become more active and have devised

several new ways of cleaning up and renovating the cities through various planned relocations. Gibbings (2013) has talked about the occurrence of various incidents of mysterious fires which ultimately led to the relocation of the vendors. On the other side, the street vendors have also assumed a greater voice in the cities. They have gradually aligned themselves with many NGOs and are getting support from different sections of society. Specifically, they have been receiving major support from the associations of the students. In addition, they have also started dealing with the state through their lawyers which have brought a change in their relative position in the Indonesian economy. One such transformation is observed in the Yogyakarta city. Gibbings (2013) has explained how during the relocation attempt of the government of the street vendors in Mangkumubi street of Yogyakarta city, the street vendors have attempted to align themselves with the non-government organizations and some of them utilized this incident as an opportunity to stand up against the corrupt officials and safeguard their own rights. Further, Gibbings, et.al. (2017) have elucidated the formation of APKLI (Asosiasi Pedagang Kaki Lima Indonesia), a street vendor's organization, and how the student leaders acted as brokers and initiated dialogues between the bureaucrats and APKLI. The student activists trained the vendors in improving their bargaining skills and how to use their contracts while securing favour from the bureaucrats. This has become more beneficial during elections when the vendors secured a greater favour from the politicians and in return, they pledged their votes for the leaders. Further, Gibbings (2016) has quoted that how the street vendors have utilized the proposal of the administration of Yogyakarta of making the city greener to their advantage. The vendors actively participated in this project and made the area surrounding their vending site, greener which stopped the administration from evicting them. Muktiwibowo (2013) has also analyzed the case of street vendors of Denpasar, Bali, wherein the street vendors have organized themselves despite having different social classes to stand united against the conflict with the administrations. Such efforts of the street vendors, students' activists and NGO's have brought a complete change in the relationship of the street vendors with the state as now they are viewed as a part of the state's efforts of formalization. This has been done by the vendors by either entering into political contracts with the leaders who in return acknowledge their presence and makes them formal through registration or through the payments of fees (Recio, Mateo-Babiano and Roitman, 2017). Thus, the position of administration has also undergone a change. Rahayu, et.al., (2019) have explained how the administration in Surakarta city of Central Java, Indonesia has undertaken several stabilization programs whereby the street vendors are regarded as a critical element of the city. The administration has provided them with shelters and has made efforts to legalize them and to improve their conditions along with respecting the rights of pedestrians on the streets. Thus, individual efforts and the group efforts of the street vendors and the guiding role of the students' activists have started

the process of the inclusion of the vendors in the mainstream. As compared with the situation of the street vendors in the 1980's, present day vendors of Indonesia are more diligent about their rights and there is a change in the attitude of the administration also (Gibbins, Lazuardi and Prawirosusanto, 2017). However, these are individual attempts at the levels of the different cities. The Indonesian government needs to come up with a comprehensive plan for the inclusion of the vendors in the process of development.

INCLUSION OF THE STREET VENDORS IN INDIA

Like their counterparts in the other developing countries, street vendors in India have huge presence in the urban Indian streets (Bhowmik, 2003, 2005; NASVI, 2019; Chamaraj, 2020). They earn low incomes, work for long hours and have large families to support which forces them to survive in abject poverty (Saha, 2011, 2017; Bhowmik, 2015). They are despised by the city 'residents' and the officials due to the ample problems attached with them (Anjaria, 2006; Bandyopadhyay, 2009; Colin, 2018; Sekhani, Mohan and Medipally, 2019). Due to which the administration of the different cities has carried out eviction drives very frequently in India (Bhowmik, 2001; Kumar and Singh, 2009, 2018; Roever and Skinner, 2016; Sales, 2018). This has stimulated the harassment of the vendors and the resultant payment of the bribes to avoid the confiscation of goods. Thus, the vendors in India have struggled not only to make their both ends meet but also in getting acknowledgment from others about their profession. Inclusion of street vendors in India in the process of development has occurred recently with the introduction of an act and few factors have contributed to this inclusion. These factors are the verdicts of different courts which directed the inclusion and upliftment of the street vendors from time to time and the formation of NASVI (National Association of Street Vendors of India) in 1998. Sundaram (2008) and Anjaria (2006) have explained some court cases like Municipal Corporation of Delhi Vs Gurnam Kaur in 1985, Bombay Hawker's Union and others Vs Brinhanmumbai Municipal Corporation in 1985, Sodan Singh and others Vs Municipal Committee of New Delhi in 1989 which have given a different direction to the vendors movement in India. These court cases have recognized the rights of the vendors to earn a living. Although the judgements of the cases were interpreted against the vendors, yet their implementation has stimulated the organization of vendors under the banner of NASVI in 1998 which has pressurized the government from time to time to take constructive steps for initiating the process of inclusion of the vendors by recognizing their legal rights and by uplifting their social and economic status. This has led to the formation of National Policy on Urban Street Vendors in India in 2004 and 2009. The formation of the policies has established the rights of the vendors to earn a living on the

roadside which is a major boost for them and has led to the division of the vending zones into different categories.

However, these remained on paper as in actual practice, these policies have failed to make a major change in the plight of the street vendors. Its implementation is left with the state governments in India and only a few states made some progress as this policy had no statutory powers (Mathur, 2014). However, the process of including the vendors in path of progress continued as NGOs continued to pressurize the government. In 2010, through the decision of the supreme court, the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, came into being in 2014 which is a major accreditation of the status of the vendors and thus, is expected to improve the socio-economic and legal welfare of the street vendors in India. The introduction of this act has set aside the rejection of the claims of the vendors on the public spaces in the cities in India. Under this act, there is a provision for the segregation of the different zones, formation of the town vending committees, issuance of certificate to the vendors, etc. (GOI, 2014). A deep evaluation of the implementation of this act, however, has revealed a stark reality of the false claims of the government and brings in front the pain and suffering of the street vendors despite having an act for their wellbeing. The reality of the implementation of this act is revealed by the report of the Centre for Civil society released in 2020. This report has assessed the progress in the implementation of this act in the different states for the period 2019-2020 i.e., after approximately six years of the introduction of this act. It is revealed that only Andhra Pradesh has completed the survey of all vendors, issued identity cards to the almost seventy five percent vendors and has also earmarked the different zones. Seven states have not yet notified the scheme and two states have not yet notified the rules. It is also revealed by the report that in most of the states, all the important decisions are taken without consulting the town vending committees. States have also twisted the act and have incorporated certain provisions which are not originally mentioned in the act. The report has revealed that in 10 states / U.T's, the state government is authorized to remove any member of the town vending committee which is otherwise not mentioned in the original act (Centre for Civil Society, 2020). Thus, discrepancies are high and glaring and the result is that at the ground level, not much change has occurred in the struggles of the street vendors in India.

CONCLUSION

The assessment of the process of inclusion in these two economies has revealed that in both the countries, street vendors live in poverty and find it difficult to make their both ends meet. India has accepted the process of inclusion explicitly by securing the legal rights of the street vendors through the formation of an act. However, no such uniform provision is found in case of Indonesia. In Indonesia, the inclusion process

has witnessed a sharp upsurge after the shift of the country to democracy. In both the economies, the role of non-governmental organizations is found to be extensive in shaping public opinion in favour of the vendors, in influencing the government or in organizing the street vendors. In case of Indonesia, students' activists have also played a significant role in the process of inclusion of the street vendors by improving the bargaining skills of the vendors and by securing better contracts with the political leaders. Because of this, the vendors in Indonesia have realized their potential in the election years and are securing favour from political leaders in return of their votes. In India, although an act exists but its implementation is very slow and only a few states are delivering results which has not made much change in the status of the vendors. The vendors in India are also found to be unaware of their potential and lack guidance. Thus, the process of the inclusion of the vendors is slow in India which needs to speed up the implementation of the act whereas in case of Indonesia, the process of inclusion needs to be given a formal approval in terms of a centralized policy or an act by the Indonesian government which should be coupled with effective implementation.

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INDIA AFRICA SECURITY COOPERATION: STRATEGIES FOR REVIVAL

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Abstract

India and Africa share a long history of political cooperation with deeply integrated Diaspora in the continent. Since yesteryears India has always encouraged and supported Africa against colonialism and apartheid. India and Africa have been close allies in Non-Aligned Movement (NAM) too. But with declining significance of NAM and receding trade, the ties between these two countries have been loosening till recently. The diplomatic and economic efforts have always been on the cards of comprehensive national power but a very robust and effective mechanism of defence cum security cooperation is often missed out or given little weight. With this view in mind, the present paper intends to unravel how India's prospects of security cooperation has been over the years and what needs to be done to further consolidate cooperative efforts in this realm. Using secondary sources and documentary evidence the article brings out the past political and economic relationship and proceeds to find out the extent of security cooperation by analyzing the security threats prevalent in Africa in which India could play a niche role to consolidate partnerships in this important aspect.

Keywords: *Security, Cooperation, AFINDEX, Defense-diplomacy, Modi-regime, Indo-Africa*

INTRODUCTION

Since the Cold War years India joined the continent against hegemonic powers under the banner of non-aligned movement for the development of Africa.¹ Africa

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has made a turnaround from those depths of the last century and is today on the mend. Trade and commerce have empowered India's modern ties with Africa. In 2002-03, two-way trade was a meagre \$6.5 billion but rose to over US \$ 63 billion for 2017-18 easily surpassing the United States and Africa's main European partners.² The increase has been so immersive that had it not been for China's presence India would be the Africa's largest trading partner.³ Today, Africa is home to over half a dozen of the fastest growing countries of this decade.

India conducted Africa Day celebration at the Vibrant Gujarat Summit on 17 January 2019 at Gandhinagar Gujarat and invited South African President Cyril Ramaphosa as the chief guest for the 70th Republic Day Parade. The timing of these high-level events is not a mere coincidence but it displays India's consistent commitment towards the importance it gives to Africa. This is indeed a clear acknowledgment of the enhanced importance India attaches to the place of African economy in the progress and expansion map of the modern-day world.

India's engagement with the continent is consultative and driven by the demands of the African countries which are highly appreciated by Africans.⁴ Further, India postulates that its joint venture is a fusion of African development priorities in keeping with the African Union's long-standing plan and the Africa Agenda 2063, as well as India's development objectives. While the revival of India-Africa cooperation and engagement has to be all-inclusive, the diplomatic, economic and military affairs can be clubbed together for an effective approach towards bilateral connection. In the ever changing geo-political environment India must act firmly for greater defence collaboration in the present regime of governance.

CONCEPTUAL FRAMEWORK

A mixed approach has been applied to the present attempt, say the realist, soft power and human security approaches. The common distinctiveness of the societies of India and Africa is being multi-ethnic and multi-religious and the Africa-India Strategic Partnership represents a multi-dimensional South-South cooperation and requires to be further strengthened for its increased effectiveness. It is pertinent that India and Africa make possible greater mutual understanding of cultures, traditions, heritage and bringing our people closer through exchanges at various levels for symbiotic relations and benefits. India and Africa recognize the importance of peace, security and stability as a prerequisite for development.

The African Union Peace and Security initiative within the African Peace and Security Architecture is one such initiative created by African countries to help address security issues confronting them. Even then, there are quite a lot of areas that Africa needs the support and cooperation of India. As of now India has been extending support to Africa in preventing transnational crimes of piracy, combating

terrorism, illegal and unregulated fishing, trafficking of drugs, arms and humans through surveillance and hydrography surveys. These have been undertaken by Indian Armed Forces efficiently. Enhanced cooperation and coordination between Africa and India to combat terrorism in all its forms and manifestations, including countering violent extremism have always benefited Africans.

India primarily has following major issues in its relations with Africa. These are its widespread participation in UN peacekeeping missions in African conflicts, the fight against terrorism, maritime security and military cooperation, particularly in the field of training and infrastructure buildup. It is these areas that Africa is confronted with and requires extensive support. India has also made larger efforts to work together on arms policy with individual countries in the African countries in recent years. India undoubtedly has been one of the largest providers of UNPKF troops for many years.

BILATERAL RELATIONS UNDER MODI REGIME

The confident approach and a wave of reassurance by Prime Minister Narendra Modi to the African polity and leadership were seen during the third India-Africa Forum Summit hosted at New Delhi in 2015 that was highly subscribed by the African states. Participation of all 54 countries including Heads of State of 40 countries spoke of India's well-crafted international diplomacy and commerce and it indicated that Africa considered India as its natural partner. It is imperative, hence, for India to cement its spadework and ray of hope it spread in the African leadership by consistent efforts.

Since the successful conduct of the Third India-Africa summit in 2015, the outlook towards the African continent and vice versa has changed and now Africa is more forthcoming towards looking at India in their wholesome development. The regular visits by the top four functionaries of India namely President, Vice President, Prime Minister and External Affairs minister have enabled setting up a firm foundation towards cementing further bilateral relations. India's relations with African nations have moved at a fast pace as can be seen from the high accord that Prime Minister Narendra Modi has placed in recent years. India has been trying to drive a foreign policy agenda in Africa by organising people-to-people and business-to-business exchange as the basis of a long-term partnership. This comes as a compliment to India's growing diplomatic investments in Africa.

Similarly, the series of events in the second innings of the Modi government (Modi 2.0) is indicative of its focus on the internal issues which are long pending. The abrogation of Article 370, implementation of CAA 2019, creation of the post of CDS etc has sent across a very strong signal to the environment. This approach of Modi 2.0 is symptomatic of its line of action to set things right for the internal

populace. While the focus of the Modi 2.0 regime is inward looking, it seems that the outward approach and the spadework carried out in the previous innings of governance has gone a bit slow for the issues outside the territories of India. Covid-19 pandemic world over has further slowed down the engagement. So is the case with the India Africa bilateral cooperation. The present Modi government needs to continue the same pace of bilateral engagements and association with Africa which it showed at the beginning of Modi 1.0 governance.

VISITS DURING MODI REGIME

The long standing ties with Africa have acquired vibrancy and dynamism in Modi 1.0 regime. There has been the unparalleled strengthening of our political commitment with Africa with 29 visits to African countries at the level of President, Vice President and Prime Minister, apart from several Ministerial visits. The visits took place from both sides; in addition to the visit of 41 Heads of State/Heads of Government who attended Forum summit 2015, India has hosted over 35 leaders from Africa for diverse proceedings in the last four years, in addition to Ministerial level visits.

Africa has witnessed only a few such visits in Modi 2.0 regime so far. Defence Minister Rajnath Singh visited Mozambique in July 2019 followed by President of India Mr Ram Nath Kovind to West African countries of Benin, Gambia and Guinea in August 2019 and External Affairs Minister Mr S Jaishankar to Kenya in Jun 21. Defence Minister Shri Rajnath Singh's three-day trip to Mozambique was very productive and encouraging in the context of our defence and security partnership. Rajnath Singh's visit comes in the backdrop of two high-level visits over the past three years which underlines New Delhi and Maputo's re-engagement then Chief of Naval Staff Sunil Lanba's visit in July 2017 and then MoS for External Affairs Gen VK Singh's visit in February 2018. Both these visits helped set the tone for our growing maritime and military cooperation. Also, when PM Modi embarked on a four-nation African tour back in 2016, Mozambique was his first stop.⁵ Shri Rajnath Singh also gifted 44 SUVs to the Minister of Interior. The defence ministers signed two MoUs on sharing white shipping information and cooperation in the field of Hydrography. Rajnath Singh's visit to Mozambique has been timely and has provided a fillip to our bilateral partnership.

In line with the overall policy to step up the military outreach to Africa, Air Chief Marshal RKS Bhadauria visited Egypt in December 2019.⁶ Air Chief Marshal, visited various operational and training establishments of the Egyptian Air Force and interacted with senior officials of the Egyptian Armed Forces.⁷ The aim was to further enhance Defence cooperation between the two Air Forces, as well as strengthening the long-standing bilateral relations between India and Egypt.

INDIA'S NON-EXPLOITATIVE APPROACH

A review meeting of the India Africa Forum Summit (IAFS) Sub-Committee took place in Delhi in September 2019. The review meeting discussed the overall development corporation that has gathered thrust over the past few years. The two sides discussed new areas of collaboration such as solar energy, digital technology, traditional medicine, Indian Lines of Credit etc. The two sides also valued the initiatives undertaken to reinforce engagement, particularly in solar energy, trade and investment, blue economy, capacity building, human resource development, culture, health and education, agriculture, women empowerment etc. The African side took note of the declaration by India to open additional Missions in Africa. The Indian side welcomed the entry into force of the African Continental Free Trade Area (AfCFTA) and will examine jointly with the African side, opportunities to support its implementation.⁸ India too appreciated the overwhelming support of African countries for the International Solar Alliance.

As per the statement in Indian Parliament, the Minister for State for External affairs which speaks volume about India Africa bilateral cooperation “The Government of India is supporting and funding a number of infrastructure development projects in various African countries. A total of 211 Line of Credits (LoCs) amounting to US \$ 12.85 billion have been extended to the African countries in various infrastructure projects such as power plants, hydroelectricity, power transmission & distribution networks, dams, roads, railways, ports, agriculture & irrigation, industrial units, skills development, civil construction etc. New sectors such as Telecommunication, Defence and Solar have also been included under the Government of India LoCs to Africa in the last few years.”⁹

During the summit, African states appreciated India's non-exploitative approach towards Africa. The African side too reciprocated with considerable stepping up of visits at the highest level in the last five years from India and Africa and the elevation of bilateral relations with African countries to a much higher trajectory. As seen during Modi 1.0, Africa was always on the radar of the highest leadership as a result out of 29 high-level Indian visits to Africa, nine of these were by the Prime Minister himself. The rest of the visits were by President, Vice President and External Affairs Minister. These visits demonstrated the Modi 1.0 government's desire to have a high-level dialogue with the African leadership and it must continue with more zeal and wherewithal in the present innings. In the past six months, the response from India could have been a little more encouraging and therefore India must revive the same tempo.

Besides such issues, the concern of defence and security cooperation took the front seat during the review meeting. Africa has advocated wider defence and counter-terror ties with India amid increasing challenges from international

terrorism and was quite satisfied with India's non-exploitative approach to the relationship.

THE NEED FOR DEFENCE COOPERATION AND DEFENCE DIPLOMACY

Defence diplomacy is the least discussed or holistically thought off subject and forms the part of peripheral interest in international relations. Little knowing that contribution of Armed forces towards modification and upliftment of defence forces of African countries can change the outlook of their forces and in turn local populace. It is a stated fact that the approach of the Indian Diaspora and workforce is always empathetic and based on the requirement and needs of local people. India's art of managing affairs is always in high demand and is long lasting whereas it has not been seen in the dealing of other countries.

India as part of its defence cooperation has extended training to a large number of African military officers in various military institutions over the years. Presently, India has military cooperation activities related to the training fields, with almost one third of the 54 African nations. India, one of the largest contributors to peacekeeping in Africa, has participated in all the UN peacekeeping missions in Africa and presently has large contingents in the Democratic Republic of Congo, Southern Sudan, Ethiopia and Eritrea. India has also deployed military training teams in a number of African countries such as Botswana, Zambia, Lesotho, Seychelles, Uganda, Kenya, Tanzania and Nigeria. India has also increased its number of Defence Attaché in African continent such as Ethiopia, Egypt, Kenya and Nigeria. A noteworthy number of military officers from African countries have been undergoing training courses in India at various levels. India's high standards of training and infrastructural facilities are a major contributing factor for the same. India has participated in all UN peacekeeping missions in Africa. As a consequence, Indian army contingents have played an important role in training army personnel in conflict afflicted countries like Congo, Sudan, Mozambique, Rwanda and Angola as part of post conflict peace building.¹⁰

Indian armed forces have contributed with more than 8000 Indian soldiers and military observers in various UN missions in Africa since UN's first military operation in Congo in the early 1960s.¹¹ Besides, India has been extended its unstinted support in all forms to all African Union peace initiatives. As part of it the Indian Navy has been engaged in anti-piracy operations since 2008 and is a member of the International Contact Group on Somalia. India has worked with states in East and southern Africa, including monitoring their Exclusive Economic Zones (EEZ) and anti-piracy patrols. This underscores India's increased interest in security cooperation with the African nations.¹²

Both sides are required to expand defence partnerships in the backdrop of Delhi's attempts to and further strengthen support and training programs for militaries in the various African countries. Besides traditional partners in Eastern and Southern Africa, India must move further westwards towards Western African states to strengthen defence ties with them including training for its officers and joint defence exercises.¹³ At present most of the defence cooperation is limited to only a few countries primarily Nigeria and Ghana in West Africa. Most of the bilateral engagements are with Eastern or Southern African nations. Most of the African nations have the similar GDP and development projection. India has got tremendous opportunity to engage with central and western African nations as well for the Africa led-Africa owned development. The political leadership must understand that the onus of successful and effective mutual engagement lies with India. The concerns and requirements projected by the African nation must be seen as the golden opportunity by India to capitalise their need for a win-win situation. Terrorism and violent extremism are perhaps Africa's utmost security threats. Local groups with international terror links are embedded in East, West, and Southern Africa.¹⁴ The security council report of Jan 2021 states unambiguously the issues in Africa are "In Africa, multiple factors contribute to creating fragile contexts, including insecurity, inter communal violence, organised crime, terrorism, violent extremism, socio-economic inequality, weak governance, youth marginalisation, the illegal exploitation of natural resources, competition for scarce resources, and climate change. These drivers also have the potential to contribute to armed conflict and exacerbate threats to international peace and security."¹⁵ The secretary of Economic Relations TS Trimurti in media interaction has emphasised that India is increasingly seen as a net security provider for Africa, given our close defence and security relations with many African countries and the contribution of Indian Peacekeeping forces to the peace and stability of Africa. These links are poised to grow even further in the face of common challenges".¹⁶

It is time for India to not only depend upon the old defence partnerships with Zambia, Nigeria, Ghana, Ethiopia, Botswana, Uganda, Namibia, Tanzania, Mozambique etc where India had assisted to set up the military academy, defence college and Naval war colleges besides setting up Air Force in Ghana and training military personnel in several African countries. India must plan to hold a comprehensive collaborative defence and security dialogue in near future to mitigate these and follow it up regularly. Some of the remarkable major defence cooperation activities with African countries are listed below.¹⁷

<i>Country</i>	<i>Defence Engagements</i>
Egypt	Defence Attaché Joint Defence Committee (JDC 2008) Courses (Reciprocal) Exercise Observers Visits Sports/ Adventure Activities
Ethiopia	Defence Cooperation since 1950 Harar Military Academy (Instructors) (1957-68) Cadets trained at IMA UNMEE
Kenya	Defence Attaché Courses (Reciprocal) Supply of Military Hardware Visits
Uganda	Training Team Courses Visits
Rwanda	Training Academy Courses Visits
Tanzania	Triservices Military Training Team (1988-1991) Reestablished training team since 2017
Seychelles	Defence Attaché MoU on Defence Cooperation (2003) Joint Exercises Deputation of Experts/Instructors Equipment support Visits
Mozambique	MoU on Defence Cooperation (2006) Joint Exercises Visits
Mauritius	Defence Attaché Military Training Team (1977-2001) Gifting of Equipment Training Visits
Zambia	Military Training Team (Since 1994) Gifting of Books and IT Equipment Visits
Eritrea	UNMEE

<i>Country</i>	<i>Defence Engagements</i>
South Africa	Defence Attaché Training since 1998 Defence Cooperation since 2000 Courses in India Exercises including airborne Visits
Namibia	Training Academy Courses Visits
Lesotho	Military Training Team (Since 1994) Gifting of Clothing items Visits
Botswana	Military Training Team (Since 1978) Visits
Congo	MONUC
Nigeria	Defence Attaché Training Courses in India Special Forces Training Establishment of IT Laboratory Training team in 1980s Gifting of Books and Training Equipment Visits Sports/ Adventure Activities
Ghana	Training Academy Courses Visits
Sierra Leone	UNAMSIL
Senegal	Visits
Sudan	Training Cooperation since 1995 Courses in India UNMIS Visits

India may seek to expand this to include more countries across the vast continent. India has mainly been focused towards the Eastern African nations. It is the time to look towards beyond Nigeria in the Western African countries as well. Nejmeddine Lakhel Tunisian Ambassador to India and co-chair of the African Heads of Mission's India Africa Forum Summit (IAFS) Sub-Committee desired the need for defence cooperation. He said that "Security and defence are very important sectors for the socio-economic development. Aware of the many security challenges that the world is facing today not only because of terrorism but also due to many other problems such as climate changes, a profound dialogue between the two sides on defence and security is expected shortly."

India requires to elevate its vision from infrastructure and soft power diplomacy to defence diplomacy as well. The diplomatic and military interactions with African defence officers at various training academies and college in India indicates that there exists a tremendous scope of contribution towards military build-up including integration of infrastructure development and soft power within the defence forces of many African countries. The infrastructure of military academies across African nations requires a revamp as per the contemporary developments world over. India can be instrumental in undertaking such commitment as it has effectively done at much cheaper rates. This will also enable India to extend its reach and act as deterrence against any other country that may think of attempting any misadventure in the high seas or use the medium of the Indian Ocean against India. India is the most suited nation to help African countries in providing a genuine facelift to their military setup as African leadership is most comfortable with India on all the fronts as compared to any other nation in the world.

AFINDEX-19

AFINDEX-19 (Africa-India Joint Field Training Exercise) was the beginning of a joint field training exercise between the Indian Army and 17 African nations held at Aundh Military Station, Pune in Mar 19. The aim of AFINDEX-19 exercise was to sustain the participating nations in planning and conducting humanitarian mine assistance (HMA) and peacekeeping operations (PKO).¹⁸ However, such exercises may yield better results if it is conducted in Africa. Conducting exercises in Africa will send a signal to the African defence forces about India's approach in imparting military training. It will also enable maximum reach to the African forces and populace which will be beneficial for India in the longer run.

First India-Africa Defence Ministers Conclave 2020

Ministry of Defence of Indian government organized the first ever India Africa Defence Ministers Conclave at Lucknow, India on 6th February 2020, in the sidelines of DEFEXPO INDIA. The objective was for the enhanced defence ties between India and Africa. This event was a bold step amidst the ongoing Covid pandemic in the series of Pan Africa events at the Ministerial level towards India Africa Forum Summit IV. A Joint Declaration - "Lucknow Declaration", was adopted after the close of IADMC 2020 as a result document of the Conclave.

he defence ministers conclave can be considered as a successful attempt by India to revive the India Africa relations as this meet was attended by over 154 delegates from Africa including Defence Ministers from 14 African countries, Member of Parliament, 19 Defence and Service Chiefs and 8 Permanent Secretaries from 38 African countries. This Conclave is the testament of the high priority

accorded to India-Africa engagement in defence and security in the backdrop of venerable historic ties between India and Africa. Indian defence forces has always been appreciated for the contribution to security and defence of the African nation especially through UNPKF, conception of military Academies, operation of training teams and undertaking humanitarian assistance and disaster relief operation including recent cases in Madagascar and Mozambique.

Political and bureaucratic leadership from both sides reemphasized the importance of peace and security for the African nations including “Silence the Guns; Creating Conducive Conditions for African Development” as the African Union’s theme of the year. Both parties are seen to be optimistic for improved cooperation between India and Africa on the growing theme of Indo-Pacific. The African Union vision for peace and security in Africa incidentally coincided with India’s vision of SAGAR (Security And Growth for All in the Region).

A deeper collaboration in the sphere of influence of defence industries including through joint venture in defence equipment software, digital defence, research and development, provisioning of defence equipment, spares and their maintenance on sustainable and commonly beneficial provisions were called for by the Defence ministers of both sides. The dedicated efforts made by India in the field of defence production was highly appreciated and looked for.¹⁹ India has reassured the ongoing supply of defence equipment to African countries through its robust India-Africa development partnership, including through endowment support and Lines of Credit. This effort has been the step towards Prime Minister’s vision for defence cooperation and with his 10 guiding principles for enhancing India-Africa engagement.

CONCLUSIONS AND STRATEGIES FOR SECURITY COOPERATION

Africa today figures considerably on the foreign policy agenda of India. The strong India-Africa associations will further redefine the contours of the International order on more democratic lines. India has always remained a trusted partner and worked closely with Africa for the economic and social empowerment of its people showing its commitment for the Africa towards its security renewal and prosperity. India is also determined to anchor its partnership on the principles of equality, mutual respect and mutual benefit as part of Africa-owned and Africa-led development. India takes pride in the cooperative model with Africa, which is focused on demand-driven, consultative and participative, involving local resources to build capacity based on Africa’s prioritisation of its needs.²⁰

Tapping Africa with complete wherewithal is the need of the hour. In our perception, the strategies therefore should focus firstly on a humble acceptance of the inability to provide a big wholesome financial assistance for a massive

infrastructural change or up gradation to Africa has been a great success. Thereby India's approach towards soft diplomacy, the connection between people-to-people etc is imperative. Secondly, India needs to elevate its vision from infrastructure to an actionable mechanism like Winning Hearts and Minds (WHAM), defence diplomacy etc. This time, India must give symbiotic impetus to Africa in totality.

Thirdly, with India emerging as a net security provider in Africa amidst common challenges rising from social evils of piracy and terrorism, countering such menace through defence to defence ties is required and needs to be revived. Fourthly, Indian Armed Forces can prove to be vital in imparting academic and military training to the African countries. What has been so far done is only the beginning but more can be done to consolidate the partnership. Fifthly, apart from its role in UNPKF, Indian armed forces can play a vital role in building up African Armies, Air Forces and Navies. Going by the principle of 'With Africa-For Africa', Indian armed forces must be the best choice for the present government for revitalising India Africa relations for decades to come in lines with Agenda 2063. And lastly, India needs to look beyond few selected countries with a task of holistic revision of feasibility of having a footprint in the African countries for mutual benefits. In fact, several Army Chiefs from Nigeria have been trained in India and Delhi is focusing on increasing joint military exercises with the African nations.

It has been an honest and humble attempt to bring out India's effort especially in the past seven years or so in the Modi regime. The well-crafted soft diplomatic approach and outcome of such engagements is a good start in the renewal of the India-Africa partnership. Though the effort seems to be just adequate and it requires further sustenance in the coming years, the backstage diplomatic efforts towards the sustenance of bilateral relations must go on with full strength, zeal, vigour, speed, vision, josh and commitment of executioner things rather than only engagements.

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RURAL GOVERNANCE IN INDIA: A PANOPTIC VIEW

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Abstract

Rural governance in India has emerged as a prominent issue in the literature of Public Administration. Well back from late 1970s, it has become an important policy objective, as government in the third world countries sought to create more socially equitable patterns of economic growth to meet the basic needs of the rural poor. With the enormous increase in the variety, number and complexity of functions of the modern state, rural governance has become a major element in the administrative organisation of governmental services. They assume importance due to the need to contain the relentless demographic pressures and optimum use of scarce resources for development. As such, the present paper focuses on a comprehensive view of rural governance in India especially since the passage of the 73rd Constitutional Amendment Act, 1993. The paper highlights the various problems/challenges and opportunities before rural governance as also suggests various measures as to how rural governance can be made more effective and function as institutions of self-governance.

Keywords: Rural-governance, Gramsabha, Participation, Devolution, DPCs, Marginal Groups

INTRODUCTION

With the shifting emphasis in development strategies towards promoting more socially equitable economic growth and meeting the basic needs of the poorest groups in developing societies, widespread participation in decision making

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considered essential to the development, process of decentralisation has been advocated as a way of eliciting that participation. In many countries, rural governance as a means of achieving socio-economic goals has got constitutional mandate (Kueck, et.al, 1998). In case of India, the efforts in this direction have been made since independence, but the participatory local self-governance was constitutionally mandated by 73rd Constitutional Amendment in 1992. This has aim to provide the third tier of governance for the rural areas with avenues for facilitating social mobilisation process at the grassroots level. But these institutions of third tier governance have been interfacing hinderances which literally doubted the intention of the state governments.

HINDRANCES BEFORE RURAL GOVERNANCE

The new arrangements have brought a sea change in the status of the panchayats and has made it mandatory for all the states to set up a three tier structure of panchayats (in smaller states having less than 20 lakh population – two tier) and to hold direct elections to all the tiers at regular interval of five years. In respect of devolution of powers and resources to panchayats, however, the Constitution has laid down only the basic principles by way of declaring it as an institution of self – government an providing an illustrative list of functions that can devolve on it (Ghosh and Kumar, 2003). But mere legislative enactments do not ensure effectiveness and viability of the local bodies in the states. Hence their operationalisation was very important. There are a number of maladies that still prevail. Some of the maladies are being highlighted hereunder.

Ineffectiveness of Gram Sabha

In the new arrangements, Gramsabha is made more vibrant body, especially in the context of people's greater participation and bottom-up planning. As every adult constitute the body of Gramsabha, it is expected to initiate development schemes as per requirement of the locality. Experiences of last two decades, throughout India, depict that these Gramsabhas have been inadequately functional. In fact Gramsabha meetings have been reduced to mere formality and head of Gram Panchayat completes the formality.

Ensuring the Participation of Women, SC and ST

The Act ensures the participation of weaker sections of society in panchayati raj institutions (PRIs) through reservation provisions. In case of women, against the constitutional provisions of reservation of one third seats for women, some states like Bihar have raised it to fifty per cent. But implementing this provision has been a real challenge in an elite and male dominated hierarchical society like

ours. This reservation provision has given rise of proxy women leadership i.e. often male family members are found playing roles on their behalf, commonly called 'Mukhiya Pati' or 'Pradhan Pati'. The male members push their wives, daughters, sisters and daughters in law as candidates to these bodies. Even the SC and ST candidates presented a similar picture.

Financial Devolution

Another challenge is to strengthen the financial base of the rural bodies as in the earlier system there was lack of financial resources. The Act provided for constitution of a State Finance Commission (SFC) at the interval of every five year with the hope of improving the financial position of these bodies. Apart from this, there is a provision under Articles 243H and 243I which empowered the rural bodies to levy and collect the taxes. These provisions in a way no doubt appeared to enhance the financial position, but the real challenge has been to constitute the State Finance Commissions and devolve financial powers to the rural bodies. The state governments were quite reluctant to constitute the SFCs as they feared that their power will now go the local bodies and they will be left with back seating driving. Hence they delayed the constitution of SFC's. The PRIs have not been levying taxes and mainly dependent on share in state exchequer and grants-in-aids, as they find it unpopular.

Functional Devolution

Yet another challenge is to devolve functions to the rural bodies so that they can function as institutions of self-governance. Though the devolution of functions on these bodies has been done by state governments but there is immense involvement, rather upper hand of local bureaucracy in implementation of programmes and handling of funds. So far effective devolution of functions is concerned, no detailed executive instructions devolving powers and responsibilities on different tiers were issued. Apart from this, the sphere of activity of each tier under each item has not been defined and is left to the discretion of the concerned state government (Mishra, 2003, p.187). This poses a challenge as to which tier will legislate on which subject.

Non-Functional Nature of District Planning Committees

Article 243Z(d) provides for constitution of District Planning Committees (DPCs). They have got constitutional status by way of 74th Constitutional Amendment Act. Unfortunately, however, they have been made ineffective. Thus, another major challenge was to make the District Planning Committees (DPCs) functional and effective. Initially there was delay in constituting DPCs as also certain variations

were seen in its composition, wherever they were constituted. The presence of MPs and MLAs in DPCs is another major problem. It has been found that the DPC works only as an arm of the state government and is incapable of independent functioning (Occasional Paper Series, 2008, p.35). The need of the hour is that the DPCs should be made effective and the district plan prepared by the PRIs and municipalities should be approved by the state government without any change.

The above discussion highlights that rural governance is confronted with a number of challenges. These challenges have to be taken care of, if we really want the rural governance to flourish and change the face of rural India. People's welfare and development can happen only if the rural bodies are strong and ready to deliver goods. However, there is no need to be disheartened as with challenges, certain opportunities can be also be seen in the new system of rural governance.

PROSPECTS AND POSSIBILITIES OF RURAL GOVERNANCE

The greatest opportunity which the new arrangement provided was that it gave constitutional status to the rural bodies, something which the government was trying since long. It made mandatory for the government to provide for a uniform three tier structure with uniform tenure and elections at regular intervals. Vastly increased numbers of elected representatives provided new opportunities for political representation at the local level, especially for women and marginalised social groups. The percentage of political participation also increased, reflected in active campaigning (usually on a non-party basis for gram panchayats) which were, high levels of voter turnout and heightened engagement with local officials and elected representatives, which in turn helped to invigorate local democracy.

The Gram Sabha's have acquired a new and important role. At the Gramsabhas, which were initially inactive or non-functional, have gradually become active. To energise Gram Sabha's, State/UT Governments were told to initiate measures such as vesting full powers in them for identifying beneficiaries and determining the priorities for various programmes in the village and approval of budget. Later on, year 2009-2010 was also observed as the "Year of Gram Sabha". The basic idea is to make Gram Sabha's more effective and also to ensure that they meet periodically and people participate in large numbers. In general, the Gram Sabha's have been a huge success and generated public debate on development all over Kerala (Sharma, 2007, p.46). In Madhya Pradesh, the Gram Sabha's have got a new status through a state law to ensure holistic development of villages. In West Bengal, absolute power has been given to the Gram Sabha/ Gram Sansad in respect of selection of individual beneficiaries under the poverty alleviation programmes (Mathew, 2007, p.314).

The other opportunity which the Act provided was with regard to the representation of the weaker sections of the society. The reservation provision for this section of the society, in a way ensured that the high level of elite dominance which was seen in the earlier system, is no longer there. It provided opportunities for formal representation of these sections in the rural local bodies. It provided them increased visibility and an opportunity to influence local affairs. It brought to panchayats at all levels close to a million women, a large number of members of the Scheduled Castes and Scheduled Tribes, and in some states – which provided for such reservation in their conformity Acts – members of the OBC category as well. In most states, democratic decentralization has made politics more inclusive of women, SCs and STs (Jayal, 2006, p.19). Today, the democratic base of women has been widened. Indeed around 80% of all women elected are from reserved seats. It has motivated many women to contest elections and participate in the political process (Mathur, 2013, p.84).

There are many instances where women have managed to generate modest local development dividends by marshalling financial resources and lobbying bureaucrats and politicians at higher levels. Evidence from different states indicates that women members have performed well and have taken up many serious issues relating to the development of their areas. They have fought against odds and taken up issues, which cater to the vital needs such as children's education, safe drinking water, primary health care facilities for women and basic nutrition.

In Kerala, the process of popular mobilisation through the People's Planning Campaign has ensured the active involvement of SCs and women in decision making in panchayats with a resultant flow of benefits to these groups (Issac, 2000). Studies from Karnataka indicate that women have made some headway in gram panchayats by using reserved seats as a vantage point to shape local development priorities. The evidence also suggests that individual women panchayat leaders have registered significant success in securing government resources for sanitation and street lighting (as health and safety issues are prioritised by women), local infrastructure in the form of village roads and community buildings (such as schools and childcare centres), and ensuring that public servants such as school teachers carry out their designated responsibilities. These modest but important gains demonstrate the ability of women to use the elected office for the benefit of the community and strengthen their legitimacy as elected representatives (Stephen and Sekaran, 2001).

The research work of Indu Pathak has highlighted the decision making capacities of rural women leading towards their empowerment in Almora and Nainital districts of Uttarakhand. With a sociological perspective, it examines the decision-making capacities of rural women (both indoor and outdoor day-to-day activities of hill women) and their role in the domestic, economic and political

spheres of their life (Pathak, 2016). It stresses the need for the state government to introduce such schemes that provides an ideal opportunity for rural women to enhance their social status, improve their awareness and outlook towards life, to improve their overall personality and their financial condition.

So far as the empowerment and participation of SC, ST and OBC is concerned, it has been found that in some states like Karnataka, Orissa, Andhra Pradesh etc. it has been quite effective and they have been able to assert their position and powers. This happened especially in those cases, where the elected representatives were educated and experienced. The reservation seems to have created a kind of self-confidence that strengthens their moral character as well as the extent of empowerment in the process of self-governance (Chandrashekar, 2000, p.175). Some elected presidents from these communities have been able to use their new-found authority to significant effect by bringing in more resources and challenging caste discrimination in village affairs. The SC community leaders encourage Self-Help Groups (SHGs) to participate in gram sabha meetings. One SC women president herself formed a trust to serve independently to the SC community (Palanithurai, 2005, p.366-369). The SC representative in the capacity of head of social justice committees, have been able to make effective use of these committees to block inappropriate decisions or challenge the authority of the dominant caste. In parts of Gujarat, SC representatives have successfully empowered the social justice committees (Robinson, 2005, p.23).

Another opportunity of rural governance can be seen in the provision of functional devolution, which devolves on the panchayats 29 subjects on which they can make laws and thereby making the rural bodies function as institutions of self-governance. There exists variation from state to state with regard to assigning of powers and functions to each tier of PRIs, under governmental direction, each level is now conducting 'activity mapping'. The activity mapping now being undertaken by states is being done with the expectation that it will clearly identify the functions that are to be performed at each level of the panchayats. This will help in assessing the revenues required and assigning their sources. In addition, it will help in the devolution of functionaries to implement these activities (Mathur, 2013, p.78). Wherever functions have been devolved, they are doing a good job. In the state of Kerala certain functions have been given to three tiers under various subjects (Gupta, 2004, p.53).

Another opportunity that we can see is the provision of funds expressed under Articles 243 H, 243 I and 243 X, which empowers the rural bodies to levy and collect taxes. Apart from this, the provision for State Finance Commission (SFC) that makes recommendations with regard to the financial resources of these bodies which state government has to implement. These provisions have indeed provided opportunities to the panchayats to function as institutions of self-government.

Initially there was reluctance on the part of state governments with regard to the constitution of the SFCs and their constitution was delayed. The SFCs have given notable recommendations especially in case of Kerala, West Bengal and Karnataka. Kerala has given large degree of autonomy as 40 per cent of funds under general sector are in the untied form. The state has also devolved funds upon Zilla Parishad in lump sum with a formula to further allocate them to three tiers. The general category fund is divided among the Gram, Taluk and Zilla Panchayats in the ratio of 70:15:15 respectively. In West Bengal it is in the ratio of 50:20:30. In Karnataka it is the opposite, the allocation is in the ratio of 25:35:40 (Panchayati Raj in India - Status Report, 2000, pp.14-15). In states like Gujarat, Karnataka, Madhya Pradesh and Maharashtra substantial funds have been provided to Zilla Parishad. But the autonomy of the panchayats is limited, as funds are invariably tied to a particular programme or scheme.

Yet another opportunity of rural governance can be seen in the provision of the District Planning Committees (DPCs) under Article 243Z(d). It provides them constitutional status through 74th Constitutional Amendment Act. The DPC was supposed to be constituted in every district to draft the development plan for the district as a whole, but there are very few states like Karnataka, Kerala, Madhya Pradesh, Maharashtra, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal, which have constituted it in all the districts (Gupta, 2004. p.60). In those states that have such committees, a fifth of the total number of members are nominated, leading to the domination of civil servants and higher-level politicians such as the local MP and MLA (Jayal, et.al, p.11). Here too variations can be seen with regard to their formation, composition and functioning. If these problems are taken care of, DPCs can become effective institution of planning leading to development of the rural areas. DPC as a planning facilitator will go a long way to address local aspirations more effectively. More so, PRIs have to play a significant role in the entire planning process (Singh, in Chahar, 2005, pp. 171-172).

On the whole, it can be said that the 73rd Amendment Act has provided a whole range of possibilities but they have not been used and utilised properly for some reason or the other. The access of weaker sections to rural power structure has been ensured legally, thereby enlarging the social base of the system. They have got an opportunity to air their grievances and get them cleared through participatory decision-making process. Studies have shown that the developmental outcomes in panchayats headed by women are impressive, even if empowerment impacts have been rather slow in materialising (Jayal, et.al, p.13). The PRIs to an extent have been deeply rooted in the rural community and has become the real vehicle of change and development in the countryside. The rural masses have become more conscious and aware of their rights and duties and have started participating in

large numbers. All this will go a long way in making the system of rural local governance far more effective in times to come.

RURAL GOVERNANCE: THE WAY AHEAD

The functioning of the rural local bodies over more than two and half decade highlights a lot still remains to be done. There exist large variations among states in the functioning of the rural local bodies at the operational level. In order to make the system of rural governance more functional and effective, we need to take care of all the ills present in the system. Certain amendments are required in the Act in order to remove the anomalies which are hindering the progress of rural bodies. In the succeeding paragraphs, ways to strengthen the rural bodies have been discussed.

So far as functional devolution is concerned, much is left at the discretion of the states because of which we see problems in the devolution of functions. States have shown their reluctance in transferring the functions. Thus, the need of the hour is that the Act be amended with regard to this and instead of 'state may' devolve; the word 'state shall' be added. Also the sphere of activity of each tier under each item should be defined clearly in order to avoid any kind of overlapping. The functions should be devolved through proper legislation, rather than through an executive order as is presently being done. It has been found that the state governments have retained many regulatory, controlling and supervisory powers, which in fact takes away the autonomy of the PRIs (Aziz, 2007, p.126). So if we really want to give autonomy to rural bodies and allow them to function as institution of self-governance, the above suggestions need to be incorporated.

Another important issue in the functioning of rural bodies is the financial autonomy. Also, a large part of the transfers should not be scheme based so that they can use it according to their own requirements. Decentralization with a strong resource base is required to enhance their financial capabilities as also a strong fiscal base accruing from sources internal to them. Moreover, many taxing power and other financial provisions such as auctioning the Gram Panchayat financially beneficial properties such as fisheries, ponds, pastures and others will ultimately improve the financial position of these bodies (Mishra, 2005, pp. 74-75). They should be encouraged to take steps for innovative resource mobilisation such as generation of income from entrepreneurial activities, projective loans, public contribution, tax sharing and tax assignments, matching grant incentives for tax collection instead of totally depending on the government grants. Besides, proper tax collection machinery at panchayat level is required. PRIs should get a share of more elastic and productive taxes such as sales tax. Finally, they should be assigned

all or part of sales proceeds of the area within their purview. All these will definitely improve their financial status.

So far as the DPC is concerned, it is suggested that a uniform policy should be in place with regard to its formation, composition and powers. Also the DPCs should be constituted in all the districts at the earliest. States should not be allowed to interfere in its functioning. As far as possible, the MPs and MLAs should be kept out of it. The Chairperson of the DPC should be an elected member from panchayats or municipalities. Some kind of a planning committee or unit should exist at the block or panchayat level in order to carry local level planning and also to provide vital inputs on local needs and resources to DPC (Gupta, 2004, p. 227). Finally, there should be no parallel body at the district level if we really want the DPCs to make plans and act effectively.

Accountability is a precondition for creating trust in the mind of people so that the abuse of power and misuse of public resources is prevented. A proper system of accountability should be provided, so that the representatives become responsive to people's needs, wishes and preferences. This accountability should be on a day-to-day basis and not just once in five years when they go to seek votes (Ghosh, 2005, p.261). Many states have made provisions for the financial audit and social audit which acts as a check mechanism. A good example of this is jan sunwai or public hearings in Rajasthan, through which they compel the panchayat leaders and government officials to account for development expenditure. All that is needed is social activism like the one in Rajasthan (MKSS). People should be vigilant and should question the decisions of PR members in case there is a genuine need and also participate actively during discussions in the panchayats. Right to Information (RTI) is a welcome step in this direction. The use and importance of RTI is visible in MNREGA. This will go a long way in ensuring accountability and transparency in the system and thereby better functioning of PRIs.

It is further suggested that the system of rotation in a reserved constituency should not be altered just after every election. In other words, a particular constituency should be reserved for at least two consecutive terms, enabling uninterrupted development on a sustained basis and only after that, without compromising on the principle of rotation, it should be continued. This will provide the members from the reserved constituency to have sufficient time at their disposal to establish a better rapport with the local people and their voters as also making them fully acquainted about the needs of that area.

A proper coordination among the panchayati raj representatives, local people and officials at the local level is also required in order to make panchayats function in a better way. This three way collaboration among the stakeholders will lead to efficient implementation of the programmes/schemes and accrue more benefits and opportunities for the local people.

Finally, the state has vital role to play in providing support for building of local institutions, legal framework and in creating enabling environment for people to participate and take the advantage of opportunities. The need of the hour is positive intervention by the state through policies for human resource development and institutional development are critical as these would strengthen the process of decentralisation. The state has to build institutional structures at the local levels and set standards to deal with challenges of global trade, communication system, environment, labour laws, etc., which have direct bearing on the lives of people in the villages, and simultaneously meet the standards of governance (Gupta, 2004, p.428).

CONCLUSION

Rural governance is no magic wand as the experience indicates. Its success or failure hinges upon the nature of the institutions created, the extent of power and finances delegated, the pattern of power distribution among groups in the region and the participation of civil society. On the basis of the above analysis, it can be said that rural governance has firmly been established. Local democracy has been deepened, political participation broadened and representation diversified, particularly in the context of women empowerment, as a result of the 73rd Constitutional Amendment Act. This process of governance has now given rural bodies an opportunity to assume greater responsibility for rural management. The new system of governance has provided an element of continuity and enlarged the participatory process at the grassroots level. The states have taken certain measures to transfer functions and devolve funds upon the local bodies.

Yet, the local bodies at the grassroots level are faced with the insurmountable task in altering the power dynamics at the local level – a critical input ensuring participation and politicisation of the local people in them conscious of their rights vis-à-vis institutions of state and also the entrenched interest. The state has a vital role to play in this task of establishing a symbiotic relation not only between its various institutions but also with all the major stakeholders in this process of decentralised governance. The periodic alteration of the leaders through regular elections, provide an opportunity to the people to make and implement the choices frequently displayed by them while their interaction with the leadership emerging through this process. It will unleash the forces of democratisation and would inevitably ensure the success of both local governance as well emergence of appropriate democratic discourse of decentralisation. Transparency, accountability, effective local planning, effective and efficient delivery mechanism from local to national and vice versa, will indeed go a long way in ameliorating the hardships that exist at the level of governance.

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SOCIAL MEDIA AND GOVERNMENT 2.0 INITIATIVE: A STUDY OF TRANSPARENCY AND OPEN GOVERNMENT IN INDIA

Biju P R* and Gayathri O**

Abstract

In this age of IT revolution, there has emerged a trend of 'social media government'. Government and public Institutions at different levels in particular make use of social media platforms that configures the concept of Government. 2.0. Facebook, Twitter, YouTube, WhatsApp, Emails, Chat Options and other such social media platforms are instrumental in this process. It is presumed that the social media government will achieve transparency in governance, collaboration, and people's participation in the process of governance. A message or email to an individual citizen from highest government officials like Prime Minister from <no-reply@pmindia.gov.in> makes people share their thrill over receiving the greetings on Facebook, Twitter and SMSs. As such, it becomes an urgent imperative to examine its effectiveness in good governance. In this context, the present paper addresses the questions like - What does it mean to be 'connected' between the government functionaries and the citizen? Does connection between citizens and ruling establishments serve a purpose in the society that has social cleavages and inequitable access to the corridors of power? Do the messages serve the people in terms of service delivery, grievance redressal etc. or make them participate in the decision-making process? The results of the present study suggest that although its potentials are profound, yet it poses challenge in the areas of policy development, governing and governance, process design, and conceptions of democratic engagement. India lags far behind in leveraging the potential of social media for governance.

Keywords: *Social-media, Open-government, Government-2.0, Policy, India*

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INTRODUCTION

Social media is making a new kind of governmental system, in which we are increasingly enthused by technological reconfiguration of government. Social media induce audience to become digital citizens. Here participation is redefined, as the new idea is that non-participatory citizens become avid participants. It is enabling users with a voice that was otherwise untapped. It implies that there is a growing sense among the ruling establishment that transparency, collaboration and participation are buzzwords for open government¹ and democratisation processes. Being connected is a microcosm of how the governments across the world are starting to get with the swing of social media.

OPEN GOVERNMENT

Open Government is a benchmark of every government that needs to be 'participatory', 'transparent', and 'collaborative'. These qualifications benefit not only citizens but also government itself. It prompts better management of records and decisions and services more efficient. Misgovernment and corruption remain negligible. The OECD defines open government as 'the transparency of government actions, the accessibility of government services and information and the responsiveness of government to new ideas, demands and needs'². Certain advantages fall on the side of both the government and society: more data basis for proposing policies, increasing integrity, reducing corruption and structuring public trust in government³. A more transparent, responsive and open governance system is the outcome, thereby information moves two ways to and from government. There is also a multitude of channels for information distribution⁴.

This functions as benchmark for political class to serve the country. Civil society groups, media and spirited citizens consider it as an index to criticize the ruling class for their failures and policy neglect. Channels of information flow at all levels are a condition for open government. Civil society and the public needs to connect with government through a channel of information flow that caters to the open government. Accessibility of services and information is central to the definition provided by OECD. Responsible government gives due recognition to the needs and ideas of citizens and all the actors outside the structure of public authority⁵. The organisation also urges the authorities to provide mechanisms for their ideas and needs to be expressed. Information sharing is the norm of open government. Dissemination of information and services should find priority through resources, training and administrative procedures⁶.

An important first step towards that end is legislation to ensure citizens right to know. Hence enactments towards right to information are preliminary action.

Right to know ensures open and participatory form of government. This also works as a precondition for citizens to question, see and contribute to decision-making⁷.

Under various human rights acts, access to information is human right. Governments also consider institutions that ensure transparency, accountability and accessibility an addition to access to information. Audit institutions, information commissioners, ombudsman, public interest disclosure, protection to whistle blowers are examples of these institutional supports.

Studies posit that initiatives to enforce transparency improve risk management, efficiency in bureaucracy, economic performance among other things⁸. Some studies substantiate higher rate of GDP, reduction in corruption, and increase in the standards of delivery of public services and public management⁹. Study by Besley and Burgess found that there is positive correlation between famine and droughts vis-a-vis active media¹⁰. An active media informs voters of the intentions of politicians and their accomplishments. Therefore, voters are in a better position to take decisions. Literature connects open government with basic human rights and condition of modern democracy¹¹.

GOVERNMENT 2.0

Government 2.0 refers to social media government. Politics may not be televised but it is likely will be tweeted, blogged, texted uploaded and organised on Internet . Government agencies are developing their presence on social media and several public sector institutions are using social media connecting with wider audience. Tim o' Reilly¹² observes that the valid inspiration of Government 2.0 is the projection of government as platform. Openness, collaboration, transparency and participation can be materialised by the social media presence of government and its various agencies. It is about the use of technology to encourage a more open and transparent form of government, where the public has a greater role in forming policy and has improved access to government information. It is also an outline to reorganise how citizens could take part in government using social media . Being open, collaborative contentious, participant, online, deliberative and transparent imply that providing the public the services they want, ahead of they demand and request for it. The public should get the government at their disposal. It entails new services to people without them having been requested and innovating the way communication is being done to support those new offerings¹³.

It absorbs straight citizen involvement in discussion about government services and public policy through open access to public domain information and Internet based technologies and more specifically social media . It also engages way of working that has underpinned by openness collaboration, and engagement. Mobile phone enabled coordinating function has affected daily life in the form of what Ling calls

“hyper-coordination”¹⁴ and what Rheingold calls “smart mobs”¹⁵. M-governance, M-politics, M-administration and M-activism are on the burgeoning stage.

In India the attempt to transparency, collaboration, participation through an open government initiative seems much belated. However, it can be obviously felt that a government on social media is not too far away from accomplishment. The question is only of degree of use than presence or absence of government on platforms. In India, attempts are already on the way for the use of social media on governance. The government of India has recently issued a policy framework on use of social media for government agencies. Published by Department of Electronics and Information Technology and the document titled ‘Framework & Guidelines for Use of Social Media for Government Organizations’ that stipulates the norms and codes to follow for government agencies while on social media. In India many public institutions are online and on platforms.

Social media is an important component of emerging citizen engagement platforms across the world. It gives platforms for citizens to engage with authority and provide medium for government, and elected officials to talk with citizens. For example, Facebook profiles of government ministries. These provide all the possibilities for engagement with the community of people. Along with the Ministries, there are constitutional bodies like Election Commission, which are on Facebook makes a feeling among citizen that they can be in touch with highest offices from their home, street, on travel or by any other manner. The government maintains information on a variety of issues. This information should rightly be considered a national asset. Social media just provide a medium for government to convert a vast possible data into official records.

SOCIAL MEDIA GOVERNMENTS: GLOBAL SCENARIO

A leading case for Government 2.0 is the US model. US President Barack Obama’s celebrated electoral campaigns via social media have been aide memoire¹⁶. In the same way, the UK government has formulated a cut-out Twitter strategy for government departments; see for example, Twitter account @BISgovuk¹⁷ and BIS has a YouTube¹⁸ channel among its other digital channels. The government in New Zealand has made regulatory changes in 2010 for its public and non-public service departments under the Public Finance Act (PFA) to use social media platforms to incorporate interactive government as well to create citizen-generated contents into official policy engagements¹⁹. Government of Australia is one of the first countries in the world to deploy social media for governance²⁰. Russia has launched official Facebook in January 2010 because of the growing popularity of Facebook among youth. Presidential commission for modernization and technological development of Russia’s economy has created a forum called i-Russia.ru. The citizens can post

comments and connect their social media for interactive experiences²¹. These stories lead one to an informed conviction that many countries across the world maintain a very good social media government for its citizen, governance, and content generation. While, many countries across the world are using social media platforms for citizen engagement, how interfaces between social media and government in India looks like, often confusing! Despite the efforts at leveraging social media for open government initiatives are making success stories from different parts of the world, Indian case is not much of relief to people.

SOCIAL MEDIA GOVERNMENT IN INDIA

Social media is utilised by government institutions more than as a way to communicate with their citizens. This has moved far beyond simple polling tool to a place to providing information about government services. Then a social media government becomes reality. Several government bodies have been leveraging social media sites through various governmental links.

Ministry of External Affairs joined social media sites officially in 2011. Considerable number of people follows it on Twitter²². During crisis in Libya, the page has been very effective. Relevant information about crisis was updated regularly. The profile helped Indians trapped in Libya to return home safely. The interactive platforms, in a way beseems useful and hopeful for family and this is evident from the Twitter experience of Ministry during Libyan crisis. It has YouTube²³ channel. The channel has uploads of the Ministry that has a good number of user basis also. The page has 1403 video uploads by January 2014. A popular page, for example, A La Cart!!! Food in the Streets of India²⁴ has a close to five lakh views by January 2014. Facebook²⁵ page has over one lakh Likes. Twitter²⁶ page has close one and half lakh followers. It has a Blogger page²⁷. In fact, it means government has been moving on to social media.

Another good example is the Traffic Police in various cities. Traffic Police in Chandigarh, Bangalore, Delhi²⁸ and Mumbai are few among them. Facebook page of Delhi Police is interactive²⁹. The page has regular traffic updates. It responds to complaints and even educates citizens about road safety. Delhi Traffic Police has recent social media initiative. It urged citizens to upload pictures of traffic rules offenders. The initiative got good responses. It helped them seize over 20,000 offenders. Traffic police in Delhi, Chandigarh and Bangalore are using Facebook. The initiatives have been immensely popular amongst the citizens. The Indore Police Department has been maintaining a regular blog³⁰ in Hindi since 2009. It hosts Facebook³¹ page and Twitter³² profile and a Website³³. However, Mumbai Traffic Police, initially was active has remained inactive.

In a wide variety of areas, government can think of incorporating social media to connect with citizens. Energy, education, jobs, banking, health care, governance, and others there are unique opportunities. Artificial intelligence, cloud computing, websites, social media, and smart phones provide new possibilities. The government agencies are harnessing the opportunities to achieve demonstrably better results at lower cost. Indian Postal service³⁴ has Twitter³⁵ account. It has been one of the first government offices in India to open social media account. It has been answering to queries posted by users about their service. The agency also launched an exceptional “e post office”³⁶. It helped the postal department to transform as an e-commerce platform.

The Facebook account of/in the name of ministries is a testimony to the growing significance of social media to empower the democratic potential of Indian democracy. Income Tax Department³⁷, Ministry of Finance³⁸, Ministry Of Health and Family Welfare³⁹, Ministry of External Affairs⁴⁰, Ministry of Railways⁴¹ and Ministry of Defence⁴² are examples of government going social media way. There are people who feel excited to see the platforms of highest offices in a mouse click away, which otherwise impossible for them to approach. Some government officials are making use of these opportunities. High-ranking politicians and even certain government agencies are making their presence on social media. The former diplomat Nirupama Rao is an example.

Social media embedded political dialogues is in full swing. M-governance platforms are attracting government functionaries. Social media embedded political campaign is active during election time. In this new situation, the Department of Information and Technology (DIT) under the Ministry of Communications and Information and Technology, realized the potential of social media as a platform to reach out to people directly. The drafting of the framework and guidelines for the use of social media for the government agencies after consulting various media experts, social media consultants, and lawyers was an attempt towards collaborative government and labeling government as platforms. The government has provided guidelines to its various departments about the use of social media (FGUSMGO)⁴³. The result was that several politicians and official government bodies have been using the medium ever since vigilantly.

There were efforts by the Information and Broadcasting (I&B) ministry to integrate social media for citizen collaboration and it has requested citizens to become their ‘digital volunteers’ to help disseminate its messages on social media platforms. My India initiative⁴⁴ is a digital volunteer programme to enable government to disseminate information to citizens; especially youth. The programme has embedded principles of participative and deliberative governance, leading to real time engagement through social media platforms. People interested in becoming digital volunteers are expected to fill up a form and give identity proof

for registration that will take about five days. Participants are expected to spread thoughts on government policies and programmes through social media presence. A digital volunteer here expected to talk about the government's programmes by sharing them on Facebook and Twitter.

The constitutional bodies that engage citizen via social media, however, it does not mean that these are real account of such bodies, but it is obvious that there is presence of highest governmental functionaries at least in name that brings about heavy excitement to citizen. Election Commission of India⁴⁵, Finance Commission of India⁴⁶ and National Commission for Women⁴⁷ is far more significant in ensuring more democracy. Since the social media accounts in the name of highest functionaries bring out such towering institutions down to the people and rejuvenate the spirit of democracy in essence.

Census 2011 has utilised social media. Citizens were asked to fill in their information accurately. Of course this process will compel us to rethink about the traditional role performed by the enumerators. The initiative was launched on Facebook⁴⁸ and Twitter⁴⁹. In the beginning, the Planning Commission of India has been using its Facebook⁵⁰ page to ask users to submit their expectations and ideas for the twelfth five year plan (2012 – 2017). Now it is no more as it is replaced by NITI (National Institution for Transforming India) Aayog. Following this, it would be included in the approach paper that remains to get approval from Union Cabinet and National Development Council.

Open Government Platform⁵¹ (OGPL) is a joint initiative by both India and the United States. It plans to reinforce transparency and greater citizen engagement. It tries to make more government data, documents, tools and processes publicly accessible. It will be available, as an open-source platform. It allows developers, analysts, media and academia to enlarge new applications and insights. It will help citizens have more information for better decisions. OGPL community will provide future technology enhancements, open government solutions, and community-based technical support. It has become an example of a new era of diplomatic collaborations. It will benefit the global community that promote government transparency, citizen-focused applications, and enrich humanity.

Government has proposed a guideline for using social media by public institutions (FGUSMGO). The government has issued guidelines to its various departments about the use of social media. Government initiatives seem much belated. However, it can be obviously felt that a government on social media is not too far away from accomplishment. The document titled 'Framework and Guidelines for Use of Social Media for Government Organisations' provides the norms and codes to be followed by government agencies for using social media . Government has made clear that in coming years it intends to make publicly

available much of its data. In its tenth Five Year Plan (2002–2007)⁵², it announced its intention for India to become a ‘SMART’ (Simple, Moral, Accountable, Responsible and Transparent) nation state. It has led to many e-governance initiatives, but few of them have resulted in publicly accessible databases.

The passing of the Right to Information (RTI) Act in 2005 was a historic event since India became a constitutional republic. The government has an extensive e-government strategy. It was suggested in part by the National Knowledge Commission (NKC). It was again assembled by the Prime Minister in 2006–2009. It was charged with making proposals to develop the country’s knowledge infrastructure.

PATTERNS OF SOCIAL MEDIA GOVERNMENT IN INDIA

In the light of the above discussion and survey conducted on the social media profiles of government functionaries, some modes of the social media government in India can be explained.

CRISIS COMMUNICATION

A social media government is effective in crisis communication. In times of crisis, government functionaries update information regarding floods, cyclones, earthquakes, epidemic, for striking example is health advisories during Covid-19 pandemic. Citizens get instant information and act accordingly. The comments and engagements on the profiles were comparatively higher during crisis situation. It gives impression that people trust information being provided by government functionaries than those being shared by friends and relatives via WhatsApp and Facebook.

CITIZEN'S ENGAGEMENT

Social media government keeps the public engaged. People remain informed about the policy, decisions and issues that matter most to them. This study analysed the engagements of people on the Twitter profile of Ministry of External Affairs during Libyan crisis. People were flocking to Twitter updates during the crisis to get updates about their friends and relatives trapped in the crisis affected Libya. Social media gives government an opportunity to build trust among people. The Ministry of External Affairs has increased its image as humane government functionary among the public. Social media gives an opportunity to show the audiences that there are humans in government.

BUILDING PUBLIC TRUST

According to a survey conducted by Open the Government, more than half of voters wanted to see more authenticity and transparency in their government. Just like a business, the ability to remain authentic and honest with audience is crucial for building a good relationship with them. Social media provides a perfect avenue to remain transparent and clear with your constituents as possible. One great example of this is Alexandria Ocasio-Cortez who leverages Instagram to give her followers a behind-the-curtain look at how Congress operates.

SCAN PUBLIC MOOD

Social media government can effectively scan public opinion. It is a fantastic way to collect feedback on government decisions, policies, and issues. It is cost effective, quick reach and high engagements. Government post messages, and public respond on the same. Government will be able to see what is trending with their audience and what captivates them. It can then use this information to connect directly with them. But the condition is, the managers of social media in government are attentive to people's feedback. Hence government needs to dive deep into the audience. Find out what they want.

SAVE PUBLIC MONEY

Traditional public outreach is expensive. India spends heavily on public relations and advertising alone. Social media can dramatically cut those costs. Instead of spending on public relations, government offices can now leverage more cost-efficient social media platforms to raise awareness about issues the public needs to know about. But at the same time, the authentication of government information requires black and white mode. However, the public relation can be immensely engaged through social media.

EDUCATING THE AUDIENCE

Engagements on social media profiles of political actors give the image that the government social media accounts provide citizens access to a massive amount of information such as health, environmental, education, scientific, welfare and political events. Citizens also instantly recognise the account as credible and trustworthy. The government accounts of social media should be continuously up dated.

PREDICTING UNREST

The social media accounts of government departments may use it as radar to predict events, particularly crisis and social unrest. Police departments and their social media accounts are best examples. As people use social media as a second home, it acts as their mind and activities. Police has been successful in detection of cases and arrest of criminals by using and keeping watch social media. It can track the conversations of those planning protests on Facebook and Twitter, and gain access to warning of events before they are about to take place.

CONCLUDING REMARKS

This paper began its investigation into the play between social media and government functionaries with the assumption that Indian is undergoing tremendous changes in terms of citizen services. Social media presence of the apparatus of the state. The analysed profiles of ministries, departments and constitutional bodies reveals ample evidences for the changes taking place across India. The content analysis of the responses of users on these profiles gives the impression that a new form of governmental deliveries embedded with the Internet platforms appears as a mechanism of service delivery.

This new engagements paves way for more bonds between citizens and government, by giving opportunities of feedback on proposals, policies, legislative enactments and governmental decisions. Activities seem to create the perception that necessary components of democratic engagements such as transparency, participation and openness with much ease and vigour are represented on social media. Social media platforms by government functionaries have been interactive and create new ways of, 1) democratic participation, 2) pressures for new institutional structures, and 3) processes and frameworks for open and transparent government. As formal political institutions have become insensitive to most of citizens, social media builds confidence to citizens on the other.

However, the dangers of the Government 2.0 is also apprehended. Data profiles provide further enough evidence to the growing involvement of political actors on social media government. It may make governmental functionaries duped. Hacking, fake news and unwanted posts may diminish the participative governance. While politics becomes an anachronism, civil society supersedes established way of exchange and negotiation by using social media based engagements which provides for broader participation.

Finally, social media governments should be cautious in dealing with civil liberties, press freedom, privacy and freedom of expression in general. Though India needs more social media government initiatives but should be properly regulated by Laws and civil society itself.

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INFORMATION AND COMMUNICATION TECHNOLOGY AWARENESS AMONG MGNREGA BENEFICIARIES: AN EMPIRICAL STUDY IN JAIPUR DISTRICT

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Abstract

The objective of welfare policies is to bring socio-economic development in the society. ICT interface to carry out social safety programmes was viewed as a means to achieve transparency and accountability. One such flagship programme introduced by the Government of India in 2005 is MGNREGA. ICT utilization in MGNREGA became omnipresent that begins from the identification of worksite to till the disbursement of wages. Successful implementation of welfare policies depends on the public consciousness about the programme being implemented in their name. Workers' insight gains the ability to raise objections if something goes wrong and bolsters public participation in decision making. This paper tries to study the awareness of ICT utilisation among MGNREGA workers and discusses the IT support in operational activities. It also examines the literacy levels of beneficiaries that influence their ability to understand technical initiatives.

Keywords: MGNREGA, e-Governance, ICT, Biometric, IT Kiosk, Rajasthan

INTRODUCTION

Public policies are formulated to bring socio-economic development of the citizens of a nation. Post World War II and subsequent adoption of development administration in third world countries gave preference to framing welfare programmes. The social security enactments encompass wage employment, skill development, housing, education, health etc. Operational deficiency coupled with administrative lapses surfaced during execution substantiated, that policies became ineffective. Accurate and timely service delivery was always a challenge to the

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states. To overcome these handicaps and deliver efficient services, states began to search for alternatives.

Information and Communication Technology (ICT) came to the rescue that provides transparent and accountable operational activities to the citizens. To achieve good governance in service delivery, application of ICT became a sine qua non in policy execution. ICT integrated the public policies with administrative apparatus, auxiliary agencies and beneficiaries who were separated earlier. Technology was introduced in Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) programme that ensures 100 days of wage employment to rural unskilled workers.

MGNREGA came in to existence on 5th September 2005 and enforced from February 2006 among 200 districts of the country. By April 2008, the programme covered the entire nation. Addressing the rural poverty by creating community assets, MGNREGA within a short period proved to be a significant livelihood programme among rural citizens. ICT usage in MGNREGA played a vital role in identifying worksites, capturing real time work and fiscal transactions by forming networks. Communication network developed between Government to Citizen (G2C), Government to Business (G2B) and Government to Government (G2G).

It is pertinent to study the awareness of e-governance initiative undertaken in MGNREGA by the government of India among its beneficiaries. The consciousness of stakeholders about the procedures will convince that the policy is carried out with efficiency and effectiveness. Public attention on work procedure will generate accountability among the policymakers, administrators and operational functionaries. Beneficiaries' awareness will enhance their evaluation abilities on policy execution.

The paper will bring the study of awareness of ICT implementation in MGNREGA among its stakeholders in Jaipur district of Rajasthan. It tries to understand whether ICT implementation in social security programmes will bring transparency and accountability as assured. Do public policies need to be supplemented with technology every time to achieve good governance? and finally, this paper tries to understand that the literacy level of stakeholders plays a vital role to understand the dynamics of administrative initiatives.

OBJECTIVES OF THE STUDY

After considerable review of available secondary sources, the following objectives are undertaken for this study-

- To understand the influence of literacy level on digital awareness of the rural unskilled workers.

- To analyse the impact of e-governance initiative in MGNREGA on the beneficiaries.
- To identify the infrastructural facilities being facilitated in implementing MGNREGA programme.

STUDY AREA

The study was undertaken in the district of Jaipur, capital city of Rajasthan. Out of fifteen tehsils in the district, randomly two are selected and from each tehsil, five panchayats are identified as areas of study (Table 1). One village comprising of 10 respondents (either from similar or different worksites) from each panchayat and officials (secretary, technical assistant concerned) are taken for data collection. No more than 10 respondents (including mate) are taken for consideration from a single worksite. In total, 100 respondents are selected randomly and ensured that no more than two respondents are from a single job card. Identity of respondents where data was collected at their residences was done on verifying their job cards. No verification was done while interacting with the respondents at the worksite as they are already engaged in work. Utmost care was taken to maintain gender balance by selecting an equal number of respondents as a whole.

RESEARCH METHODOLOGY

Combination of questionnaire and interview method was followed for collecting data. Being suitable, quick and collecting first hand information, questionnaire method was chosen for this study. Interacting with multiple respondents at different worksites was also a reason for choosing this method. Nominal and ordinal measurement was undertaken for procuring individual details and work related information respectively. Nine and fourteen questions are formulated for personal and job-related information in Hindi language. Ordinal measurement was considered in formulating questions for latter data.

Table 1: Number of respondents from each village of area of study

<i>TEHSIL- CHAKSU</i>				<i>TEHSIL- GOVINDGARH</i>			
<i>Panchayat</i>	<i>Village</i>	<i>Male</i>	<i>Female</i>	<i>Panchayat</i>	<i>Village</i>	<i>Male</i>	<i>Female</i>
Mandaliyan Meda	Kankata	02	08	Sandarsar	Sandarsar	06	04
Kothun	Savaliya	06	04	Samod	Samod	04	06
Girdharilalpura	Girdharilalpura	01	09	Govindgarh	Govindgarh	09	01
Bara Padampara	Deokinandan-pura	04	06	Singodhkhurd	Nadia	06	04
Barodiya	Lakshmipura	05	05	Loharwara	Loharwara	07	03
Total		18	32	Total		32	18

Structured interviews mixed with informal questions were posed for officials while interacting them on the worksites. Unavailability on the field, few officials are interviewed over phone.

E-GOVERNANCE

Governance is defined as *the manner in which public officials and institutions acquire and exercise the authority to shape public policy and provide public goods and services*¹. It is the aggregate effort of the governments which govern the established institutions, formulate welfare policies, provide dignity of living and ensure timely service delivery. Governance when combined with an electronic process to communicate among the stakeholders is *e-Governance*. It is defined as *The use of emerging information and communication technologies (ICT) to facilitate the processes of government and public administration*². ICT act as a channel of interaction among the relationships instituted by the government. Enhanced service delivery, accommodating multiple actors, dissemination of information and public participation in decision making are termed to be byproducts of ICT in service delivery.

ICT AND MGNREGA

The entire gamut of computers, networks, telephone, software, hardware and audio-visual equipment which are utilized by the institutions to establish interactive mechanisms with its stakeholders is termed as Information and Communication Technology. Ifueko³ has defined ICT as *it involves digital processing that involves the storage, retrieval, conversion and transmission of information*⁴. The distinction between e-governance and ICT is minuscule, the former is the theoretical framework and latter is the practice.

The objectives of MGNREGA are to: i) provide on demand 100 days of guaranteed wage employment to every rural household in a financial year, ii) to create community assets, iii) bolster rural livelihood resource base and iv) to empower grassroots democracy⁵. The ICT inclusion in MGNREGA facilitated for: expansion of works across the nation, enhanced labour participation, fiscal disbursement and maintaining of records. Besides, administrative lapses in job registration, delayed wages, nonpayment of unemployment allowance, and erroneous work measurements motivated the government for the technological initiative.

The official website of MGNREGA began with its inception, the first electronic usage at the work site started on 27th April 2006 in Andhra Pradesh. Biometric authentication of workers' attendance was administered on a pilot basis in Jakulla Kutha Palli (J.K.Palli, a remote hamlet of 200 families under Amaduguru Mandal)

95 km away from Anantapur District. Tata Consultancy Services (TCS) developed a software for MGNREGA and applied in several activities like wage demand, e-Muster rolls, monitoring and evaluation⁶.

Web-based Management Information System (MIS), NREGAsoft was developed by National Informatics Centre (NIC) along with Ministry of Rural Development (MoRD) and private actors that disburse official information. The portal is accessible even to an illiterate worker as the information is available by audio, touch screen and in the local language⁷. Andhra Pradesh, Bihar, Kerala, Odisha, Tamil Nadu, Uttar Pradesh etc., initiated further developments by introducing smart card and handheld devices operations.

A smart card carries the details of the beneficiary with a unique id number, ensures timely wage payment and option for voice verification. Utilization of smart cards was taken up as a project in Sri Ganganagar district of Rajasthan in 2009 by appointing Business Correspondents (BC). Each BC was able to transact 1,400 workers at a time⁸. Small computing equipment, handheld device is utilized for demand for work, issue of job cards and receipts, administering attendance, work measurement, e-muster roll and payments⁹. Handheld devices can disburse wages and the workers need not go to financial institutions (Banks & Post offices), which are far from their village.

The following operational activities of ICT intervention in MGNREGA are considered for the study of this paper. Priority was given to worker interaction with ICT than to official interface with digitization. Questions are framed on worker and technology communication. The activities are-

- Demand for work
- Issue of receipts and messages on mobile
- Work allotment
- Biometric attendance at the worksite
- Wages through Banks/Posts/BC
- Utilization of Information Kiosks
- Awareness about MGNREGA website & handheld devices
- Need for training officials who are using ICT devices.

FINDINGS

Mate will act as a facilitator between Gram Panchayat (GP) and beneficiaries and receives work demand from the latter. He manages the worksites along with workers in preparing muster rolls, administering attendance, overseeing and measurement of work done. Mate and worker interface is carried through informal channels like mutual understanding and faith upon one another that drives the human relationships in hamlets.

Muster rolls will be prepared manually by mate and is submitted to the Gram Rojgar Sahayaks (GRS), who later will upload on the websites. Updating details can be done once in a week or fortnight. ICT was not being utilized in issuing work receipts as well as administering the biometric attendance at the worksite. In Rajasthan, the pilot project of biometric implementation was initiated in Bhilwara district¹⁰. Tehsils, where the study was undertaken, isn't witnessed any ICT usage in registering worker's attendance.

Beneficiaries' presence is marked in a register and MGNREGA job cards. Receipts about the work allotment will be issued through slips and sending mobile messages are rare. Three mates in panchayats of Govindgarh tehsil worksites (Samod, Sandarsar & Govindgarh) responded that work-related information through mobiles is viewed with wrong notions. Though genuine, women believe their spouses will become suspicious on receiving messages from other men. Prevailing mutual understanding is that either of them visits the residence or information passed through neighbours/others or worker's husband will visit the mate's residence or by other means.

Table 2 represents the simplified from of IT awareness among respondents of two tehsils. Yes indicates the respondents awareness, No- they are not aware and Unawareness (UA) shows their neutrality and unheardness of ICT interface at their worksite.

Table 2: Respondents awareness of ICT implementation in MGNREGA
Y*- Yes, No*- No, UA*- Unaware.

Tehsil ICT Awareness	Awareness on Handheld devices, Biometric, Kiosks, messages on mobiles. (In Numbers)							Awareness on Handheld devices, Biometric, Kiosks, messages on mobiles. (In Percentage)							
	Male			Female				Male				Female			
	Y	N	UA	Y	N	UA	Total	Y	N	UA	Total	Y	N	UA	Total
Chaksu	03	02	13	03	19	10	50	16.67	11.11	72.22	100	9.37	59.38	31.25	100
Govindgarh	02	16	14	00	15	03	50	6.25	50	43.75	100	00	83.33	16.67	100

Chaksu (72.22%) and Govindgarh (43.75%) in unawareness indicate that male exceeds female. No women worker expressed their awareness in five villages of Govindgarh tehsil, Chaksu (9.37%) indicates that female workers are aware of electronic interface. Chaksu male (72.22%) & Govindgarh Male (43.75%) UA is more than its women (31.25%) & (16.67%) workers. Former are less informed about the IT utilities than the latter.

This is not the situation in the other two tehsils (Nadia & Loharwara) as both formal and informal communication is practised. Messages will be sent when the worker is not in touch with the mate. In Chaksu tehsil, all the respondents opined

that sending messages will reduce their burden to visit mate's residence and they can devote time on domestic work.

No, was the unified response from all the respondents of both the tehsils when awareness about biometric and handheld device usage was enquired. It is only the mate in Deokinandanpura (Chaksu tehsil), responded about his vague idea on biometric devices. Biometric device is utilized to disburse food grains under public distribution system, which he is associated. He assumed the similarity of device may be used in MGNREGA.

Fiscal incentives to the workers will be disbursed through financial institutions. National Electronic Fund Management System (Ne-FMS) was initiated for the timely and transparent payments to the workers through savings accounts. There is no presence of BC to disburse workers' wages. They will receive on the second day of the pay order generation and paid for fortnight work¹¹. Unanimous response of consciousness, in obtaining wages through savings accounts convinces their awareness of monetary transactions. Yet, none was sure from whom the amount was being credited but have a vague idea of receiving from government (not sure whether state or central).

Information kiosks (Soochna Seva Kendras) are IT enabled devices that functions in disseminating information by administering either thumb impression or through smart card. One World Foundation India (OWFI), in association with MoRD and United Nations Development Programme (UNDP) launched an ICT ecosystem project on 2nd October 2009 by selecting 10 villages in each of Udaipur and Bhilwara districts of Rajasthan¹². Kiosk discloses on beneficiaries' registration, work allotment, number of work days done/remaining, and payment of wages etc. Earlier, mate or panchayat functionaries provided these details when requested by the worker.

Mate in Deokinandanpura of Chaksu tehsil expressed that he heard about the kiosk and had no practical experience. None of the respondents asserted their awareness in utilizing IT enabled services. Literacy of the respondents will give a clear picture about their understanding in the IT interface. In personal details their literacy was taken in ordinal measurement. Table 3 will represents the educational levels of respondents.

Table 3: Represents the literacy of respondents in both the tehsils.

Tehsil	Illiterate		Primary Education		Middle level		Secondary Education		Higher Secondary		Under Graduate		Post Graduate and +		Total	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Chaksu	03	16	02	09	Nil	04	04	03	04	Nil	02	Nil	03	Nil	18	32
Govindgarh	08	10	02	07	01	01	05	Nil	12	Nil	04	Nil	Nil	Nil	32	18

*Primary Education: 1-5, Middle level: 6-8, Secondary Education: IX-X, Higher Secondary: XI-XII. M-Male, F- Female.

37 respondents turned out to be illiterate and 20 have passed primary education. Male workers who studied post graduation are engaged in MGNREGA in Chaksu tehsil, where their representation is nil in Govindgarh. Illiteracy among the female workers is more than the male workers in both the tehsils. Women have no representation beyond secondary education and are restricted to middle level in Govindgarh. In Chaksu, their representation is up to secondary education only. One male in Girdharilapura and two workers of kankata educated with post graduation degrees and one among the latter is pursuing research. Male, if they cross primary education, they studied till higher education in Govindgarh tehsil. Except middle level, in Chaksu, male are represented in every level of classification.

ASSESSMENT

Application of e-governance techniques to public policies are considered as essential features of obtaining good governance. ICT enhances the storage, retrieval and transmission of information and disseminates to all its stakeholders. Whether e-governance in MGNREGA brought the aspects of accountability and transparency as desired? Yes, starting from the identification of worksite with the help of Global Positioning System (GPS) to wage payments, ICT is being utilized. Online track of registration, work demand, work allotment and measurement, automation has increased the speed of work, reduced the role of middlemen and enhanced the awareness.

MGNREGA website, both in centre and state will disseminate the information about the number of job card holders, work done, working days remaining in a financial year and other details. It will provide the works undertaken at the worksites, personnel involved and budget estimates. Minute details of MGNREGA work are uploaded in the websites eg., works discontinued, completed, estimated and released expenditure etc. Beneficiaries are not aware about the services being provided by the government. Informally, the respondents are in opinion that technology will improve their lives. Mates of all the worksites are conscious about how technology will influence the work life. Information on the website has reduced their unnecessary visit to panchayat office to get details. Officials opine their responsibility increased in providing timely data on the website. Higher authorities keep track on the activities through GPS system.

According to the findings, all the male respondents own personal mobiles but 40% female workers in both tehsils don't possess their own. Latter are dependent either on husband or children for mobile accessibility. Even messages will be read by others and pass on the information to them. None of the female workers knew about an information kiosk. 50% male responded about a kiosk which works like a bank ATM without dispensing money. Their descriptions were imprecise about

kiosks. Except a mate in Deokinandanpura, all others and the workers of both the tehsils depend on the middle men (mate, officials, and family members) to get information.

About the training of mates and officials in IT devices, unanimous acceptance of necessity was responded. They expressed instructions in utilization of handheld and other IT devices will ease their work. Even two of the mates in Govindgarh tehsil suggested for a combined training session for both mates and officials in the panchayat office. Regarding the e-muster preparation, mates have clear idea that it is GRS who will upload the data on the website. None of the workers have even a slightest idea of uploading data on the website.

Accessibility of MGNREGA website is known to all the mates in Chaksu tehsil, but in Govindgarh, it is only three out of five mates who responded their knowledge about the official website. Chaksu tehsil mates have better awareness on what information can be obtained through website. Even they showed their work progress information in the website accessing by their mobile phones. None of the panchayats of this area of study witnessed usage of biometric or handheld devices for implementation of the policy.

According to 2011 census, literacy rate among male and female in Rajasthan is 79.9% and 52.12% respectively. In rural Rajasthan, male and female literacy rates stood at 76.16% and 42.2% respectively. In Jaipur district male and female literacy rates were recorded as 82.46% and 51.67% respectively¹³. Though rural male literacy rate in Jaipur district is satisfactory, the female literacy rate is below the state's literacy percentage. Female literacy in Rajasthan is 52.12% where as Jaipur rural females stood at 51.67%¹⁴.

Among the respondents, female workers (52%) are illiterate than the male workers (22%). Statistics concludes the urgency of female education in rural areas. Literacy will enhance the ability to understand the job dynamics on a work site. It will be easier to both mate and officials to communicate official information to adult literates than to illiterates. There might be a chance of not communicating them by taking their ignorance as an excuse. Basic education of the workers will help them to assess the lapses taking place at the work site.

Workers are entitled to safe drinking water, medical aid, sun shade and crèche facilities at the work site. Except drinking water, other facilities are nowhere identified in the sites visited. Sites are not equipped and workers are unaware about the existence of such convenience. Drinking water will be procured in a pot by nearby hand pump. Natural resources like trees will give respite from scorching heat for a time being and mud will act as natural medicine to any minor injury. Children below 2 years old were left in their residence, where elders of the house will take care.

CONCLUSION

Know-how about MGNREGA facilitates the beneficiaries to participate in decision making. At present, the beneficiaries' role in selecting the worksite is minimal and none will raise objections against the mate or officials. Wage seekers' interest coupled with administrative support for ICT implementation strengthens MGNREGA programme. Beneficiaries' consciousness will assist them to learn on what is being initiated for welfare in their name by the government. Without their alertness, one sided exercise by the administration will prove their effort ineffective. IT facilitates the interaction between policy and populace. ICT is not an end to itself but a means to achieve the nation's goal of development and progress.

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STATUS OF EDUCATION AMONG SCHEDULED TRIBES: SOME POLICY LEVEL CHALLENGES

Neera Gautam*

Abstract

The scheduled tribes represent an important category of Indian social structure. They are settled almost in isolation in dense forests or rugged mountains. Although they have rich heritage, traditional way of living, distinctive culture, self sustained economy etc., yet owing to lack of educational atmosphere and infrastructure, their children have registered poor participation in schooling. The scheduled tribes not only lag behind the general population in terms of literacy rates, but they also lag behind in various indices of educational attainment also viz, access, enrolment completion rates. This paper highlights the trends of education among scheduled tribes in India as well as the challenges in the ways of their educational upliftment.

Keywords: Scheduled tribes, Education, Literacy, GER (gross enrolment ratio), Constraints.

BACKGROUND INFORMATION ABOUT SCHEDULED TRIBES IN INDIA

Indian society and culture are characterised by plurality and diversity. It is a home land of people with diverge cultures races, castes, languages, religion etc. The tribal groups are known to be the original inhabitants of the country prior to the coming and settlement of the Aryans in the different parts of India (Mitra, 2007). Therefore they have been described by the nomenclature of Adivasi (Primitive) in the sociological and anthropological literatures. The tribes in the Indian context today are normally referred to in the language of the constitution as “Scheduled Tribe”. Article 366 (25) of Indian constitution refers to scheduled tribes as those

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communities who are scheduled in accordance with article 342 of the constitution. According to article 342 of the constitution, the scheduled tribes are the tribes or tribal communities or part of groups within these tribes and tribal communities which have been declared as such by the president through a public notification. The ST population is 104,281,034 constituting 8.6% of India's total population (2011) and occupying about 15% of its area. They live in various ecological and geo-climatic conditions ranging from plains and forests to hills and inaccessible areas. 89.97% of them live in rural areas and 10.03% in urban areas. The STs inhabit two distinct geographical areas – the Central India and the North- Eastern Area. More than half of the Scheduled Tribe population is concentrated in Central India, i.e., Madhya Pradesh (14.69%), Chhattisgarh (7.5%), Jharkhand (8.29%), Andhra Pradesh (5.7%), Maharashtra (10.08%), Orissa (9.2%), Gujarat (8.55%) and Rajasthan (8.86%). The other distinct area is the North East (Assam, Nagaland, Mizoram, Manipur, Meghalaya, Tripura, Sikkim and Arunachal Pradesh). There is no ST population in 3 States (Delhi NCR, Punjab and Haryana) and 2 UTs (Pondicherry and Chandigarh). In 1951 the number of scheduled tribes was only 212 and their number rose to 705 by 2011 (census 2011 reports). Each tribe has distinct culture, social practices, religion, dialects occupation etc. But the features which are present in all the Scheduled tribes have been conceived as i) Tribal origin ii) Primitive way of life iii) habitation in remote and less easily accessible area iv) general backwardness in all respects.

This paper examines and analyzes current status of education of Scheduled tribes in India. The parameters taken for the study include literacy rates, male-female disparity in literacy rates, state-wise variations in literacy rates, Enrolment, Dropout and Participation of Scheduled Tribes in premier institutions. This paper also discusses constraints in the ways of educational development of Scheduled tribes in our country.

EDUCATIONAL STATUS OF SCHEDULED TRIBES IN INDIA

Inclusive growth is necessary for sustainable development and equitable distribution of wealth and prosperity. Achieving inclusive growth is the biggest challenge in a country like India. The challenge is to take the levels of growth to all section of society and to all parts of the country. The Adivasi communalities in India assume the status of culturally devalued and marginalized communities owing to disadvantages accruing from social positioning (Mishra & Mishra , 2018). The Scheduled tribes are at the lowest position on every parameter of development. They have been suffering from multiple problems such as backwardness, poverty, land alienation, malnutrition, indebtedness, development induced displacement, discrimination, social exclusion, exploitation etc. Lack of education is one of the causes that give rise to these problems. Though the constitution of India has

earmarked special provisions (Article 15, 16, 17, 21(A), 46, 330, 332 335) to enable this marginalized section to access to education, Scheduled tribes have recorded lowest literacy rates in comparison to other social groups. Table I reveals that literacy rate of Scheduled tribes has increased from 08.54 % in 1961 to 63.10% in 2011, but it is far behind the literacy rates of General Population and Scheduled castes during different census years.

Table 1: Literacy rates of different groups in India from 1961 to 2011

<i>Year</i>	<i>General population</i>	<i>Scheduled castes</i>	<i>Scheduled tribes</i>
1961	28,30	10.27	08.54
1971	34.45	14.67	11.39
1981	43.57	21.38	16.35
1991	52.21	37.41	29.60
2001	64.84	54.70	47.10
2011	73.00	66.10	63.10

Source: Handbook on Social welfare statistics, Government of India, Ministry of Social Justice and Empowerment.

A Gender wise literacy trends over six decades have been presented in the Table II. It is evident from this table that there is a substantial increase in the literacy of females from 03.16% in 1961 to 54.40% and literacy rates of males from 13.83% in 1961 to 71.70% in 2011. However male-female disparity exists in the educational levels of Scheduled tribes. Male literacy is much higher than the female literacy. Data given in this table also mention that though there is an increasing trend in literacy rates for both ST males and female. Male- female disparity in literacy rate is highest in the year 2001.

Table 2: Gender wise Literacy rates of Scheduled tribes in India from 1961 to 2011

<i>Year</i>	<i>Male</i>	<i>Female</i>	<i>Gap</i>
1961	13.83	03.16	10.67
1971	17.63	04.85	12.78
1981	24.52	08.05	16.45
1991	40.65	18.19	22.46
2001	59.17	34.76	24.41
2011	71.70	54.40	17.30

Source: Office of the Registrar General of India, Census 2011.

As per table III, the rate of literacy in scheduled tribes is highest in Mizoram (91.7%) and lowest in Andhra Pradesh (49.2%) in country. Among union territories, the highest rate of literacy in scheduled tribes is in Lakshadweep (91.7%). While in Madhya Pradesh, Maharashtra, Orissa, Tamil Nadu and West Bengal, which have

sizeable ST population in remote areas, the literacy gap is as high as 18% to 26 %. Meghalaya, Mizoram and Nagaland are the states which have registered ST literacy rates more than General Population literacy rates.

Table 3: State wise Literacy rate of Scheduled Tribes and General Population

<i>Sl</i>	<i>State/ Union territory</i>	<i>ST Literacy rates</i>	<i>General Population Literacy rates</i>	<i>Gap in Literacy rates</i>
1	Andhra Pradesh	49.20	67.00	17.80
2	Arunachal Pradesh	64.60	65.40	00.80
3	Assam	72.10	72.20	00.10
4	Bihar	51.10	61.80	10.70
5	Chhattisgarh	59.10	70.30	11.20
6	Goa	79.10	88.70	09.60
7	Gujarat	62.50	78.00	15.60
8	Haryana	-	75.60	-
9	Himachal Pradesh	73.60	82.80	09.20
10	Jammu & Kashmir	50.60	67.20	16.60
11	Jharkhand	57.10	66.40	09.30
12	Karnataka	62.10	75.40	13.30
13	Kerala	75.80	94.00	18.20
14	Madhya Pradesh	50.60	69.30	18.80
15	Maharashtra	65.70	82.30	16.60
16	Manipur	77.40	79.20	01.90
17	Meghalaya	74.50	74.40	-0.10
18	Mizoram	91.50	91.30	-0.20
19	Nagaland	80.00	79.60	-0.50
20	Orissa	52.20	72.90	20.60
21	Punjab	-	75.80	-
22	Rajasthan	52.80	66.10	13.30
23	Sikkim	79.70	81.40	01.70
24	Tamil Nadu	54.30	80.10	25.80
25	Tripura	79.10	87.20	08.20
26	Uttar Pradesh	55.70	67.70	12.00
27	Uttarakhand	73.90	78.80	04.90
28	West Bengal	57.90	76.30	18.30
29	A &N Island	75.60	86.60	11.00
30	Chandigarh	-	86.00	-

Sl	State/ Union territory	ST Literacy rates	General Population Literacy rates	Gap in Literacy rates
31	Dadra & Nagar Haveli	61.90	76.20	14.40
32	Daman & Diu	78.80	87.10	08.30
33	Delhi	-	86.20	-
34	Lakshadweep	91.70	91.80	0.10
35	Pondicherry*	-	85.80	-

Source: Office of Registrar General of India, Census 2011.

*There is no Scheduled Tribe in Punjab, Haryana, Chandigarh & Pondicherry.

It is clear from table IV that Scheduled tribe Graduates other than technical degrees are highest in percentage (68.08%) followed by Post Graduates other than technical degrees (18.28%). Less than one percent of Scheduled Tribe Youths have completed their education in either Agriculture and Dairying or Veterinary. Among vocational degrees teaching (9.27%) is most popular one and Engineering and Technology is the course followed by it.

Table 4: Educational level – Graduate and above for Scheduled Tribes Age 15 years and above

Total Graduate and above	1763879
Graduate degree other than Technical degree	68.08 %
Post graduate degree other than technical degree	18.28%
Engineering and Technology	05.29%
Medicine	01.94%
Agriculture And Dairying	00.36%
Veterinary	00.11%
Teaching (Junior Basic Training, B.Ed, M.Ed etc.)	09.27%
Others	00.04%

Source: Office of Registrar General of India, Census 2011

GROSS ENROLMENT RATIO

It is defined as “Total enrolment in a specific level of education, regardless of age, expressed as a percentage of the eligible official school-age population corresponding to the same level of education in a given school-year. School-age Population: Population of the age group which officially corresponds to the relevant level of education (Ministry of Human Resources, 2018)”. Table V exhibits that there is a marginal increase in Gross Enrolment Ratio of Scheduled Tribe children at different levels of Education i.e. Elementary, Secondary, Higher Secondary, and Higher Education from the year 2013-14 to 2015-16. But when compared with other groups a huge gap continues. Gross Enrolment is high at elementary levels

for both categories, but after that it declines rapidly. At the higher Education level Gross Enrolment Ratio is lowest for each of the categories.

Table 5: Gross Enrolment Ratio: All Categories of Students and All India ST

Years	All categories				All India ST			
	Elementary	Secondary	Higher Secondary	Higher Education	Elementary	Secondary	Higher Secondary	Higher Education
2013-14	97.00	76.60	52.20	23.00	105.50	70.20	35.40	11.3
2014-15	96.90	78.50	54.20	24.30	104.00	72.20	38.80	13.7
2015-16	96.90	80.00	54.20	24.50	103.30	74.50	43.10	14.2

Source: Educational Statistics At a glance, 2018, Department of School Education and Literacy, Ministry Of Human Resources, Government of India.

DROP-OUT RATE

Drop out and stagnation of students at the school is a big problem for Scheduled Tribe children in India. Displacement has adversely affected the school going children and more often than not, acted as the factors of discontinuation. The socio-cultural practices or socialization has also directly impacted on tribal children education (Brahmanandam & Babu). Table VI demonstrates that Average Annual Dropout rates of Scheduled tribe students at Primary, Upper Primary, Secondary and Higher Secondary level have been much higher than that of all category students from the years 2013-14 to 2015-16. It is clear from the table VI that there is substantial increase in dropout rates from Upper Primary to Secondary level of schooling for both categories during above mentioned years. The increase in Dropout rates may be attributed to poor quality of schooling, inadequacy of trained teachers, uneducated parents, financial constraints, failure in studies, physical distance of schools etc.

Table 6: Average Annual Drop-Out Rate: All Categories of Students and All India ST

Years	All category				All India ST			
	Primary	Upper Primary	Secondary	Higher Secondary	Primary	Upper Primary	Secondary	Higher Secondary
2013-14	04.34	03.77	17.86	01.54	07.98	08.43	27.20	02.94
2014-15	04.13	04.03	17.06	-	06.93	08.59	24.68	-
2015-16	06.35	03.55	19.89	05.96	08.54	09.58	26.97	08.43

Source: Educational Statistics At a glance, 2018, Department of School Education and Literacy, Ministry Of Human Resources, Government of India

Note: Negative drop out have not been reported.

PARTICIPATION OF SCHEDULED TRIBES IN PREMIER INSTITUTIONS AT DOCTORATE LEVEL

The of participation Scheduled tribe children at doctorate programmes in IITs across the country gives a dismal picture. As per reservation rules for admissions in IITs 7.5% seats are served for Scheduled Tribe students. But it is clear from table VII that Scheduled Tribe student's share in admission has not gone beyond 3 percent.

Table 7: Admission Pattern in Bigger IITs in Doctorate programmes, 2015-2019

<i>Institute</i>	<i>Admitted</i>	<i>General</i>	<i>Scheduled Tribes</i>	<i>Scheduled Castes</i>	<i>Other Backward Castes</i>
Indian Institute of Technology, Mumbai	2877	71.3%	01.60%	08.2%	18.90
Indian Institute of Technology, Kanpur	1653	68.8%	00.70%	07.5%	23.00
Indian Institute of Technology, Delhi	3081	76.5%	01.20%	06.7%	15.60
Indian Institute of Technology, Madras	3874	64.4%	01.30%	06.4%	27.90
Indian Institute of Technology, Kharagpur	3057	64.9%	02.20%	12.7%	20.20

Source: <https://vajiramias.com/current-affairs/sc-st-student-enrolment-in-phd-programmes-in-iits/>

CHALLENGES RELATED TO EDUCATION OF SCHEDULED TRIBES

High dropout rates, poor attendance, low educational attainment, poor achievement, low completion rates are the main features which characterize Scheduled Tribe Education. The problem of tribal education has remained crucial for our educational planners and policy makers. It has been realized that educating these disadvantaged groups will enable them to have wider avenues of occupations and lead them to their socio-economic development. Since independence a host of programs and interventions have been initiated by the government for raising the educational standards of Scheduled tribes in India. National Policy of Education, 1986 has made special focus upon the education for Scheduled tribes. The policy document has made following recommendations for education among Scheduled tribes.

- Priority will be accorded to opening primary schools in tribal areas.
- There is a need to develop and devise instructional material in the tribal languages at initial stages with arrangements to switch over regional languages.
- Promising Scheduled tribe youths will be encouraged to take up teaching jobs in tribal areas.

- Ashram schools/Residential schools will be established in a large scale in tribal areas.
- Incentive schemes will be formulated for Scheduled tribes keeping in view their special needs and life style.

The schemes and interventions launched for promotion of education among Scheduled tribes are: Pre-Matric Scholarship for ST students, Post Matric Scholarship schemes for ST students, Schemes for construction of hostels for ST girls and boys, Up gradation of merit scheme, book bank, Schemes for establishment of ashram schools in Tribal sub –plan areas, Establishment of Eklavya Model Residential School, National overseas scholarship schemes for higher studies in abroad, Rajiv Gandhi national fellowship, Scheme of Strengthening Education among Scheduled Tribe (ST) Girls in Low Literacy District, Coaching & Allied Scheme for SC/ST Students; Provision of free textbooks, stationery and school bags etc. to SC/ST students, Free uniforms to ST students, Relaxation in the minimum qualifying cut-off percentages for admission Education of SCs and STs to universities colleges and technical institutions Remedial and special coaching for SC & ST students to improve their academic skills and linguistic proficiency and raise their level of comprehension etc. Despite persistent efforts of central as well as state government, it is harsh reality that this section of society is has not been able to achieve desired level of educational development. The challenges in the way of scheduled tribes are varied and complex in nature. Some of them are discussed under following headings.

Most of the tribal community is economically backward. It is very difficult for them to fulfill their basic needs. Sending their children to school is much like a luxury to them. They prefer to send their children to work to supplement the family income. Another reason for low participation of the tribal children in schooling is the illiteracy of their parents and apathy of their community towards studies. None of the family member ensures whether the child is regular in attendance, home work, class work and learning at home (Panda, 2012). Besides, most of the Scheduled tribe students are first generation learners. They are first one in their generation who enter the premises of a school for receiving education. Participating in schools and successfully completing the whole cycle with no one at home to support and to understand schooling processes is an uphill task for these little learners (Sengupta & Ghosh, 2012).

The scheduled tribes live in the far flung areas which are unreachable and inaccessible. Even after implementation of Sarva Shiksha Abhiyan, only 88.46% Percent of ST households are covered under primary schools in a radius of 1 km. This restricts enrolment and retention of the Scheduled tribe children in the schools. More over the majority of the schools in tribal areas function with poor infrastructure in terms of school building, teaching learning materials, sanitary

provisions. Ashram schools (residential schools) for have been established with the long-term objective of the educational upliftment of Scheduled Tribe (ST) children in India. It has been found that there is no adequate sleeping space for these children in such schools and classes have been turned into dormitory. During the rainy season, the rooms are flooded; contamination of water and poor quality of food makes the children susceptible to a host of diseases.

The content and curriculum has been designed to fulfill the educational needs and aspirations of non-tribal children in our country. The textbooks sometimes contain matter that is prejudiced toward the cultural ethos and social values of the Scheduled tribe which hurts the sentiments of the community at large. Language is one of the factors which hinder the education of tribal children. Despite several policy documents and a constitutional provision (350A) recognizing that linguistic minorities should be educated in their mother tongue at primary level, there is practically no education in Scheduled Tribe languages (Position paper on SC & ST, 2005, NCERT).

In most of the cases the Scheduled tribes have to face Displacement or forced / voluntary eviction of tribal's from their land on account of development projects, which include-large irrigation dams, hydro-electric projects, opencast and underground coal mines, super-thermal power plants and mineral based industrial units. A Report of the Ministry of Rural Development 2005 reveals that 3.75 lakh cases of tribal land alienation have been registered covering 8.55 lakh acres of land. The displaced families have to go to other places in search of livelihood, the Scheduled tribe children are forced to discontinue their studies.

The tribal students face poor treatment from the teachers and non tribal school mates resulting in loss of their dignity and self worth. The cases of drop outs or poor performance in examinations increase thus undermining ST students' opportunities to progress to higher levels of education.

The teachers appointed in the schools of Tribal areas come from non tribal back grounds. They don't understand the psyche of tribal students, hold stereotypes (e.g., primitive, uncultured not worthy of being learners, slow learners (Mishra & Mishra, 2018). There are acute shortages of infrastructural facilities such as school buildings, play grounds, drinking water, toilets, and library in the schools in tribal areas. Beyond the lack of infrastructure, many of these schools are single teacher and single class room schools practicing multi-grade teaching (Behera, 2019).

The policies and programmes which are adopted for promotion of education among Scheduled Tribes are not implemented successfully because of dual system of administration. On the one hand Tribal welfare department in a state deals with tribal life and culture and administers the development work at the local level including education. On the other hand planning of education development at the

state level is being done by Department of Education. Between the two departments there is absence of co-ordination and complimentary as well as inadequate scope for reciprocal use of respective expertise and experiences.

For promoting the education among Scheduled tribes, there are provisions scholarship schemes as well as incentives from the Government. But these scholarships are inadequate to meet the entire expenses of ST Children. Besides these scholarships are not released regularly which forces Scheduled tribe children to discontinue their studies.

CONCLUSION

India is a land of ethnic and cultural diversity. The ethnic groups' notified scheduled tribes representing 8.6% of population of the country are geographically isolated, underprivileged & educationally backward. Their education standard is far behind the education standard of non tribals. A good number of attempts have been made by the government to remove their educational backwardness but still they are confronted with multiple disadvantages. Their low literacy rates, male –female disparity in literacy rates, low Gross enrolment rates, high dropout rates, and admission pattern in premier institution reveals their exclusion from mainstream of society. There are many dynamic factors related their backwardness such as parental education and occupations, Physical Access to Schools, poor infrastructure of schools, alien curriculum, discriminatory practices from teachers, insensitive -ness of teachers towards tribal culture, lack of coordination between tribal welfare department and education department of states etc.

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THE POLITICS OF DEVELOPMENT ADMINISTRATION IN INDIA: REFLECTIONS FROM 2014 AND 2019 GENERAL ELECTIONS

Rajshree Dutta*

Abstract

Politics in India seems to be changing its profile and characteristics and the deepening of democracy is fast not as a process of institutionalization but as an ingredient value system. Elections in 2014 in the largest democracy of the world have changed the dynamics of Indian politics tremendously. The sixteenth general elections in India have produced a stunning victory for the Bharatiya Janata Party (BJP) and its allies. The election victory of the BJP signifies a combination of backlash against the country's inherently conservative development regime of the past and Narendra Modi's masterful deployment of a set of political strategies that symbolize the rough and tumble of India's electoral politics. This trend was also visible in the seventeenth general election which was held in 2019.

The agenda of development promoted by BJP under the leadership of Narendra Modi was accepted by the electorate. The unprecedented victory of BJP surprised many including the political analysts and media commentators. The centre of political debate has now shifted from caste, religion, region or language to development only. This trend has been reflected in state elections too. In this backdrop, understanding the verdict of 2014 and 2019 Lok Sabha elections is substantially filled with difficulties and there is formidable scepticism about the future of democracy in India. Therefore, drawing on the secondary sources, the objective of this paper is to understand the politics of development and the transformation of the Indian politics in the aftermath of 2014 and 2019 general elections. This paper would also delineate the trajectory of political developments in Indian politics in the last decade so as to have greater comprehension of the politics of development in India.

Keywords: Politics, Development, Elections, Democracy, Administration, Governance

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INTRODUCTION

In May 2014, with promises of *Achhe Din* (good days), the Narendra Modi-led Bharatiya Janata Party (BJP) stormed to victory in the Indian national election. They achieved the first single-party majority mandate in over three decades. Against a backdrop of government scams, economic malaise and with India's reputation suffering on the world stage, Modi's central theme of 'governance not government' resonated with a hopeful electorate.

The 2014 general elections has been unique in many ways. India witnessed the longest, most expensive election in its history, with the highest voter turnout ever (66.4%) and a huge youth vote base. Voters have given absolute majority to a single party for the first time in thirty years. The 2014 Lok Sabha election campaign¹ of BJP was distinctive in the way as Narendra Modi somewhat emancipated himself from his party by relying more than any BJP leader before him on networks of 'vote mobilisers' who owed allegiance to him personally. These active supporters, along with a massive use of different channels of communication, enabled him to introduce a new form of multimedia populism. Besides these new features, the BJP 2014 campaign retained old characteristics, including the anti-corruption theme, the caste repertoire and communal polarisation (Jafferolt, 2015).

The BJP's campaign has been effective precisely because it combined traditional and new features. But this unique combination contained its own limitations. Chhibber and Osterman (2014) emphasised that the 'vote mobilisers' who contributed to the victory of Modi's party do not necessarily have 'a long-term allegiance with that party'. They point out that the BJP's 2014 victory is somewhat fragile because the BJP is not the only party capable of choosing a leader who will garner the support of vote mobilisers.

The country's 2019 general election like previous contest was the largest democratic exercise in world history. In particular, the four crucial objectives of the BJP strategy were: expanding beyond regional strongholds, recruiting new and retaining old coalition partners, withstanding a disappointing economic performance, and contending with fluctuations in voter mobilization. The party's performance in the 2019 election largely depended on its ability to address the potential vulnerabilities and the opposition's ability to exploit them. However, what was thought to be a cakewalk for BJP, the 2019 elections turned into a contest.

REVISITING THE 2014 AND 2019 ELECTION RESULTS

The sixteenth Lok Sabha election of 2014 was seen by many as being historic, which could trigger a systemic change in voting behaviour and political landscape of the country. Palshikar (2014) termed it as a 'critical' election where a single-party government had made a comeback after two decades of coalition and minority

governments. According to Chhibber and Verma (2014), the BJP has clearly replaced the Congress as the 'system-defining' party. Desai (2014) suggested that this election marks the nationalisation of Indian politics, and a reversal of political fragmentation along caste and regional lines, where issues rather than identity become more prominent. Wyatt (2015) stated that the 2014 election shattered the assumption that the Indian party system was so fragmented that a single party could not achieve an outright majority. Sridharan (2014) termed the results as 'dramatic', possibly even 'epochal', whereby India had what appeared to be a new party system led by a dominant party, the BJP. According to Heath (2015), although it may be too early to tell whether the 2014 election represents a critical result in the traditional sense, it is clear that a major electoral change has occurred.

The trend of decline in the vote and the seat share of national parties versus the state and other parties continued. In 1989, national parties won 89% of the seats and 79% of the votes, but these shares dropped to 63% and 60% respectively in 2014. The 2014 elections² was one of the more significant one, where a clear outcome facilitated political stability and economic development. A key electoral reform that came into force in the 2014 elections is the 'NOTA' (not any of the above) choice for the voters. However, since election results are not nullified if a certain percentage of voters chose NOTA, it just remains another button on the EVM.

In addition to the traditional ways of campaigning, parties have also extensively used social media to communicate with voters. Congress's manifesto stressed 'inclusive growth' and promised a range of welfare schemes including a right to healthcare for all, pensions for the elderly and disabled, and extension of job reservations for backward castes to the private sector. BJP's manifesto focused on development, improving the economy, expanding infrastructure, curbing corruption and delivering efficient governance. The factors of caste, community and identity continued to be important in Indian elections, although BJP in particular was attempting to focus their campaigns on the issues of development and effective governance (Diwakar, 2015).

The strong correlation between higher turnout and BJP victories shows that the BJP's efforts to mobilize voters won the party large rewards at the polls. The BJP did more than just boost its share of the vote within its traditional urban, middle-class and upper-caste base. The party also made deep inroads into the large groups such as the Other Backward Classes, as well as the Scheduled Castes and the Scheduled Tribes. Surveys carried out by the Centre for the Study of Developing Societies (CSDS) shows that 54% of upper caste voters, 34% of OBC voters, 24% of Scheduled Castes, 38% of Scheduled Tribes, and 8% of Muslims voted for the BJP. If the results in rural-urban terms are analyzed, BJP superiority again becomes evident: Congress managed 19% of the rural and 20% of the urban vote, while the

BJP won 30% and 33% votes respectively. Modi insisted and voters agreed that what India needed was a strong, decisive, personally incorruptible and credible leader who could revive growth, with jobs and prosperity to follow (Sridharan, 2014).

For the 2019 elections, the BJP released its manifesto called Sankalp Patra, ahead of the crucial Lok Sabha Elections. The manifesto stressed on various factors such as national security, border security, terrorism, farmer welfare, the construction of Ram Mandir and Article 370 among others. The impact of the manifesto was increase in vote share of BJP from 31% in 2014 to 37.4% in 2019.

WHO VOTED FOR THE BJP?

The 2014 General elections verdict was stunning in many ways. It produced the first single party majority in Lok Sabha since 1984 and the first majority obtained by a non-Congress party, the BJP. Recorded numbers were attained in terms of turnout, campaign expenses, media coverage and deployment of electoral machinery. There was a large Modi effect that propelled the BJP to victory. The party's victory was also built on an unprecedented coalition of social groups, the upper castes, OBCs, Muslims, Tribals and many Dalits supporting it as well. On the other side, Congress suffered its worst defeat, much worse than its 1977's defeat, after emergency. The increase in vote share of the BJP was also marked in 2019 elections.

There are many interrelated reasons for the electoral success of the BJP. Firstly, social engineering, the youth vote, the Muslim vote, the anti-incumbency vote and popularity of Narendra Modi explained the disproportionate vote share of the BJP. Second, the BJP appears to have broken social barriers just enough to make it victorious. So far the party has been associated with urban dwellers, upper castes, middle classes and the educated. However, its success in semi-urban and rural constituencies is extraordinary. In addition, the BJP not only held on to its social base but managed to attract a large number of voters from other communities. There was an unparalleled consolidation of upper castes and middle classes behind the BJP. A large number of non-traditional BJP voters such as Scheduled Tribes and the poor have voted for the party. The BJP had gained votes among all communities, including the Muslim community.

The 2014 General Elections in India marks a major shift in the polity of India with the BJP not only changing the Westminster style Parliamentary elections into a US style Presidential election revolving around personalities, but also using unprecedented amounts of financial resources for its campaign (Basu and Misra, 2014). The 2014 elections was also the first national elections in India that saw heavy use of social media, particularly Twitter. Selfie³ became a call to political action, wherein the invitation was not only to partake in the democratic process but to make the right choice by voting for Narendra Modi (Srivastava, 2014).

Modi's selfies with Chetan Bhagat and with his mother painted Modi's public image as a man of everyday, rational values for whom the mundane rituals of conversing, greeting and respect for pre-ordained structures of the normative family were of paramount importance.

BJP continues to be more popular in urban areas. Around 49% of the population belonging to urban areas voted for the BJP-led NDA (National Democratic Alliance), compared to 44% in rural areas. Congress-led UPA (United Progressive Alliance) received 27% vote share in both rural and urban areas. BJP has traditionally been more popular among men than women. But data from the post-poll study suggests otherwise for the 2019 election i.e. 46% women voted for the NDA compared to 44% men. The support for Modi cuts across all sections even in 2019 elections.

DEVELOPMENT INITIATIVES: FEW EXAMPLES

The 2014 election campaign of the BJP was unprecedented not only because, for the first time, a Chief Minister was the prime ministerial candidate of one of the national parties and tried to promote his state achievements in terms of development across the nation, but also because the party relied on the personality of its leader more than any other party since the Congress under Indira Gandhi. He focused on tactics and themes, including anti-corruption, caste politics, and some Hindu nationalist overtones where and when they were relevant. The RSS network, a traditional asset of the BJP, also played a very important role. Development: from Gujarat to the nation was the catch-phrase of Modi's campaign. In this context, Modi projected himself as the 'Vikas Purush', the 'development man', on the basis of his achievements in Gujarat. He promoted the 'Gujarat model' against the UPA's failure immediately after his third electoral victory as Chief Minister in December 2012.

While Indira Gandhi claimed that she embodied India through her slogan "Indira is India and India is Indira" Modi, as Chief Minister, often claimed that he spoke on behalf of "60 million Gujaratis". During the 2014 campaign he tried to establish a similar equation by refusing any division of the nation. He attacked the vote bank politics of the Congress which fragmented the nation. Modi did not only reject the Congress, he rejected any party and said, "In 2014, let us not vote for any party or person but let us vote for India". In fact, the whole campaign of the BJP concentrated on the qualities of its leader, irrespective of the party's programme. On one of the posters used during the campaign, Modi was presented as 'Initiator, Innovator and Implementer'. By branding the key challenges faced by India, Modi has clearly set out his government's priorities and mobilised often divergent government departments under a common agenda. Some of development initiatives announced by the government were: Make In India, Digital India, Skill India, Clean India (Swachh Bharat), Governance, not Government, Ujjawala

Yojana, Jhan Dhan Accounts, Demonetisation, Goods and Services Tax and Beti Bachao, Beti Padhao. Apart from the above mentioned initiatives, there are many other attempts undertaken by the government. The rethinking and implementation of the reforms continued even after the 2019 elections. Few examples are:

Agriculture

- a. Achieving the target of doubling farmers' income by 2022.
- b. Completing all irrigation projects under the Pradhan Mantri Krishi Sinchayi Yojana.
- c. Assisting the maximum number of fishermen by ensuring the availability of storage and other infrastructure under a new 'Matsya Sampada Yojana'.

Youth and Education

- a. Aim to cover all the secondary schools under Operation Digital Board.
- b. Enabling investment of 1 lakh crore in higher education through Revitalising of Infrastructure and Systems in Education (RISE).

Infrastructure

- a. Ensuring a pucca house to every family.
- b. Ensuring the LPG gas cylinder connection to all poor rural households.
- c. Ensuring 100% electrification of all households.

Railways

- a. Ensuring conversion of all viable rail tracks to broad gauge by 2022.
- b. Making all efforts to ensure electrification of all railway tracks by 2022.
- c. Working towards equipping all main railway stations with Wi-Fi facility.

Health

- a. Establishing 1.5 lakh health and wellness centres under Ayushman Bharat.
- b. Increasing the doctor-population ratio to 1:1400.
- c. Under the Poshan Abhiyaan, aim is to reduce the malnutrition level.

Economy

- a. Working towards improving GDP share from manufacturing sector.
- b. Establishing National Traders' Welfare Board and creating a National Policy for Retail Trade for the growth of retail business.

Good Governance

- a. Ensuring the availability of banking services within 5kms of every individual.
- b. Achieving complete digitisation and modernisation of courts.
- c. Putting an Indian in space in an Indian spacecraft as part of 'Gaganyaan' mission.

Inclusive Development

- a. Ensuring the completion of six Tribal Freedom Fighters Museums.
- b. Expanding the Pradhan Mantri Shram Yogi Maandhan scheme to cover all small shopkeepers.

Women

- a. Working towards increasing female workforce participation rate.
- b. Ensuring justice for Muslim women by enacting the law against Triple Talaq.

Cultural Heritage

- a. Achieving the goal of Clean Ganga by 2022.
- b. Completing the development of all projects under Swadesh Darshan, Prasad and Hriday schemes.

FUTURE PERSPECTIVES

The 2014 general elections marked a single party-the BJP, winning a majority of seats in Lok Sabha, the first time since the 1984 elections. The Congress, the other main national party, suffered its worst ever defeat. This election was termed by some as a 'critical election' signalling the advent of a new phase of a 'BJP dominated' party system in India. After 30 years, for the first time, a government was formed with an absolute majority.

The three strengths that India should feel proud of, and on the basis of which India can move forward, are: (a) democracy: this is the biggest strength with the hope that the democratic system will be able to fulfil the dreams and hopes of the population. In India, democracy is not just a convenience or system, people have trust in it, they believe in it; (b) demographic division: a country which has greater than 65% of its population as youth⁴, what more does such a nation need or require?; (c) demand: the whole world's eyes are on India, because they know that India is a nation of 1.25 billion people and therefore has a big market and big demand. No other nation has these three strengths. And on the basis of these strengths, India will conquer new heights, is the firm belief of the present government.

With the diverse and fractured nature of India's politics the key post-2014 challenge will be to make federalism work. Fundamentally because India's politics no longer accommodates a single national leader such as Jawaharlal Nehru in the 1950s or Indira Gandhi in the 1970s, due to the regionalization of the political landscape. India's real challenge is not to find a national saviour, but rather to make federalism work at the centre and in centre-state relations. He explained that the long-standing constitutional framework embodies a hybrid of federal and unitary features, a result of legitimate concerns about national unity in the immediate aftermath of India's independence. This has now become India's political reality. A fully federal structure is both inevitable and in India's interest. Even in an era in which states are increasingly autonomous, key issues including structural economic reforms and matters pertaining to foreign affairs need to be discussed and well-designed and appropriate policies should be formulated at the national level, as in mature federal democracies (Bose, 2013).

CONCLUSION

Indian democracy, the largest in the world has been characterised as a puzzling and complex phenomenon for most of the political scientists. Every election both at the national level and at the level of the states is witnessing increased participation of the people and every election result is communicative, informative and largely definitive. Governments have been formed after free elections both at the central and the state levels. The smooth transition of power has become a regular feature of the Indian political system. There have sometimes been sporadic outbreaks of violence during election campaigns, but these have always soon subsided.

To conclude, although there is decline of Congress and the BJP has won with majority in the national elections and many recent state assembly elections, it is premature to conclude that the Indian party system has shifted to a 'BJP dominated' one. Further, given India's first-past-the-post electoral system, and a diffuse political environment where state and regional parties continue to be strong in many parts of the country, achieving a legislative majority remains a difficult proposition for a single party.

After its victory in 2014 election, the BJP has consolidated its position as the country's principal national party. Modi continues to be popular, the economy remains stable and the NDA government has not faced a major governance crisis since 2014 elections. For the Congress, electoral losses have continued, and its status and future as a national party is at risk, although it can still make a comeback as it has been able to do so on few occasions in the past and in present times in the Hindi heartland. In this situation, if the BJP fails to deliver on its promises, it could lose support especially given the anti-incumbency bias usually faced by

governments in India, and its tenuous majority achieved under first-past-the-post system.

A political scenario where BJP suffers a setback, and there is no credible alternative at the national level, India could revert to an era of unstable coalition governments. The 2019 verdict leaves an interesting puzzle for students of Indian politics. What explains the BJP's gains among sections of the electorate that expressed high discontentment on various policies and performance issues not too long ago? The result should force rethinking about how political parties overcome resentment and construct electoral majorities. Overall, the Indian political and electoral landscape remains complex where parties and leaders need to adopt different strategies and undertake various development initiatives to win elections.

ENDNOTES

1. Narendra Modi's campaign during the 2014 Lok Sabha election was unique in many ways. For the first time the main contender for the post of Prime Minister was a Chief Minister who canvassed by publicising his past record in his state. He claimed that he would replicate at the national level what he had achieved in Gujarat in terms of development. The BJP's campaign in 2014 was mostly different because, in contrast with those of Vajpayee and Advani from 1999 onwards, the party minimised its collegial character and that of the NDA, in order to promote one man only. The Modi-centric, populist nature of the campaign was evident from the character of its mass communication and the correlative emancipation of Narendra Modi from the party (Jafferolt, 2015).
2. The 2014 general election was conducted during April-May, using 9,30,000 polling stations and 1.7 million electronic voting machines (EVMs). It involved 464 parties, over 8000 candidates, an electorate of 834.1 million, and witnessed a turnout of 66.4%, the highest ever in an Indian general election (Sridharan, 2014).
3. Selfies played an important part in the campaign, with the politicians posting pictures of himself with his party's electoral symbol, with celebrities, and with family members (Baishya, 2015).
4. Today there is a high demand in the nursing sector globally, so if nurses are trained to work in other nations, it is a big help for them. Today there is a high demand for teachers globally. It is hard to find math and science teachers. It is possible for India to export teachers. A country with such a quantity of youth, by increasing their quality and employing them worldwide, India has the capability of influencing and leading the world (EIR International, 2014).

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THE ECONOMIC DIMENSION OF HUMAN SECURITY IN BORDER AREAS IN JAMMU & KASHMIR: A STUDY OF SAMBA DISTRICT

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Abstract

The protracted border conflict between India and Pakistan has resulted into degradation of human security in Jammu and Kashmir in general and specific in its adjoining border areas. Economic security is one of the core dimensions of human security that's negatively influencing its other components. Life of the border dwellers is unstable, marred with the loss of life and property, and multiple displacements. The study attempts to describe the deteriorated status of economic security of the people of Samba district of Jammu and Kashmir. It explores the factors responsible for their economic insecurity like prolonged conflicts, more pronounced by ceasefire violations, existing socio-economic conditions in the border areas. The present study reveals that ceasefire violation has adverse impact on all the spheres of life, such as, agriculture and its allied activities, industries, services, employment, and family income in the area. The integration of the physical security with their economic security is highly suggestible and there is need of reviewing the existing safety nets and adopting new policy initiatives.

Keywords: Conflict, Economic Security, Human Security, Border Area, Samba, J&K

INTRODUCTION

In Jammu and Kashmir, the border, whether International Boundary (IB) or Line of Control (LoC), has predominantly remained volatile and experienced active violence, since the longstanding historical conflict between India and Pakistan (Abdullah et al., 2019). It witnesses the frequent violation of ceasefire with the

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exchange of live cross-firing and shelling amid the militaries of India and Pakistan for the past almost two decades thus, making the lives of the natives of the border area asymmetrically different from the inhabitants of other border areas (Jacob, 2017; Pathak, 2016). Besides the sub-continental rivalry, the inherited imbroglio of Kashmir; and disputes over boundary and territory have led to the wars of 1947-48, 1965, 1971, Kargil crisis of 1998, along with many intermittent border skirmishes which continually threaten the lives of the natives of the border areas and keep them always on tenterhooks. It is a known fact that border areas of the two warring states of South Asia present a dismal picture of development owing to a myriad of situations, contextualizing their social, political and economic conditions (Behuria et al., 2011). Many of the villages along the border came into existence after the settlement of the refugees of Pakistan occupied Kashmir (PoK) and Western Punjab by India soon after the India-Pakistan war of 1947- 48 and lateron, especially after the wars of 1965 and 1971. These refugees had left everything in Pakistan and were devastated entirely (Choudhary et al., 2020; Chowdhary, 2012). Almost all the border areas are peripherally located and reflect rural India's socio-economic characteristics, which lags in overall development. Amongst the rural areas, the border areas are the worst sufferers with poor socio-economic indicators (Government of India, 2015a). Although the border areas have always remained the centre point of conflict for securing the territory from the threat of neighbouring states; as a result, state security has seen the upbeat, but the human security aspect has remained ignored (Kanan, 2015). Against the above backdrop, the paper examines the economic dimension of human security in border areas of Samba district of Jammu and Kashmir in India.

REVIEW OF LITERATURE

Poor economic conditions like underemployment and falling incomes undoubtedly are threat to human security (UNDP, 1994, 25-26). Sound economic condition refers to access to employment and the resources are necessary for survival and quality life of any community (Nef, 1999). In general, households having low income are vulnerable to persistent shocks provided they have a dedicated source of income or access to public safety nets (Kosny et al., 2019). The people of border areas are the worst sufferers. The economic and human security of people of border areas, particularly in J & K, have inadequately been studied by the scholarship.

Brar et al. (2003), dealing with unemployment in the border region of Punjab, reveals that people nearer the border are more vulnerable to employment. It also highlights that the investors become reluctant in investing in the border region due to the wars and resulting destruction of life and property. Another study by Kannan (2015) argues that border districts of Rajasthan have low development as compared to other areas. They lack industries, markets, hospitals, colleges

etc. and thus, such factors discourage investment in these areas. Rani and Unni (2002) have elaborated the basic and economic securities while broadly defining social protection for informal workers in India. The study highlights the various insecurities at the household or individual level and further, examines the existing social security measures by the government. Bezbaruah et al. (2016), while studying the villages in Assam, found that such backward areas demand special attention for their development at par with other areas. The study by Mahapatra (2007) shows a decline in employment in rural labour households and agricultural households of Orissa. He suggests that local employment and income could be generated by enhancing local agricultural labour needs, better irrigation facilities and the latest technologies. Sinha (2007), in her study, examines the relevance of the non-farming sector in rural areas and draws a comparison among some of the districts of Uttar Pradesh and Uttarakhand. Kumar et al. (2014) carried an extensive survey to analyze the socio-economic characteristics of the village households of Bihar. Income from agriculture is not profitable, especially of the small landholders. Thus, the livelihood and food security of these rural households are supported by the livestock sector and other non-farm activities. Ranganathan's study (2015), shows that these farmers derive their income from four components: cultivation, livestock, non-farm business and wages and salaried employment. The data infers that farm households having non-farm business as their primary source of income earn the most, but they are small in number. Chowdhary (2012), in her exclusive case study of the bordering town of 'Arnia' in Jammu district of Jammu and Kashmir, has tried to explore the present situation by taking clues from history before partition. She has a firm belief that borders need to be analyzed from the perspective of the people rather than from the strategic perspective. The study elaborates the common issues faced by the people who are living away in a hostile environment under the shadow of an un-ending inter-state conflict. Sangra (2010) has undertaken the study of border areas of Jammu district with the main objective of highlighting the problems encountered by the border residents. The infiltration from across the border and terror attacks in the towns have permanently caused fear psychosis among the people. The author also elaborates on the displacement of the people at different occasions of border firing and how people suffer in such an event during their stay in the migrant camps or their own private arrangements. There is dearth of literature on the issues and concerns related to human security of such border areas where conflicts and war like situations occur frequently.

OBJECTIVES, METHODOLOGY AND AREA PROFILE

The paper attempts to establish relationship between economic conditions and human security in the border areas of Samba district. The present study is empirical one, based on survey of respondents sampled with the help of purposive

sampling method and areas of survey were selected by stratified sampling. Out of the nine blocks of Samba district, two blocks, namely Ramgarh and Rajpura, which are most affected by the border conflicts and located along the border have been selected. Samba district consists of six *tehsils*, nine blocks and 381 villages. It has four border blocks: Samba, Vijaypur, Ramgarh and Rajpura. The two bordering blocks of Ramgarh and Rajpura were identified for the field study since both the blocks represent the border areas most. Further, a total of 10 villages – five villages from each identified block – were selected. One village was selected at every km, beginning from the border up to 5 km deep from the border. The selected five villages of block Ramgarh were S. M. Pura, Keso Manhasan, Rangoor Camp, Nandpur and Ramgarh. Similarly, five villages of Block Rajpura were Sadda Chak, Sadwal, Bhagta Chak, Chak Lala and Rajpura. 25 families were sampled randomly at every km and one person from the sampled family was surveyed, amounting to a total of 250 respondents. Data was collected using close-ended structured questionnaire, covering economic components of human security as per parameters of the UNDP report of 1994.

Samba district is bounded by Udhampur district in the North, Kathua district in the East, Bishnah and Jammu *tehsils* of Jammu district in the West, while on the southern side has a 55.5 km long international border (IB) with Pakistan. Samba has a total population of 0.319 million and a total area of 1,002 square km with an average literacy rate of 82.48 per cent. Its population density is 353 per sq kms. The district headquarter is situated at Samba city, situated at 384 meters above sea, in Shivalik hills range alongside the National Highway 1-A on river Basantar. The main occupation of the district is agriculture. About two-third of the area of Samba district is semi-arid and rain-fed. Ravi-Tawi irrigation canal network irrigates the southern side along the national highway; hence boosting the cultivation of major cereals and vegetables (Directorate of Census Operations, 2011). Block Ramgarh has 22 village *panchayats* and 111 villages, whereas block Rajpura has seven village *panchayats* and 34 revenue villages (Directorate of Economics and Statistics, 2017). Being strategically located near the border and national highway NH-1A passing through it just 10-15 km from IB, Samba is a vital military station. It has been known for the India-Pakistan wars of 1965 and 1971. Besides, it has also witnessed large scale displacements of the border residents during the wars and war-like situations. Also, the IB of Samba sector has seen intermittent firing and mortar shelling by the Pakistan border forces in a bid to stop India from constructing border fencing and carrying any repair works to improve the security of the border. Pakistan army is also actively involved in infiltrating the militants through Samba border into Jammu and Kashmir. All such characteristic conditions have made the area under study unique for research.

EMPIRICAL FINDINGS

The collected data was segregated it into factual and perceptual responses. The actual indicators for determining the status of the respondents' economic security in the area under study were monthly family income, the amount of land possessed, type of house, nature of employment and employment opportunities. Further, the people's perception about the impact of ceasefire violations upon their economic security was ascertained by linking to various main economic activities like agricultural activities and animal husbandry. Various risk and safety factors have also been considered.

SOCIO-ECONOMIC PROFILE

Family Income

Income security refers to having adequate income for a decent standard of living (Rani and Unni, 2003). People should have adequate resources to earn sufficient income to improve the families' living conditions among the rural communities (Kapur, 2019). Every household requires a steady income for maintaining a decent standard of living (Kosny et al., 2019).

The monthly family income distribution among the respondents in Table-1 reveals the trend of constant fall in the percentage of respondents with increasing monthly income except that there is a sudden phenomenal rise in the percentage of respondents whose monthly income is more than Rs. 20,000. The trend indicates inequality among the respondents in income distribution. Together, the two lowermost income groups form more than half of the respondents who have income just for subsistence and deprive them of saving for future investments to improve living standards and socioeconomic conditions. This reveals that people have high economic insecurity in the border area understudy to a large extent. Further, the lowermost income groups have unstable sources of income and insufficient assets. Predominantly, economic activities of rural areas are mainly based on agriculture, either cultivation or agricultural labour. Thus, these groups need to be identified and covered under social safety nets by the government.

Table 1: Monthly Family Income

<i>Monthly Income category (in Rs.)</i>	<i>Frequency</i>	<i>Percentage</i>
Less than 4000	96	38.4
4001-10,000	50	20.0
10001-15000	23	9.2
15001-20000	17	6.8

<i>Monthly Income category (in Rs.)</i>	<i>Frequency</i>	<i>Percentage</i>
More than 20,000	64	25.6
Total	250	100.0

Source: Field Survey Data

Land Ownership

Land refers to the farmland used for growing crops and raising livestock. Owning land in rural areas is the symbol of status and livelihood for many (Brown et al., 2004). The land possessed by a household is likely to be an excellent indication of the household's economic status, at least for the rural area (GOI, 1999).

The agricultural land ownership profile, as given in Table-2 indicates that a meagre percentage (6.8 per cent) has bigger landholdings of more than 5 acres and the sizeable (41.6 per cent each) has landholdings of the size of either 1-5 acres or lesser than 1 acre respectively. The landless also has a low but significant percentage (10 per cent) in the border areas. Land in border areas is a permanent asset and source of seasonal income and food security for most households. Any threat to this asset can make the border natives economically insecure due to lack of any other alternatives and employment opportunities. Dependence of such a large percentage (90 per cent) of respondents on land provides economic security during normal times but can prove risky and fatal whenever the border areas are shelled or mined.

Table 2: Land Ownership

<i>Size of Land</i>	<i>Frequency</i>	<i>Percentage</i>
Landless	25	10.0
Less than 1 Acre	104	41.6
1-5 Acre	104	41.6
More than 5 Acre	17	6.8
Total	250	100.0

Source: Field Survey Data

TYPE OF SHELTER

Human security being an abstract concept means shelter for a homeless, refugee or displaced (General Assembly, 2012). Table-3 reveals that the majority of the respondents 86.8 per cent own *pacca* houses, whereas 7.2 per cent own *semi-pacca* houses and only 6 per cent *kacha* houses. Although the nature of the house determines the economic status of the people in general but here it is necessity to own a *pacca* house. The house structure gives protection to the border inhabitants

from firing and shelling. The structure used in *pacca* and *kacha* i.e. made up of concrete and non-concrete materials respectively shall provide some safety by reducing the impact of exploding mortar shells and their splinters. But in reality, the enemy's mortar shelling within the firing range of 3 to 4 km from border has damaged even the concrete houses. In some incidents, the shells after exploding pierced through the roof tops and not only damaged the property but also injured the family members. Hence, many of them temporarily migrate to safer places during such active conflict and demand housing plots from the government in safer areas as a permanent solution.

Table 3: Type of House

<i>House type</i>	<i>Frequency</i>	<i>Percentage</i>
Pacca	217	86.8
Semi-Pacca	18	7.2
Kacha	15	6.0
Total	250	100.0

Source: Field Survey Data

NATURE OF EMPLOYMENT

Economic Security depends on the nature of the employment; regular and irregular employment make difference. Table-4 depicts that more than one-third (37.6 per cent) of them had permanent, and rest two-third had non-permanent, i.e., 28.0 per cent were temporarily employed and 25.6 per cent daily wager. These categories are vulnerable to different threats (Rani and Unni, 2003). Samba sector of the border, any disturbance makes them worst sufferers.

Table 4: Nature of Employment

<i>Nature of Employment</i>	<i>Frequency</i>	<i>Percentage</i>
Permanent	94	37.6
Temporary	70	28.0
Daily wager	64	25.6
Others	22	8.8
Total	250	100.0

Source: Field Survey Data

TYPES OF OCCUPATIONS

The data in Table-5 reveals that one-third of the respondents were unemployed. Further, one-fourth of respondents were self-employed but depend on agriculture. They face problems of seasonal vagaries of nature in routine and sudden intermittent

disturbances due to firing and shelling. The rest one-third of them were either in government service or retired. Most of these respondents were working in defense services. They had relatively good social security, as they had regular income source even during disturbances.

Table 5: Type of Employment

<i>Type of Occupation</i>	<i>Frequency</i>	<i>Percentage</i>
Government Service	79	31.6
Private Service	19	7.6
Self-employed	68	27.2
Unemployed	84	33.6
Total	250	100.0

Source: Field Survey Data

EMPLOYMENT OPPORTUNITIES

Living standards critically depend on employment opportunities in farm and non-farm livelihood. Besides, animal husbandry, jobs involving unskilled labour, small scale industry, production of handicrafts, food items etc. are other opportunities in rural areas (Kapur, 2019). Employment opportunities in any area motivate people to hone skills and capabilities appropriate for such jobs, improving income. The employment scenario is grim in the border areas due to the absence of any other sector than agriculture. Further, the entrepreneurs also feel insecure while investing in border areas.

Majority of respondents (79.6 per cent) perceived that employment opportunities in the area were either low or nil respectively as revealed in Table-6. Agriculture is the predominantly available occupation in rural areas of Samba and further the rural border areas lack the development of non-farming economic activities. The households of the border areas under study owing to rural background paint a dismal picture of the job or employment opportunities in their area, diminishing their economic security.

Table 6: Employment Opportunities

<i>Employment Opportunities</i>	<i>Frequency</i>	<i>Percentage</i>
High	3	1.2
Moderate	48	19.2
Low	113	45.2
Nil	86	34.4
Total	250	100.0

Source: Field Survey Data

IMPACT OF CONFLICT ON ECONOMIC ACTIVITIES

Agricultural Activities

The border areas of Samba district has the features similar to other rural areas in India, except having a distinct identity of a border area. The conflict of borders adds on to the routine or seasonal vagaries of nature.

The firing and shelling have affected the main economic activity of the border inhabitants. Table-7 depicts that 61.2 per cent of the respondents felt that all the farming activities of ploughing, sowing, harvesting etc. become insecure. Sometimes the farmers may come across small arms firing for days together while working in their farms. Similarly, the exchange of fire by their own troops makes the situation tense and puts their life in danger. Thus, the farmers stop their farming activities during the firing. Many a times when the crop is ready for harvesting, the deliberate shelling by Pakistani troops compels the farmers to leave their crop stranding which gets damaged. Besides, the non-local agricultural labourers from outside Jammu and Kashmir do not want to risk their life and show reluctance to re-visit due to the threat. Normally, the harvesting activities are done by heavy machines hired from nearby Punjab state who refuse to work under such precarious conditions. Two-thirds of the respondents felt that border conflict result into irregular agricultural activities having adverse impact on production. Nearly three-fourths of respondents felt as given in the table that the irrigation system of the border areas was also not well developed to cater to the needs.

Table 7: Impact of Conflict on Agriculture

<i>Impacts</i>	<i>Yes</i>	<i>No</i>	<i>Don't know</i>	<i>Not applicable</i>
Frequent interruption in agricultural activities	153(61.2)	60(24.0)	18(7.2)	19(7.6)
Non-availabilty of agricultural labour and heavy machinery	125(50.0)	91(36.4)	15(6.0)	19(7.6)
Delay in agricultural activities	166(66.4)	43(17.2)	22(8.8)	19(7.6)
Lack of Irrigation	180(72.0)	41(16.4)	10(4.0)	19(7.6)

Note: Parentheses show percentage.

Source: Field Survey Data

DEPENDENCE ON ANIMAL HUSBANDRY

Livestock development can also support poverty alleviation as animal husbandry helps farmers in earning additional income and protects them from crop risks (NABARD, 2019). Livestock supports agriculture in many ways. This complimentary relation in the rural areas is major financial support to the families in the shape of milk, eggs and meat etc. for consumption. Despite such benefits, the economic survey of Jammu and Kashmir argues that the shrinking natural pastures and non-availability of cheap fodder has discouraged farmers from animal husbandry (Directorate of Economics and Statistics, 2017). The border areas of Samba and alike having agriculture lands possess sufficient fodder for the livestock. The perusal of data highlighted by Table-8 makes it evident that more than half (58.8 per cent) of the respondents are fully or partially dependent on the milch animals. These households earn income by practicing farming and animal husbandry together and fulfil their own family requirement of milk and other dairy products internally.

Table 8: Dependence on Milch Animals

<i>Level of Dependence</i>	<i>Frequency</i>	<i>Percentage</i>
Fully dependent	28	11.2
Partially dependent	119	47.6
Not dependent	103	41.2
Total	250	100.0

Source: Field Survey Data

IMPACT ON ANIMAL HUSBANDRY

The Table-9 depicts adverse impact of border conflicts on the situation of animal husbandry and dairy activities. Nearly one-third of those practicing dairy perceived that grazing gets affected and risky under threat of small arms firing and mortar shelling by Pakistan rangers. Ramgarh block has witnessed enemy firing and shelling in frontier villages. Many times they have either lost the animals or got them badly injured. Such injured animals become a burden for households. Further, the data shows that many respondents engaged in dairy suffer from lack of any veterinary services in the village or locality nearby. Both the blocks have one veterinary centre each at Ramgarh and Rajpura which are more than 4-5 km by road. Thus, even minor injuries can prove fatal for the cattle due to non-availability of timely first aid in the event of active conflict.

A high percentage of farmers practicing dairy find problems in shifting cattle during trouble period. Such respondents had no other option than leaving them at their fate. Again, there are problems in feeding them and some family members need to come to provide them fodder and water. The border dwellers sometimes

had to face the havoc of firing at the midnight when in deep slumber. Everyone, irrespective of being child or old, have to run for their lives. The cattle cannot be taken along in such a situation and are left behind unattended. Rearing of high quality and costly cattle have decreased as revealed by Table-9. Thus, in the present scenario, they dissuade to buy high breed cattle costly as much as thirty to fifty thousand and buy cattle of low cost local variety. This results into financial implications for their families.

Table 9: Impact of Conflict on Animal Husbandry

<i>Factors</i>	<i>Yes</i>	<i>No</i>	<i>Don't know</i>
Risk of grazing and keeping of cattle in open	77(52.4)	53(36)	17(11.6)
Lack of veterinary aid for injured cattle	84(57.2)	33(22.4)	30(20.4)
Shifting of cattle to safer places is risky during enemy shelling	91(61.9)	51(34.7)	5(3.4)
Rearing of high quality and costly cattle decreased	97(66)	11(7.5)	39(26.5)

Note: Parentheses show percentage.

Source: Field Survey Data

GOVERNMENT POLICIES AND PROGRAMMES

The most dependable alternative source of income of the rural people is Mahatma Gandhi National Rural Employment Guarantee Scheme (MNREGA). Besides, there are schemes that provide the rural people with food security, prevents distress migration, loans for small business and self-employment or investment in agriculture and they can generate reliable economic assets in the locality.

The seventh five year plan realized the situation and recommended for ensuring economic and human security of people in border areas in addition to strategic security. Hence, Border Area Development Programme (BADP) was launched to promote developmental activities and create a sense of security amongst the people (Government of India, 2015b). Still, the pace of development remained slow and such programmes and works are not accomplished for want of firm administrative decisions and planning. As per the data presented in Table-10, only half of the respondents availed the MNREGA benefits. Some of the farmers revealed that there were several shortcomings in the implementation of MNREGA. The actual target group was left out and the undeserving beneficiaries were registered. They lamented that there is delay in payment and even getting work. It was also complained that

their gainful employment is bereft by the use of machinery to get the work done, which is against the guidelines of the programme.

Further, our survey results show that that nearly one-fourth of them availed the facility of bank loans at lower interest rates. Out of the remaining, the majority 56.4 per cent did not have banks' loan facility. They complain that banks are not situated close to the frontier villages under study. The nearest banks in both the blocks of Rajpura and Ramgarh were situated in Rajpura and Ramgarh, which are farther more than 5 km by road. Moreover, banks shy away to loan them in fear of bad recovery. The data further reveals that nearly one-tenth of the respondents used the facility of agriculture tools, seeds, and fertilizers offered by the government schemes at subsidized rates. Many respondents felt that these facilities involved complicated procedures and require the support of village head who rarely co-operate.

The data depicts that mostly (92.8 per cent), did not avail any subsidy in the rates of electricity and water. Such subsidies are essential for these farmers since the canal irrigation water barely reaches the border villages. The Rajpura block has undulated terrain and the semi-arid area which is deficient in canal irrigation. Some rich farmers had borewells drilled in their farmlands, but poor farmers were either dependent on rains or produce such crops that require less water. Lack of irrigation substantially discourages from harnessing the full potential of the land and reduces productivity. Thus, this impacts adversely the income generation of the cultivators of border areas of Samba.

Table 10: Status of Government Policies or Programmes

<i>Government Policies or Programmes</i>	<i>Yes</i>	<i>No</i>	<i>Don't know</i>
Benefit of MGNREGA	133(53.2)	98(39.2)	19(7.6)
Availing bank loan	74(29.6)	141(56.4)	35(14.0)
Availing agricultural tools, seeds, fertilizer etc. at subsidized rates	35(14.0)	177(70.8)	38(15.2)
Availing water and electricity at subsidized rate for employment	14(5.6)	232(92.8)	4(1.6)

Note: Parentheses show percentage.

Source: Field Survey Data

GENERATION OF EMPLOYMENT

Table-11 depicts the situation of employment opportunities created by the government, and the private sector in the border areas of Samba. Nearly three-fourth of them felt that the government had not set up any industries, and the border areas remained neglected. Similarly, an almost equal proportion of the

respondents believed that private companies do not invest in the border areas to avoid risk in this conflict prone area. Jammu and Kashmir is already industrially backward owing to its difficult and inappropriate topography, underdeveloped infrastructure for industries and insecure environment since independence due to protracted conflict with Pakistan. Further, under such conditions, private business investments have always eluded progress and development (Brar et al., 2003). Lack of capacity of the industries to absorb skilled manpower in non-farm activities which discourages the local youth from taking vocational training. Almost three-fourths of the respondents stated that there were no grain *mandi* or agriculture-based markets in the border areas. Thus, the respondents had to travel to distantly located towns and cities and carry the produce, which involves inconvenience and have additional transportation costs. Thus, in present circumstances, they are compelled to sell their produce to any middlemen at lower rates.

Table 11: Factors Affecting Employment Generation

<i>Role of Government or private sector</i>	<i>Yes</i>	<i>No</i>	<i>Don't know</i>
Government has not set up any industry	193(77.2)	26(10.4)	31(12.4)
Private firms don't invest	176(70.4)	22(8.8)	52(20.8)
No agricultural mandi/market	194(77.6)	36(14.4)	20(8.0)

Note: Parentheses show percentage.

Source: Field Survey Data

CONCLUSION AND POLICY IMPLICATIONS

To conclude, the present study reveals that the economic conditions of border people of Samba district have been poor. In almost all spheres like agriculture and its allied activities, industries, services, the situation is deplorable. Income from cultivation and livestock is also dismal in the studied areas. Despite the considerable size of landholdings, most of the farmers could not perform agricultural activities to its full potential, resulting into poor dividend. This has inhibited them to go for high breed livestock which might have been the additional source of their income generated from allied activities. Lack of industrial set up in the region has added to their miseries. It compels qualified youth to move away from the native area to other parts of the state in search of a job. Also, different policies and programmes initiated by the government have inadequately been effectively implemented in the border areas.

Economic soundness is first and foremost pre-requisite for improving human security. Governments, both state and Central, should make specific policies

for the people of the border areas in terms of safety and security of profitable agriculture and animal husbandry. The cultivators need to be educated to utilise the technology, improved inputs and tillage practices at the optimum level. There is urgent need of encouraging agricultural research and easing the conditions of availability of improved inputs, easy financial credit, crop insurance etc. to small and marginal landholders by minimizing the complex procedures and documentation. The ongoing irrigation projects should be accelerated like Ravi-Tawi irrigation project. Banking facilities should be improved Promotion of vocational training programmes for the youth should be taken up with job guarantee. The youth of the area should be given preference in recruitment of government jobs. Besides, the above suggestions government must ensure that all its policies and programmes for enhancing the economic security of border people which are already launched must meet their aspirations.

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RELEVANCE OF ECONOMIC VISION OF DEEN DAYAL UPADHAYA: AN ANALYSIS IN GANDHIAN FRAMEWORK

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Abstract

Pandit Deen Dayal Uppadhay, propounded the 'Integral Humanism' and under this philosophy, he visioned a unique economic order. He was critical to the contemporary economic ideas because to him those ideas did not encompass humanistic values. Similarly, Gandhi did also not favour reckless human desires, rather he believed in humanistic economy. It seems, in the present conditions of globalisation, market dominant needs and rampant consumerism, the people are heading towards the devastating lifestyle. Even on the global level, the nations' interests are dominated by economic forces instead human wellbeing. This requires to be checked, particularly the pandemic conditions have given us the lesson to change our lifestyle in humanistic way. The economic visions of the two great visionaries – Pt. Deen Dayal Upadhayay and Mahatma Gandhi – appear to be relevant in the present time that may lead people to a sustainable consumption pattern and happy life with humanistic approach. With this view in mind, the present paper attempts to underline the relevance of economic vision of Pandit ji in the same theoretical framework through which Gandhi's economic idea has been understood.

Keywords: Integral humanism, Culture, Decentralisation, Economy, Gandhian socialism

INTRODUCTION

Ideological contours of integral humanism have emanated from the ancient Indian tradition and cultural ethos. Philosophical moorings of integral humanism were

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shaped by the essential foundations of Indian society and Dharma. (Sharma, 2018). Since last few years, the scholarship on the subject has started signifying the writings and speeches of Pandit Deen Dayal who was a creative writer, editor and journalist. Like Gandhi, he was also champion of national integrity and idea of pluralistic society based on the principles of humanism. In the discourse of political integration of India, his views and constructive ideas have surfaced in the context of economic vision of one of the makers of modern India. This paper tries to explore the economic thoughts of Pandit Deen Dayal in Gandhian framework. Reason behind adoption of Gandhian perspective in this paper lies in the symmetry of their ideological foundations. Despite difference with Gandhi on certain issues, he was having full devotion towards Gandhian constructive programme and principles of nationalism. Deendayal Upadhyay wanted Indian values to be inculcated in people. Integral humanism alone can solve the maladies prevalent in our society. Man is a part of nature and lives on the resources. Mutual behaviour of human beings and interactions with nature is the integral humanism. West has created economic system which is run by constitutions methods, they are against laws of nature therefore, invite problems and calamities. (Upadhyay, 2019). Like Gandhi, Pandit Deen Dayal was not an economist. Gandhi was also not a socialist, but some of his ideas coincide with schools of western socialism with a difference that he (Gandhi) overstressed ethical considerations and religious (Hindu) aspects. His ideas did not reflect the class consciousness (Majumdar: 1969). Many political analysts link the concept of integral humanism with the idea of Gandhian socialism. As such the present paper provides a comparative picture of difference and similarity between Gandhian socialism and Deen dayal's integral humanism.

ECONOMICS IN SPIRITUAL PHILOSOPHY

While enumerating his economic views, Deendayal remind us of India's age-old heritage of man's conception. He believed that man is not merely a repository of material desires and needs but a spiritual being who has assumed a material body. Like Gandhi he favoured the idea of control on desires and achieve want-lessness. Deen Dayal was aware about the ill effect of cultural degradation and its impact on economic civilization (Upadhyaya, 1980). He criticized the western model of economic theories based on materliastic development. "The economic theories of the past few centuries and the structure of society based on these theories, have resulted in a thorough devaluation of the human being" (Uypadhyaya, 1980). In neo classical and neo-Marxian economics, consumption is a source of utility (Diwan, 1985). While Classical economists recognized that all commodities do not possess utilities. Under the economic dimension of classical theory, they distinguished between basic and non basic goods. Deen Dayal was aware about the material value and its central position in the capitalist system. To control on the wants and desire,

Deen Dayal integrate the concept of self –actualization with integral humanism. To him, distinction between “basic “and “non basic goods” is fundamental. Deen Dayal Uppadhya accepted the hierarchy of needs. He was also in opinion that under the western influence of mechanical civilization reorganization of “spiritual man” is impossible, so he states that “Capital economy recognize only an ‘economic man’, whose all decisions are based entirely on entirely on calculations of gain and loss, in terms of material wealth” (Uppadhaya, 1957). His ideas contrasted the present economy dominated international politics. He wanted to represent India as cultural soft power. Promoting the enriched cultural values with integral humanism was the main motive of Deendayal Upadhyaya foreign policy agenda (Srivastava & Dutta 2019).

CONCEPT OF NATION AND MOTHER EARTH

Gandhian idea of ecological conservation had deep philosophical base. Understanding of Mother Nature rooted from the concept of Hinduism and the Greek Goddess ‘Gaia’. Gandhi and Deendayal both wanted to study the ecology within a framework of scientific spiritualism. He also near the Jainism notion of ‘Anuvrat’ i.e., self discipline. Modern thinkers relate the concept with the ‘relative economics’. The earth was conceived as the mother of all living entities. Gandhi understood this fact 100 years ago and to him every economic activity is violent in nature. The conception of small is beautiful and need base economy push less violent activity towards ecology. He used to say, nature is enough to meet the human needs but not the human greed. To Gandhi, the economics which violate the principle of humanity and equality is sin. But what more detailed about Sin is mentioned in religion is to “violation of self discipline”. Gandhi’s ecological rule does not permit for such kind of “Sin”. His fundamental theological ideas of political economy demand self discipline first with the help of “anasakti principles “i.e., non-attachment with materialism and materialistic growth and affection towards “mother nature”. The current environmental crisis of globe gives us opportunity to re look the concept of “Gaia” or “Prthivi”. Pandit Deen Dayal explained the motherhood idea with nationalism and integrity. He states that “a group of persons lives with a goal, an ideal, a mission, and looks upon a particular piece of land as motherland, it constitutes a nation. If either of the two-and ideal and a motherland-is not there, then there is no nation.” National is not a geographical but cultural and ethical identity. Concept of motherhood and respect towards mother land as nation warns those people who want to over utilize the natural and cultural resources. Inherent cultural values can protect the mother land from over utilization and exploitation. Deen Dayal further elaborated “The nation does not come into being for the fulfilment of any selfish ends. The limbs of the human body have their natural functions and do not have to be tempted or encouraged to

perform them. Similarly, the units of a nation function as parts of one single whole and maintain its entity.

PROTECTIONISM

Panditji was champion of protecting Indian economy from the vagaries of openness and economic imperialism and was staunch believer of 'swadeshi' (patriotic indigenouness). While dealing with the issues of self sufficiency in economic productivity, he criticized the idea of nationalisation of industries on one hand and gave green signal to Gandhi's conception of Swadeshi on the other. In his own words "All free countries followed those principles in the interest of their industries... the ultimate aim should, however, be to increase production and the make the country self sufficient in the matter of food, cloth and housing". Self-sufficiency in economy later became the one the objectives of planning in India. In the context of self sufficiency and promoting the small industries, he was very much near to principles of Gandhian economy. To quote Gandhi, "Much of the deep poverty of the masses is due to the ruinous departures from Swadeshi in economic and industrial life" He was, like Gandhi, against the drain of wealth by foreign rulers and foreign industries. According to him, removal of poverty is possible through increase in economic productivity and self sufficiency. He had opinion that "We ought to protect Indian industry from foreign enterprises and also protect small industries from large scale industries in India."

TRUSTEESHIP

Where Gandhi and Vinoba developed the notion of trusteeship through philosophical understanding and religious perspectives, Deen Dayal wanted to use this concept in more applied way in joint family system. The idea of trusteeship in economic thinking of Deen Dayal finds its base in Hindu family system. Gandhi and Vinoba focused more on reframing and reshaping the role of Indian industrial sector and Industrial class (Srivastava, 2019). Deen Dayal had seen the trusteeship as tool of family administration and joint ownership. He writes, "The joint family is the practical unit in this country in which we seek to preserve the social sense in the individual, in which every individual has the right to earn, but the right of ownership vests in the family. Wealth is used for the benefit of the family. It is this Indian principle of Trusteeship"

INTEGRAL HUMANISM AND CULTURAL HINDUISM

Panditji's thought connects with the eternal ideology. Based on this, he tries to understand the patriotism, consider problems, and find out their solution. Ideas like *Ekatma Manav*, *Antyodaya* etc. are not debatable rather have philosophical

base and *Rishi* tradition. There is no person or power at the centre of it. On the contrary, the individual, mind, intellect, soul all become significant. To Panditji, the soul resides in every living being that is part of the Supreme Soul (Parmatma). This is an integral philosophy in which soul and super-soul . are integrated to each other. The individual's own interest is natural but not everything. Public welfare is neither possible in the realm of consumerism nor is good for the individual. If this were so, then in the race of materialism, the person would not be satisfied at any point rather his mind is never finally satisfied. The individual is just a primary unit and is only part of the family. If the interest of the family is there, then the person gives up his own interest. If the interest of the society is there, then the interest of the family should be forgiven. If the interest of the country is there then the interest of the society should be ignored. This idea of nationalism should be in every citizen. The goal of human life is not merely physical. The idea of Dharma, Artha, Kama, Moksha should also be kept in mind.

ROLE OF CULTURE IN ECONOMIC DEVELOPMENT

The relevance of Integral Humanism Philosophy is established because it is based on eternal thoughts. Deendayal considered the creative vision of the whole life. To him Indian culture considers the whole life and the whole creation as a composite idea. Its approach is totalitarian. It cannot be thought in pieces. Culture is the philosophy of unity in the world, recognizing the mutual complementarity between its various forms, developing mutual compatibility among them and cultivating it. To make nature conducive to the achievement of the goal is to make culture and vice versa is a perversion. Culture does not disregard nature. There is an integral human philosophy in Indian culture. Man is not just a person. The individual being the aggregate of body, mind, intellect and spirit is not confined to the singular I alone. He has a role to play in the society. The idea of conflict between society and the individual is unfair. The state is not everything and also not the representative of the nation. The nation continues to exist even after the state ends. Gandhian economic philosophy also seeks the conflict resolution through economic and cultural means. Gandhian Satayagarh and Integral humanism both demands self purification of human soul but it is not possible without humanistic and holistic approach of economic development.

SOCIALISM AND ANTOYDAY

Deendayal considered socialism and communism as impractical principles. He clearly believed that in the Indian perspective, these ideas are neither feasible nor practical. Indian philosophy can be an effective ideological tool to govern India. Whether it is the question of politics, whether it is the question of economy or

the various needs of the society, he has discussed almost every question related to mankind in his ideological discourse.

The objective of governance should be in line with the vision of Antyodaya. Inspired by socialist policies, the then governments also took up business like business, which is proving to be very dangerous for the state. Pandit Deendayal Upadhyay was against the socialism perceived by westerners. He clearly believed that the government should not do pro business and pro-capitalists. The apprehensions which he advocated in his writings in the sixties, have started appearing in the form of problems in the system of governance with socialist policies in four decades. During that time, he kept on apprising the government about the concern of corruption in the license raj. He had seen socialism as mean to generate conflict and inequalities in economy. He rejected the ownership idea as propagated by socialists' thinkers. To him, harmonic relationship between individual and society cannot be framed under the western socialist policies. So, he rejected the conflict resolution idea through socialism. He says that, "Socialism is being discussed in all quarters and is being considered the most beneficial system for the people. Socialism means control of the State over all means of production and distribution. In such a situation the people are reduced to the status of labourers. There is no independent ownership. In order to establish such socialism class struggle and bloody revolution are invoked. Efforts are also made to bring about this socialism in a peaceful manner. But as this system accepts a conflict between the individual and society and limits the freedom of the individual, under it man becomes only a part of a machine". While rejecting the idea of socialism, Deen Dayal preferred Hinduism. To him Hinduism is not only religion but way of life. He had firm opinion that humanistic approach of Hinduism shapes economic policies in favour of marginalized section of society. To him "The answer to the problems of the world is not socialism but Hinduism. This is the only philosophy of life which considers life as a whole, and not in compartments. Here we must pot relate Hindu ideals of life to some dead ritual or to many non-Hindu practices that pervade the Hindu society. At the same time, it will be a big mistake to hold that Hinduism is against modern scientific progress. Science and the machine should both be used in accordance with our social and cultural life".

DECENTRALIZED GOVERNANCE

He was in favour of decentralized system. He was against the nationalization of all social sectors, which were being nationalized indiscriminately by the then Congress governments (Sharma, 2019). He knew that this country belongs to the working people, who have never been dependent on the state for their basic needs. But the Congress governments influenced by socialist policies, in the race

to expand the scope of power, took the power of the society in their clutches due to nationalization. Governmentalisation of education was opposed by Deendayal. What is the condition of government schools today; it is not hidden from anyone. Going into the hands of the government for imparting education has proved to be like giving a razor in the hands of a monkey.

Pandit Deendayal Upadhyay was speaking for the state to enter only those areas in which the society or the private sector does not take risks. But the then governments worked against it. Today, after seventy-five years after independence, our system is so entangled in the maze of socialist policies that it is very difficult to even think of removing it or removing it from it. The socialist policy of preparing government dependent subjects has paralyzed us so much in these seventy years that we are dependent on the Prime Minister even for cleanliness. The grip of corruption today, it is known to all.

ON ECONOMIC DEMOCRACY

Communist thinkers in India never paid attention to idea of economic democracy propargated by Deen Dayal Upadhyaya. They doubt the democratic values of Deen Dayal Uppadhaya and in real sense they had seen political and economic ideas threat to participatory democracy. Pt. Deendayal Upadhyay had said that all the knowledge of the world has to be taken into account and the element which is one's own and that which belongs to other countries will have to be put into country-centric practice practices. Needless to mention that today the need of the hour is to move forward the idea with a sense of unity and take initiative to remove the discrepancies in rural India. Linking with political democracy with economic democracy he further stated that says "the people of this country have an abiding faith in nationalism and democracy and they will not tolerate elements who seek to subvert these values." He goes on to say "Democracy has been defined as government by debate. *Bhartiya* culture goes beyond this and looks at debate as a means of realisation of truth." To him economic democracy is related to Antoyday. Reaching to unreached was the base philosophy of his idea of democracy. He said that "If a vote for everyone is the touch-stone of political democracy, work for everyone is a measure of economic democracy. This right to work does not mean slave labour as in communist countries. Work should not only give a means of livelihood to a person but it should be of the choice of that person. If for doing that work the worker does not get a proper share in the national income, he would, be considered unemployed. From this point of view a minimum wage, a just system of distribution and some sort of social security are necessary."

COMPARATIVE ANALYSIS BETWEEN GANDHIAN SOCIALISM AND INTEGRAL HUMANISM

In the year 1958, Deendayal in his book 'Economic Policy of India in the Condition of Development' has given a holistic view on the then economic priorities. Outlining economic problems and solutions, this book is actually a spread of Deendayal's nationalist ideas, which he has written in the journals of the Sangh. He wrote in his book *Artha Chintan*, *Artha in Indian Culture*, *Basic Economic Goals*, *Agriculture and Industry*, *Role of Planning*, *Limitation of Production*, *Efficient Means*, *Human and Machine*, *Minimum Consumption*, and *Adaptability and Decentralization* as perceived by Western Economics. Upadhyay links his economic philosophy with Integral Humanism and finally gives the slogan 'Antyodaya'. Gradually, he introduces an integral humanist ideological revolution formula in his philosophy. He takes recourse to Gandhian concepts for this revolution, in which he writes 'The economy should always be compatible with the national life. The goal of the economy should be to produce the basic resources that are needed for the maintenance, nutrition, development of life, the concept and welfare of the nation. Western scholarship considers the equal increase of desires and the continuous fulfilment of needs as good. There is no importance of limits in this. Finding or creating a market for production material is a major part of economics policy. In his ideological revolution of integral humanism, he places Gandhi's village Swaraj, opposition to mechanization, self-reliant society, the prestige of democracy, self-identity, and the lack of desires. But despite having so many creative concepts in Deendayal's economic thought, his revolution of 'Integral Humanism' is different from Gandhi's Sarvodaya revolution.

In Gandhi's political economy, advocated in favour of Swadeshi and decentralization of power. He talked about the eradication of religious animosity and communalism, whose basis is Satyagraha, on one hand Deendayal opposes idea of secularism and considers 'Muslims' as a problem. Therefore Deendayal's integral humanistic philosophy goes far away from Gandhi's concepts of non-violent Swaraj. Deendayal himself had called Gandhian, communism and Sarvodayism as a threat to the integrity of the nation. He wrote that, 'After independence, the government, political parties and people had to face many striking problems. But the Muslim problem is the oldest, the most complex and keeps appearing in new forms. We are struggling with this problem for the past 1200 years. Declaring India as a secular nation has attacked the soul of India. In a secular state, a mountain of difficulties remains. Though there was a lot of gold in the religionless kingdom of Ravana in Lanka, but there was no Ram Rajya. Deendayal was of opinion that Gandhi used to take pride in being a Sanatani Hindu but he never allowed it to become communal. This is an important element in the creativity of his economic work, perhaps for this reason Vinoba, expanding his tradition, wrote a book on 'Gita Saar' as well as

‘Quran’. It is clear that secularism is important for Gandhism. While for Gandhi unity, social harmony and communal harmony are an essential element in the question of economic equality whereas for Upadhyaya the concept of unity is only related to the establishment of a Hindu nation. He writes, ‘If we want unity, we must understand Indian nationalism, which is Hindu nationalism and Indian culture is Hindu culture’. Contrary to him, secularism acquires significance in Gandhism. There is a deep ideological difference in the complementary expansion of Gandhi’s concept of Swadeshi by Deendayal. To Gandhi, concept of Swadeshi, Satyagraha, Trusteeship, Aparigraha and Decentralization go together, but Deendayal does not give space to Satyagraha in the matter of village industries and agricultural development.

Despite being different from Gandhism, Deendayal’s economic thought cannot be rejected outright. His ‘integral humanism’ and not considering the nation as a mere piece of land is also true to some extent in the context of India’s ‘nationality’. In recent years, India has witnessed the overstress on cultural nationalism or *Rashtradharm* and values like secularism, social justice and self-reliant small industries have been diminished. This situation is placing greater premium on ideas of Deendayal and Shyamprasad Mukherjee. Deen Dayal accepted cultural parameters of Gandhian political economy but rejected the idea of pseudo secularism. He had great respect towards Gandhi’s dream of *gram swaraj*.

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REVAMPING OF SECONDARY EDUCATION IN NEPAL THROUGH E-GOVERNANCE

Mohan Singh* and Khagendra Prasad Lamichhane**

Abstract

Education plays vital role in all spheres of life like social, economic, political and cultural spheres for a nascent democracy and poor country like Nepal. Nepal has witnessed inadequate development in various areas including education. As such education becomes a key factor in building harmonious society and socio-economic transformation. Secondary level education is the base education for learning skills, soft skills and behaviour. But the secondary education in Nepal has not been up to the mark. The situation has attracted the attention of policy masters to introduce ICT for revamping the secondary education system. As such the present paper critically examines performance of the e-governance in education system in terms of e-infrastructure, awareness of ICT among the teachers and learners and the outcome of introducing ICT at secondary level education. It finds that despite the concerted efforts, the implementation of the policy in secondary schools has shown little promise due to lack of low awareness, financial constraints, indifferent attitude of administrators, reluctance of private management, non-cooperation of teachers, untrained staff, costly equipment, etc. The sufficient funds, imparting of training to teachers and concerned staff, public cooperation, awareness generation, adoption of conducive methods, strict monitoring and regular evaluation are highly suggestible.

Keywords: Secondary-education, Policy, ICT, Students, Parents, Community, Nepal

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INTRODUCTION

In this age of IT revolution, introduction of ICT in education-governance has become a necessity in terms of both the 'teaching-learning-evaluation' and education management. It does not only facilitate the learning and working processes but makes it citizen centric, reliable, participative, and viable. It also provides for receiving effective feedback and a strong grievance handling system in education viz. G2C, C2G, G2B, B2G, G2E, E2G and G2G interactions.

The National Education Policy of Nepal (2019)¹ has prescribed, "ICT is an inseparable part of the education system. So, all schools must have a techno-friendly environment" to assure the quality of education. On-line services are being provided through various institutions and organizations. After the completion of the first Five Year Phase of The Plan (2013-2017)² the next Five-Year Plan is expected to broaden to cover its accessibility all the schools of Nepal. Frequent efforts on maintaining and upgrading the ICT system in education programmes is required. The Ministry of Education, Nepal Government has implemented some of the programmes related to ICT in education, such as providing Laptop Per Child (OLPC) as a pilot project in selected 26 schools of six districts and Lab Model Project (LMP) in some other schools as well as internet connectivity to District Education Offices and schools (through matching fund to schools).

The IT Policy (2010)³ has made provisions for expansion of access to the internet to all schools; effective coordination and strong collaboration with national and international institutions to continuously develop skilled human resources and quality education. It ensures the promotion of private-public-corporate collaboration, and formulation & implementation of IT programmes focusing on students, teachers and schools in order to develop competent human resources. The IT infrastructure and training facilitate the exchange of expert knowledge and ideas in and outside the organizations. It plays an important role in decisions, response and support, availability of records and data, control of corruption, revenue collection, fee deposits, bill payments, maintenance and development of subordinates.

Secondary education opens the gateways for higher education to the students. Secondary schools set the objectives to prepare students for their better prospects. It covers students of 9th class to 12th class. It has been observed that secondary education has not fully achieved the objectives for which it was started in Nepal. As secondary education has to be standard, therefore, there is an urgent need of revamping secondary education through E-Governance in making educational institutions more result oriented. There is no denying the fact that E-Governance has made a dent making effect on the streamlining of the education system. Besides, the overall system of imparting education, its monitoring and evaluation can provide better and standardized education to the needy by adopting ICT.

REVIEW OF LITERATURE

There are very few attempt to assess the performance and outcome of introduction e-education governance in Nepal, that too on the empirical basis. Simli (2011)⁴ in his article entitled “E-Governance Challenges” has claimed that E-Governance helps the masses in overcoming distance and accessibility, enables lifelong learning, limits fraud in assessment process, ensures access and impartiality in availing services and supports beyond time and space. Moreover, it avoids administrative delays in the education system, brings transparency, accountability, and timely resolves the process vulnerability that exists in different organizations. However, ICT has not been well implemented in the working area due to the lack of infrastructure, training and awareness of the people although we have good service providers. Ara (2015)⁵ has examined the application of E-Governance in Education Sector to Enhance the Quality of Education and Human Resource Development in Bangladesh. The study finds that the enormous development in education has been fantastic due to the use of ICT. He observed that ICT is contributing a lot to upgrade the quality of education and foster human abilities making them fit for the serious worldwide market notwithstanding having a few imperatives. Shakya (2018)⁶ in his paper entitled “E-Governance in Nepal: Progress, Challenges and Possibilities” has attempted to trace challenges and possibilities of E-Governance. According to him, Nepal has been struggling hard for the implementation of E-Governance after the first initiative towards E-Governance through the IT policy of 2019. However, the political instability, lack of infrastructure, low-income level and low-literacy rate are the main factors which hamper the effective implementation of ICT in all the organizations. It has been observed that Nepal has seen a huge demand for communication resulting in improvement in the communication infrastructure. With access to mobile technology, the possibility of citizen reach and interaction through the means of mobile communication has become realizable. The government of Nepal should take advantage of witnessing mobile-government-readiness by making policy focusing on mobile-oriented citizen reach and interaction process for E-Government. Krishnaprabu (2019)⁷ has discovered that E-Governance has changed the method of organization in the field of education. In his views, it is important to have an improved cooperation and admittance to data accessible in anticipating effective organization of instructive foundations everywhere in the world.

OBJECTIVES, HYPOTHESES AND METHOD

In view of the above situation, the present paper critically examines the need and relevance of e-Governance in secondary education in Nepal and suggests suitable measures for revamping of secondary education through E-Governance. The study examines the application of ICT in the management and administration of secondary

schools. It discusses the weaknesses in the implementation of E-Governance and suggests the possible remedies for making the secondary schools smarter and result oriented in Nepal. It was hypothesized that use of ICT in secondary education is more likely to revamp it but the implementation of the policy reforms has not been effective to the desired level due to lack adequate ICT infrastructure, training, awareness and conducive attitude. The study is based on a quick survey of Principals (5), teachers (10), students (10), parents (5) and local leaders and activists (9). The respondents were selected randomly with convenience from the municipal area of Sundar Haraicha city of Morang District, Province 1, Nepal and interviewed with the help of structured interview schedule. The hypotheses were tested and data was analysed with five-point Likert scale.

ANALYSIS AND INTERPRETATION

Data pertaining to categories of respondents is depicted in Table 1

Table 1: Categories of Respondents

<i>Category</i>	<i>Number</i>	<i>Percent</i>
Principals	5	12.8
Teachers	10	25.6
Students	10	25.6
Local Leaders	5	12.8
Social Activists	4	10.4
Parents	5	12.8
Total	39	100

AWARENESS LEVEL

Data on awareness of the policy of e-governance in education and management at secondary level is depicted in Table 2. As many as 28.2 per cent of the respondents perceived it E-Governance stands for application of ICT in institutions, 10.3 percent as efficient supply of information and 5.1 percent as instrument of quick services. In short, the respondents were either fully or partly aware about policy of e-Governance in education.

Table 2: Knowledge of Respondents About Application of E-Governance

<i>Frequency & Percent</i>	<i>E-Governance Stands for</i>				<i>Don't Know</i>	<i>Total</i>
	<i>Application of ICT in Institutions (a)</i>	<i>Efficient Supply of Information (b)</i>	<i>Quickness in Services (c)</i>	<i>(a)+ (b)+ (c)</i>		
Frequency	11	4	2	20	2	39
Percent	28.2	10.3	5.1	51.3	5.1	100

As regards the awareness of the time of introduction of the latest education policy is concerned, Table 3 reveals that as many as 19 (48.7%) respondents did not remember the exact year of implementation of the latest education policy. 14 (35.9%) had the wrong knowledge and the rest 6 (15.4%) had correct knowledge. This leads to the conclusion that there is lack of full awareness about the implementation of the latest education policy.

Table 3: Awareness of Respondents About Year of Implementation of Latest Education Policy

<i>Frequency & Percent</i>	<i>Latest Education Policy Implemented in</i>				<i>Total</i>
	<i>2018 AD</i>	<i>2019 AD</i>	<i>2020 AD</i>	<i>Don't Remember</i>	
Frequency	5	6	9	19	39
Percent	12.8	15.4	23.1	48.7	100

Further, the knowledge of use of ICT in education as part of latest policy and its components constitute the awareness level. Our survey results show that almost all 38 (97.4%) of the respondents agreed that there was provision of E-Governance in the education policy and rest did not know. Out of the respondents who mentioned about the provision of E-Governance in the education policy 57.9 percent had the opinion that access to the internet and formulation & implementation of IT programs was the component of the policy, 31.6 percent opined it as the formulation and implementation of IT programs and the remaining 10.5 percent reported expansion of access to the internet. So, in the opinion of the respondents, expansion of access to the internet and formulation & implementation of IT programs were the main provisions of E-Governance in the education policy.

IMPACT OF ICT APPLICATION

The respondents were asked as to whether the use of ICT brought any change of ICT in the secondary schools. In response to this query, 69.2 percent reported that there was no change at all whereas the remaining 30.8 percent were of the view that there were changes because of the application of ICT in the secondary schools. Those respondents who mentioned 'No change' were further asked to tell as to why the changes could not take place. Among these respondents 55.6 percent said that changes were not visible due to lack of infrastructure, absence of proper training of ICT personnel, indifferent attitude and non-cooperation of staff as well as lack of monitoring and evaluation. There were 14.8 percent each who considered lack of infrastructure and monitoring & evaluation respectively. 11.1 percent respondents mentioned absence of proper training of ICT personnel responsible for the sorry state of affairs and the remaining 3.7 percent assigned indifferent attitude and non-cooperation of staff as the reason for no change (see Table 4). So, our hypothesis that ICT is not effectively implemented due to inadequate infrastructure, untrained staff and indifferent attitude has been proved.

Table 4: Interest of Local People and Students in E-Governance

<i>Frequency & Percent</i>	<i>Local People and Students</i>					<i>Total</i>
	<i>No Interest in E-Governance</i>				<i>Interest in E-Governance</i>	
	<i>Lack of Awareness</i>	<i>Absence of Motivation</i>	<i>Ignorance of Importance and Benefits</i>	<i>No Response</i>		
Frequency	11	1	19	4	4	39
Percent	28.2	2.6	48.6	10.3	10.3	100

LOCAL PEOPLE AND STUDENTS' INTEREST IN E-GOVERNANCE

On the question of taking interest in the policy, as many as 89.7 percent of respondents had the opinion that the local people and students do not take interest in E-Governance. However, the remaining 10.3 percent accepted that local people and students take interest in E-Governance. The respondents who said that people do not take interest in E-Governance were further asked to state the reasons for the same. 48.6 percent said that ignorance about the importance and benefit of E-Governance were the main reasons for not taking interest in it. It is followed by 28.2 percent who stated lack of awareness as reason for not taking interest in E-Governance. No response was on the part of 4 (10.3%) and the remaining 1 (2.6%) mentioned absence of motivation. The analysis of data given in table (Table 4) concludes that ignorance about the importance and benefits as well as lack of awareness are the main reasons for not taking interest in E-Governance by the local people and the students.

BENEFITS OF THE SCHEME FOR TEACHERS AND STUDENTS

The survey results in Table 5 depicts that 66.7 percent of the total respondents believed ICT was helpful in making teaching more effective and result oriented, expeditious disposal of tasks/works, making better future of students and making teaching more interesting and problem solving. Followed by it 20.5 percent of them had the opinion that it would be helpful in making teaching more effective and result oriented only. 5.1 percent each fell in the category of those who considered it helpful in making a better future for students and making teaching more interesting and problem solving respectively. The remaining 1 2.6 percent mentioned that it expedites the disposal of tasks/works. The hypothesis that ICT is a useful tool for revamping the secondary education system has been proved.

Table 5: Distribution of Respondents According to Their Views About Availability of Well-equipped Computer Labs in Secondary Schools

<i>Frequency & Percent</i>	<i>Well-equipped Computer Labs Availability</i>	
	<i>Yes</i>	<i>No</i>
Principals	1	4
Teachers	2	8
Students	1	9
Parents	0	5
Social Activists	0	4
Local Leaders	1	4
Total Frequency	5	34
Percent	12.8	87.2

AVAILABILITY OF ICT INFRASTRUCTURE

The data in table 6 is related to the views of respondents about the availability of well-equipped computer labs in the secondary schools. A close examination of the figures depicts that 87.2 percent of total respondents were of the view that the well-equipped computer labs were not available. However, merely 12.8 percent respondents reported that the well-equipped computer labs were available. To infer, we can say that the respondents in an overwhelming majority who reported non-availability of well-equipped computer labs in the secondary schools.

Table 6: Reasons of Non-availability of Well-equipped Computer Labs

<i>Reasons</i>	<i>Respondents</i>						<i>Total</i>	<i>Per-cent</i>
	<i>Principals</i>	<i>Teachers</i>	<i>Students</i>	<i>Parents</i>	<i>Social Activists</i>	<i>Local Leaders</i>		
Lack of Sufficient Computers (a)	0	1	2	1	0	0	4	11.8
Untrained Staff (b)	1	1	1	0	1	1	5	14.7
Computers Lying Unused (c)	1	1	1	0	0	0	3	8.8
Lack of Sufficient Time for Using Lab (d)	1	2	2	1	1	2	9	26.5
(a)+(b)+(c)+(d)	1	3	3	3	2	1	13	38.2
Total	4	8	9	5	4	4	34	100

REASONS OF NON AVAILABILITY

Those respondents who have reported non-availability of well-equipped computer labs were further asked to assign the reasons for the non-availability. The reasons have been shown in Table 6 which illustrates that 38.2 percent respondents mentioned lack of sufficient number of computers, untrained staff, computers lying unused and lack of sufficient time for using the lab as reasons. 26.5 percent of them said that lack of sufficient time for using the lab as the reason. 14.7 percent lamented about untrained staff as the reason for non-availability. There were 11.8 percent who reported the lack of sufficient number of computers. Computers lying unused as a reason for non-availability have been mentioned by 8.8 percent of the respondents.

Table 7: Respondents' Views on Different Aspects of E-Governance and Analysis Thereof Through Likert Scale and the Chi-Square Calculations

Respondents	Likert Scale					Row Total	Chi-Square Value
	Strongly Agree	Agree	Undecided	Disagree	Strongly Disagree		
Principals	2	2	1	0	0	5	0.8
Teachers	5	2	3	0	0	10	0.6
Students	3	3	4	0	0	10	0.8
Local Leaders	2	2	1	0	0	5	0.8
Social Activists	2	2	0	0	0	4	2.2
Parents	2	1	2	0	0	5	1.005
Column Total	16	12	11	0	0	39	6.2

ASPECTS OF E-GOVERNANCE AND ANALYSIS THEREOF

From the above table, the Chi-Square value is 6.2 in accordance with the degree of freedom = $(r - 1)(c - 1) = (6-1)(5-1) = 20$ and the level of significance = $5\% = 0.05$, where, O_i is the observed frequency, E_i is the expected frequency and the expected value is calculated through . And, the table value (critical value) at 5% level of significance at 20 degrees of freedom observed is 31.41.

Since, our Chi-square calculated value is less than the Chi-square critical value (i.e. 6.2 - 31.41). So, the hypotheses are accepted and it is established that:

CONCLUSIONS AND POLICY SUGGESTIONS

Although the sample size was thin and there is possibility of errors in results, yet the study at least shows the trends. The respondents had either full or partial knowledge of the application of E-Governance in the secondary schools. In

their opinion, it improves application of ICT in institutions, efficient supply of information and quickness in services. The overwhelming majority of the respondents were not sure as to when the education policy having provision of E-Governance was implemented. Most of the respondents knew that there was a provision of E-Governance in the education policy. Majority of the respondents were of the view that no change after introduction of the scheme took place after the introduction of ICT in the secondary schools. Most of the respondents were of the opinion that the local people and the students did not take interest in ICT. There is inadequate availability of well-equipped computer labs were not available in the secondary schools. Lack of full awareness about the application of E-Governance, its implementation in the secondary schools, ineffective implementation because of inadequate infrastructure, untrained staff and indifferent attitude of officials hampered the progress.

As such, it is suggested that government should take steps to raising awareness of the scheme and its proper use. In the process local communities including parents should be made to participate in the awareness process, On the other hand, Government should make adequate budgetary provisions for training institutes, NGOs and civil societies for launching the training and literacy sessions for the officials and the non-officials. There is urgent need ensuring regular monitoring and evaluation of the training and the literacy sessions arranged; and take the requisite feedback on a regular basis to make the programmes more effective and result oriented.

There are a few suggestions for NGOs and civil society too. There should be organized community efforts to make it a success. Such efforts should go for organizing specific programmes with demonstrations for making the people aware of the need, relevance and uses of ICT in which the services of IT experts should be taken. Written study/training material should also be supplied to both the beneficiaries and stake holders.

If the above recommendations are sincerely accepted and implemented with strong political and administrative will, it is hoped that we can achieve success in revamping secondary education through E-Governance.

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SOLID WASTE MANAGEMENT IN PATNA MUNICIPAL CORPORATION: SUGGESTING SOME POLICY IMPLICATIONS

Sharad Kumar Sharidendu* and Firdaus Fatima Rizvi**

Abstract

There is a growing trend of migration of people from rural areas to urban areas for livelihood and employment purposes. Increase in population directly leads to increase in solid wastes. It becomes the burden on the municipality to manage with the increased weight of solid waste. Patna city is also witnessing in-migration in large scale and is considered to be the Garbage Capital of India.

The present study is exploratory and pragmatic in nature and provides detailed insight of the functioning of solid waste management in Patna Municipal Corporation. It looks into the geography, landuse pattern, population of Patna and the current practices involved in the process of garbage collection and waste management.

Keywords: Solid Waste Management, Municipal Corporation, Land-Utilisation Pattern

INTRODUCTION

As the modern civilized world meets with its urban future, the magnitude and volume of Municipal Solid Waste (MSW) is the largest by product of an urban style of living. A global picture shows that amount of municipal solid waste is growing even faster than the rate of urbanization. Hoornweg & Bhada-Tata (2012) presents a data set on municipal solid waste generated by urban residents. According to

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them, in 1992, there were 2.9 billion urban residents who produced about 0.64kg of MSW per person per day (0.68 billion tonnes per year). In 2012, that amount has increased to about 3 billion residents generating 1.2 kg per person per day (1.3 billion tons per year). By 2025, it will rise to 4.3 billion urban residents generating 1.42 kg per capita per day of municipal solid waste (2.2 billion tons per year).

Municipal solid waste management is the very essential services that a city provides. In many countries including developing and developed, municipal solid waste management service is local government's responsibility. MSWM (Municipal Solid Waste Management) is also the indicator of healthy urban metabolism and infrastructure of the city. If cities are not able to manage its wastes efficiently, it's hardly possible to manage more complicated services and provision like transportation, slum, energy, education and health. Inefficiently and unscientifically managed solid waste has very disastrous impact on public health, workers health and environment both locally and globally. In addition to this, indiscriminate disposal of MSW in open dumpsites within the urban area has proved to be very dangerous, risky and unsafe for the population residing nearby dumpsites. They can pose health threats and damage to environment in urban areas. Inappropriate MSW practices are a great danger to public health and the environment. Open dumping of garbage's on street and other malpractices related to solid waste management practices degrade the quality of air, water and land and expedite the proliferation of pathogens and vectors that carry diseases. It directly or indirectly causes adverse effect on population residing there, conservancy staffs and all those scavengers and municipal solid waste workers who works in this sector. This makes the entire process more complicated, risky and hazardous.

DEFINITION OF WASTE

The actions of human civilization are eternally accompanied by waste generation. The essential environmental question in industrialised and developing countries throughout the world is by what means to best detect and manage waste streams. Shockingly enough, mankind at the start of the 21st century still has difficulties with development of accurate and exact legal definition of waste. In addition to these there is also a complete negligence in internationalising of national criteria and standards on waste terminology. This induces severe complications with waste administration and statistics on the international and even on the regional level. The legitimate definition of waste applies a deep influence on the waste managing system, causing serious concerns to the environmental security and sustainability. In spite of growing environmental responsiveness, the waste management exercise in the world usually follows the pathway of minimum cost and least monitoring control. It is too a matter of course that definitions must not come to bean

obstacle to an optimal management of waste, environmental safety and economic improvement.

Adegoke(1990) defines “wastes as a substances and materials, which are disposed of or are required to be disposed of according to the provision of the national law”. In the same way, Miller (1991) defined waste as any unwanted or discarded materials that are solid, liquid and gaseous. It includes, waste is that material that no longer has any economic value to the person who be the owner of that stuff. The legitimate definition of waste at European level is specified in the European Union Council Directives which defines waste as any substance or object such as production and consumption residues, product whose date for appropriate use has expired, materials spilled lost or having undergone other mishap. Including any material, equipment etc., contaminated as a result of the mishap, material contaminated or soiled as a result of planned actions (residues from cleaning operations, packaging materials, containers etc.) unusable parts (reject batteries, exhausted catalysers), substances, which no longer perform satisfactorily (contaminated acids, contaminated solvents, exhausted tempering salts etc.), residues of industrial processes (slag’s, still bottoms), residues from pollution abatement processes (scrubber, sludge’s, Bag house dusts, spent filters etc.), machining /finishing residues (lathe turnings, mill scales), residues from raw material extraction and processing, adulterated materials (oils contaminated with PCB etc.), any materials, substances or products whose use has been banned by law, product for which the holder has no further use (agricultural, households, office, commercial and shop discards etc.), contaminated materials, substances or products resulting from remedial action with respect to land.

SOLID WASTE: WHAT IS IT?

Solid waste is broadly included of non-hazardous domestic, commercial and industrial refuse including household organic waste, hospital and institutional garbage, street sweepings and construction wastes (Zerboc 2003). Ministry of Urban Development, Government of India in its manual on municipal solid waste management defines the solid waste as discarded solid material of manufacturing processes and industrial operations, waste materials generated by the construction, refurbishment, repair and demolition of houses, commercial buildings and other structures, wastes that are collected from streets, walkways, alleys, parks and vacant lots, bulky household wastes which cannot be accommodated in the normal storage containers of households, wastes are those arising from institutions such as schools, universities, hospitals and research institutes, solid wastes that originate in offices, wholesale and retail stores, restaurants, hotels, markets, warehouses and other commercial establishments, wastes that originate from single and multi-family household units.

According to Municipal Solid Wastes (Management and Handling) Rules, 1999 GOI, solid waste includes commercial and residential wastes generated in municipal or notified area in either solid or semi-solid form excluding industrial hazardous wastes but including treated bio-medical wastes. The definition of solid waste is given in the European Union Council Directive as “Waste that predominantly consists of material that has the properties of solid”. In United States, waste identification is producer answerability. It is controlled within the context of Resource Conservation and Recovery Act 1976 (RCRA) and Comprehensive Environmental Response compensation and Liability Act (CERCLA) of 1980, normally known as Superfund. RCRA 1976 provides precise definition of Solid Waste, the term Solid Waste means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution facility and other discarded materials including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities but does not include solid or dissolved materials in domestic sewage or solid or dissolved materials in domestic irrigation return, flows or industrial discharge which are point source. The Organization for Economic Co-operation and Development (OECD) defines solid waste as useless and sometimes hazardous material with low liquid content. Solid wastes include municipal garbage, industrial and commercial waste, sewage sludge, wastes resulting from agricultural and animal husbandry operations and other connected activities, demolition wastes and mining residues. This paper reviews the solid waste management system in Municipal Corporation of Patna.

PROFILE OF PATNA CITY

Patna is one of the oldest existing cities in the country which was famous by the name of Patliputra. It is the capital of the state of Bihar and in current years represents a successful Centre of administrative, commercial and enlightening activities. Due to the existence of huge perennial rivers on three sides, there is inadequate scope for physical expansion of the town. As a consequence of this restriction Patna has urbanized as a linear city, which have its bearing on municipal solid waste management and sanitation jobs.

Patna is bordered on entire sides by rivers, which has obviously constrained its growth. It is a linear city which has grown on each sides of the main road (Ashok Raj Path) running east to west on a ridge, approximately parallel to the bank of the Ganges river. The length of the city is 24 kilometres. Earlier to the new Bypass road being built, the city was 2.5 kilometres in width on average. Patna is divided into three areas – an eastern old city (Patna City), a central area extending from Mahendru to Patna Gaya Road, and the western New Capital Area (see Figure 1).



Figure 1: City map of Patna

Source: <http://www.mapsofindia.com/maps/bihar/patna-city-map.htm>.

Patna city is divided into several administrative units for the purpose of planned development and for better urban metabolism. It includes Patna Regional Development Authority (PRDA), Patna District, the Patna Urban Agglomeration Area (PUAA), and the Patna Municipal Corporation (PMC). The PRDA is roughly 235 square kilometres in area and consists of three districts of Bihar: Patna, Saran, and Vaishali (see figure 2).

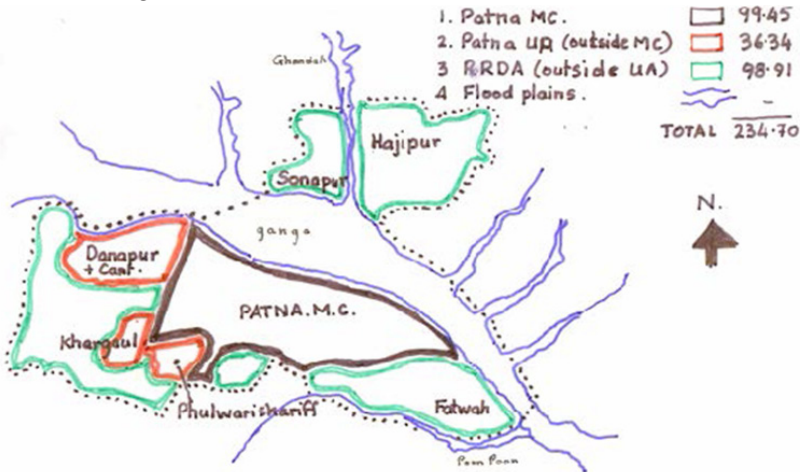


Figure 2: Patna Municipal Corporations and Patna Urban Agglomeration Area

Source: Government of Bihar, 2006

LAND USE IN PATNA CITY

Land use pattern is very important factor in urbanization of city. It also explores the scopes of future growth of city and its expansion. Table-1 reveals the land use pattern of Patna city. About 47.51 percent of land is devoted to residential use. Only 3.07 percent area lie in open space category.

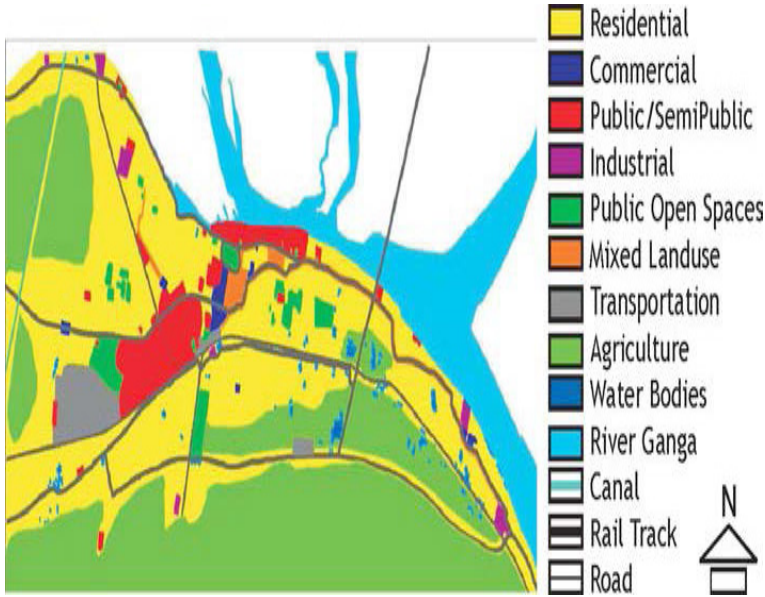


Figure 3: Land use Pattern of Patna Municipal Corporation area

Source: CDP 2011

Table 1: Landutilization pattern in Patna (2011)

<i>Land use</i>	<i>Percentage</i>
Residential	47.51
Commercial	4.46
Mix use	3.37
Industrial	1.05
Public and semi public	10.18
Open space and recreational	3.07
Transport/ Road	5.90
Air port	1.05
Brick kiln	0.70
River flood plain	3.35
Water body	1.01

<i>Land use</i>	<i>Percentage</i>
Agricultural Land	17.66
Forest	0.64
Total PMC area	100

Source: CDP 2011

POPULATION OF PATNA

Population Wise Patna city is second largest city in Eastern India after Kolkata. According to 2011 census the total population of Patna is about, 1,683,200 lakhs. This figure is immensely increasing due to natural increase in population as well as migration from rural areas and adjoining districts.

Table 2: Population of Patna in various decades

<i>Year</i>	<i>Population</i>
1971	475,300
1981	813,963
1991	955,418
2001	1,376,950
2011	1,683,200
Area Sq.K.M.	109.4
Total No. of Registered Households at Present	2.06 lakh (approx.)

Source: PMC 2011

Table 3: Expected Population (lakh) forecast in PMC area

Year	2016	2021	2025	2031	2036
Population	19.87	21	23.4	27.08	30.27

Source: BUIDCO 2011

WASTE GENERATION IN PATNA

At current 1000-1200 tons per day (TPD) waste is generated each day. In Patna, per capita waste generation is approximately 430 gm to 670 gm per day. In year 2011, per day waste generation was 1010 (TPD). Various studies show that in coming years the volume of waste generation will significantly increase and municipal corporation will unable to handle the situation with same infrastructure.

Table 4: Expected Waste Generation Rate of PMC

Year	Waste generation (TPD)
2011	1010 TPD
2016	1277 TPD
2021	1514 TPD
2026	1836 TPD
2031	2299 TPD
2036	2570 TPD

Source: BUIDCO 2011

PRESENT SOLID WASTE MANAGEMENT SYSTEM IN PATNA

The Patna Municipal Corporation was established on the 15th August 1952 in accordance with The Patna Municipal Corporation Act, 1951, The Patna Municipal Corporation Act 1951 came into force on 15-08-1952 with the enforcement of the act, the former Patna City Municipality, the former Patna administrative committee and the former Patna Bankipur joint water works committee were replaced by the Patna Municipal Corporation on 15-08-1952. Thus, came into being a New Civic Body with the merger of the 88-year-Old Patna City Municipality and the 35-year-old Patna Administration Committee with more powers and responsibilities and the PMC was established with effect from 15th August 1952. Solid waste management is an overall responsibility of the corporation as per Bihar Municipal Act 2007 and MSW (Management & Handling) rules 2000. Patna Municipal Corporation (PMC) is one of the Mission Cities under the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) of the Government of India (GoI) and is eligible for grants from central / state government under this scheme. Erstwhile Patna Regional Development Authority (primarily dealt with Urban Planning) also merged with PMC in the year 2007.

Administrative Structure

- (a) The Corporation: Consists of a Mayor, a Deputy Mayor and 70 other Ward Councillors, the members of the House of People and the State Legislative Assembly representing constituencies which fall wholly or partially under the Corporation area and the members of the Council of the State and the members of the State Legislative Council registered as electors within the Municipal Corporation area are also members of this Corporation

- (b) The Empowered Standing Committee: consists of 9 Ward Councillors including Mayor and Dy. Mayor
- (c) The Municipal Commissioner is the Chief Executive Officer.

Total No. of Wards: 72, Total No. of Circles: 4, Grade of City: B

By figures for implicit regular yearly growth, Patna is the 21st fastest growing city in the world and 5th fastest growing city in India by the City Mayors' Foundation Both the migration from the surrounding area as well as the internal natural growth of population of Patna has contributed to this experience.

Solid Waste Management Practice in Patna

Patna Municipal Corporation (PMC) is nodal agency responsible for providing municipal and associated community services across its 72 wards. Till now solid waste management system is not methodical, efficient systematic, scientifically organized and sound in Patna municipal area, serious hard work and policy initiative are required to make the SWM system efficient, service oriented, systematic and scientific.

Current Solid Waste Management in PMC: A Bird's Eye View

In Patna, PMC is responsible for all activities and essential arrangements that required managing solid waste from its origin. This encompasses collection, transport, treatment, and safe disposal of waste along with comprehensive monitoring, appropriate environmental and sustainable priorities. In PMC all provisions notified in MSWM handling rule 2000 is modus operandi for solid waste management.

When asked about the current MSWM practices of PMC officials responded that, *“Municipal Solid Waste Management is our utmost priority. Patna Municipal Corporation (PMC) is local nodal agency solemnly Responsible for Management of Solid Waste Management in jurisdiction of PMC. We have introduced lot of innovations and improvement in this field. The city has been categorised in four circles. The sweepers are deputed on the basis of the population and area of the circle. The sweepers collect the waste material from the collection bay and put in the vehicle and finally it is dumped in the circle dump yard, from where is collected again and Dumped in Bayria dump yard. This is the entire procedure of our solid Waste management”*.

Segregation of Waste

Segregation of waste is integral part of solid waste management. According to municipal solid waste management and handling rules 2000 it is now compulsory

for all local bodies to sort waste. Segregation in simple sense means separation of waste into dry and wet, bio- degradable and non- biodegradable or organic or non -organic. In PMC, segregation of waste was not followed due to several reasons. When asked about this issue, Municipal officials responded that, *“we have appealed our workers and urban residents to segregate the bio degradable and non-biodegradable waste, but the response cannot be said to be 100 percentage, some are following and some are not. We have already divided the waste bins into two categories as bio-degradable and non-biodegradable but very few people are using it. It is difficult on the part of workers to be dividing the waste as Bio-Degradable and Non-Biodegradable. There are several reasons why this cannot be done. Firstly, lack of sufficient workers. Secondly, there is time limitation, moreover, there is lack of fund. Though it is difficult job for us to divide the waste but it is quite an easy job for the residents. If people are made aware of this fact then there can be change in the scenario.”* On other hand when asked about segregation of Municipal waste and bio medical waste, officials responded that, *“We are not very sure whether this can be put into practice but I have informed all the hospitals and pathological labs to segregate bio medical waste. If these instructions are not followed then according to MSWM 2000 rule there is provision of proper action and punishment will be given. PMC always tries to discourage such kind of acts and there is strong determination in coping with this mal practice in PMC.”*

Sources of Solid Waste Generation in Patna Municipal Corporation

Households and domestic waste, restaurant and hotels waste, commercial complex and official waste organic and agricultural market waste, bio medical and nursing clinic waste, slaughter house waste, demolition and construction waste and industrial waste.

Composition of Waste

The waste composition of Patna municipal area reveals that 40 percent comprises domestic wastes and 60 percent, is industrial & commercial waste. The solid waste comprises of vegetable and organic fraction (49 percent); burnable fractions (12.5 percent) and non-combustible fraction (38.5 percent).

Physical Characteristics of MSW

MSW generated in Patna city can be characterize into subsequent broad physically category-

Table 3.5: Physical characteristics of solid waste

<i>Physical Characteristic</i>	<i>Percentage by weight</i>
Paper	4
Textile	5
Leather	2
Plastic	6
Metals	1
Glass	2
Ash, Fine Earth Silt etc	29
Compostable matter	51
Total	100

Source: BUIDCO

Primary Collection of Waste

Waste collection is integral part of solid waste management. It is defined as transfer of solid waste from the point of waste generation to the point of waste treatment or safe disposal. It also includes collection of waste from house through community bin system, house to house collection system on regular pre informed basis. It also seeks collection of waste from slums and squatter areas as well as wastes from slaughter house and residential areas. Municipal corporation authority was responsible for notifying waste collection schedule and possible method to be adopted for the benefit of people in a city. In Patna, door to door collection was very poor rather it was not in practice. Usually wastes thrown into close container bins or in open spaces (which is placed everywhere). When asked about the present waste collection coverage, officers there responded that, “*the current waste collection coverage in PMC is about 70 percent of the entire municipal area, our collection efficiency is not 100 percent due to lack of financial resources.*” They further commented on collection coverage, *we provide door to door collection of waste in limited area where we get user charge within the resident area. We use trucks, tractors, hand carts, compactors and hydraulic lifter for this when our vehicles are full, we transport it to dumpsites.*

Storage of waste at Source

Generally done in polythene bags, plastic buckets, papers, cartoons, carry packets. It is estimated that 75 percent of the households and 80 percent of shops and establishments continue to throw the waste on the streets, which shows the lack of civic awareness.

Street Sweeping

Daily sweeping is done manually through, major roads usually covered, garbage collected through sweeping either left on the road side or carried to nearby secondary point by handcarts.

In PMC jurisdiction area, there are fairly accurate 870 waste collection points and garbage bay were located across the city, in addition to this there exist a great number of unofficial collection spot in the appearance of open space all across the city. Roughly 550 container bins (1.1 cum) are positioned at chosen secondary points for the intention of waste collection. The illogically disposed waste is collected by hand by the street sweepers arranged by the PMC and brought to the designated spot wherever possible by means of trolley handcart. The container bins are either inadequate, not maintained properly or have been damaged due to rough usage In absence of a robust system of collection and storage, waste is usually found to be disposed of erratically on road sides, outside the bins at the secondary collection points, into the drains on the sides of the roads, in nallas and other depressions/ low lying areas, etc. This leads to chocking of drains, spilling over waste, scattered waste around the Bins, invasion of cattle. PMC is in need of more such containers to cope with the problem.

Transportation

Largely labor-intensive loading is performed in PMC in coping waste generation. (although mechanical loading is performed by large compactors, which are very few in number) Tractors, dumpers, Hyva, Tippers etc. used. Transportation to a provisional transitional point, which is one each in each circle. From these transitional points the waste shifted to Bayria dumping site which is 22 km away from the city on Patna Gaya Road. PMC do not have requisite fleet capacity for collection, lifting and transportation of Solid waste. Generally mixed MSW including Domestic organic, biomedical waste, sweeping waste, drain silt and construction waste is transported by help of open trucks, tippers and tractor trolleys, sometimes it is covered and also vehicles own by PMC is over a decade old which is tattered out and is in urgent need of absolute replacement. On the sum total, the obtainable capacity for waste transportation is expected to be around 60-75percentage of the present generation which is a foremost cause of concern from environment and public health point of views. Now PMC is in procedure of buying fresh vehicles to fill up the gap. In sight of these restrictions and challenges, waste remains uncollected at the designated points or disposed of at unauthorized points on the sides of roads, railway lines, highways, nalla, depressions, unoccupied plots, open public spaces, etc.

Waste Reduction

Waste reduction is most important and primary instrument of effectively minimizing waste. It poses top place in hierarchy of waste management. Waste reduction primarily focuses on prevention of solid waste generation. It also acknowledges the reduction in quantity; volume and toxicity of waste generation before it enters in to waste stream. It requires voluntary initiatives, increasing behavioural awareness and comprehensive recycling facility. It also concentrates on educating local public and waste worker about steps that prevent waste generation. In PMC waste reduction is primarily a under noticed and neglected agenda. It is due to indifferent attitude of public as well as their apathy for this. When asked about the Waste reduction Initiatives in PMC officer sanitation and waste management responded that *“Currently the main focus is on 100 percent collection of solid waste and its effective disposal but the main challenge is dearth of financial resources, so waste reduction is not our top must priority.”* Thus, this was the functioning of Municipal Corporation of Patna in dealing with solid waste generated.

CONCLUSION AND POLICY IMPLICATION

In PMC, waste reduction is strongly needed due to its increasing urban area proportionate to population increase. Solid waste management needs to be more technical and mechanised, with more options for garbage regeneration and proper waste management. Even the Municipality should look for providing Green Skills and Green Jobs/Entrepreneurship as a new concept of sustainable development mentioned under the WHO.

In PMC, Risk understanding may need to be strengthened among the general public, waste workers, municipal administrators, contractors, politicians, media, and public health practitioners as well as research and academic community. More normally, the paper proposes following recommendations for policy implication-

- Governments, specifically Health ministries, should perform a very alert, tuff and robust role in articulating and formulating risk prevention policies, encompassing additional support for scientific research, enhanced surveillance systems and better access to universal information.
- A sense of balance is required and necessary among government, community and individual actions. For instance, government and community action should be supported by non-governmental organizations, local groups, media and others. At the same part, individuals (workers) should be allowed, empowered and encouraged to work safely and capable to take life enhancing decision for themselves.

- Countries must give topmost priority to evolving sharp, effective and dedicated policies for the prevention of increasing occupational health risks among solid waste workers.
- Cost effective analysis should be applied to identify priorities interferences such as High, Medium, low to prevent or reduce risks, with maximum priority given to those interferences that are cost effective and economically feasible.
- Inter sectoral and international partnership is required to minimize minor occupational health risks such as unsafe water and lack of awareness, should be encouraged and enhanced.
- Equally international and global co-operation should be encouraged and strengthened to improve risk management and understanding health threats related to Solid Waste.
- An atmosphere of faith and confidence is required between government, functionaries, public, health practitioners and media. This trust has to be nurtured, developed and fostered. The importance of developing trust between all stakeholders has great inferences for transparent government and its role in civil society. Municipal corporation need to be seen to be autonomous and independent from political pressures. Press and mass media need to be free to examine risks and broadcast their findings.
- Occupational diseases cannot be reduced and minimized without various public health provisions and supporting facilities such as PPE, Regular health camps and check-ups and proper institutional support to the workers. In PMC public health care provisions and institutional provisions are very poor and insufficient.

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JUSTICE DELIVERY BY WOMEN AT GRASSROOTS LEVEL AND THEIR EMPOWERMENT: A STUDY OF PATNA DISTRICT

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Abstract

It is a dominant assumption that status of women in society can only be improved, if they are visible in political arena. This has happened in India. A silent revolution in favour of women took place after 73rd Constitutional Amendment through which they were in one go, made to play roles in social and political domains (through reservation of seats for them in panchayati raj institutions-PRIs). There is an array of studies which have examined the political empowerment of women elected in executive branch of Gram Panchayat (the lowest tier of PRIs). But again, the substantial participation of women in these PRIs has been in question owing to the rise of 'proxy leadership' among them. The women have also assured presence in the judicial organ of Gram Panchayat known as Gram Kuchahary (GK). Unlike executive branch (Mukhiya), the Sarpanch (head of GK) has no scope of indulging in executive functions and handling of funds. But they have to exert self-assertive roles in resolution of conflicts at village level which depends on how much they command respect in the society. In such situation, it becomes an imperative to examine the justice delivery system by women from the office of Sarpanch and in the process their empowerment. The present paper caters to the need.

Keywords: Justice-delivery, Gram Kuchahary, Sarpanch, Women Empowerment, PRIs, Bihar

INTRODUCTION

Empowering women in a society is essentially a process of uplifting the economic, social and political status of women and the underprivileged. It involves building

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a society wherein women can breathe without the fear of oppression, exploitation, apprehension, discrimination, and a general feeling of ill-treatment that symbolized a woman in a traditional male-dominated society like the one in India. It is relevant here to quote Pandit Jawahar Lal Nehru, "To awaken the people, it is the women who must be awakened. Once she is on the move, the family moves, the village moves, the nation moves". The scholarship world over also advocated that women's status in society can only be improved by their substantive role in political power structure (Stacy and Price:1983). The political masters raised the issue of ensuring women's share in legislature through reservation but pushed down the issue on one pretext or another for last three-four decades. But a silent revolution took place in early nineties (1990s). With the implementation of gender quotas since India's 73rd and 74th Constitutional Amendment Acts, reserving one-third seats for women in the elected bodies of rural local governments in India has unleashed a silent revolution. Later in 2006, Bihar took lead to increase the number of reserved seats for women to fifty percent in all categories. For the first time, rural women began to participate in local governance to improve their status and acquire a decisive say in matters crucial to their livelihoods. This decision to ensure the participation of women in local government is perhaps the best innovation in a grass root democracy, contributing to improving the well-being of rural women. These provisions of ensured place for women in local self-government has empowered women to a great extent in last two decades in Bihar. There is an array of studies which examine the role of elected women representatives (EWRs) in PRIs, especially that of Mukhiyas (head of Gram Panchayat). The studies reveal that there has been phenomenon of 'proxy leadership' among women Mukhiyas and their husbands worked on their behalf as 'Mukhiya Pati' and also that with passage of time these EWRs gradually learned to play self-assertive roles (Kumari:2016). But there is dearth of literature on examination of roles of women Sarpanchs (head of Gram Katchahary) in justice delivery at grassroots level, particularly in the context of their empowerment.

Apart from Gram Panchayat, the state has another institution at the village level called Gram Katchahary (GK) which aims to bring justice to people's doorsteps. Village courts are functional at many places but that needed to be streamlined in view of their important role. The reason behind poor functioning of GKs are twofold – poor cooperation from police and local judicial bodies and secondly the inadequate awareness among them. In such situation, people lose faith and trust in the village courts resort to police and local courts. Lack of knowledge about judicial powers is at present a deterrent for village courts. In Bihar, the system of Gram Katchahary resolving disputes through arbitration and reconciliation at the village level is unparalleled across the country and helpful in deepening rural local democracy. It is a participatory way of solving local issues without losing peace and harmony between families and society at large. Gram Katchahary has been vested

with wide ranging powers, it is important to sensitize members on various legal provisions and how to go about it.

CHANGES TAKING PLACE

Control over local government resources and the collective power of women have helped women discover their own self- respect and confidence as depicted in the recent discourse on women empowerment in the 62nd session of the Commission on Status of Women. The discourse on women's empowerment has progressed from viewing women as recipients of welfare benefits to engaging them as active agents of change. The percentage of women in political activities at the local level has risen from 4-5 percent to about 35-40 percent. Gender equality and emancipation of rural women is a key driver of inclusive growth. Reservation for women has been gradually undoing the gender skew in Bihar's rural governance--its institutions now have 70,400 women in decision-making positions, which makes for 52%, according to the Bihar Gender Report Card 2019. Women leaders have transformed from anxious pioneers to resigned proxies for husbands and male relatives to now independent voices fighting to make themselves heard.

GROUND REALITIES

Today, more than 26 lakh representatives stand elected to the three levels of Panchayats in India. Of these, over 10 lakh are women, 5.2 lakh belong to the Scheduled Castes and 3.3 lakh to the Scheduled Tribes (Fifteenth Anniversary Charter on Panchayati Raj, April 2008). In Bihar during the 2006 Panchayat Elections out of the total of 8,463 Gram Katchahari 1,08,994 Panch have been elected out of which 52,805 are women and out of 9,461 Sarpanchs are women. As per data of Panchayati Raj Department, Government of Bihar, out of 2.23 lakh cases registered in Bihar from 2016 to 2019, 18074 cases were registered in 6922 village courts (Gram Kutchaharies). The powers and functions of Mukhiya and Sarpanchs have recently been separately redefined and Gram Kutchaharies are vested with powers to monitor the works of Gram Panchayats. Gram kutchaharies have also been vested with roles to sensitize members on various legal provisions and how to go about it. As such the roles of Sarpanch, especially the woman Sarpanch, have become more significant. Sachchidanand rightly marks that "At the present day we are passing through the greatest social experiment of our time. There is a historic confluence of two forces, the awakening of women and the emerging commitment to local democracy. This is taking decision making power to the people at the village level including one million elected women local government representatives. These women are not only beneficiaries of change they are the key agents of change. Their role in society is not confined to fetch, to carry, to cook, and to wash year after year as a submissive silent slave, sold to life for nothing. This struggle for creating

a new future for women encounters harsh opposition from patriarchal and feudal elements. Women who dare to contest electing are victims of manipulation, physical attack, violence and humiliation. Against all odds elected women representatives (EWR) are making a difference. They are transforming the development agenda to address issues critical to village life such as health, education, income generation and eradicating social evils. In this process, they are redefining leadership incorporating values such as honesty, openness, collective support, inclusion and accountability. They are changing village dynamics. Women leaders empower other women to step out of the home, become literate and contribute to the community.” (Sachchidanand: 2005).

JUSTICE DELIVERY IN STUDIED AREAS

A survey of 32 EWR of Gram Katchahary was conducted in four Gram Panchayats of two blocks Punpun and Belchi in Patna district during February, 2021. There were 25 Women Panchs of the total 50 Panchs and 46 Women Panchs of the total 92 Panchs were elected from the selected blocks namely Belchi and Punpun respectively during our survey. Later elections were held in March-April 2021. There were 3 women Sarpanchs out of total 7 sarpanchs in Belchi block and 7 women Sarpanchs out of 13 Sarpanchs in Punpun block. It is to be noted that only one Sarpanch of the 4 interviewed sarpanchs has been reelected rest three sarpanchs lost their elections. Similarly merely 23 Panchs of 28 interviewed Panchs lost the election this time.

The official data on cases handled by the GKs headed by women Sarpanchs since the 2016 were collected from the office of the selected GKs during the field visits. The available data shows that very few number of cases were filed with the studied GKs. The reasons behind the poor number of cases may be due to two facts – a) the GKs are still in rudimentary stage and people lack trust and become reluctant to come to these GKs for redressal of their grievances and resolution of conflicts, and b) the local courts and police officials are less prompt in transferring the cases to the GKs.

After the case is lodged with GK, the functionaries have to summon the litigant parties, as per rules. Thus, we ascertained the actions taken by them in serving the summon to the concerned parties. Our survey results depict that in 81.3 per cent of cases, summon was issued to both the parties, in 15.6 percent of cases, only accused were summoned and merely 3.1 percent appeared voluntarily. These women followed the concerned rules in summoning the parties for hearing/trial. The survey had the limitation of the smaller number of cases filed with GK and the respondents lamented that dominant section of the society were less interested to get the conflicts resolved through GKs and police officials adopted delaying tendency in transferring the cases to GK.

There are three kinds of disputes put before GKs, namely Civil, Criminal and Family disputes. The family disputes are related purely to social and interpersonal relations like disputes of husband-wife, brothers, father-sons etc. Often these disputes turn into criminal disputes. As per survey results, 48 percent frequency was found in category of family disputes, 30 per cent in land disputes (this has been discussed in the category of civil cases), tackling rivalries among villagers and disputes arising out of location of public facilities and other development schemes. Such disputes sometimes turn into criminal and civil disputes viz. if water tap is to be installed at a place where interest of two persons clashes, it becomes a personal dispute. As regards the family disputes, the respondents revealed four categories of modes of disposal – reconciliation, pacifying both the parties to stay peaceful, compensation to victim and getting the dispute settled outside GK by non-member elders. The survey results depict that family disputes were mainly (46.3 per cent) resolved by applying reconciliation mode, followed by making them settle outside GK (39.0 percent), a low 9.8 percent cases were settled by pacifying the parties and a meagre 4.9 percent by applying the method of awarding compensation to the aggrieved to be paid by the oppressor.

Further, the survey depicts that reconciliation is the most common mode applied by the women Sarpanchs/Panchs for resolving criminal disputes followed by threatening social boycott. 46.3 percent of answers fell in category of ‘reconciliation’, 39 percent in ‘social boycott’, 9.8 percent in threatening of police action and a meagre 4.9 percent in awarding compensation categories.

So far civil disputes are concerned, the survey results depicted that 46.3 percent civil disputes were resolved by reconciliation, 39 percent were resolved on the basis of Land Records, 0.8 per cent were resolved by applying judicious partition among the parties beyond the land records or in absence of land records and merely 4.9 percent of disputes were referred to judicial courts in the jurisdiction. It shows that most of the civil disputes were resolved amicably by reconciliation and based on land records. Very few cases are referred to judicial courts in the jurisdiction.

CHALLENGES FACED BY WOMEN SARPANCHS/PANCHS

The Sarpanchs/Panchs face difficulties in the process of conflict resolution. The respondents are bearing the triple burden of caste, class and gender, particularly in the delivery of justice. Their subjugated status as both being women and in lower strata of our patriarchal society inhibits them to exert roles. Sometimes, people mainly traditional dominants, defy the summon and decisions made by women panchs. Sometimes, they are meted out with violent treatment by the oppressor castes, who physically assault the women panchs and their families. However, such

complaints of ill treatment were not mentioned during the survey. The reason behind it may be twofold – first, the respondents belonged to the same social strata as in the society and traditional dominants have lost the dominance and second, phenomenon of proxy leadership. In other words, their husband performed duties on their behalf.

During our survey, it was found that women panchs had to face resistance by the people against their actions and decisions. Though 37.5 per cent denied any such resistance and disregard to GK's actions and verdicts, yet they admit the resistance faced by certain sections of society, mainly being the rich and dominant sections, criminal minded and persons holding posts in panchayati raj bodies. Our survey reveals that 31.3 percent of respondents faced resistance from rich and dominants sections, 18.8 percent from criminal minded and 12.5 percent from fellow panchs and other members of panchayat bodies.

CONCLUSIONS AND SUGGESTIONS

The whole gamut of discussions above leads us to conclusion that women sarpanchs make every effort to deliver justice at the village level and they are successful to a moderate degree. The reasons behind the moderate performance are – a) dominance of male bastion b) traditional dominants are not adequately cooperative, c) poor cooperation from police and other governmental agencies, particularly in the transfer of cases d) Inadequacy of devolution of funds and infrastructure. However, the functioning of GKs headed by women definitely reveals that women are being empowered gradually. Empowering processes can fall short of promises if institutional spaces such as fully functional local government offices with adequate resources and other basics are not provided by the government at the local level. These offices are essential enablers which help build the trust of the local citizenry in the government machinery. In these spaces, women as elected representatives acquire skills, confidence, and capacities to effectively perform their functions and duties. They learn to articulate their demands, voice their concerns and mobilize resources and assistance in a secure and safe environment.

The physical construction of simple office buildings equipped with proper facilities such as electricity, toilets, safety, and connectivity for women should be urgently provided. Besides, funds and cooperation from police, local bureaucracy and the judicial authorities is highly solicited.

Under the Panchayat Mahila Evam Yuva Shakti Abhiyan, as association for Elected Women Representatives (EWRs), called 'Shaktirupa' has been formed which is registered under the Societies Registration Act, 1860. The main objectives of this society are to build capacity of EWRs and to ensure greater participation of women at the local, district as well as state levels. Such outfits should be encouraged

and strengthened. The Bihar Panchayat Strengthening Project in India, financed by the World Bank, which is funding the construction of local government offices at the village level, has now become a symbol of women's emancipation and the inclusion of vulnerable peoples. This a welcome step.

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SOCIAL SECURITY SCHEMES FOR WORKERS IN UNORGANISED SECTOR: SOME POLICY SUGGESTIONS

Sunita Roy*

Abstract

The social security to the unorganised workers is currently receiving the urgent attention of the Central and some of the State governments. The crucial policies issue have been globally undertaken by governments to provide adequate social security for the vast majority of the labour force engaged in organised sector. Social security provisions in the country have unfortunately been confined only to workers in the organised sector while those in the informal sector, mostly have no protection against any kind of risk about income, employment, and health. In order to fulfill its firm commitment to the “welfare and well-being of workers in the unorganised sector” was initiated well back in 1990s in the shape of medical facilities. Now the governments in present times have also paid substantial attention to them. In view of the urgency of caring the wellbeing of workers in unorganized sector, the present paper intends to assess the social security measures of the government in the context of their success, viability and benefits.

Keywords: Social Security, Policy, Workers, Unorganized-sector, Schemes, India

INTRODUCTION

Social Security ensures peace and prosperity in the society. The Universal Declaration of Human Rights 1948 is the basic international instrument of the inalienable and inviolable rights of all members of the family of human sapien. Article 22 of the Declaration dictates as follows: “Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international cooperation in accordance with the organisation and resource

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of each state of the economic, social and cultural rights for his dignity and the free development of his personality”. The international convention on economic, social and cultural rights ratified by India in 1979 support the legal rights of workers of unorganized sector. The Supreme Court of India has expanded the interpretation of the term ‘life’ in article 21 of Indian Constitution to include “livelihood” which extends to education, medical care, housing, clean environment and so on, all of which in the aggregate will be coterminous with emerging concepts of social security.

The Directive Principles of State Policy in Part IV of the Constitution mandates that “the state shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, education and to public assistance in the case of unemployment, old age, sickness and disablement benefits and in other cases of underserved want (Article 41)”. All the above indubitably point to the conclusion that social security is a basic human right and the state has the obligation to meet the requirements of its people in this regard.

The balanced and overall development of any country requires not only attaining high GDP but also improvement in the quality of life of citizens, especially poor. Therefore, to promote improvement in the quality of life, ensuring provision of adequate social security to citizens becomes highly significant, especially in a developing country like India. The Prime Minister’s recent introduction of new social security schemes to ensure financial inclusion, insurance, and pension is undoubtedly a laudable step. These schemes are expected to enhance the welfare of the downtrodden, particularly the workers in the unorganised sector.

CONCEPT OF SOCIAL SECURITY

Social security might be defined as a provision of production for individual and households to ensure their health and income especially in case of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a sole earning member. Social security as a concept has two elements. The first relates to security against any insecurity. Such insecurities are not necessarily related to one’s status of an employee; they can arise during one’s life; and a civilized society must do all that is possible and reasonable to guard against such insecurities. It is the society of which ensure the necessary safeguards against such insecurities taking place and provide the needed protections against contingencies arisen.

As per the Unorganised Workers Social Security Act, 2008, “Unorganised Worker” means a home-based worker, self employed worker or wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by any of the such existing Act. The “unorganised sector” means an enterprise is owned by individuals or self-employed workers and engaged in the production or

sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten.

Thus, social security can help in reduction of poverty and inequality and therefore support inclusive growth through enhancing human capital and its productivity. It indirectly influences domestic demand and facilitates growth of an economy.

Although social security measures had been introduced in many countries decades ago, in India, they were introduced only after independence. This has been mainly due to lack of official sympathy and interest in the welfare of workers and the comparative weakness of the trade unions in raising their demand for such measures.

SOCIAL SECURITY SCHEMES: UNORGANISED SECTOR

The purpose of social security programs or schemes for basic social or human development such as the mission for literacy, schooling, healthcare services, drinking water and sanitation, technical training, etc. that should be viewed as being foundational to any sound socio-economic development policy. These programs address the issue of creation and enhancement of human capabilities by offering entitlements to all citizens funded by the public exchequer. The effectiveness and advancement of these functions of the State often constitute a pre-requisite for the effectiveness of specific protective social security policies and schemes in India.

As per the International Labour Organisation (ILO-2014 records) only 27% of the global population enjoys social security in any form while 73% is deprived of it. The need for such highly subsidized programmes arises in India because nearly 90% of workers in India for their livelihood engaged in the unorganised sector, which lacks social security. The population in the unorganised sector thus remains most vulnerable to various unforeseen shocks which hinder poverty alleviation and inclusive growth. In fact, the indirect cost of absence of social security might be increasing social cost resulting from monitoring and managing of the health accompanied by various related social and labour problems, including absenteeism. On the contrary, a workforce with higher capability and social security could contribute to higher growth, which in turn, would enhance aggregate demand in an economy through the purchasing power of the best mass of the workforce in the unorganised sector. In order to provide social security benefits to the workers in the unorganised sector, the government has enacted the Unorganised Workers Social Security Act, 2008. Some of the welfare schemes for unorganised workers are covered by this Act are:

SCHEMES OF PRE-NDA REGIME (2014)

- 1) The National Social Assistance Programme (NSAP), launched in 1995 is a centrally sponsored scheme of the Government of India that provides financial assistance to the elderly, widows and persons with disabilities in the form of social pensions.
- 2) Janani Suraksha Yojana (JSY), launched in 2005, is a safe motherhood intervention under the National Rural Health Mission (NRHM) being implemented with the objective of reducing maternal and neonatal mortality by promoting institutional delivery among the poor pregnant women.
- 3) Rajiv Gandhi Shilpi Swasthya Bima Yojana aims at financially enabling the artisans' community to access to the best healthcare facilities in the country. These schemes cover not only the artisans but their wives and two children also.
- 4) National Scheme of Welfare of Fishermen aims at providing better living standards for fishermen and their families and social security for active fisher and their dependents.
- 5) Aam Aadami Bima Yojana, launched in 2013 is a social security scheme aimed at an organised sector workers aged between 18 and 59 years, which offers a cover of Rs 30,000.
- 6) Rashtriya Swasthya Bima Yojana (RSBY), launched in 2008, aims to provide health insurance coverage to the unrecognised sector workers belonging to the BPL category.

SCHEMES DURING NDA REGIME

Atal Pension Yojana (APY)

Under the APY, subscriber would receive a fixed minimum pension at the age of 60 years, depending on their contributions, which itself would vary on the age of joining the APY. The central government would also co-contribute 50% of the total contribution or rupees 1000 per annum, whichever is lower, for a period of 5 years, who are not beneficiary of any statutory social security scheme and income tax payers. The pension would also be available to the spouse on the death of the subscriber and thereafter, the pension corpus would be returned to the nominee. The minimum age of joining APY is 18 years and maximum age is 40 years.

Thus, the above scheme is an unequivocally relevant scheme for addressing the challenges of rapidly increasing the ageing population of India.

Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY)

This scheme was launched on May 09, 2015. Under this scheme, life insurance of rupees 2 lacs would be available on the payment of premium of rupees 330 per annum by the subscribers. The PMJJBY will be made available to people in the age group of 18 to 50 years having a bank account from where the premium would be collected through the facility of “auto debit”. Risk cover under the scheme is applicable only after the first 45 days of enrollment. In other words, insurance do not have to settle claims during the first 45 days from the date of enrollment.

Pradhan Mantri Suraksha Bima Yojana (PMSBY)

Under this scheme, the risk coverage will be for accidental death and full disability and rupees one lack for partial disability on the payment of premium of Rs 12 per annum. The scheme will be available to people in the age group 18 to 70 years, with a bank account, from where the premium would be collected through the facility of “auto debit”. As of 30 April 2020, nearly 7.08 crore people have already registered for the scheme.

Pradhan Mantri Kisan Samman Nidhi Yojana (PM KISSAN)

Under the scheme, the government has promised a direct payment of Rs 6000 in 3 equal installments of Rs 2,000 each four months into the Aadhar Bank accounts of eligible landholding small and marginal farmer (SMFs) families.

Pradhan Mantri Kisan Maan Dhan Yojana (PM-KMY)

Prime minister Shri Narendra Modi recently launched a pension scheme for farmers from Ranchi, Jharkhand. Under the scheme, farmers between 18 and 40 years of age will get to Rs. 3000 monthly pension after reaching 60 years. The scheme has an outlay of Rs 10,774 crore for the next three years. All small and marginal farmers (with less than 2 hectares) who are currently between 18 to 40 years can apply for the scheme. Registration for the farmer’s pension scheme was started on August 9, 2019. Life insurance of India (LIC) has been appointed insurer for this scheme. The farmers will have to make a monthly contribution of rupees 55 to 200, depending on the age of entry in the pension fund till they reach the retirement date. This is an optional scheme. The government started registration for the Pradhan Mantri Kisan Maan Dhan Yojana (PM-KMY) on August 9, 2019. The enrollment for the wall entry scheme is being done through the Common Service Centre (CSCs) located across the country. No fee is charged for registration under the scheme. The Centre pays Rs 30 to CSC for every enrolment to ensure that the scheme witnesses maximum coverage.

COVID-19 AND SOCIAL SECURITY

Covid-19 has brought to the fore the fact that more than 90% of workers in India have no social security. They must work every day unfailingly if want to survive to see the next day. They have no savings as their earning do not amount to living wages and the state provides them with no unemployment allowance. Millions of them are migrants living in cramped shorties in cities, lacking identity/address proof at the destination of migration. This, as well as the absence of Central databases and probability of benefits deprives them of subsidized food, healthcare, and social protection even in normal times and more so during disasters. Hence, the migrant's dispersion during lockdown is understandable.

But, the government announced a lockdown with little thought and planning for its consequences on the working class. Honorable Prime minister said "Jaan hai To Jahan hai". The need to bring a long time universal social security was never more urgent. The data on migration by last residence in India as per census 2001 shows that the total number of migrants has been 314 million. Out of these migrants, 268 million (85%) have been those who migrated from an area of the state to another area within the state. Some 41 million (13%) were inter-state migration. The rest migrated outside of the country.

Government of India has taken various measures for unorganised workers during period of Covid-19. Pension Fund Regulatory and Development Authority (PFRDA) has deferred/stopped auto debit of monthly contribution of APY (Atal Pension Yojana) subscribers' contribution. Authority is allowing them deferment till 30th June 2020. APY subscribers can pay the deferred monthly contributions from July 01 to September 30, 2020 without any penal interest. Ordinarily, each default is chargeable at a penalty of 1% which is collected by subscriber's bank.

The Government of India has announced a big relief package to help the poor and unorganised workers. The relief package that the government has released in the first phase is to completely solve the problem of the week and unorganised sector. The government has released a package of 20 lacs crore for this section which is suffering from the economic crisis caused by the coronavirus. Government of India is doing well for unorganised sector workers in the light of Covid-19.

OBSERVATIONS OF THE STUDY

The whole gamut of discussion above makes it clear that social security schemes have addressed multiple facets of poverty by building resilience against socio-economic crisis. These schemes have provided income security to the poor and vulnerable also and enhanced their labour market efficiency. According to the World Bank 2015, social safety nets reduce the poverty gap by 15% and the poverty headcount

rate by 8%. As highlighted by the International Labour Organisation (ILO) and the G20 Forum, Act as self regulating economic stabilizers, boost employee ability and fortify aggregate domestic demand, thus facilitating the transaction into a more formalised economy.

On the basis of above study followings observations have been made :-

The insurance schemes launched during NDA regime like PMJJBY and PMSBY are fruitful schemes as these schemes cover any death and auto debit process for payment of premium. Other schemes supporting sustenance like old age people APY and support to farmers namely PMKMDY through DBT are also substantive schemes. In addition to these, Government of India has taken various social security schemes for unorganised workers during the period of Covid-19.

CONCLUSIONS AND POLICY SUGGESTIONS

It is a fact that unorganized workers have been neglected from the very beginning as compared to organized workers. Organised workers are relatively more sound, aware of their rights and avail those facilities which are not available to unorganized workers. Covid-19 has adversely affected the health and income insecurity among the socio-economically weak vulnerable migrants workers, the daily wage earners and other unskilled labours. Covid-19 has again widened this gap and made their position worst. Although all the above schemes address the issue of creation and enhancement of human capability by offering entitlements to all citizens funded by the public exchange, yet the pandemic affected them acutely. The effective and proper implementation of these schemes are the prerequisite for the achieving the protective social security policies for unorganised workers in India.

On the basis of the present study, the important policy suggestions are as follows:

1. Scheme like Mahatma Gandhi National Rural Employment Guarantee Scheme should be extended to urban areas especially during crisis period. MGNREGA has the capability to empower poor rural households to face the economic shocks. It can manage and deal with situation to address effects of business cycles in large rural economy like India.
2. Social security must become 'Constitutional Right' for workers of unorganised sector.
3. The social security identity cards should be issued to the workers or family for genuine identification and availing the government facilities properly.
4. Social Security network must be inclusive for which legal provisions should be made.
5. To provide social security to the unorganised workers, the government initiative called Pradhan Mantri Shramyogi Maan Dhan (PMSYM) for workers with a

monthly income upto Rs 15000 and belonging to the age group of 18 to 40 years should cover the workers of unorganized sector, especially in crisis situation like Covid-19 pandemic and calamities like floods, draughts, earthquake etc.

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EXPLORING EFFICIENCY IN INDIAN RAILWAYS THROUGH PPP MODE

Rajeev Kumar Arora *

Abstract

The paper explores strategies to ensure efficiency in Indian Railways through Public-Private Partnership mode so far as the issues pertaining to network, infrastructure and maintenance are concerned. There is a large shelf of pending projects estimated at Rs. 4, 91,510 crores based on originally estimated costs. Of these, fund requirement for the prioritized works such as doubling, new lines, gauge conversion, traffic facilities, signal & telecom works, workshops and electrification is estimated at Rs 2,08,054 crore. Such prioritization of works as per developmental requirements can ensure a sustained flow of funds for such projects and focused attention can be given for early completion and commissioning of these works. These will have a direct bearing on the line capacity which in turn will ensure higher earnings and optimal utilization of assets.

Further, there are constant demands for new lines. From the point of view of remote area connectivity and meeting the demands of all for access to rail travel, the construction of new lines also assumes importance. However, all of these demands do not translate into viable projects from the point of view of Railways. Hence, a large number of socially desirable projects have been sanctioned in the past creating huge throw-forward liability and a thin spread of funds. In many cases, IR carries the burden of losses from operations in case such projects are undertaken. In order to give impetus to the execution of these socially desirable projects, partnership with State Governments would be the way forward. This the broad framework within which the paper articulates its meaning and deserves importance.

Keywords: BOO, BOT, Cost & risk, Port linkage, Network, PSU, PPP, infrastructure, Maintenance

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INTRODUCTION

For more than a century, Indian Railways (IR) is the lifeline of the nation. Its presence across the country has tended to provide the required connectivity and integration for balanced regional development. Side by side, the demand for rail services has grown in tandem with the economic expansion, quickly outstripping the supply capacity of existing assets (Rastogi, A., 2004, p. 2503). Under the BOLT scheme, the railways used a leasing mechanism to build fixed railway infrastructure that enabled bidders to provide their financial offers, construction costs, yearly lease charges and transfer fee to be paid at the end of the lease period (Ibid., p. 2503). As such the railways working unceasingly for the last several decades.

Railways are an integral part of every Indian's experience. It results as one of the pillars of the nation. Indian Railways has suffered from considerable under-investment during the last several years. As a consequence, capacity augmentation has suffered and so has the quality of service delivery. Resources have been insufficient for improving customer satisfaction and introducing technological improvements. Investments in safety have also been insufficient. This is a vicious circle that the paper proposes to convert into a virtuous circle by bringing in greater investments which will generate higher revenues and better service delivery.

Despite its problems, Indian Railways is not down and out; it is the only organization in the Government of India that pays for its wage bills, pensions and working expenses in its entirety. It also accounts for replacements and depreciation like any commercial concern should and pays a dividend on the capital it gets from the Government of India.

THE CHALLENGES

As the growth in the economy picks up in the years to come, IR will have a challenging task ahead because of line and terminal capacity constraints in transporting the incremental traffic. Therefore, there is a need for significant investment in the network, especially the HDN routes and their feeder and other important routes. This would include prioritized capacity enhancement works such as doubling/tripling/quadrupling and traffic facility works like Intermediate Block Sections, bypasses, longer loops for running long haul trains. The Goods sheds along these routes would also need to be strengthened. The capacity of Workshops needs to be enhanced to cater to a larger volume of maintenance of wagons and coaches. Similarly, prioritized electrification and signaling & telecom works are also of importance for reasons of safety and efficiency.

There is a large shelf of pending projects which is estimated at Rs. 4, 91,510 crore based on originally estimated costs. Of these, fund requirement for the

prioritized works such as doubling, new lines, gauge conversion, traffic facilities, signal & telecom works, workshops and electrification is estimated at Rs. 2,08,054 crore. Such prioritization of works as per developmental requirements can ensure a sustained flow of funds for such projects and focused attention can be given for early completion and commissioning of these works. These will have a direct bearing on the line capacity which in turn will ensure higher earnings and optimal utilization of assets.

Further, there are constant demands for new lines. From the point of view of remote area connectivity and meeting the demands of all for access to rail travel, the construction of new lines also assumes importance. However, all of these demands do not translate into viable projects from the point of view of Railways. Hence, a large number of socially desirable projects have been sanctioned in the past creating huge throw-forward liability and a thin spread of funds. In many cases, IR carries the burden of losses from operations in case such projects are undertaken. In order to give impetus to the execution of these socially desirable projects, partnership with State Governments would be the way forward.

Railway projects have been languishing for years on account of the absence of assured funding. Delay in the execution of projects leads to time overruns and cost overruns. This has an impact on the viability of the projects once they are completed. The available resources are normally spread out thinly overall sanctioned projects. In the current year, projects have been prioritized and funding assured for all the projects that can be taken up for early completion.

ALTERNATIVE FINANCING INITIATIVES OF IR-FIRST STEP IN MARKET BORROWINGS

IR realized the resource gap between the requirement and funds available as long back as in 1984 when it started market borrowings through its first special purpose vehicle (SPV), Indian Railway Finance Corporation (IRFC). Money raised by IRFC through the issue of bonds was used for acquiring rolling stock like locomotives and wagons, which were then leased to IR against committed lease charges. IR, in turn, distributed these assets to Zonal Railways that were then paying lease charges to IR as a part of their revenue expenditure. This arrangement continues even today.

THE SECOND STEP OF CUSTOMER-OWNED ASSETS

The second initiative taken in the 1980s was to encourage big institutional customers to own their wagons through the 'Own Your Wagon Scheme' (OYWS). The wagons so procured were operated on predetermined routes as decided by the company owning the wagons. The Company was given a guaranteed supply of wagons by IR and also a predetermined discount in freight rate as lease charges. This policy did

not survive for long as it suited only a few cash-rich industrial units with consistent sources of supply and regular needs for rail transport.

CONTAINER MARKETING & PRIVATIZING PARCELS

By the mid-1990s, IR revolutionized its loading performance by introducing speedier bulk movement with only end-to-end train examination. During the same time, IR established Container Corporation of India Ltd. (CONCOR) to cater to small and piecemeal traffic through containerized service. Both these initiatives led to higher growth and better services in cargo and piecemeal traffic. CONCOR remains under IR's control but has since outsourced a lot of its activities to the private sector during its expansion.

CATERING & TOURISM SERVICES

IR was providing catering and tourism services on its own. It was felt that a professional body should take over these activities relieving Railways of this ancillary Industry. This resulted in the creation of the Indian Railway Catering & Tourism Corporation Ltd. (IRCTC) in 1999. The Corporation was given the mandate to stimulate PPP in the hospitality industry which they have successfully done in food plazas, internet ticketing, etc.

PROJECT COST-SHARING WITH STATE GOVERNMENT

To meet the aspirations of various State Governments, the concept of cost-sharing with the State Government was first initiated on Mumbai Suburban System for linking Mumbai with Navi Mumbai through Thane Creek Bridge. Maharashtra Government through its PSU, CIDCO contributed 2/3rd of the cost of this project. The cost was proposed to be recovered through a surcharge on all tickets issued to stations in Navi Mumbai. The model and its variants have been subsequently tried out for projects in the states of Karnataka, Andhra Pradesh, Jharkhand, Tamil Nadu & West Bengal. There are a large number of other states which have also signed agreements with IR. The improvement in infrastructure helps the State Government ultimately and Railways get the advantage of having to do only part-funding of the projects.

PORT LINKING PROJECTS

IR has launched several schemes to supplement investment in partnership with private players for specific projects to develop port linkages. These include setting up private terminals and public-private partnerships to provide rail connectivity to new upcoming ports. Rail linkages to Gujarat Pipavav Port Ltd and Adani Port Ltd.

were the earliest projects to be done under the scheme. Similar efforts are on for developing other port linkages with private participation.

OTHER EFFORTS

Apart from construction/ gauge conversion of railway lines through private participation, Railways have also privatized tourist trains. Palace on Wheels has been operating for over a decade now. Another tourist train Deccan Odyssey is being run by Maharashtra State Tourist Corporation. Privatisation of some more tourist trains including the Kisan Tourist Train to cater to common people is on the anvil.

It is observed that though some progress has been made since last over a decade to bring in alternative financing, it has not been enough for meeting the investment requirement of IR; both in capacity augmentation and revenue-generating projects. There is a growing realization that the solution lies in the Government sharing the cost and the risks with the private sector through fair and appropriate risk-sharing mechanisms embedded in well-designed concession agreements for PPP projects.

PPP INITIATIVES

Several models of Private-Public Partnership (PPP) are now being used in various infrastructure projects in the Transport Sector including Railways. The spectrum of projects varies from leasing out of Government-owned facilities to BOO (Build, Own, Operate) and BOT (Build, Operate and Transfer).

While it is possible for other infrastructure projects in ports, highways & airports to be an independent system that could be operated and maintained independently of the existing system, the same is not possible for Railways. In railways, any project has to be supplementary or an extension to an existing larger railway network. Due to this historical perspective, railway activities are not readily available to the private sector which poses a new challenge of building capacity with the private sector through PPP. Following are some PPP project initiatives undertaken by Railways.

A. Container Corporation of India Limited (CONCOR)

CONCOR was set up in March, 1998 as a public sector enterprise under the Ministry of Railways. The prime objective was to develop multi-modal transport logistics infrastructure to support domestic container traffic, for ISO containers as also the country's growing international trade.

B. India Railway Catering & Tourism Corporation Limited (IRCTC)

Indian Railway Catering and Tourism Corporation Ltd. has been set up by the Ministry of Railways with the basic purpose of hiving off entire catering and tourism activity of the railways to the new Corporation to professionalise and upgrade these services with public-private participation. The Company's operations have been profitable and it earned a net profit of Rs 20.75 crores in FY -08 and paid a dividend of Rs 4.15 crores.

C. Pipavav Railway Corporation Limited (PRCL)

While Konkan Railway Corporation was the first public-public partnership project, Pipavav Railway Corporation Ltd. (PRCL) was the first special purpose vehicle under public-private partnership. PRCL was constituted to provide B.G. rail link to Port of Pipavav in the State of Gujarat.

D. Rail Vikas Nigam Limited (RVNL)

To cope with the increasing traffic demand, the Government of India framed and approved National Rail Vikas Yojana (NRVY) on 15th August, 2002 with an estimated investment of Rs. 15,000 crores. The investment was proposed for Port connectivity works and improvement of the Golden Quadrilateral (GQ) for meeting future transportation needs.

PPPS - THRUST AREA OF THE FUTURE FOR IR

In the past, IR had made several attempts to rope in private participation in areas such as catering, wagon ownership and leasing and joint ventures for rail infrastructure projects as detailed earlier. These efforts were, however, limited in scale and scope. The current strategy is to leverage private capital through PPPs to the maximum extent in areas that are amenable to PPPs to improve efficiencies and control costs. To begin with, the following projects have been identified to be implemented fully or partly on the PPP route:

A. Dedicated Freight Corridor

It has been planned to construct a new Dedicated Freight Corridor (DFC), initially covering about 2700 route kms equivalent to around 5000 track kilometers at an approximate cost of Rs. 28000 crores (US\$6 billion) linking the ports of Western India and the ports and mines of Eastern India to Delhi and Punjab. The construction of this corridor will be implemented through an SPV being created for the purpose of a mix of Engineering Procurement and Construction (EPC) and PPP methods.

B. Commercial Utilization of Land

IR has approximately 43,000 hectares of vacant land. These parcels are mostly alongside the track in longitudinal strips, around railway stations, and in railway colonies especially in metro and other important cities/ towns with the potential of being used commercially to generate revenue as well as capital for modernization and capacity addition. A new body, namely, Rail Land Development Authority (RLDA) has been set up under the Railway (Amendment) Act 2005 to pursue, inter alia, the main objectives of generating revenue and up grading railway assets. 110 sites have already been entrusted to RLDA

C. World-Class Railway Stations

Railway Stations at metropolitan cities and important tourist centers need to be modernized to provide world-class passenger amenities and services to the large multitude of passengers using these stations.

D. Setting Up of SPV for Manufacturing of Locomotives/ Coaches/ Wagons

The requirement of coaches/Electrical Multiple Units is projected at 22689 vehicle units for the XI Five Year Plan. The gap between the requirement and the combined capacity of the two Production Units at Integral Coach Factory, Perambur and Rail Coach Factory, Kapurthala (around 2500 per annum) is planned to be bridged by augmenting the existing capacity of these Production Units and setting up a new manufacturing unit through a JV under PPP.

Similarly, the requirement of Electric and Diesel Locomotives has been projected at 1800 each during the XI Five Year Plan i.e. 360 locos per year. The existing in-house capacity for the manufacture of these locomotives is 150 per annum and can be augmented to 200 locos each per annum for Electric and Diesel. The gap between the requirement and capacity is also planned to be bridged by setting up two locomotive manufacturing units one each for diesel and electric locomotives through PPP. The possibility of PPP through long-term demand guarantee to prospective manufacturers of modern wagons is also being explored.

E. High-Speed Corridors

Pre-feasibility studies are being awarded for a few identified corridors to examine the linking of a few of the metropolises with high-speed rail links to facilitate train travel over 600-1000 km within 2 ½ to 4 hours. All options including PPP are likely to be explored by the railways.

Operation of container trains and Construction of Multi-modal Logistics Parks Private operators have been allowed to manage rail-borne Container Services on IR.

Concession agreements setting out the terms of such operations have been signed with private operators. The scheme is also open for other operators to join. So far private operators have inducted 45 rakes and built 3 ICDs at Garihassru, Patli and Loni. A Policy to facilitate the setting up of Multi-modal Logistics Parks (MLPs) in SEZs on private land with rail connectivity has been formulated. The policy also envisages, inter alia, utilization of surplus railway land available at suitable locations for the development of MLPs and/ or bulk or dedicated freight terminals.

F. Wagon Investment Scheme

The Wagon Investment Scheme (WIS) with provisions for freight rebate and supply of a guaranteed number of rakes over periods ranging from 7-15 years for various categories of wagons has been in operation for the past few years. The scheme is proposed to be replaced by a new scheme to broaden its appeal to investors providing high-capacity and special purpose wagons. A scheme to facilitate third-party leasing of wagons is also under finalization.

G. Port connectivity works and other infrastructure projects through Rail Vikas Nigam Limited (RVNL)

RVNL has been mandated to undertake capacity augmentation works and port connectivity projects by establishing Special Purpose Vehicles (SPVs). Some of the projects taken up or under consideration of RVNL include projects like Palanpur – Gandhidham gauge conversion project (linking Kandla).

H. Catering Services, Budget Hotels and Food Plazas

Indian Railway Catering and Tourism Corporation (IRCTC) has been mandated to develop catering services, budget hotels and food plazas at major stations through the involvement of private entrepreneurs. IRCTC is commissioning new Food Plazas in Railway premises with private participation. The license period for food plazas is of nine years with a provision of extension of three years. Already 53 such Food Plazas have been commissioned.

CONCLUSIONS

The demand for rail services has increased in consonance with the economic development. It has been realized that railways play a pivotal role not only by transferring goods and services but also in the plugging-in supply chain. The Covid pandemic has witnessed the live role of railways in bringing town and country together. The out-performance of rural products has tangibly been brought out by Indian railways. As such, railways have not only ensured inclusivity in existence but also cemented social fabric through its taste of socio-economic tapestry.

The role of fixed infrastructure and networks is vital in rail transport. The railway systems confront fathomless externalities of induced cost to explore the project accomplishments. Moreover, for the required expansion, maintenance and efficient sustenance of the railways, the alternative would be a public-private partnership, as has been adopted in the case of other infrastructure development works. In fact, railways operate with closed access systems where users are charged for the services provided to them. To mobilize funds for infrastructure development, besides PPP, railways also consider economies of scale and scope. The economy of scale exists when unit costs drop with the level of output in the long run when capital and other input costs are in the state of flux. The economy of scope, on the other hand, comes to the fore when total costs increase in accordance with the output with a set of products and services. Interdependency of assets, the unscaled time period involved in planning, ineffective costs incurring in railways, recurring costs of fixed assets and untapped demand with inelastic supply are the central issues creating a roadblock in the sustainable growth of railways.

Indian Railways earnestly needs money to clear the backlog projects thereby, improving its sustainable efficiency. Though the central government tends to provide the required support, the investment required to clear the project can be possible through integrating private players as investors. It is interesting to note that if Indian railways are to be considered as a commercial enterprise, they should be ready to go hand in hand with privatization that the many countries on the globe are opting for. The major issues that need accumulated care are its maintenance and future investment in the network. Importantly, Indian Railways require perennial financial support to augment its main trunk route. The other mode of transportation is equally becoming competitive in terms of levying the tariff. However, the key initiatives taken by railway vide different privately controlled buttress would transform a hollowed today into a hopeful tomorrow.

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INDIA'S ACT EAST POLICY: IS EMERGING PARTNERSHIP WITH PHILIPPINES SUBSTANTIAL?

Yasmin*

Abstract

India has shifted its policy from Look East to Act East and began strengthening its relationship with Southeast Asian Nations (ASEAN). Philippines is one country among them. In recent years, with shift of policy, there has been emerging relationship in both these countries. But the question is – has India's relationship with Philippines in terms trade, strategic and people to people relationship been substantial? With this question in mind the present note underlines India's policy towards Philippines in the areas of strategic and trade relationship and ideological symmetry. Both these countries share colonial history and secular democratic system. Indian diaspora in Philippines is another area of India's interest in improving the relationship. It is high time to assess the impact of shift to Act East Policy in the context of trade, strategy and wellbeing of Indian diaspora.

Keywords: India, Philippines, South East Asia, Trade, Security, Diaspora

THE BACKDROP

The history of diplomatic relations between India and Philippines dates back to year 1949. Five years after India's independence in 1947, the Philippines and India signed the treaty of friendship on 11th July 1952 in Manila, to strengthen the friendly relations existing between the two countries. Soon after, the Philippines legation in New Delhi was established and then elevated to an embassy. But the sailing was not smooth for both the countries. The signing of treaty of friendship with former Soviet Union did not go down well with the ASEAN members and Philippines

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was no exception. Many ASEAN members did not hold high opinion about Soviet Union and its proximity with India made the later an object of suspicion for the ASEAN. India's recognition of the Kampuchean region in 1980 purportedly under the influence of the soviets did not go well with the ASEAN either.

In the 1990s there was a change and both countries realised the potential of the other. There were different areas which needed collaborative efforts for both. With the disintegration of Soviet Union and simultaneously the rise of China brought them together. Security became a major issue and Philippines realised that India can act as a bulwark against the rising power of China. Henceforth, it was seen that two countries have come closer on many issues, particularly since act east policy. The situation can be assessed by examining different aspects of relationship between these two countries.

BILATERAL TRADE

India and Philippines signed a trade treaty in 1979. Bilateral trade was slow between the two countries till the late 90s and then posted a positive growth after the deepening relations between India and ASEAN in the context of India's "look East policy". The agreement on trade in goods which was signed on 13th August 2009 between India and ASEAN, and was fully implemented in 2011, helped in increase in bilateral trade.

The following tables will provide the clarity on the trade relations between India and Philippines. The volume of trade is also increasing. More and more Indian companies are showing interest in investing in Philippines. Trade will take both the countries to a higher level of understanding and cooperation.

Table 1: Philippines-India exports and imports (in million US\$)

	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020 [April-Jan]
India's import from Philippines	423.04	494.62	764.36	581.10	451.92
India's export to Philippines	1,353.34	1,482.52	1,693.83	1,743.64	1,287.07
Total trade	1776.38	1977.14	2458.19	2324.74	1738.99

***Source:** MOC India.

Major items of Indian exports are vehicles and parts and accessories, pharmaceutical products, reactors, boilers, machinery and mechanical appliances, parts thereof, iron and steel, frozen buffalo meat and edible meat offal, rubber and articles thereof, Electrical machinery and equipment and parts thereof, TV image and sound recorders, organic chemicals, articles of iron and steel.

Table 2: Top 10 export products of trade to Philippines [In US\$ million]

S.No	HS code	Commodity	2015-16	2016-17	2017-18	2018-19	2019-20 [April-Jan]
1	87	Vehicles other than railway or tramway, rolling stocks, and part and accessories thereof	231.13	249.97	254.24	285.59	238.57
2	30	Pharmaceutical products	175.00	209.15	197.32	220.98	201.80
3	84	Reactors, boilers, machinery and mechanical appliances, parts and thereof	184.68	168.8	120.52	136.71	135.08
4	72	Iron and steel	14.03	33.54	176.42	101.84	68.79
5	2	Meat and edibles meat, offal	116.44	100.51	117.59	119.73	64.03
6	85	Electrical machinery and equipment and parts thereof; TV image and sound recorders and reproducers and parts	78.77	63.28	56.08	65.40	60.48
7	40	Rubber and articles thereof	73.8	78.08	23.19	69.79	56.72
8	12	Oil seeds and olea, mix grains, seeds and fruits, industrial or medicinal plants, straw and fodder	67.59	66.83	55.03	55.15	52.91
9	29	Organic Chemicals	37.44	37.45	37.52	45.97	39.33
10	73	Articles of Iron and Steel	26.37	23.94	28.52	77.39	27.30

*Source: MOC, India.

Major imports from Philippines are reactors, boilers, machinery and mechanical appliances and parts thereof, electrical machinery and equipment and parts thereof, sound recorders, reproducers, TV image and parts, imitation jewellery etc.

Table 3: Top import products of trade from Philippines [In US\$ million]

S.No	HS code	Commodity	2015-16	2016-17	2017-18	2018-19	2019-20 [April-Jan]
1	84	Nuclear Reactors, boilers, machinery and mechanical appliances, parts and thereof	96.9	98.88	129.85	139.18	114.11
2	85	Electrical machinery and equipment and parts thereof; TV image and sound recorders and reproducers and parts	145.48	140.71	282.89	120.16	98.52
3	26	Pres, slags and ashes	15.92	1.59	1.59	29.13	28.77
4	71	Natural and cultured pearls, precious and semi-precious stones, pre metals, clad with pre metal and articles thereof; imitation jewelry	74.82	20.56	48.26	68.47	28.46
5	23	Residues and wastage from the food industries; prepared animal fodder	20.42	25.12	26.59	22.26	17.63
6	90	Optical, photographic cinematographic measuring, checking precision, medical or surgical instruments, thereof	20.42	25.12	26.59	22.26	17.63
7	72	Iron and steel	5.01	7.68	14.23	25.66	14.30
8	78	Lead and articles thereof	0	0	0.25	2.76	13.19
9	29	Organic Chemicals	6.88	9.94	11.37	12.39	5.13
10	76	Plastics and articles	0.50	1.01	4.97	14.23	4.50

Source: MOC, India.

Indian investment in Philippines is led by leading Indian companies like Aditya Birla group, spat group in steel. Recent entrant is the GMR group, Tata motors and Mahindra again in the automobile sector. Many IT companies have collaborated with the Philippines companies in the BPO sector. Very well-established Indian companies have started operations in Philippines like Wipro, TCS, L & T,

Infotech, Genpact, Infosys, Tech Mahindra etc. Estimated Indian investments in the Philippines are valued at more than US\$ 900 million. Indian investments are expanding and more and more companies are coming forward to invest in Philippines.

STRATEGIC RELATIONS

China has significantly increased its military capabilities and coercive measures in south east Asia, particularly in the disputed South China sea, where Taiwan, Malaysia, Indonesia, Brunei, and the Philippines also have territorial claims.⁸ However, as Indian-Philippine strategic relations continue to grow under the Act East policy of Prime Minister Narendra Modi, Manila may get just the partnership it needs to slowly disentangle from China's increasing power.

India also played a very active diplomatic role in the decolonization of Indo-China. Geneva accord on Indo-China had established 3 International commissions of supervision and council (ICSC), one each for Vietnam, Cambodia and Laos.

India was also concerned about the stability of Asia's postcolonial states as well as their viability as independent states. New Delhi was of the opinion that European powers main use instability in these States as a tips for intervention and imposed new imperial order. Chinese penetration through its revolutionary communist ideology in an alliance with various communist parties in South East Asian States raised similar fears about Chinese expansionism as well. As a consequence, Burma was the first foreign state to receive arms, ammunition and transport planes from India as early as 1949. Burma was plagued with several insurgencies led by the communist as well as the Karen National defence organisation soon after its independence.

However, one promising development centres on the Philippines growing strategic relations with India. Both States have expressed the significance and vitality of India-Philippines strategic partnership. Moreover, there are talks between the two states for the purchase of defence platforms from India including the brahmos land based supersonic missile system.

This can be seen in joint military exercise between the two countries. INS Satpura and INS kadmat visited Manila from 3rd to 6th October 2017, Indian coast guardship ICGS Samath visited Manila from 7th to 10th January 2017. These visits have been going on since 2014.

INDIAN COMMUNITY IN PHILIPPINES

The Indian community in the Philippines, according to the bureau of immigration, is estimated to be about 1,20,000. Around 5,000 persons of Indian origin have

acquired Filipino citizenship. Punjabis and sindhis, constitutes the bulk of the community. Since the last ten years, they are a growing number of professionals, estimated in the range of about 1,500 persons, who are working in the Philippines, in organisations such as the Asian Development Bank, International rice research institute, UN agencies, as also in multinational corporations, BPOs and with Indian joint ventures in the country. The Philippines is also beginning to emerge as a destination for Indian students. There are more than 10,000 Indian students pursuing medical courses in various universities in Philippines.

Currently nearly, 50 percent of the students at the prestigious Asian institute of management in Manila are from India. The flying schools are also attractive as instructions are in English and students do not have to learn local language. Several Universities in the Philippines, such as the University of Santo Tomas, the University of the Philippines. These universities have opened special 'India chapters' in the prestigious libraries, which houses the collection of books on India.

CONCLUSION

The Philippines-India business conclave and the ASEAN-India business summit was organised on 19th October 2019 to coincide with the visit of the President of India to Philippines.

Both India and Philippines adhere to the same democratic principles and ideas. India-Philippines bilateral relations are now reaching new heights in the political, defence and economic domain. More joint defence exercises should be conducted between the two Nations. India also needs a good friend in South East Asia to counter China in the South China Sea.

Tourism should be promoted, which will lead to good understanding among the people. Visa regulations should be relaxed to a certain extent. Lastly both the countries need each other to further their goals and achieve what is necessary in their national interest.

However, India needs to continue the process of economic reforms at home to maintain the momentum of its meaningful engagements with Philippines. Indian economy should try to integrate with Philippines so as to acquire great strategic partnership so as to counter China.

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DIGITAL BANKING AND ITS SOCIAL ADAPTABILITY: A STUDY WITH REFERENCE TO HDFC

Kumari Anuja*

Abstract

Digitalisation and automation of functions in almost all fields of administration and management has acquired prime place now a days. Particularly, in the area of banking, Indian Government has stressed upon cashless and online transactions, management information system in banking and delivery of services to customers under 'digital India' programme. But by and large the users of banking and finance services are less e-ready to adopt the digital banking. Though, digitalisation facilitates easy transactions and time saving, customers are reluctant to go digital as they apprehend fraud or loss. However, it is a necessity today. In this context, it becomes pertinent to examine acceptability of people in adopting digital banking. As such, the present paper intends to understand the risk perception and satisfaction of bank customers in general. For this, nearly 700 account holders of different branches of HDFC Bank located in Patna district were surveyed with the help of administering questionnaires. The data was analysed using statistical principles. The results of the survey reveal that bank users are inadequately aware of digital functions and as such they lack trust. The banks should provide facilities of educating and support to customers for building trust in them.

Keywords: Digital Banking, HDFC, Factors of Use, Attitude, Risk, Satisfaction, Patna

INTRODUCTION

Normally bringing all the functions, programs and activities of bank on digital platform is digital banking. It is about automation of banking relationship which

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is more than mobile banking and internet banking. Digital banking technologies does not only make easy for the customer, but also for the bank management. Digital banking becomes an integral part of banking industry because it reduces operational cost, increases revenue, attracts greater number of customers and explores new technologies. On the other hand, it is beneficial to customers in the shape of convenient 24×7 service availability, portability (withdrawing cash from any bank outlet), speedy transactions and sharing updates and advisories. Customers with the bank accounts are reluctant to use net-banking and mobile banking. Hence the problem before the banks is to find different methods which may motivate the customers to use net banking and mobile banking. Moreover, banks also want to know the factors (beliefs and barriers) influencing the use of net banking and mobile banking by the customers.

In the backdrop of the above situation, the present study intends to – a) understand present digital banking scenario in India (with special reference to net banking and mobile banking), b) understand the risk perception of customers with regards to the use of net banking and c) To examine the impact of digital banking on customer satisfaction. In order to achieve these objectives, a survey of Bank account holders of HDFC Bank falling in the areas of Patna districts was conducted. Seven hundred such holders were administered questionnaire. The respondents were randomly sampled as per our convenience. The universe of the study was account holders of the branches of HDFC Bank in Patna district. The collected data was analysed by applying common statistical principles.

It was felt that there is dearth of literature on the subject, particularly studying bank customers of this part of state. A few studies are worth reference here in this context. A study Arun Ingle (2012) concludes that banks should emphasis more on educating customers regarding the security issues. The customers who are not using internet banking have very negative perception about security of the system. Therefore, it is needed that bank should promote their online banking and spread awareness regarding the same. Another study by P K Gupta finds that internet banking in India is at its initial stage where Indian private banks have more presence. The internet banking is used by few customer segments and risk associated with it is higher. The banks can focus on these segments of customers to maximize its profit by using technologies extensively. To remain in competition banks cannot avoid digitalization but it is necessary that banks business model should blend with Indian conditions. (Gupta, P K: 2014). Nidhi Singh and Neena Sinha (2016) in their study found that the age of the customer have significant impact on the usage of mobile banking. Customers with higher age group are more concerned regarding the security of net banking. It is also concluded that occupation of customers also affects the usage of mobile banking. It means that customers require feasible banking system at their work. Shamsher Singh (2014)

aimed to find the barriers for using mobile banking. These barriers include safety, security problems and technical difficulties. This study also suggests that banks should increase customer confidence level which in turn impacts the customer's perception. Tiwari & Buse, (2007) and Kim et al., (2007) in their study inferred that mobile banking has brought transformation in banking field, it helps customer to access their money from anywhere and enable them to perform various banking activities such as issuing cheque, fund transfer, bill payments etc.

PROFILE OF HDFC BANK

The Housing Development Finance Corporation Limited (HDFC) was amongst the first to receive an 'in principle' approval from the Reserve Bank of India (RBI) to set up a bank in the private sector, as part of RBI's liberalization of the Indian Banking Industry in 1994. The bank was incorporated in August 1994 in the name of 'HDFC Bank Limited', with its registered office in Mumbai, India. HDFC Bank commenced operations as a Scheduled Commercial Bank in January 1995. HDFC Bank's mission is to be a World Class Indian Bank. The objective is to build sound customer franchises across distinct businesses so as to be the preferred provider of banking services for target retail and wholesale customer segments, and to achieve healthy growth in profitability, consistent with the bank's risk appetite. The bank is committed to maintain the highest level of ethical standards, professional integrity, corporate governance and regulatory compliance. HDFC Bank's business philosophy is based on five core values: Operational Excellence, Customer Focus, Product Leadership, People and Sustainability.

As on 30 June 2018 the authorized share capital of the Bank is Rs. 650 crore. The paid-up share capital of the Bank as on the said date is Rs 520,83,15,734 /- which is comprising of 260,41,57,867 equity shares of the face value of Rs 2/- each. The HDFC Group holds 20.86 % of the Bank's equity and about 18.16 % of the equity is held by the ADS / GDR Depositories (in respect of the bank's American Depository Shares (ADS) and Global Depository Receipts (GDR) Issues). 33.44 % of the equity is held by Foreign Institutional Investors (FIIs) and the Bank has 5,48,942 shareholders. The shares are listed on the BSE Limited and The National Stock Exchange of India Limited. The Bank's American Depository Shares (ADS) are listed on the New York Stock Exchange (NYSE) under the symbol 'HDB' and the Bank's Global Depository Receipts (GDRs) are listed on Luxembourg Stock Exchange.

HDFC Bank is headquartered in Mumbai. As of March 31, 2019, the Bank's distribution network was at 5,103 branches across 2,748 cities. All branches are linked online on a real-time basis. Customers across India are also serviced through multiple delivery channels such as Phone Banking, Net Banking, Mobile Banking,

and SMS based banking. The Bank's expansion plans take into account the need to have a presence in all major industrial and commercial centers, where its corporate customers are located, as well as the need to build a strong retail customer base for both deposits and loan products. Being a clearing / settlement bank to various leading stock exchanges, the Bank has branches in centers where the NSE / BSE have a strong and active member base. The Bank also has a network of 13,160 ATMs across India. HDFC Bank's ATM network can be accessed by all domestic and international Visa / MasterCard, Visa Electron / Maestro, Plus / Cirrus and American Express Credit / Charge cardholders.

HDFC Bank operates in a highly automated environment in terms of information technology and communication systems. All the bank's branches have online connectivity, which enables the bank to offer speedy funds transfer facilities to its customers. Multi-branch access is also provided to retail customers through the branch network and Automated Teller Machines (ATMs).

All together there are 38 branches of HDFC Bank are located in Patna district. The total number of customers the bank in India catered to as on 31 March 2020 was **over 5.60 crore** up from 4.90 crore in the previous year. The number of customers in the branches of HDFC in Patna district is not available, though we estimate on the basis of informal sources, to the tune of more than 70,000 customers.

PRESENT SCENARIO OF DIGITAL BANKING

Automated Teller Machines (ATMs) also known as an automated banking machine (ABM) is an electronic telecommunications device that enables the customers of a bank / financial institution to perform financial transactions, particularly cash withdrawal, without the need for a human cashier, clerk or bank teller. Around 2, 22,000 million people are using ATM to perform various banking activities such as cash withdrawal, balance enquiry, print of receipts, passbook printing etc National Automated Clearing House (NACH) is a centralized system, launched with an aim to consolidate multiple ECS systems running across the country and provides a framework for the harmonization of standard & practices and removes local barriers/inhibitors. NACH system will provide a national footprint and is expected to cover the entire core banking enabled bank branches spread across the geography of the country irrespective of the location of the bank branch. NACH System can be used for making bulk transactions towards distribution of subsidies, dividends, interest, salary, pension etc. and also for bulk transactions towards collection of payments pertaining to telephone, electricity, water, loans, investments in mutual funds, insurance premium etc. 2,21,000 million people are using NACH System for making bulk transactions towards distribution of subsidies, dividends, interest, salary, pension etc. This facility promote cashless

purchasing i.e. enables the customers to purchase goods without holding cash. A credit card allows the customer to borrow money within settled limits and Credit Card Company charged certain amount of interest for the money being used for purchasing by the customer. However, the debit card linked directly to the customer account and the money debited automatically from the customer account on every purchase. 12,000 million and 10,000 million people are using credit card and debit card respectively for cashless purchasing. National Electronic Funds Transfer (NEFT) is a nation-wide payment system facilitating one-to-one funds transfer. Under this Scheme, individuals can electronically transfer funds from any bank branch to any individual having an account with any other bank branch in the country. NEFT, thus, facilitates originators or remitters to initiate funds transfer transactions even without having a bank account. Roughly 16,000 million people use NEFT to transfer funds. Immediate Payment Service (IMPS) is an instant real-time inter-bank electronic funds transfer system in India. IMPS offer an inter-bank electronic fund transfer service through mobile phones. Unlike NEFT and RTGS, the service is available 24/7 throughout the year including.

FACTORS OF USE/NON-USE AND RISK PERCEPTION IN DIGITAL BANKING

The reasons for using net banking are classified on the basis of product, place, price and promotion. On the product front respondent find it easy to use and more secure mode of transaction. It also allows timely payment of bills as well as easier access to their money. It allows customers to check the status to the transaction from anywhere anytime. Moreover, it is also an eco friendly mode of banking as it allows paperless banking. The following figure-1 depicts the picture.

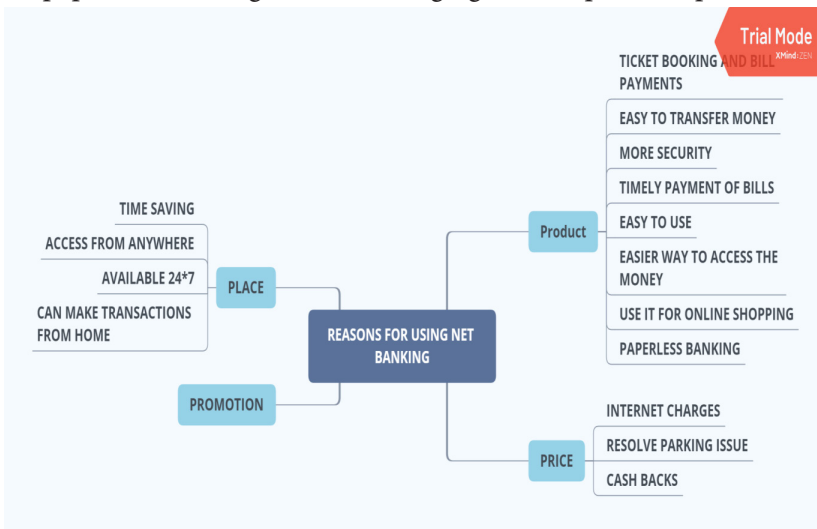


Figure 1

Reasons for not using internet banking have various aspects on the basis of product, place, price and promotion. Many of the customers think that using the internet making may lead to breach of their privacy. Customers are afraid that their information which they provide on internet portal of the banks may get shared or their may get leaked. They also lack trust on banks as they fear for cyber crime and frauds. The following figure-2 shows the picture.

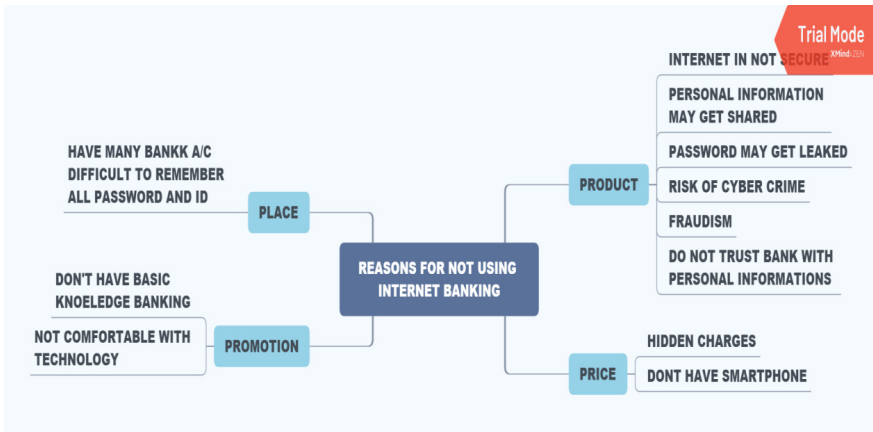


Figure 2

Risk Perception: Risk of using internet banking is classified into financial risk, physical risk, time risk and functional risk. Financial risks are those risks according to which the product is not worth the price paid. In the case of internet banking customers are afraid of losing money

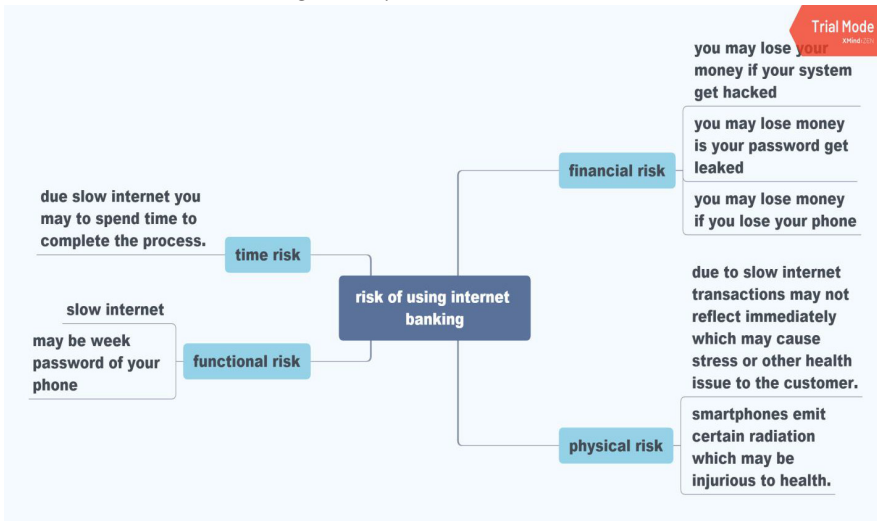


Figure 3

If their systems get hacked or their password gets leaked. In physical risk the product poses a threat to the physical well being or health of the user or others. Customers feels that use of smart phones emit certain radiations which are hazardous. The other example of physical risk is that sometimes customers get completely dependent on net banking for their lastminute transactions and if they don't receive the confirmation regarding the same it causes stress and health related side effects. Time risks are the failure of the product results in an opportunity cost of finding another satisfactory product. Functional risks are risk associated with the product which does not perform to expectations. The above figure-3 depicts the picture.

PROFILE OF THE USERS OF DIGITAL BANKING

As per results of our survey, most of the respondents using internet banking were employed in Private sector (53%) followed by government job and self-employed at 22% and 15% respoectively. Significant number of respondents (30%) using internet banking were of age between 18 to 24. the majority of the users were either graduate (64%) or post graduate (20%). This clearly indicates that the education plays an important and significant role in adoption of the internet banking. Based on income, maximum users fall in the 5-10 lakhs category (45%) followed by 1-5 lakhs category (23.5%). If we look at the age group, most users fall in the age group of 25-35 years (33%) followed by the 18-24 years (30%). If we combine these two age groups, 63% respondents will fall under this category. The profile of respondents indicates that young, educated and decently employed, which is also the new generation who are tech savvy are likely to use the digital services at the click.

ATTITUDE TOWARDS DIGITAL BANKING

This survey result shows that 83% of the users have positive attitude towards the use of internet banking while rest 17% shows negative attitude toward the net banking. Among these 83% respondents 224 (65%) were males and 118 (35%) females. 48% of the male users fell between the age of 25-35 years. 97% of belonged to urban population. The percentage of graduate was 64 among the male users and most of them were employed in private sector i.e. 54%. Moreover, the household income of the above category lies between 5-10 lakhs per annum. In case of female users 33% are of the age between 24-35 years and most of them are located in urban areas. 62% of the female respondents are graduated and 51% of them are employed in the private sector. 43% of them have household income is around 5-10 lakhs per annum. Even the non-users do also have positive attitude. As per survey results, 76% of the non-users have positive attitude towards the use of internet banking while 23% of them showed negative attitude.

Users with positive attitude and positive intension shows low risk of using the service which indicates that these groups of people are highly satisfied with service provided to them and banks need to focus on theses group of people to strengthen their business. Non-Users with positive attitude but negative intensions as well as users with negative attitude and positive intension also show low risk of using the service which means that they are aware of the benefits of internet banking but are insecure about the services and most probably they may be reluctant to use the service in near future. Therefore, bank should focus on educating theses customers regarding digital banking

EPILOGUE

The whole gamut of the discussion above boils down to the conclusion that there is urgent need of making a clear-cut government policy to make the bank customers aware of the digital banking, operational modalities, and its benefits. Banks should upgrade their systems continuously. As different categories of the people have different attitude to handle their financial wellbeing, the banks should create digital workplaces that resonate with all the variations of the customers. Bank should also provide customer education regarding the digital banking to the customer who lack trust in internet security. Majority of the respondents have positive attitude towards the use of internet banking irrespective to the condition whether they are users or non-users.

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ARRESTING CORRUPTION THROUGH BIHAR SPECIAL COURT ACT 2009: A STUDY

Shubhra*

Abstract

Corruption is often regarded as one of the greatest challenges of the contemporary governance in India that has significantly contributed to lack of transparency, accountability, rule of law and substandard public participation in governmental machinery. State of Bihar had earned bad name till 2005 as per report of the Transparency International. The present Government of Bihar has taken several steps to curb the corruption in the shape of Janta Darwar, Right to Service Act, proper implementation of Right to Information etc. In addition to these, to ensure speedy trials, Bihar has resorted to Bihar Special Courts Act 2009, making it instrumental to arrest the corruption. The provisions of the Act like empowering courts of attachment of property at early stage and early disposal of corruption cases facilitate the system to check corruption. With this view in mind, the present paper intends to point out factors responsible for corruption and underline the strategies to scale down corruption enshrined in the provisions of the Act.

Keywords: Special Courts, BSCA 2009, Public Authorities, Corruption, Governance

INTRODUCTION

The report of Transparency International in the year 2005¹ had exhibited ugliest form of corruption in Bihar (as the most corrupt state). In a survey done by eminent economists, the State has moved to the Bottom of the list of corrupt states in the year 2011². Government of Bihar took a wise step to check the rampant corruption

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through systemic change in the shape of enactment of Bihar Special Courts Act 2009 (here in after Act) which has made the whole mechanism convenient and cognizant. As such the present paper intends to underline the factors responsible for acute corruption in the system, examine the provisions of the Act in the light of arresting corruption and finally to assess the outcome of enactment of the Act.

There is dearth of literature examining the Act considering corruption in Bihar. The study of Shailendra Kumar³ has thoroughly examined the Act discussing its several aspects, like- evolution of vigilance department, enactment of Bihar special courts Act 2009 as well as scenario after and before the enactment. Even after making an elaborate discussion of the Act, he has not mentioned about the role of public tolerance behind aggravating the disease of corruption. Another study by Krishna Kant Dwivedi⁴ addresses the problem of corruption and explains the need of the said Act and argued that it tackles the inordinate and unnecessary delay in the Court proceedings pertaining to the cases of corruption. Constitutionality of such legislation has been justified by the author with the help of judicial pronouncements. However, author fails to highlight the other aspects of the research work, like-factors which are accelerating the rate of corruption in Bihar, etc. Paying greater premium on the Act over the institution of Lok Pal a bureaucrat K.N. Kumar⁵ has held that the Act is more effective than Lok Pal. The study has indicated that even in the absence of Lokpal, such enactments can usher an era of corruption free society. It argues that sections 5,6 and 13 of the Act are the “game changers”. It also throws light on how the Act ensures natural justice and fairness to the innocent people. The Article very aptly mentions the relevant provisions of the Act which confers uniqueness to it but nothing has been stated about the implementation and effectiveness of the Act. As such, the present paper attempts to fill the gaps in the literature.

CONCEPTUAL CONSIDERATIONS

Corruption means abusing the power vested in public authority for private and partisan gains⁶. It is like a disease which adversely affects the overall efficiency of the governance of state and effort for welfare. Andvig and Fijelstad considering corruption as a phenomenon, posited that “Corruption is conventionally understood, and referred to, as the private wealth seeking behaviour of someone who represents the state and the public authority. It is the misuse of public resources by public officials, for private gains”. Transparency International and other international bodies take the corruption as the abuse of public power for private gains. In the words of Transparency International, “Corruption is one of the greatest challenges of the contemporary world. It undermines good government, fundamentally distorts public policy, leads to the misallocation of resources, harms the private sector and private sector development and particularly hurts the poor”.⁷

Another widely used description is that corruption is a transaction between private and public sector actors through which collective goods are illegitimately converted into private-regarding payoff.

Corruption is not confined within the boundaries of time, place, form or system of governance, rather than it is in existence since the evolution of state itself⁸. India, despite several measures still remains a corrupt state as it is placed at 86th position among 180 countries in corruption perception index, 2020⁹. Individual states in India are no exception. This Act under consideration is special in terms of having separate provisions for adjudicating the matter of ill-gotten property collected by the corrupt officials of the state, diminishing the overall efficiency of the governance of the state and demolishing the effort for the welfare. It conducts separate and independent trial in a different court but in time bound manner.

FACTORS RESPONSIBLE FOR CORRUPTION IN BIHAR

There are number of reasons behind corruption, but one of the most important factors which have accelerated its rate is the misuse of power by public authorities. In Bihar, corruption acquired the characteristics of cancer and omnipresent in Bihar and progressively increased due to the strong nexus between bureaucracy, politics and criminals. Corruption played an important role behind conversion of state of Bihar into a “consideration state.”¹⁰ Some striking factors responsible for sustained corruption in the state have been discussed here.

Crippled economic conditions of people in Indian economy is caused by high inflation and the adverse combination of low salary and inflationary economy compel the low- income group people to resort to corruption.¹¹ Secondly, corruption in politics¹² is another striking factor. As the political actors need extra money for political and electoral expenses, they support and indulge in corruption. The politicians in power encourage the government machinery for corrupt practices. It is clearly reflected in the comments of various judges of Indian courts as well as through various scams which have adversely affected the entire organs of government and governance. Thirdly, people lack attitude of resistance against corruption due to the rampant unawareness and illiteracy among them. The situation encourages the corrupt officials to trap these illiterate people in their grip. Fourthly, people have become tolerant to corrupt practices and do not raise voices, even for timely disposal of litigations. Finally, the moral degradation of people and people in government agencies has allowed corruption to flourish. People are more interested in their partisan benefits at the cost of public resources.

B S C ACT 2009: AS A WEAPON OF ARRESTING CORRUPTION

Bihar Special Courts Act 2009 has been notified in the state gazette¹³. The Act makes the provisions of creation of special courts for speedy trial of offences covered under Prevention of Corruption Act, 1988. At the initial stage six special courts were established by the government of Bihar in three districts of the state, namely- Patna, Muzaffarpur and Bhagalpur. Bihar Special Courts Act, 2009 is divided into four chapters. Chapter one is preliminary, chapter two deals with establishment of special courts, chapter three deals with confiscation of property and fourth chapter deals with miscellaneous provisions. The following are the salient features of the Act.

Establishment of special courts is dealt under section 3 of the Act¹⁴ which envisages that State Government shall, for the purpose of speedy trial of offence, by notification, establish as many Courts as considered adequate to be called Special Courts. A Special Court shall be presided over by a Judge to be nominated by the State Government with the concurrence of the Patna High Court. No person shall be qualified for nomination as a Judge of a Special Court unless he is a member of Bihar Superior Judicial Service and is or has been a Sessions Judge/Additional Sessions Judge in the State.

Section 5¹⁵ of the Act deals with Declaration of cases. If the State Government is of the opinion that there is prima-facie evidence of the commission of an offence alleged to have been committed by a person, who has held or is holding public office and is or has been public servant within the meaning of section 2(c) of the Prevention of Corruption Act, 1988 in the State of Bihar, then State Government will make a declaration to that effect. Once such a declaration is made, the cases are triable only by the Special Courts

Effect of declaration is dealt under section 6¹⁶ of the Act, according to which on such declaration being made, notwithstanding anything in the Code or any other law for the time being in force, any prosecution in respect of the offence shall be instituted only in a Special Court. Where any declaration made under section-5 relates to an offence in respect of which a prosecution has already been instituted and the proceedings in relation thereto are pending in a Court other than Special Court under this Act, such proceedings shall, notwithstanding anything contained in any other law for the time being in force, stand transferred to Special Court for trial of the offence in accordance with this Act.

Section 7¹⁷ of the Act deals with Jurisdiction of Special Court as to trial of offences, according to which a Special Court shall have jurisdiction to try any person alleged to have committed the offence in respect of which a declaration has been made under section 5, either as principal, conspirator, or abettor and all of them can be jointly tried therewith at one trial in accordance with the Code.

Procedure and powers of Special Courts is dealt under section 8¹⁸ of the Act. According to this the Special Court shall, in the trial of such cases, follow the procedure prescribed by the Code for the trial of warrant cases before a Magistrate. Save as expressly provided in this Act, the provisions of the Code and of the Prevention of Corruption Act, 1988 shall, in so far as they are not inconsistent with the provisions of this Act, apply to the proceedings before a Special Court and for the purpose of the said provisions, the persons conducting a prosecution before a Special Court shall be deemed to be a Public Prosecutor. A Special Court may pass, upon any person convicted by it, any sentence authorised by law for the punishment of the offence of which such person is convicted.

Section 13¹⁹ of the Act deals with Confiscation of property. According to section 13, where the State Government, on the basis of prima-facie evidence, have reasons to believe that any person, who has held or is holding public office and is or has been a public servant has committed the offence, then State Government may, whether or not the Special Court has taken cognizance of the offence, authorise the Public Prosecutor for making an application to the authorised officer for confiscation under this Act, of the money and other property, which the State Government believe the said person to have procured by means of the offence.

Overriding effect of the Act is dealt under section 26²⁰. According to section 26 of the Act, notwithstanding anything in the Prevention of Corruption Act, 1988 and the Criminal Law Amendment Ordinance, 1944 or any other law for the time being in force, the provisions of this Act shall prevail in case of any inconsistency.

OUTCOME OF THE IMPLEMENTATION OF THE ACT & JUDICIAL PRONOUNCEMENTS

Defamed as corrupt state, Bihar witnessed a drastic change due to the enactment of Bihar Special Courts Act, 2009. By 2011 it became as one of the least corrupt state.²¹ Adjudicating the case in a time bound manner and not allowing the officers to enjoy the ill-gotten property during the pendency of his case are the reasons behind the change. Bihar Special Courts Act 2009 has been proved to effective tool in containing the corruption. The Act empowers the state apparatus to confiscate property of accused officials even if the matter is sub-judice.

The retrospective application of the Act has also raised the question of its constitutional validity. The judicial opinion and pronouncements need to be understood. The constitutional validity of the was challenged in the *Sanjay Kumar v. State of Bihar*²² case on the ground of violating the provisions of Article 20 of the Constitution. According to Article 20 of Indian constitution no person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of

the commission of the offence. Many of the petitioners have been already charged with the offence before the enactment of the Act. The High Court interpreted this question in detail and first tried to explain the expressions used in the central Acts. The words used in this regard are punishment and penalty- the former is used in the Acts like PC Act, 1988 and the latter is used in the Article 20 of the Constitution that says that nobody can be inflicted to the greater penalty than provided at the time of the commission of the offence. The Court has explained the two terms as analogous to each other and has following observation upon the legality of the provisions of the Special Act under which the confiscation has been made- "Once an accused is found to be guilty, he is punished either by depriving him of his personal liberty by way of imprisonment which puts restriction upon his freedom to move around freely or else he is put to monetary loss by imposition of fine. Monetary loss by way of punishment would happen only in a case where money legally belonging to the accused or his estate is to be paid to the State. The concept of confiscation proceeds on an entirely different footing. In confiscation as contemplated under the Act, the deprivation of money or property is on the hypothesis that it does not legally belong to the accused because it is ill-gotten property procured by means of offence which in the case of a public servant amounts to breach of trust by him qua his employer, the State. Once this hypothesis is carried to its logical corollary by proving the necessary ingredients so as to show that the property or money in question was procured by means of offence then confiscation of such property or money cannot amount to depriving the accused or the concerned public servant either of his personal liberty or of any property lawfully belonging to him. Hence, confiscation of money or property as provided under the Act cannot be held to be a punishment to the delinquent."

In another case *Anil Kumar v. State of Bihar*²³ the only question which is involved as to whether the learned Special Judge Vigilance, Patna committed an error in refusing stay of Confiscation Case No. 01 of 2010 or not. In this case Honourable Patna High Court held that-"From bare perusal of Section-13 of above-said Act, it is explicitly clear that if on the basis of prima facie evidence, the State Government have reason to believe that any person being public servant committed the offence, then State Government may authorize the Public Prosecutor for making an application to the authorized officer for confiscation under this Act, of the money and other property which the State Government believe the said person to have procured by means of offence." The aforesaid Section clarifies that for authorizing the Public Prosecutor to make an application so as to authorize officer for confiscation, there is no need of taking cognizance of the offence by the Special Court and, therefore, the Confiscation Proceeding may be initiated at pre-cognizance stage also. Therefore, the Special Judge Vigilance, Patna has rightly refused to stay the above-said Confiscation Proceeding. It has been specifically

stated that any person aggrieved by any order of the authorized officer under this chapter, may appeal to the High Court within thirty days from the date on which, the order appealed against, was passed. Therefore, the aforesaid Section-17 of Bihar Special Courts Act, 2009 makes a provision for appeal in respect of any order passed under Chapter-3 of Bihar Special Courts Act, 2009. Therefore, this petition under Section-482 of Cr.p.c is not maintainable and petitioner ought to have challenged the impugned order in appeal". In the

In *Raghubansh Kunwar and anr. v. The State of Bihar Through Vigilance Department*²⁴ case, an appeal was taken up against the order wherein certain property of appellant has to be confiscated. Appellant contended that confiscation proceeding was defective as he didn't had copy of relevant documents and notice of proceedings. Then it was held that State shall remove all defects which could have occurred in the proceedings. Court did not go into the merits of the case of the either of the parties since matter had to be decided by the Authorised Officer in accordance with law. While referring the matter to the Authorised Officer, High Court cited the case of *Sanjay Kumar v. State of Bihar and Ors*²⁵ wherein it was opined that "under the scheme of the Bihar Special Courts Act 2009, a confiscation proceeding is required to be decided by Authorized Officer whereas the criminal trial for the offence under the Act had to be held by Special Court in order to avoid likelihood of bias in the mind of the Court, if the same officer is to decide both the proceedings one after another."

CONCLUDING REMARKS

The above discussion leads us to the conclusion that misuse of power by public authorities is the major factor behind corruption is which consistently and persistently subsists in nature. For the purpose of eradicating the problem of corruption as well as for providing good governance, Bihar government has taken historical step by enacting Bihar Special Courts Act, 2009 that has been proved to be effective tool against corruption.

The examination of the Act reveals that it empowers state government to confiscate the property of corrupt officials even if the matter is sub-judice. But problem arises when property is confiscated without adequately proving the guilt, and later on compensated at ridiculously low rates. Thus, the following suggestions may be seriously considered:

- People should be made aware enough to show resistance against corruption and corrupt officials and at the same time, proper protection should be provided to the whistle blowers by the state.
- There is urgent need to establish sufficient number of special courts through the entire stretch of the state

- Social morality should be propagated and for this incentives and rewards should be provided to honest officials.

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GOVERNOR AND STATE LEGISLATURE: A STUDY OF CONSTITUTIONAL ISSUES WITH SPECIAL REFERENCE TO RAJASTHAN

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Abstract

The Constitution of India vests enormous powers with the Governor, especially the discretionary powers. These discretionary powers, sometimes, brings the Chief Minister and Governor at the loggerheads. The Supreme Court of India has tried the issue several times and passed verdicts in favour of state governments. But Governor's practices continue to the tune of the Union Government. This creates a tussle between the elected state governments, especially of opposition parties (other than party/parties in power at entre) and the Governor. Whereas our founding fathers intended to allow governors' interference only in the situation of acute constitutional crisis in the state. In view of this situation, the present paper intends to underline the constitutional and legal aspects of relationship between state legislature and the office of the Governor with special reference to Rajasthan. The present paper goes to suggest measures for amicable relationship between the state government and the office of the Governor who is part and parcel of state legislature also. It is in the spirit of Indian federal system that the Union Government should not intervene in day to day functioning of the popularly elected representative Governments at the State level, even if they belong to opposition political parties.

Keywords: Constitution, Governor, State Legislature, Discretionary Powers, Supreme Court, Rajasthan

INTRODUCTION

The recent political and constitutional crisis in Rajasthan resulted into i) sacking of the then deputy chief minister who was also heading the state unit of the

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ruling party along with two cabinet ministers; ii) a resolution being passed by the ruling party to disqualify nineteen dissident Members of Legislative Assembly (MLA) and the Chairman/Speaker of the State assembly initiating the procedure for disqualification against them under the anti-defection law; iii) deputy chief minister moving the state high court challenging the notices issued by the Speaker; iv) Bahujan SamajParty (BSP) moving the state High Court and declaring to approach even the Supreme Court of India challenging the merger of its six MLAs into the ruling party of the State; v) Speaker moving the Supreme Court for getting a direction about disqualification of the dissident members of the legislative assembly and vi) a doubt about the Gehlot government having the requisite majority to continue in power. However, the dissidents had returned to the fold of the ruling party and things became normal. In the meantime, issues remained to be settled by the higher judiciary, but the said crisis has brought many constitutional issues into the flashlight and “the role of the Governor in convening the session of the State Assembly” has got the maximum attention and needs a detailed discussion.

CONSTITUTIONAL PROVISIONS

Article 153 of the Constitution of India makes the provision of the Governor for each State. According to Article 154(1) “the executive power of the State shall be vested in the Governor and shall be exercised by him either directly or through officers subordinate to him in accordance with the Constitution.” Regarding the provision of Council of Ministers, Article 163(1) stipulates, “there shall be a Council of Ministers with the Chief Minister (CM) as the head to aid and advice the Governor in exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion.”

Further Article 163(2) provides, “if any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not have acted in his discretion.” So far legislature is concerned, Article 168 makes the Governor one of the most important component of the legislature of the State. Article 174 mentions about “sessions of the State legislature, its prorogation and dissolution.”

According to Article 174(1) “the Governor shall from time to time summon the House or each House of the legislature of the State to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.” Further Article 174(2) provides “the Governor may from time to time a) prorogue the House or either House; b) dissolve the legislative assembly.” Articles 175 and 176 confer him with the power to directly communicate with the State legislature.

CONFLICTS BETWEEN THE GOVERNOR AND THE CHIEF MINISTER

A tussle started between the Governor and the Chief Minister (CM) of Rajasthan over the issue of convening the session of the State assembly. When the CM approached the Governor for the first time on July 23, 2020 after the beginning of the crisis to request the later to convene the session of the state Assembly, the Governor slapped a list of six questions on the requirement of such a session of the House. The CM again sent a revised proposal to the Governor on July 25 for a “special session of the House” by the next week to discuss “the COVID-19 pandemic; taking stock of State’s finances and table some bills.” The revised proposal to the Governor capped a frenetic twenty four hours for the CM, during which he presided over two cabinet meetings and a Congress Legislative Party (CLP) discussion in between that ended with the CM saying Congress would not hesitate to take its fight to Rashtrapati Bhawan and the Prime Minister’s (PM) residence, if need be (Singh: 2020a).

Declaring “*Raj Bhawan* had no intention to not call the Assembly session”, the Governor on July, 27, 2020 directed the cabinet to submit a fresh request based on his “three point advice”, including a “clear notice of twenty one days to convene the House, unless it spelled out that it wanted to seek a trust vote.” Other two points were to include: a) video recording and live telecast of proceedings to be done in case of trust vote, which must be carried out in “yes or no” format; b) Government should clarify how social distancing norms will be followed in the Assembly in order to keep two hundred MLAs and one thousand staffers safe from COVID-19 (Singh: 2020b). Gehlot government on July 28 sent another proposal, its third since July 23 to the Governor, who a day earlier had advised the government to follow three points, including “serving a twenty one day notice” to the legislators before calling the session. It was maintained that there was no rule binding to serve a twenty one day notice for calling sessions which had been convened on much shorter notices on several occasions in the past (Singh: 2020c).

Finally blinking first in its battle of attrition with Governor Kalraj Mishra over convening the Assembly at short notice, the Gehlot government on July 29 settled for a “special House session” from August 14 instead of July 31. The Governor accepted the cabinet’s revised proposal, its fourth, late in the evening and instructed the authorities to make arrangements for the special session with adequate protection against COVID-19. The Governor maintained that as per Article 174 of the Constitution, he is bound by the recommendations of the State cabinet to hold the Assembly session. Justifying his decision he further maintained that as per norms, the House should sit at an interval of six months and there was time till September 12, the State Government had not explained the urgency to hold the session at such short notice, it should have come in writing (Singh: 2020d).

CONSTITUTION AND JUDICIAL VERDICTS

This issue of such conflicts has been well settled by the Supreme Court of India through numerous judgments.¹ In this light, for any Governor to unilaterally summon or refuse to summon the state Assembly may be seen as a serious breach of constitutional law and convention (ToI: 2020)". In *Shamsher Singh & Anr v. State of Punjab* case (1975), the Supreme Court while adjudicating the issue "whether formal heads are bound to act on aid and advice of the council of ministers?" observed "It is clear from Article 74(1) that it is the function of the Council of Ministers to advise the President over the whole of the central field. Nothing is left to his discretion or excepted from that field by this Article. By way of contrast see Article 163 which is the corresponding provision for Governors and which expressly except certain matters in which the Governor is by or under the Constitution, required to act in his discretion. These discretionary powers exist only where expressly spelt out and even these are not left to the sweet will of the Governor but are remote-controlled by the union ministry which is answerable to the parliament for those actions. There is no such exception in the case of the President" (*Shamsher Singh & Anr v. State of Punjab* 1975:5-6). It is held that the Supreme Court of India has consistently taken the view that the powers of the President and the powers of the Governor under the Indian Constitution are akin to the powers of the Crown under the British parliamentary system². It was held further that the executive was to act subject to the control of the legislature.

In *Nabam Rebia & Bamang Felix v. Deputy Speaker & Others* case (2016), the Supreme Court adjudicated on the issue "whether the Governor's decision to advance the Assembly session was constitutional?" The Court confirmed that the Governor did not enjoy wide discretionary powers and he was always subject to "Constitutional standards." Regarding the powers of the Governor to summon, prorogue or dissolve the legislature of the State under Article 174, the Court considered the issue "whether the Governor must exercise this power in his discretion or on the aid and advice of the council of ministers?" The Court concluded that Governor's discretion did not extend to the powers conferred under Article 174 and hence "he could not summon the House, determine its legislative agenda or address the legislative assembly without consulting the Chief Minister or the Speaker/Chairman of the State legislature."

In *Govt. of NCT of Delhi v. Union of India & Another* case (2018), the Supreme Court maintained, "fulfillment of constitutional idealism ostracizing anything that is not permissible by the language of the provisions of the Constitution and showing veneration to its sense, spirit and silence is constitutional renaissance. It has to be remembered that our Constitution is a constructive one. There is no room for anarchy." It held further that the constitutional functionaries are expected to cultivate the understanding of constitutional renaissance by realization of

their constitutional responsibilities and sincere acceptance of the summon to be obeisant to the constitutional conscience with a sense of reawakening to the vision of the great living document so as to enable true blossoming of the constitutional ideals. “The Lieutenant Governor and the council of ministers headed by the Chief Minister are to constantly remain alive to this idealism” (*Govt. of NCT of Delhi v. Union of India & Another* case 2018: 236).

Regarding the relationship between the Lt. Governor and the Chief Minister, the Supreme Court maintained, “the Lt. Governor of the National Capital Territory (NCT) of Delhi is bound by the aid and advice of the council of ministers and this position holds true so long as the Lt. Governor does not exercise his power under the proviso to clause (4) of Article 239AA. The Lt. Governor has not been entrusted with any independent decision making power. He has to either act on the aid and advice of the council of ministers or he is bound to implement the decision taken by the President on a reference being made by him” (*Govt. of NCT of Delhi v. Union of India & Another* case 2018: 231-232).

Elaborating further the Court held that the words “any matter” employed in the proviso to clause (4) of Article 239AA can’t be inferred to mean “every matter.” The power of the Lt. Governor under the said proviso represents the exception and not the general rule which has to be exercised in exceptional circumstances by the Lt. Governor keeping in mind the standards of constitutional trust and morality, the principle of collaborative federalism and constitutional balance, the concept of constitutional governance and objectivity and the nurtured and cultivated idea of respect for a representative government (*Govt. of NCT of Delhi v. Union of India & Another* case 2018: 232).

CRITICAL EVALUATION

The Governor is appointed by the President as the head of the provincial Executive and the Constitution vests enormous powers with the Governor. The Sarkaria Commission Report (1988) highlighting the importance and valid requirement of the office of the Governor regarded it as “having vital importance of his multifaceted roles being a linchpin of constitutional apparatus which assures continuity of government and can’t be dispensed with.” As per adjudication by the Supreme Court of India, these powers in reality are supposed to be used by the Governor only on the advice of the Council of Ministers of the concerned State. While doing a critical analysis about the issue whether the Governor acts on the advice of the council of ministers or not, one comes with the conclusion that there have been numerous instances in past when Governors acted either opposite to the advice of the council of ministers or without taking the advice of the council of ministers.³

The role of the Governor in the recent constitutional crisis in Rajasthan reflects that it was against the spirit of Constituent Assembly and framers of our Constitution. The counsel on behalf of state Government Nidesh Gupta questioned the role of the Governor in this political crisis and termed it as “duplicity of the constitutional functionary” referred Austin (1966: 117) who points out, in the early stages of the drafting process, it was thought that Governors might be directly elected but the Constituent Assembly rejected the idea of elected Governors, believing, no doubt correctly, that there would be friction between them and popular ministries. The discretionary and other special powers once allowed to Governors were removed to bring their status into line with that of the President, many of these powers being transferred to the central government. For this reason it is safe to assume that the greater powers given Governors during the earlier stages of the framing process can in part be accounted for by the concept of looser federalism existing at that time, although this was never explicitly stated in the Assembly.

He further argued, “the issue of *COVID-19* is a complete hogwash. It is not the business of a Governor to be worried about that, no such issue was raised in Madhya Pradesh when the majority was with the Bhartiya Janta Party (BJP). The Governor in the present case has clearly not played his due constitutional and independent role. The Supreme Court in *Hargovind Pant v. Dr. Raghukul Tilak* case (1979) observed that it is no doubt true that the Governor was appointed by the President which means in effect and substance, the Government of India. However, “it does not mean that the Governor is an employee or a servant of the Government of India. The office of Governor is a constitutional functionary”. The editorial of EPW is worth reference in this case, since the National Democratic Alliance (NDA) received a thumping majority in 2014, destabilizing opposition –led State Governments has become an unhealthy pastime for the regime. The habit did not begin with them for sure, and the Constitution arguably gives too much power to the Union Government to meddle in the affairs of the State Government. That said, the crux of the problem has to be laid at the door of the holders of the two offices who were expected to be impartial and neutral, namely the Governor and the Speaker. In the long history of the Indian republic, they have proven to be anything but. (EPW: 2020, 8)

Such situation arises due to some provisions related to appointment and tenure of the office the Governor. The clause “pleasure of the President” related with the tenure of the Governor must be relooked and the Governor must be given some degree of stability about his tenure and freedom to cooperate with the concerned State Government in the spirit of the Constitution. This is high time that the Union Parliament revisits the constitutional provisions and laws related with power, function and role of the Governor in general and that of his relationship with the council of ministers in particular. The Supreme Court must intervene to establish rule of the constitutional law. A formal mechanism may also be innovated to have an independent audit of the role of the Governor. He/She must be held accountable for violations of the constitutional provisions.

CONCLUSION

Through the constitutional provisions, a mechanism of check and balance has been provided to make sure for their due constitutional roles. Both the offices of the Governor and the Chief Minister remain vital, significant and essential for making the constitutional scheme successful. The primary concern for them should be mutual respect and appreciation for their constitutional duties and prosperity of the people concerned. The role of the Governor should be above party politics and becoming of the custodian of the Constitution of India at the State level reflecting the “doctrine of harmonious construction.” Similarly the Chief Minister has the constitutional obligation to follow the rule of law and his conduct towards the Governor should also be free from criticism. All this remains useless till the time the Union Government shows respect for the popularly elected representative Governments and “stops meddling in the affairs of the opposition-led Governments” at the State level.

ENDNOTES

- 1 Regarding the power of the Governor, some of the landmark judgments may be mentioned, e.g. *Shamsher Singh & Anr v. State of Punjab*, (1975) SCR (1) 814; *Nabam Rebia & Bamang Felix v. Deputy Speaker & Others*, (2016) SC 694; *Government of NCT of Delhi v. Union of India & Another* (Civil Appeal No. 2357 of 2017) decided by the Supreme Court of India on July 4, 2018 etc.
- 2 The details may be seen in *Ramajawari Kapur v. State of Punjab* (1955) 2 SCR pp. 236-237 (Mukherjea, CJ); *A. Sanjeevi Naidu v. State of Madras* (1970) 3 SCR 505 p. 511 (Hedge J.); *U.N. Rao v. Indira Gandhi* (1970) Sup. SCR p.46 (Sikri, C.J)
- 3 Some of the instances may be pointed out as: i) role of *Bhai Mahavir* as Governor of *Madhya Pradesh* in case of *Universities Act*, this was further repeated by *Balram Jaxhar* as Governor; ii) relationship between *T. V. Rajeshwar* (Governor) and *Mulayam Singh Yadav* (CM); iii) *Kamla Beniwal* (Governor) and *Narendra Modi* (CM) on the issue of appointment of the *Lokayukta* of the State; iv) in Goa in 2005 between the CM and *S. C. Jamir* (Governor); v) in case of *Karnataka* between *B. S. Yediyurappa* (CM) and *H.R. Bhardwaj* (Governor) when during 2008-2013, the CM was forced to take the floor test many times in a span of three years. In 2011, the CM was asked to step down after eleven BJP MLAs and five independents were against the then State government; vi) in 2016, in *Arunachal Pradesh*, in *Nabam Rebia & Bamang Felix v. Deputy Speaker & Others* case; vii) most recently in *Rajasthan* between *Ashok Gehlot* (CM) and *Kalraj Mishra* (Governor) where the later rejected three consecutive requests made by the former to convene the assembly session. The Governor accepted the fourth request made by the CM but not without putting some of his own points and instructions to be followed by the CM and Speaker/Chairperson of the State assembly.

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CULTURAL GOVERNANCE IN INDIA: A REVIEW

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Abstract

Cultural governance as an area of study and practice is a recent phenomenon, and many scholars mention that it is still a concept that is not recognised as a distinguished research topic and needs to be defined for better understanding. In India, it is still in rudimentary stage, however, formal cultural institutions have been in place since post-independence for the development and upkeep of the various facets of cultural heritage. HRIDAY scheme is one of them. The objective of the present paper is to critically look into the current system of governing the cultural heritage and its attributes in India and to understand and analyse the issues that arise from the existing governance system. Prima facie, it is found that there is inadequate policy making and administrative support for protection of diverse cultural heritage. Thus, the present paper attempts to understand the existing governance framework of protection of cultural heritage in India and its evolution since Independence, examines the functioning of concerned government agencies and the role of non-governmental agencies.

Keywords: Cultural Governance, Heritage, Policy, Local Governments, Decentralisation, India

INTRODUCTION

India, in recent times, has seen a great focus put on the matters and aspects associated with cultural heritage and its management. But somehow the importance shown for cultural heritage has not percolated in the efforts for its governance.

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Many authors, in recent times, have categorically argued that India woefully lacks a central cultural policy, and the governments on its part have always shied away from its responsibility of working towards a homogenised policy that serves in the efficient management of cultural heritage in India.

On one hand, we possess a great abundance of cultural heritage that are celebrated with great pride. There are a lot of individuals and groups working towards the preservation of culture, or re-invigorating them with new techniques and media for the Gen-X to consume. But on the other hand, India has a delegated government framework to manage the cultural matters. The administrative support to cultural heritage is helmed by the Ministry of Culture, but since the task is delegated down the ladder to various autonomous institutions, few of which are outdated, it has led to inadequate augmentation of the cultural heritage. To support this dismal state of affairs, the governance framework lacks a policy direction and a shoestring national budgetary allocation is a cherry on the top (Rajadhyaksha et al., 2013). But, in the recent past, there have been efforts to tweak the institutional framework related to cultural heritage, and a lot of research has been undertaken to understand the current system of cultural governance in India, along with identifying the issues surrounding it. But the detailed analysis of cultural governance and policy is still not a preferred academic domain and has also not been a keen area of interest amongst Indian and Western researchers, with the latter keen on studying cultural policies from East Asian countries (Isar, 2016).

One of the primary concerns was to understand the theoretical concept of cultural governance, and whether it demands any specific nuances of governance. The second half of the review focuses on the aspects of cultural governance in the Indian Context. Within this area, the study included the understanding of the historic and contemporary notion of cultural governance as a concept and its application in the Indian context; what are the implications of the existing governance system in India, and the roles played by the individual cultural institutions; and the issues arising from the governance. This review helps build on the existing research and provides a more comprehensive understanding of current cultural governance and its implications on the management of cultural heritage in India.

CULTURAL GOVERNANCE IN INDIAN CONTEXT

The value of arts and culture for the people of India, along with the steps taken towards the promotion of Indian art and culture in terms of cultural governance and policymaking is a very important factor. Authors in the recent past have looked at cultural governance as an area of social sciences, and have closely associated it with politics and economy; and since it is a new field of study in the Indian context, it needs to be looked at with a new perspective. In the Indian context, as Rajadhyaksha

et al. (2013) have highlighted, it is a problem of megalithic proportions to define the culture for such a vast and diverse nation.

In 2006, India endorsed the UNESCO Convention 2005, which according to its Article 13, calls for “the protection, promotion, and dissemination of the diversity of cultural expressions and is based on the guiding principle that culture is a driving force for sustainable development”. Based on this, the government has agreed to implement the objectives mentioned in the convention, and continuously report the implementation and achievements made. But, according to Hampel (2020), “India’s first - and until today only - the report was handed in on 29 April 2015, almost ten years after the ratification.” This highlights the lackluster attitude of India’s institutional setup in protecting and promoting the cultural heritage of the country. And, the scenario has not changed since the earliest of days.

CONTEMPORARY CULTURAL GOVERNANCE IN INDIA

In recent times, India has been highly active in the domain of cultural heritage management in the form of devising a set of new policies and working with various national & international partners in identifying tools for suitable management of cultural heritage in India. Surana and Thoompunkal (2019) mention the cultural governance in India as “complex, different, subjective and contextual”.

India, as a nation, doesn’t have a single cultural policy to manage the cultural heritage. Instead, there is a range of policies answering the needs of a range of cultural aspects. But one of the biggest hurdles towards efficient cultural governance is the Ministry of Culture, which is severely out of sync with the modern-day requirements of managing cultural heritage and the current discourses about culture with reference to its various expressions, collaborations, and media. But we are still far from devising a national cultural policy (Sampath, 2017).

To provide a broad overview, the cultural decision-making and the distribution of funds get initiated from the Centre (various Ministries involved with cultural issues), State, and City (Municipal) levels. The Ministry of Culture, at the Centre, helms the activities towards the protection and promotion of the rich cultural heritage of India. The Ministry, at its level, is primarily responsible for establishing cultural institutions like museums, libraries, and art institutes, along with the protection of monuments and sites of national importance. The Ministry has various organisations under its jurisdiction, which can be divided into 03 categories of Subordinate Offices, Attached Offices, and Autonomous Bodies. The Subordinate Offices include Anthropological Survey of India, Central Reference Library, National Library, National Gallery of Modern Art, National Museum (Delhi) National Research Laboratory for Conservation of Cultural Property (Lucknow). The Attached Offices include the Archaeological Survey of India, The

Central Secretariat Library, and the National Archives of India. And finally, the Autonomous Bodies comprise institutions like Museums, Libraries, Akademies, Zonal Cultural Centres, and Buddhist Institutions.

Coming to the State administration, all the states and union territories either have a department of culture or a department that also handles culture. These departments are assigned to focus on the regional languages and folk cultures, ensuring their preservation, and also promoting the contemporary art forms in the domains of literature, visual, and performing arts. Furthermore, the states also have individual Akademies, that are on the lines of Akademies that constitute the apex arts bodies at the Central level (Rajadhyaksha et. al, 2013).

At the city level, there are local agencies that focus on heritage/conservation and related structures, gentrification, wasteland reuse, and art in public spaces. A few examples are Ahmedabad World Heritage City Trust (AWHCT), Mumbai Metropolitan Region Development Authority (MMRDA), and the Delhi Urban Arts Commission (DUAC). These bodies help provide protection, promotion, and awareness of natural and built cultural heritage. Bodies like DUAC further 'advise the Government of India in the matter of preserving, developing and maintaining the aesthetic quality of urban and environmental design within Delhi'. Many of the urban local bodies like Ahmedabad, Cochin, Delhi, Mumbai, and Puducherry also set up local Heritage Cells, in partnership with non-governmental organisations. Moreover, there have been a few successful incidents of inter-ministerial collaborations in the field of conservation of monuments, intangible heritage, and tourism (Rajadhyaksha et al., 2013).

In the current scenario, there are assumptions that a cultural policy will homogenise the diverse culture of India, but a policy never defines what a culture is. Off-late, such a scenario has created unwanted arguments distracting away from the actual cause of developing a proper framework for meaningful cultural governance. Instead, it works towards developing effective tools for conserving, managing, and demonstrating the rich heritage. Under the aegis of good governance, the government now in a lot of cases just acts as a facilitator allowing independent and credible not-for-profit agencies to run the show. The current scenario of cultural governance has also observed the political leaders patronising culture for its maintenance and upliftment, which has been there since historic times, through the example of a flourishing cultural scene in the state of Rajasthan under the leadership of chief minister (Surana and Thoompunkal, p. 98).

In the Indian context, cultural policy is not a preferred academic domain and there has been a lack of interest in cultural policy research is based on almost negligible literature available on the theme (Isar, 2017). But the last few years have seen an increase in understanding and untangling the maze of cultural governance.

Authors like Rajadhyaksha et al. (2013), Isar (2018), and Surana and Thoompunkal (2019) among others have contributed to fulfilling this knowledge gap. These publications provide a few of the complete discourses on the contemporary cultural policy scenario in India with a specific focus laid on existing decision-making, administrative competency, policy development issues, along with the main legal provisions and funding opportunities in the cultural sector.

Goswami (2018) through his article highlights the current scenario, or rather the fallacy created by the Ministry of Culture towards the heritage in India and why there is an immediate need for a cultural policy. The author shows two contrasting views of looking at culture in India. The first being that Indian culture is a huge treasure trove and there is a lot of talent taking care of it, while the second view shows failing government machinery to administer culture and look after its well-being. To quote the author, “The Ministry has since the years following Independence occupied a high ground and, having fortified itself with institutions and centres, is unable to speak a language other than the rosily administrative”.

Hampel (2020) rightfully cites that although India has been highly active in ‘devising a set of new policies’, the nation still lacks a genuine and comprehensive cultural policy to support and promote the Indian cultural treasure. But, on the positive side, the objectives of cultural policy in India have constantly evolved and altered through three main phases. The first phase objective was a development of culture, which looked into the management & marketing of cultural resources, and the protection of cultural practitioners who were put in the bracket of economically disadvantaged groups. The second phase saw working towards curtailing state interference in cultural matters and putting cultural rights at the forefront. And the third phase has the objective of looking at culture from a global perspective, and the promotion of creative economy, along with intellectual property rights, are of major concern.

ISSUES WITH THE CONTEMPORARY CULTURAL GOVERNANCE IN INDIA

Like any other governance and policy domain, cultural governance also has its own set of issues and challenges. Authors reviewed for this paper have identified different challenges and issues, arising from different domains of society and governance. The first and foremost is the lack of a national cultural policy. As discussed earlier, there are a lot of arguments for and against drafting a national cultural policy for India. In response to the need for such a policy document, members of governing agency argue that there is no need for a cultural policy as “we are a civilisation whose recorded histories stretch back at least five millennia, whose puranic histories reach back further still, and therefore have no need for such new artifices like cultural policies” (Rajadhyakasha et al., 2013).

The Ministry of Culture, in 2014, constituted a High-Powered Committee (HPC) to analyse how the cultural organisations function, with the intention of identifying the issues in management, vision, policies, power distribution, transparency, etc., and come out with solutions for more synergy amongst them. But as usual to the HPCs, this was also given almost negligible time allotted to submit the outcomes. Although the report does its task of highlighting the concerning issues, they end just before providing a vision or ways to overcome them.

Rajadhyaksha et al. have identified a few issues with contemporary cultural policy development. These issues range from allocation of funds to government cultural organisations & cultural rights of the community, to specific area-based issues in the domain of art policies, cultural industries, languages, gender parity, etc. They further detail the issues faced by the cultural heritage, both tangible and intangible, as seen in the monument conservation, tourism, and safeguarding of traditional knowledge.

Even for the monuments, the legal provisions are only available for buildings under the purview of the Archaeological Survey of India (ASI) and few UNESCO designated World Heritage Sites as mandated under UNESCO World Heritage Convention, 1972. Over the years, there have been regular advocacy by leading cultural organisations like INTACH towards rethinking our conservation processes and approaches, as the ideologies of ASI are considered archaic and not in tune with the contemporary approaches to conservation.

Similarly, various central and local organisations like the Ministry of Urban Development (Model Building Bylaws) and Agenda for Bengaluru Infrastructure and Development Taskforce (Heritage Plan 2020) have moved away from the ASI mandates and talked about radical changes in the municipal bylaws dealing with urban heritage and setting up of specific conservation agency to look into the conservation needs of private and public heritage. To overcome the issue, ASI released a draft National Conservation Policy in 2013, but it has considerable faults like exclusive focus on just ASI monuments by overlooking heritage under private ownership and a very limited scope of partnership development except developing tourist infrastructure through PPPs. The document mentions the cases of Gobindgarh Cultural Heritage Management Authority and Begumpur Mosque, which have taken an initiative to develop an efficient stakeholder participation framework in the absence of cultural heritage policy.

Regarding urban heritage, statutory protection is only available to monuments that are under the protection of the Monuments and Antiquities Act, 1961, but the majority of urban heritage in Indian cities is not governed by any heritage laws and as a consequence is being lost to rapid urbanisation (Rajadhyaksha et al., 2013). Since the urban heritage is majorly governed by the Municipal laws, a state subject, a large number of cultural heritage is getting destroyed as most of the states

either lack effective legislation for conserving this heritage or the amendments to heritage-related rules are long pending. There is also a growing participation of private bodies in the Indian system through CSR funding, but it's still negligible in the protection of art and cultural heritage.

The lack of skilled administrators in cultural organisations is another bane towards efficient governance of culture. The biggest challenge amongst these administrators is the lack of understanding of cultural heritage and the ground realities which impact it. Another concern amongst the 45 odd organisations under the Ministry of Culture, apart from the “mediocrity and inefficiency” of these organisations, is the concern towards duplication of functions where the organisations are “intent on rediscovering the same wheel, and that too over and over again”. This matter has also been highlighted by a various government nominated committees like Bhabha Committee (1964), Khosla Committee (1972), Haksar Committee (1990), and recently the High Powered Committee (2014) (Sampath, 2017).

To add to this crisis is an acute lack of fundings dogging most of the institutions as 0.13% of the government annual budget allocated for culture doesn't paint a pretty picture for a culturally rich country like India (Sampath, 2017). While talking about the central funding towards culture, read the Ministry of Culture, Isar (2018) highlights the apathy as the sector gets only 0.13% of the total government funding. Even this amount is absurdly distributed as the majority of the share goes to ASI, whose ‘principles of conservation and management are considered completely outdated’ (pg. 489).

In the Indian context, the Ministry of Culture has a system of grants-in-aid for cultural organisations and individuals (Hampel, 2020). Along with this, all the institutions helmed by the ministry “constitute India's unofficial or unstated cultural policy in terms of agenda, objectives, measures as well as financial, structural, and human resources”. But, the majority of these cultural institutions don't have desired funding and also no transparency. Because of this, the institutions lack a professional working system. Secondly, although the institutions are ‘autonomous’ in nature, the decision-makers are past or current members of the Ministry of Culture. This puts the transparency of the institutions in question and ‘possibly opens venues for censorship and corruption’. These institutions still work in a traditional way and are very elitist in nature. Due to this, the government becomes the sole authority to select which art is to be promoted. And the last nail in the coffin is the shoestring budget these cultural institutions are allowed, and to top it “only 70% of meager state funds assigned to culture are actually distributed, mostly benefitting traditional arts, whereas contemporary arts continue to lack the desperately required infrastructure” (Hampel, 2020).

Furthermore, Isar (2018) broadly highlights the rampant patronage in the cultural sector, the superfluous institutions that have arisen because of it, and the pertinent themes that have been ignored. Due to the lack of a clear strategy, the government has only supported certain selected art and heritage which are deemed higher. The author also says that in the name of extending civil society participation the central government has just distributed the authority to a select group of practitioners who are on good terms with the bureaucrats. Such a scenario of patronage within the sector has given rise to numerous redundant institutions, which are unable to rethink their means of working and agendas post-economic liberalisation of the early 1990s.

Despite this economic liberalisation and subsequent growth, the central government has continuously ignored the cultural sector, and the increased cultural demands of Indians are sufficed by the civil society and private sector, where the latter is supporting the sector as part of 'essential promotional strategy'. Although culture and arts have been part of development schemes like 5-year plans, their fruits have never reached the desired people. This issue can be attributed to the considerable gap between the ambition of the plan and its execution on the ground (Isar, 2016).

Surana and Thoompunkal (2019) further identify the issues related to boards and governing councils of cultural organisations. These boards are usually run by government-nominated members and have very little input from stakeholders. The authors mention the pertinent point that the government should draw the line of its involvement in cultural management; also they should not define by themselves what culture is important and whatnot. The paper also mentions hurdles like lack of patronage in the cultural sector in India, and the cultural sector not being organised.

According to Goswami (2018), cultural administration is facing such a situation because the Ministry lacks a policy direction, and is 'surviving at whim on a shoestring national budgetary allocation. Furthermore, the author mentions that the Ministry is completely out of sync with the current ideas and discourses about culture. Goswami (2018) also identified 'intergenerational conflict in the transition of cultural traditions' as one of the major hurdles.

There are also issues arising when government policies, which do not have cultural management as objective, have had an impact on cultural heritage indirectly. Goswami (2018) highlights three such instances where a lack of cultural policy had a deep impact on different aspects of cultural heritage in India. These three being the adverse effect of GST on the handicraft and cottage industry sector, poor e-commerce marketing and promotion of tribal crafts impacting the unique identity and value of the tribal arts & crafts, and finally the National Mission for

Green India that has completely overlooked the the ‘intangible cultural heritage and knowledge systems of those communities in Madhya Pradesh and Chhattisgarh whose lives are intertwined with their natural habitats’ (Goswami, 2018). These instances show a complete lack of communication amongst the various government agencies, and the failure to understand the finer aspects of culture getting impacted in various forms.

OBSERVATIONS

Based on the current issues impacting the cultural sector, the absence of cultural policy is very severely impacting the efficient management of cultural heritage in India. Sampath (2017) mentions that the successful creation and implementation of cultural policy is “opposed by several committees set up by the Ministry of Culture itself for the express intention of designing such a policy”. The reason given for that is that a country like India with such a the diverse cultural background shouldn’t have a “homogenised policy”. This lack of a policy and lack of an efficient cultural management system is further supported by a rot in the government-run cultural organisations and unnecessary interference and lobbying based on political agendas and ideologies.

To counter all these ills, India needs to invest in a cultural policy that helps identify the efficient methods, and instead of defining what constitutes culture in India, the document should recognise the economic value of culture as an industry and formulate innovative plans to promote the participation of new stakeholders and implement new financing mechanisms.

Another important facet of the cultural policy should be the removal of culture as the sole proprietary of the Ministry of Culture and create a conglomerate of various ministries and governmental agencies like Tourism, Urban Affairs, External Affairs, Human Resource and Development, Commerce and Industry, etc., along with directly and indirectly impacted stakeholders.

Talking about the involvement of stakeholders, apart from just involving them, there has to be enhanced collaboration and communication between the local community, governing agencies, and cultural organisations. Such a scenario is needed as the government might not be able to answer all the issues, and are bound to fall short in some instances. The stakeholders should be promoted to do varied roles, which should be defined beforehand. This will allow the stakeholders to do the majority of heavy lifting, and the government acting as patrons and enablers. Cultural governance should also be socially inclusive, with equal chances given to all local communities irrespective of their ethnic affiliations. A lot of researchers and authors also mention the need of involving people in the decision-making process for cultural governance and increased transparency. Sampath (2017) also

touches on the matter that for efficient cultural governance, the authorities need to understand the requirements of the local community and should involve the community leaders in the design and implementation of heritage initiatives.

Various authors like D'souza (1995) have also touched upon the aspect of the cultural policy having a socio-cultural perspective. He talks that cultural policy making should evolve out of the "basic objectives laid down in the preamble to the Indian Constitution", which are justice, liberty, and equality for all citizens of India. The author also cites that while preparing the cultural policy, the administrators usually forget about the collective identity that in many cases "often outlasts the culture which gave rise to it".

Finally, explaining the important aspects that need to be incorporated in the cultural policy, Sampath (Goswami, 2018) mentions a few points for consideration. Firstly, there has to be a complete overhaul of the existing system and establishing a more rational and efficient cultural management system. Secondly, in the wake of cultural institutions working with shoestring budgets, there have to be increased funding opportunities by promoting more PPP models. The third point is the need to integrate cultural knowledge into the academic curriculum to instill awareness and a sense of pride in the younger generations. The fourth being taking care of our guardians of art and culture, the artisans, weavers, artists, painters, and craftsmen, by providing them with ample opportunities to develop their skills and creating enough demand for them to grow. And lastly, Sampath also mentions the need for developing an effective roadmap for boosting our tourism sites and industry and disseminating the cultural wealth amongst the population through various print and online media platforms.

CONCLUSION

It is quite clear from the review that cultural governance cannot be a normative concept and as evidence has evolved as per the needs of the context and culture. Similarly, the need of defining a system for cultural policy-making has also been coming up with the help of intellectuals and experts. Creating a cultural policy for a country like India, where the shades of cultural heritage change after every 100 kms., becomes a task of monumental proportions; and a single policy document might not remedy the challenges thrown up by a history of more than 5000 years of civilisation. Simply, a scheme like 'National Heritage Development and Augmentation Yojana (HRIDAY) with a trivial budget provisions cannot be sufficient step. Also, the policy document shouldn't be an attempt to homogenise the cultural scenario of a diverse country, nor should it be an attempt to determine what the culture of India should be like. Instead, the national cultural policy for India should have a broad outlook and work towards developing effective tools for

conserving, managing, and demonstrating the rich heritage of India. The policy should also look to identify various mechanisms of enhancing cultural economics and support the cultural industry by creating opportunities for the private sector to get involved in different public-private partnerships, government incentives, and innovative funding mechanisms.

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Hindi Section

हिन्दी प्रभाग



भारत में न्यायपालिका की स्वतंत्रता एवं उत्तरदायित्व

अभय प्रसाद सिंह* एवं दीपक कुमार**

सार संक्षेप

लोकतान्त्रिक समाज में लोगों के हितों में टकराव का न्यायिक हल 'विधि का शासन' सिद्धांत के कसौटी पर किया जाता है। न्यायपालिका के इस उत्तरदायित्व निर्वहन में विधायिका और कार्यपालिका का हस्तक्षेप वर्जित है। मूल संविधान में न्यायिक स्वतंत्रता संबंधी प्रावधान संविधान सभा की इसी साझी परिकल्पना की अभिव्यक्ति है। यह शोध आलेख मूल रूप से भारत में विगत सात दशकों से चल रहे न्यायिक स्वतंत्रता और जवाबदेही संबंधित बहस में उच्चतम न्यायपालिका के संविधानिक निर्वचन और भारतीय संविधानिक लोकतंत्र की गहनता और तात्त्विकता की परिकल्पना के सन्दर्भ में एक तर्कपूर्ण मीमांसा व अन्वेषण है।

प्रमुख शब्द : विधि का शासन, शक्ति पृथक्करण, न्यायिक स्वतंत्रता, न्यायिक जवाबदेही, कॉलेजियम प्रणाली

उन्नीसवीं शताब्दी के उत्तरार्ध में भी राष्ट्रवादी आन्दोलन के दबाव में मुश्किल से ही अंग्रेजी- राज भारतीयों को उच्चतर न्यायपालिका (उच्चतम और उच्च न्यायालय) में भागीदारी देने की बजाय सीमित शासकीय जवाबदेही से जोड़ने के लिए राजी हुआ था। अंग्रेजी शासन को यह भय था कि न्यायपालिका में भारतीयों की मौजूदगी से भारतीयों को कानून की व्याख्या का हक मिल जायेगा जो अंग्रेजी सरकार की शासकीय वैधता के लिए खतरनाक साबित हो सकता है। इसलिए अंग्रेजी हुकूमत भारतीयों के लिए उच्चतर न्यायपालिका से वहिष्करण के लिए कार्य किया। राष्ट्रवादी आन्दोलन से उत्पन्न न्याय की परिकल्पना का आजाद भारत में संस्थागत स्वरूप कैसा हो इस पर संविधान सभा में गहन विमर्श हुआ।

संविधान सभा के समक्ष उच्चतर न्यायपालिका से संबंधित एक ऐसे संविधानिक प्रारूप पर साझी सहमति बनाने की चुनौती थी जिसे संसदीय शासन में शक्ति संतुलन, शक्ति पृथक्करण और विधि का शासन के लक्षित आदर्शों की कसौटी पर आधारित किया जा सके। इस निमित्त उच्चतम न्यायपालिका की न्यायिक स्वतंत्रता का प्रश्न, इसकी न्यायिक पुनर्विलोकन की शक्ति, और इसके संविधान के प्रावधानों की महत्ता

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बनाये रखने की जवाबदेही संविधान सभा में बहस के केंद्र में रहे। संविधान सभा के पटल पर यह बहस सप्रू समिति प्रतिवेदन और कानिया प्रतिवेदन के आलोक में शुरू हुआ। न्यायपालिका संबंधित प्रावधानों की संरचना के लिए संविधान सभा में उच्चतम न्यायालय पर एस. वरदचरियार की अध्यक्षता में एक पांच-सदस्यीय परामर्श समिति का गठन किया गया जिसके अन्य सदस्य थे- बी. एन. राव, के. एम. मुंशी, ए. के. अय्यर और बी. एल. मित्र। अल्लादी कृष्णास्वामी अय्यर ने न्यायिक स्वतंत्रता के पक्ष में दलील देते हुए कहा कि न्यायपालिका का उत्तरदायित्व संविधानिक निर्वचन और अधिकार संबंधी न्याय निर्णयन है न कि परम-विधायिका या परम-कार्यपालिका की भूमिका अख्तियार करना।¹ मुंशी और अय्यर ने उच्चतम न्यायपालिका के पुनर्विलोकन की शक्ति के स्पष्ट संविधानिक प्रावधान की वकालत की। अय्यर ने उच्चतम न्यायालय के इस अधिकार को विधि के शासन से सम्बद्ध करने के पक्ष में भी तर्क दिया।

एक लिखित संविधान द्वारा शासित लोकतांत्रिक राज्य में, संविधान की व्याख्या करने और संवैधानिक विवादों संबंधी निर्णयन में एकमात्र मध्यस्थ होने का कार्य न्यायपालिका को सौंपा गया है। यहीं पर उच्चतर न्यायपालिका को विधायिका या कार्यपालिका के किसी भी प्रत्यक्ष या परोक्ष प्रभाव से पूरी तरह मुक्त होना आवश्यक है। न्यायपालिका को पूरी तरह से स्वतंत्र होने की आवश्यकता है ताकि वह विधायिका या कार्यपालिका के कार्यों को संविधान की कसौटी पर परख सके। व्यापक अर्थ में न्यायिक स्वतंत्रता का अभिप्राय एक सांविधानिक-लोकतान्त्रिक राज्य के अंग के रूप में न्यायपालिका की स्वतंत्रता और न्यायाधीशों की स्वतंत्रता। न्यायिक स्वतंत्रता में न्यायाधीशों के वेतन की सुरक्षा, विधायिकाओं पर न्यायाधीशों के आधिकारिक आचरण पर चर्चा करने पर प्रतिबंध से लेकर न्यायाधीशों को उनके कर्तव्यों के निष्पादन के लिए मिलने वाली छूट तक शामिल है। हालाँकि, एस. पी. गुप्ता केस में उच्चतम न्यायालय ने न्यायपालिका की इस स्वतंत्रता की व्याख्या न्यायपालिका की राष्ट्र और जन मानस के प्रति जवाबदेही से जुड़े होने के सन्दर्भ में किया।² इस प्रकार, एक मानक अर्थ में, न्यायपालिका वैसे किसी भी कारक से स्वतंत्र होगी जो न्यायाधीश को ली गई पद की शपथ से विचलित करती है, अर्थात् संविधान और कानूनों को बनाए रखने के लिए, और बिना किसी भय या पक्षपात, स्नेह या दुर्भावना के कार्य करने के लिए।

भारतीय संविधान के तहत न्यायपालिका को उच्चतर न्यायपालिका (यानी सर्वोच्च न्यायालय और उच्च न्यायालयों के न्यायाधीश) और अधीनस्थ न्यायपालिका (यानी राज्य उच्च न्यायालयों के नियंत्रण में न्यायाधीश) में विभाजित किया गया है। अधीनस्थ न्यायपालिका के न्यायाधीश भी अपने न्यायिक कार्यों में स्वतंत्र होते हैं, यद्यपि उनके निर्णय उच्च न्यायालय द्वारा जांच के अधीन हो सकते हैं और वे उच्च न्यायालय के प्रशासनिक नियंत्रण के अधीन हैं। उनकी नियुक्ति, वेतन और भत्तों से संबंधित मामलों में, वे राज्य के राज्यपाल द्वारा बनाए गए नियमों द्वारा शासित होते हैं, लेकिन कार्य निष्पादन मूल्यांकन, पदोन्नति अनुशासनात्मक उपायों और हटाने के मामलों में वे उच्च न्यायालय के नियंत्रण के अधीन हैं। यह ध्यान रखना महत्वपूर्ण है कि जबकि न्यायिक स्वतंत्रता का प्रश्न उच्च न्यायपालिका में नियुक्तियों के संदर्भ में विशेष रूप से सामने आया है, वेतन, कार्यकाल, स्थानान्तरण, हटाने, प्रशासनिक कर्मचारी, आदि से संबंधित मामले इस प्रश्न के अभिन्न अंग हैं। न्यायिक स्वतंत्रता के लक्ष्य के साथ-साथ न्यायिक जवाबदेही के लक्ष्य पर भी विचार किया जाना चाहिए। यह शोध निबंध न्यायिक स्वतंत्रता के दो प्रमुख आयामों-न्यायाधीशों की नियुक्ति और उनके पद निष्कासन संबंधित विवाद से उभरे संविधानवाद का विश्लेषण करता है।

न्यायाधीशों की नियुक्तियां

न्यायाधीशों को चुनने के मामले में, संविधान सभा ने यह सुनिश्चित करने के लिए कड़ी मेहनत की कि कार्यपालिका के पास निरंकुश विवेक न हो और नियुक्ति प्रक्रिया पर पूर्ण नियंत्रण न हो। संविधान सभा की चिंता एक ऐसी न्यायपालिका बनाने की थी जो स्वतंत्र और कुशल हो।³ स्वतंत्र न्यायपालिका के प्रश्न पर संविधान सभा में सप्रू समिति रिपोर्ट (1945), वेनेगल नरसिंह राव के प्रथम संविधान प्रारूप (1946) और पांच-सदस्यीय अस्थायी परामर्श समिति के प्रतिवेदन को विमर्शी आधार मान कर यह फैसला किया की न्यायाधीशों के वेतनमान और भत्ते संविधान के द्वारा संरक्षित और उच्चतर न्यायपालिका के गरिमा अनुकूल हो। अच्यर ने न्यायाधीशों के पद मुक्ति के लिए 'सिद्ध कदाचार और अक्षमता' का संशोधन प्रस्तुत किया जिसे सभा ने पारित कर दिया। मई 1949 में हो रहे निर्णायक बहस में सभा ने यह प्रावधान पारित कर दिया कि उच्चतम और उच्च न्यायालय में न्यायाधीशों की नियुक्ति, उनके वेतनमान और भत्ते और पद मुक्ति की प्रक्रिया राजनीतिक और शासकीय हस्तक्षेप से स्वतंत्र रहेगी।

संविधान अनुच्छेद 124 (2) द्वारा उच्चतम न्यायालय के न्यायाधीशों की नियुक्ति का प्रावधान करता है। भारत के राष्ट्रपति अपने हस्ताक्षर और मुहर के तहत एक वारंट द्वारा उच्चतम न्यायालय के न्यायाधीशों की नियुक्ति करते हैं। अनुच्छेद 217 में प्रावधान है कि उच्च न्यायालय के प्रत्येक न्यायाधीश की नियुक्ति राष्ट्रपति के द्वारा अपने हस्ताक्षर और मुहर के तहत एक वारंट द्वारा भारत के मुख्य न्यायाधीश व संबंधित राज्य के राज्यपाल के परामर्श के बाद की जाएगी। इन प्रावधानों की व्याख्या प्राथमिक मुद्दा रहा है जिस पर भारत में न्यायिक स्वतंत्रता पर बहस चलती रही है।

संघ विधायिका और संघीय कार्यपालिका इन सांविधानिक प्रावधानों की अपनी-अलग समझ रखता है और इसकी व्याख्या लोकतंत्र में शक्तियों के पृथक्कीकरण के सिद्धांत के आलोक में करता है। परन्तु नियुक्ति पर यह विवाद तब उभरता है जब श्रीमती इंदिरा गाँधी ने नियुक्ति की प्रक्रिया में उच्चतम न्यायालय के मुख्य न्यायाधीश के परामर्श के बगैर न सिर्फ अगले मुख्य न्यायाधीश की नियुक्ति की संस्तुति को तत्कालीन राष्ट्रपति से स्वीकृत करवा लिया बल्कि इस नियुक्ति में वरीयता क्रम का भी उल्लंघन किया। कालांतर में उच्चतम न्यायालय ने अलग-अलग याचिकाओं पर नियुक्ति से संबंधित इन सांविधानिक प्रावधानों की व्याख्या की जिसे एक साथ 'श्री जजेज केस' के नाम से जाना जाता है।

संकलचंद हिम्मतलाल सेठ केस (1977)⁴ में उच्चतम न्यायालय ने न्यायिक स्वतंत्रता के पक्ष में फैसला दिया। इसके विपरीत एस. पी. गुप्ता केस (1981)⁵ में न्यायिक स्वतंत्रता को न्यायिक जवाबदेही से जोड़ दिया। सुभाष शर्मा केस (1991)⁶ - जिसे 'फर्स्ट जजेज केस' के नाम से जाना जाता है, इसमें उच्चतम न्यायालय ने संविधान के अनुच्छेद 124 और 217 के महत्व पर विचार करते हुए फैसला दिया कि भारत के मुख्य न्यायाधीश के साथ परामर्श बहुत महत्वपूर्ण है और उनके विचारों को न्यायाधीशों की नियुक्ति में महत्त्व दिया जाना चाहिए।

सुप्रीम कोर्ट एडवोकेट्स- ऑन-रिकॉर्ड एसोसिएशन केस (1993)⁷ - जिसे 'सेकेण्ड जजेज केस' भी कहा जाता है, इस केस में उच्चतम न्यायालय ने 'एसपी गुप्ता केस' में दिए गए निर्णय को उलट दिया और जजों ने बहुमत से माना कि उच्च न्यायालयों में न्यायाधीशों की नियुक्ति के मामले में वरीयता न्यायपालिका के पास होनी चाहिए। न्यायालय ने यह कहते हुए 'वरिष्ठता अकेले नियम; को खारिज कर दिया कि भारत के

मुख्य न्यायाधीश का चयन केवल योग्यता के आधार पर किया जाना चाहिए। पीठ ने नियुक्ति की प्रक्रिया की एक विस्तृत कार्य पद्धति प्रदान की, लेकिन इस फैसले का महत्व इस तथ्य में निहित है कि इसने एस. पी. गुप्ता केस में दिए फैसले को खारिज कर दिया और माना कि भारत के मुख्य न्यायाधीश की राय सर्वोच्च न्यायालय और उच्च न्यायालय में न्यायाधीशों की नियुक्ति के मामले में निर्णायक है।

राष्ट्रपति द्वारा अनुच्छेद 143 के तहत भेजे गए 'स्पेशल रिफरेंस नंबर 1 ऑफ 1998'⁸ -जिसे 'थर्ड जजेज केस' के नाम से जाना जाता है, इसमें उच्चतम न्यायालय ने अनुच्छेद 217 में वर्णित 'परामर्श' के प्रावधान की व्याख्या करते हुए यह फैसला दिया कि उच्चतम न्यायालय के मुख्य न्यायाधीश उच्चतम न्यायालय में नियुक्ति के मामले में उच्चतम न्यायालय के 4 वरिष्ठ न्यायाधीशों और उच्च न्यायालय में न्यायाधीशों की नियुक्ति में 2 वरिष्ठ न्यायाधीशों से परामर्श के आधार पर संस्तुति देंगे। इस फैसले ने नियुक्ति के कॉलेजियम प्रणाली को और मजबूत कर दिया।

इन तीनों जजेज वादों ने न्यायाधीशों की नियुक्ति की प्रक्रिया के मामलों ने न्यायिक नियंत्रण पर एक विस्तृत राजनीतिक बहस की शुरुआत कर दी। यह तर्क दिया जाने लगा कि इन निर्णयों ने न्यायपालिका को अपने कामकाज पर पूर्ण और अनियंत्रित शक्ति प्रदान की है। इन निर्णयों को पूर्ववत करने के लिए समय-समय पर संवैधानिक संशोधन प्रस्ताव औपचारिक और अनौपचारिक रूप से प्रस्तावित किए जाते रहे हैं। इस संबंध में सबसे हालिया विकास संविधान (एक सौ इक्कीसवां संशोधन) विधेयक 2014 है, जो संविधान का निन्यानवेवां संशोधन बन गया। इसे राष्ट्रीय न्यायिक नियुक्ति आयोग अधिनियम 2014 के साथ अधिनियमित किया गया। आयोग के कानून बनते ही, निन्यानवेवां संविधान संशोधन और राष्ट्रीय न्यायिक नियुक्ति आयोग अधिनियम को संविधान के बुनियादी ढांचे का उल्लंघन करने का हवाला देते हुए 16 अक्टूबर 2015 को सुप्रीम कोर्ट ने अपना फैसला सुनाया और 4:1 के बहुमत से संशोधन को रद्द कर दिया।⁹

हालांकि इसमें कोई संदेह नहीं है कि कॉलेजियम प्रणाली में सुधार किया जा सकता है और सर्वोच्च न्यायालय ने आंशिक रूप से इसे स्वीकार भी किया है। हमें यह याद रखना चाहिए कि यह प्रणाली सर्वोच्च न्यायालय के न्यायाधीशों की नियुक्ति प्रक्रिया पर राजनीतिक प्रभुत्व की प्रतिक्रिया-स्वरूप विकसित हुई, जो इंदिरा गांधी के प्रधानमंत्रित्व काल में भारत सरकार के लिए असुविधाजनक विचारों को सही ठहराने वाले न्यायाधीशों को दो मौकों पर राजनीतिक नाराजगी झेलनी पड़ी। 1973 में तीन वरिष्ठ न्यायाधीशों (जयशंकर मणिलाल शीलत, ऐ. एन. प्रोवर और के. एस. हेगड़े) की वरीयता क्रम की अनदेखी कर न्यायाधीश ऐ. एन. रे को उच्चतम न्यायालय का मुख्य न्यायाधीश नियुक्त कर दिया गया क्योंकि ये तीन न्यायाधीश केशवानंद भारती वाद के संविधान पीठ में 'संविधान की मूल संरचना सिद्धांत' प्रतिपादित करने वाले 7 न्यायाधीशों में थे जबकि ऐ. एन. रे. इस सिद्धांत के विरुद्ध 6 न्यायाधीशों में से एक थे। इन तीनों न्यायाधीशों ने सरकार के इस फैसले का विरोध करते हुए न्यायाधीश पद का त्याग कर दिया। कुछ इसी प्रकार के घटनाक्रम को 1976 में दुहराया गया जब एम. एच. बेग को एच. आर. खन्ना की वरीयता का उल्लंघन करते हुए उच्चतम न्यायालय का मुख्य न्यायाधीश नियुक्त कर दिया गया, और इंदिरा सरकार की यह भी एक राजनीतिक बदले की कार्यवाही थी क्योंकि जस्टिस एच. आर. खन्ना ने 1976 में 'बंदी प्रत्यक्षीकरण वाद' में उच्चतम न्यायालय के 5 सदस्यीय संविधान पीठ के 4 न्यायाधीशों (ऐ. एन. रे, एम. एच. बेग, वाई. वी. चंद्रचूड और पी. एन. भगवती) के द्वारा दिए फैसले- कि राष्ट्रीय आपात के दौरान जीवन और स्वतंत्रता के अधिकार का भी

स्थगन किया जा सकता है, के विरुद्ध, जीवन और स्वतंत्रता के अधिकार के साथ खड़े थे और इसके पक्ष में मत दिया था। एम.एच.बेग. की नियुक्ति के विरोध में न्यायाधीश खन्ना ने भी पद त्याग दिया। आपात काल के दौरान विरोधियों, विरोधी नेताओं, पत्रकारों, आदि के नागरिक अधिकारों का दमन किया गया। इस दौर में उच्च न्यायालयों में कुछ न्यायाधीशों को जबर्दस्ती राजनीतिक तबादलों का भी सामना करना पड़ा था। स्पष्ट है की न्यायिक स्वतंत्रता सकारात्मक और सीधे तौर पर नागरिक अधिकारों से न सिर्फ जुड़ा है बल्कि इसके निमित्त सबसे मजबूत संविधानिक सुरक्षा कबच भी है। इंदिरा सरकार के 1973 और 1976 के दोनों निर्णयों में न्यायपालिका की स्वतंत्रता और संविधानिक अधिकारों के दमन की मंशा स्पष्ट है।¹⁰

न्यायाधीश के निष्कासन की प्रक्रिया

न्यायाधीशों के खिलाफ अनुशासनात्मक कार्रवाई के प्रति दृष्टिकोण, उनके निष्कासन की प्रक्रिया सहित, न्यायिक स्वतंत्रता के लिए अहम है। हम पाते हैं कि न्यायपालिका ने स्व-नियमन में काफी विश्वास और शक्ति निहित की है, हालाँकि यह एक ऐसा तथ्य है जिसने अक्सर सरकार की अन्य शाखाओं से आलोचना और चिंता को आमंत्रित किया है। दूसरी ओर न्यायिक शक्ति की वैधता और प्रकृति, स्वायत्तता को गंभीर रूप से खतरे में डाले बिना बाहरी विनियमन की अनुमति देना बेहद कठिन बना देती है। न्यायिक जवाबदेही की उप-समिति बनाम भारत संघ केस (1991)¹¹ में, सर्वोच्च न्यायालय को पहली बार अपने एक न्यायाधीश के खिलाफ महाभियोग के प्रस्ताव का सामना करना पड़ा, जहाँ न्यायमूर्ति वी रामास्वामी के खिलाफ वित्तीय अनियमितता का आरोप लगाया गया था। इसने अंततः अनुच्छेद 124(4) और न्यायाधीश (जांच) अधिनियम 1968 के तहत, न्यायाधीश को हटाने के लिए, लोकसभा के सदस्यों द्वारा सदन के अध्यक्ष को, राष्ट्रपति को संबोधित, एक प्रस्ताव दिया। जबकि यह विशेष मामला मुख्य रूप से लंबित प्रस्ताव पर लोकसभा के विघटन के परिणामों से संबंधित था। इसने न्यायालय को संविधान में न्यायिक महाभियोग के प्रावधानों के दायरे और प्रकृति की जांच करने का अवसर भी दिया। इसने न्यायालय की न्यायिक स्वतंत्रता और जवाबदेही की व्याख्या के बारे में भी बहुत कुछ बताया। बहुमत की राय ने 'न्यायपालिका और उसकी स्वतंत्रता से संबंधित संवैधानिक प्रावधानों का एक अवलोकन करने' का फैसला किया ताकि एक ऐसे निर्माण को अपनाया जा सके जो संविधान की मूलभूत विशेषताओं और बुनियादी ढांचे को मजबूत करे। अनुच्छेद 124(4) और (5) पर आते हुए, न्यायालय ने तीन संभावित व्याख्याएं दीं, जिनमें से दो प्रभावी रूप से संसद को हटाने की पूरी शक्ति देगी, और एक जिसे सुनिश्चित करने के लिए पहले बाहरी एजेंसी द्वारा जांच की आवश्यकता होगी। न्यायालय बाहरी एजेंसी द्वारा जांच की आवश्यकता को सिरे से खारिज करते हुए, यह इंगित किया कि अन्य दो व्याख्याएं प्रक्रिया को 'न्यायिक समीक्षा से पूरी तरह परे' और असुविधाजनक न्यायिक घोषणाओं की संभावना' के द्वार खोल देगा और इस प्रकार न्यायिक स्वतंत्रता को खतरे में डाल देगा। न्यायालय ने महाभियोग की प्रक्रिया को दो भागों में विभाजित किया, पहला खंड (5) के तहत अधिनियमित कानून के अनुसार जांच करेगा और दूसरा सबूत की खोज के बाद खंड (4) के तहत संसदीय प्रक्रिया करेगा। इस व्याख्या का व्यावहारिक परिणाम यह था कि- अधिनियमित कानून, की वैधता और उसके तहत प्रक्रिया किसी भी राजनीतिक रंग से स्वतंत्र न्यायिक समीक्षा के अधीन होगी। एक दिलचस्प तर्क जिसे न्यायालय को संबोधित करना था, वह यह था कि अनुच्छेद 124 के तहत संवैधानिक उपचार के अलावा, सर्वोच्च न्यायालय को स्थानांतरित करने के मौलिक अधिकार में निष्पक्ष न्यायपालिका

का अधिकार भी शामिल था। इसे बनाने वाले सदस्यों की सत्यनिष्ठा और निष्पक्षता सुनिश्चित करने और उन आवश्यक गुणों की कमी पाए जाने वाले किसी भी सदस्य को रोकने की जवाबदेही न्यायालय का होगा।

के. वीरास्वामी बनाम भारत संघ वाद (1991)¹² में, अपीलकर्ता मद्रास उच्च न्यायालय के पूर्व मुख्य न्यायाधीश थे, जिनके खिलाफ केंद्रीय जांच ब्यूरो ने भ्रष्टाचार निवारण अधिनियम 1947 के तहत आय से अधिक संपत्ति का मामला दर्ज किया था। अपीलकर्ता का मुख्य तर्क यह था कि उच्च न्यायालयों और उच्चतम न्यायालय के न्यायाधीश भ्रष्टाचार निवारण अधिनियम के दायरे में नहीं थे। पांच न्यायाधीशों की संवैधानिक पीठ ने चार अलग-अलग राय दी, जिसमें न्यायाधीश वर्मा की असहमति थी, और न्यायाधीश रे और न्यायाधीश शर्मा ने न्यायाधीश शेट्टी और वेंकटचलैया की राय पर सहमति व्यक्त की। न्यायाधीश वर्मा के अपवाद के साथ, अन्य सभी मतों ने अंततः पाया कि भ्रष्टाचार निवारण अधिनियम में अभिव्यक्ति 'लोक सेवक' उच्च न्यायालयों और सर्वोच्च न्यायालय के न्यायाधीशों को शामिल करने के लिए पर्याप्त और व्यापक थी, और ट्रायल कोर्ट को निर्देश दिया गया था कि मामले की सुनवाई की जाय। पहला सवाल जो उन्होंने सामना किया वह अधिनियम की धारा 6 (प) (ब) के तहत एक गलत न्यायाधीश को अपने कार्यालय से 'हटाने के लिए सक्षम प्राधिकारी' था। हालाँकि, इसे अव्यावहारिक रूप में खारिज कर दिया गया था क्योंकि संसद इस कार्य के लिए अनुपयुक्त थी, विशेष रूप से अनुच्छेद 121 द्वारा चर्चा पर रोक को देखते हुए। राष्ट्रपति स्वतंत्र रूप से कार्य नहीं करता है, बल्कि केवल अपने मंत्रिपरिषद की सलाह पर कार्य करता है। इस संभावना के बारे में पूरी तरह से संज्ञान लेते हुए न्यायालय ने व्याख्या से बचने का फैसला किया जो न्यायपालिका की स्वतंत्रता को कम करने की संभावना है। इसलिए, न्यायालय ने, 'लोगों के अधिकारों और न्यायपालिका की स्वतंत्रता के अंतिम संरक्षक' के रूप में 'कुछ दिशा-निर्देश निर्धारित करने का निर्णय लिया ताकि अधिनियम का दुरुपयोग न हो।

न्यायाधीशों के स्थानांतरण और निष्कासन से पहले उनके खिलाफ अनुशासनात्मक कार्रवाई करने के लिए संवैधानिक संशोधन और संसदीय कानून के प्रस्ताव आए हैं। इस तरह के प्रस्ताव न्यायिक स्वतंत्रता के लिए संभावित रूप से हानिकारक प्रतीत होते हैं, और एक बेहतर दृष्टिकोण न्यायपालिका के भीतर अधिक आंतरिक विनियमन पर ध्यान केंद्रित करेगा। किसी अन्य प्राधिकारी के हाथों किसी न्यायाधीश को हटाने या अनुशासित करने का कोई भी खतरा निश्चित रूप से न्यायाधीश को संविधिक पर जो राजनीतिक नाराजगी को जन्म दे सकता है, निर्णय लेने से पहले लगातार किसी राजनीतिक शक्तियों को नाराज हो जाने से सशंकित रखेगा।

नियुक्तियों के कार्यकाल, स्थानांतरण, अनुशासनात्मक कार्रवाई और हटाने के मामलों में, संविधान को जानबूझकर पूर्ण न्यायिक स्वतंत्रता सुनिश्चित करने के लिए डिजाइन किया गया है, जिसमें संसद या कार्यपालिका के लिए न्यायिक आचरण में हस्तक्षेप करने या उसके दौरान न्यायिक स्वतंत्रता को कम करने वाला था, जिसके कारण नियुक्ति प्रक्रिया में न्यायपालिका की भूमिका बढ़ी और न्यायिक नियुक्तियों पर कई मामलों के माध्यम से न्यायिक स्वतंत्रता ने संविधान के 'मूल संरचना सिद्धांत' में एक महत्वपूर्ण स्थान हासिल किया। सुप्रीम कोर्ट एडवोकेट्स-ऑन-रिकॉर्ड्स एसोसिएशन के सबसे हाल के फैसले में, जिसने संविधान में निन्यानवेवां संशोधन को खारिज कर दिया, इस जगह की पुष्टि करता है। सुप्रीम कोर्ट ने माना कि कॉलेजियम प्रणाली अपनी सभी तथाकथित कमियों के बावजूद निन्यानवेवें संविधान संशोधन अधिनियम की तुलना में काफी बेहतर व्यवस्था थी।

निष्कर्ष

भारतीय उच्चतम न्यायालय आज दुनिया के सबसे शक्तिशाली संघीय न्यायालयों में से एक है क्योंकि यह संविधान संशोधन अधिनियम को भी 'संविधान के मूल ढांचा सिद्धांत' के कसौटी पर खरा नहीं उतरने की स्थिति में रद्द कर सकता है, जैसा कि हमने निम्नानवेवां संविधान संशोधन के उच्चतम न्यायालय के हाल के फैसले में भी देखा है। समय-समय पर संविधानिक अधिकारों और खास कर मौलिक अधिकारों की व्याख्या के माध्यम से उच्चतम न्यायालय ने न सिर्फ अनुच्छेद 21 के तहत वर्णित जीवन और निजी स्वतंत्रता की सुरक्षा के अधिकार में शिक्षा, सुचना, जीवन यापन, त्वरित न्याय, आदि अधिकारों को भी शामिल किया है बल्कि अनुच्छेद 23 और 24 के तहत बंधुआ मजदूर निषेध और बाल श्रम निषेध जैसे ऐतिहासिक फैसले भी लिए हैं। जाहिर है सांविधानिक अधिकारों के विस्तारण और रक्षण में कई उच्च न्यायालयों की भी महती भूमिका रही है। इसलिए उच्चतर न्यायपालिका की स्वतंत्रता नागरिक अधिकारों की रक्षा और सांविधानिक लोकतंत्र की सबलता और सशक्तिकरण के लिए एक अनिवार्य पूर्व शर्त है। एक स्वतंत्र व शक्तिशाली न्याय व्यवस्था को त्वरित व भ्रष्टाचार-मुक्त न्याय प्रदायगी करनी चाहिए। अधीनस्थ न्यायालयों में भ्रष्टाचार का बोलबाला है और न्यायिक निर्णय में अनावश्यक देरी होती है। इन न्यायालयों में लाखों मामले लंबित हैं। हालाँकि लोक अदालत, श्रम न्यायालय, उपभोक्ता न्यायालय, फैमिली कोर्ट सरीखे न्यायिक संस्थाएं कार्यरत हैं फिर भी गरीबों और अशिक्षितों के लिए न्याय मृगतृष्णा के समान है। उच्चतर न्यायपालिका को अधीनस्थ न्यायालयों की जवाबदेही भी सुनिश्चित करनी होगी ताकि स्थानीय स्तर पर भी सबको न्याय मिल सके।

सन्दर्भ

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आत्म निर्भर भारत : सैद्धान्तिक एवं प्रशासनिक परिप्रेक्ष्य

मोहम्मद कयूम*

सार संक्षेप

प्राचीन काल से भारत एक महान् देश रहा है परन्तु साम्राज्यवाद के चलते हमारी संपत्ति और संस्कृति पर प्रतिकूल प्रभाव पड़ा। परन्तु विगत कुछ वर्षों से हमारे प्रधान मंत्री श्री नरेन्द्र मोदी के नेतृत्व में भारत प्रगति के पथ पर अग्रसर है। पिछले दो वर्षों से हम वैश्विक कोरोना महामारी की मार झेल रहे हैं, परन्तु हमने विश्व को बता दिया कि भारत वास्तव में सक्षम है। जब संपूर्ण विश्व वैक्सिन राष्ट्रवाद से ग्रस्त था तब हमने 'वसुधैव कुटुम्बकम्' के मूल्य को नहीं छोड़ा और अपने देशवासियों के अतिरिक्त विश्व के नागरिकों के लिए वैक्सिन की आपूर्ति में कदम बढ़ाया है। इस प्रकार भारत को अपनी क्षमता को पहचानते एवं उपयोग करते हुए आत्म निर्भर बनना है जिसका आह्वान हमारे प्रधान मंत्री नरेन्द्र मोदी ने मई 2020 में ही कर दिया था। अब प्रश्न यह है कि हमारी आत्म निर्भरता की संकल्पना क्या है और कैसी होनी चाहिए? इस लक्ष्य की प्राप्ति के लिए हमें किन प्रशासनिक रणनीतियों को अबतक अपनाया गया तथा किन रणनीतियों की आवश्यकता है? इन्हीं दो प्रश्नों के आलोक में प्रस्तुत शोध पत्र एक लघु प्रयास है।

प्रमुख शब्द : आत्मनिर्भरता, स्वदेशी, संकल्पना, गाँधी, दीनदयाल उपाध्याय, संसाधन, नीति, संस्कृति, प्रशासन, भारतीय राजनीतिक व्यवस्था

भूमिका

कोरोना महामारी ने विश्वभर के अर्थशास्त्रियों को यह सोचने पर मजबूर कर दिया कि अब भूमण्डलीकरण का तिलस्म टूट रहा है और वैश्विक अर्थव्यवस्था ढलान पर लुढ़क रहा है। इसका ज्वलंत उदाहरण चीन के वैश्विक उत्पादन एवं ग्लोबल भैल्यू चेन में तेजी से आ गई गिरावट है। इसलिए भारत जैसे देश को आत्मनिर्भरता का वरण करना ही होगा। कोरोना महामारी जनित सामाजिक-आर्थिक संकट से उबरने के लिए हमारे प्रधानमंत्री ने कोरोना महामारी को अवसर में बदलने का संकल्प लिया और 12 मई 2020 को 8 बजे रात्रि में अपनी घोषणा द्वारा आत्मनिर्भरता के दर्शन को पुनर्जीवित किया और कहा कि इसके आधार पर हम नवीन भारत

* डॉ० मो० कयूम, मिर्जा गालिब कॉलेज गया, बिहार के राजनीति विज्ञान विभाग में सहायक प्रोफेसर हैं।

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के निर्माण की दिशा में आगे बढ़ सकते हैं। भारत के लिए आत्मनिर्भरता की वकालत का इतिहास न केवल पुराना है अपितु अर्थ व्यवस्था के संदर्भ में राजनीतिक प्राथमिकता पर रहा है। पई (Pai: 2020) का तर्क है कि प्रधान मंत्री मोदी का भारतीय अर्थ व्यवस्था के विकास के लिए स्थानीय स्तर पर आर्थिक विकास संबंधी विचार 'स्वदेशी' के मांग को पुनर्जीवित करता है। मोदी द्वारा स्वनिर्भरता, स्वावलंबी, मेक इन इण्डिया तथा भोकल फॉर लोकल के नारे हमें स्वदेशी की अवधारणा की ओर इंगित करते हैं।

भारत के स्वदेशी आंदोलन में स्वदेशी की अवधारणा के साथ गाँधी के पदार्पण के पूर्व इस शब्द की शुरुआत पहली बार 1825 में ही सामाजिक सुधार आंदोलन के दौरान किया गया तथा बाद में 1903-1908 के बीच बंगाल में स्वदेशी आंदोलन चलाया गया था। मोटे तौर पर स्वदेशी का अर्थ भारत में वस्तुओं का निर्माण एवं क्रय पर निर्भर रहना है परन्तु इसका व्यापक अर्थ देश में बाहरी आर्थिक शक्तियों के वर्चस्व से मुक्त होना है। या यूँ कहा जाय तो स्वदेशी वस्तुओं का उपयोग स्वतंत्रता आंदोलन के लिए एक प्रकार का प्रखन्न या परोक्ष प्रतिकार का उपकरण बना। इससे एक राष्ट्रवादी अर्थ व्यवस्था की भावना का विकास होता है तथा स्वायत्तता का बोध विकसित होता है (Eaton: 2013)। गुरु रवीन्द्रनाथ टैगोर ने इसे 'स्वदेशी समाज' की संज्ञा दी जिसमें सामाजिक, व्यक्तिगत, आध्यात्मिक तथा भौतिक स्वतंत्रता समाहित है। बाल गंगाधर तिलक ने भी अपनी पुस्तक गीता रहस्य (1924) में भारत के स्वदेशी स्वरूप को चित्रित किया है। प्रधान मंत्री मोदी वर्तमान भारत के स्वरूप को पूर्ण स्वदेशी नवीन भारत बनाना चाहते हैं। उनकी एक नवीन भारत की संकल्पना दो तत्वों पर आधारित है - हम आत्मनिर्भर बनें तथा अपने स्वर्णिम अतीत को पहचाने।

आत्मनिर्भरता : सैद्धान्तिक परिप्रेक्ष्य

यद्यपि स्वदेशी और आत्म निर्भरता एक दूसरे के प्रायवाची नहीं हैं, फिर भी स्वदेशी का व्यापक अर्थ भारतीय चिंतन में आत्मनिर्भरता की ओर इंगित करता है। महात्मा गाँधी ने न केवल स्वावलंबी गाँवों का सपना देखा अपितु उन्होंने ने इसका प्रयोग टाम्लसटाय आश्रम एवं साबरमती आश्रम में किया था (Gireesan & Chathukulam, 2020)। उनका व्यवहारिक स्वरूप वर्तमान के सतत विकास के समान था। एक नजर हम गाँधी जी के आत्मनिर्भरता के दर्शन पर डालें। ग्राम स्वराज में उन्होंने लिखा है, 'ग्राम स्वराज की मेरी धारणा यह है कि प्रत्येक गाँव एव स्वायत्त गणतंत्र हो। वह अपने सभी आवश्यक आवश्यकताओं के लिए स्वावलंबी हो। प्रत्येक गाँव खाद्य और कपड़ों के लिए कपास, चारागाह, बच्चों के लिए खेल का मैदान, स्कुल, सामुदायिक भवन, पेयजल, की व्यवस्था करे तथा सजीव सहकारी संगठन हो और अशुभ्यता का अंत हो। साथ ही प्रकृतिक संसाधनों का दोहन न करें उनका सदुपयोग करें। निष्कर्ष यह कि किसी बात के लिए हम दूसरे पर निर्भर नहीं हों और सतत जीवन शैली sustainable life style को अपनाएं।

प्रसिद्ध अर्थशास्त्री जॉसेफ कुमारप्पा ने गाँधी के स्वावलंबी संबंधी विचारों के आधार पर आर्थिक विकास की व्याख्या की। कुमारप्पा के स्थानीय आर्थिक विकास में स्वयंसहायता, एकजुटता, परस्पर सहयोग तथा सहकारिता जैसे मूल्य समाहित थे। उद्यमों का ग्रामीण सामुदाय आधारित, समुदाय के स्वामित्व एवं समुदाय द्वारा प्रबंधन होना उनके विचारों के केन्द्र में थे। प्रधानमंत्री मोदी जी ने भी जीरो डिफेक्ट, जीरो इफेक्ट का नारा दिया जिसका अर्थ है कि विकास के उद्यमों में पर्यावरण एवं समुदाय को हानि न हो।

राष्ट्रवादी विचारक दीनदयाल उपाध्याय के आत्मनिर्भरता संबंधी विचार थे कि हम परम्पराओं, मूल्यों और भाषा के प्रति सम्मान रखें ताकि 'स्व' को पहचाने। अनुशासित होने से हमारा तात्पर्य लक्ष्यों को निर्धारित करने और उन लक्ष्यों को प्राप्त करने के लिए निर्णय लेने, जोखिम उठाने एवं पहल करने से है। ऐसा करने से हम योजना बना सकेंगे, सहायता ले सकेंगे तथा अपने प्रयासों को दिशा दे सकेंगे। आत्मविश्वास विकसित करने के लिए हमें अपनी स्मिता या identity में तथा अपनी क्षमता में विश्वास करना होगा। अपनी सांस्कृतिक मूल्यों पर भरोसा करना होगा। वे ऐसी स्वदेशी अर्थव्यवस्था की वकालत करते थे जिसके केन्द्र में मानव हो। उनके अनुसार सर्वोदय, स्वदेशी एवं स्वराज संपूर्ण अविभाज्य मानवता Integral Humanism अंग हैं। उनके अविभाज्य मानवता की अवधारणा के स्रोत पारम्परिक भारतीय संस्कृति एवं धर्म के मुल उद्देश्य रहे हैं। वे पुजीवाद या साम्यवाद या समाजवाद में कतई विश्वास नहीं रखते थे। इसलिए उनकी धारणा में आत्मनिर्भरता के लिए अपनी संस्कृति का पालन करना महत्वपूर्ण तत्व होता है (Pandit: 2002)। उन्होंने कहा कि भारतीय संस्कृति मात्र आत्मा का मोक्ष तक सीमित नहीं अपितु समाज का उत्थान भी है।

संक्षेप में कहा जाय तो भारतीय सांस्कृतिक विरासत में आत्मनिर्भरता नीहित है। सैद्धान्तिक रूप से देखें तो आत्म निर्भरता अपने स्व को पहचानने तथा अपने संसाधनों की पहचान तथा उनका समुचित उपयोग करने में नीहित है। अपने 'स्व' से हमारा तात्पर्य अपनी विरासत एवं संस्कृति के साथ साथ अपनी प्रतिभा को दूसरों की दृष्टि से पृथक पहचान को समझने से है। हमें अपने उपलब्ध प्रकृतिक, भौतिक एवं मानव संसाधन का समुचित उपयोग कर निर्माण की दिशा में आगे बढ़ना तथा अपनी प्रतिभा का उपयोग इस प्रकार करना कि न केवल हम अपितु समस्त मानव जगत उससे लाभान्वित हो। इस प्रकार आत्मनिर्भरता के तीन स्तंभ हैं - प्रथम, उत्तरदायी बनना, द्वितीय अनुशासित बनना तथा तृतीय, आत्मविश्वास विकसित करना। उत्तरदायी बनने का अर्थ है कि प्रत्येक व्यक्ति स्वयं के एवं दूसरे के हित के प्रति उत्तरदायी बने जिसके लिए उसे स्वयं के साथ दूसरे के भी गरिमा को भी महत्व देना होगा (Taneja: 2021)।

आत्म निर्भरता संबंधी नीति एवं प्रशासन

इन्हीं सैद्धान्तिक पृष्ठभूमि में भारत सरकार द्वारा आत्मनिर्भर भारत के लिये आर्थिक सहायता के अतिरिक्त स्थानीय स्तर पर विकास के लिए नीतियां बनाई गई हैं। भारत सरकार ने आत्म निर्भर भारत के लक्ष्य की संप्राप्ति के लिए शासन एवं नीतियों में कई सुधार लाए हैं। आर्थिक क्षेत्र के अतिरिक्त आत्मनिर्भरता की दिशा में जो कदम उठाए गये हैं उनमें प्रथम स्थान पर 'मेक इन इण्डिया' है। भारत में स्वदेशी उत्पादन एवं निर्माण में गति देने के लिए Production Link Incentive (PLI) नीति बनाई गई है जिसके तहत वृहद् स्तर इलेक्ट्रॉनिक्स सामान उत्पादन करने के साथ साथ विकसित बैट्री, तकनीकी उत्पाद, ऑटोमोबाइल, दवा, दूरसंचार, वस्त्र, खाद्य, सौर मोड्यूल्स, उज्ज्वला उत्पाद जैसे बल्ब आदि तथा उत्तम इस्पात के मैनुफैक्चरिंग के क्षेत्र में सहायता देना है। इन क्षेत्रों में होने वाले उत्पादनों को विश्व स्पर्धा के योग्य बनाने की नीति है।

दूसरे स्थान पर कृषि को रखा गया है क्योंकि कि भारत एक कृषि प्रधान देश है। भारतीय कृषि की सबसे बड़ी चुनौती उत्पादों को लाभकारी बनाने तथा कृषि में मूलभूत संरचनाओं के विकास करने की है। इसके लिए कृषि में वित्तीय सहायता की नीति बनाई गई है जिसके तहत न्यूनतम समर्थन मूल्य, पी. एम. किसान फण्ड, पी. एम. फसल बीमा योजना के माध्यम से किसानों की समस्याओं का तत्काल निवारण होता है। कृषि में मूलभूत संरचनाओं में निवेश के तहत मौके पर कोल्ड चेन तथा फसल कटने के बाद के

प्रबंधन संरचनाओं के निर्माण की योजना है। इसके लिए केन्द्र सरकार ने एक लाख करोड़ की राशि से कृषि अंतःसंरचना निधि का निर्माण किया है।

आत्म निर्भरता की पहली शर्त है कि बाह्य शक्तियों से सुरक्षित रहें एवं स्वदेशी सामरिक हथियारों का उपयोग करें। रक्षा के क्षेत्र में सुधार लाए गये हैं जिसमें डिफेंस एक्वीजीशन प्रोसेज्योर एक्ट 2020 के तहत स्वदेशी हथियारों के उत्पादन एवं आहरण को दिशा मिलेगी। इससे मेक इन इण्डिया के तहत स्वदेशी हथियार उत्पादकों को अवसर मिलेगा और भारत वैश्विक मैनुफैक्चरिंग हब बनेगा। फिलहाल राइफल और बंदूकें और अन्य सहयोगी हथियार अब आयात नहीं करना पड़ेगे।

वित्तीय आत्म निर्भरता के लिए दो प्रकार के उपाय किये गये हैं - पहला वित्तीय उत्पाद एवं सेवाएं तथा दुसरा परिसंपत्तियों का मुद्रीकरण। भारत सरकार ने वित्तीय सेवाओं जैसे जीवन बीमा, स्वस्थ बीमा, म्युचुअल फण्ड आदि के लिए अधिनियम 2019 के तहत एक प्राधिकरण बनाया है जिसका नाम Establishment of International Financial Services Centres Authority (IFSCA) 2019 है। यह एक एकीकृत प्राधिकरण होगा जो वित्तीय उत्पादों एवं सेवाओं के विकास एवं वित्तीय संस्थाओं के नियमन के लिए अधिकृत होगा तथा भारत में International Financial Service की स्थापना होगी। परिसंपत्ति मुद्रीकरण के तहत भी उपाय किये गये हैं जो SEBI, PFRDA, IRDAI आदि द्वारा नियमित होते हैं। उपरोक्त योजनाओं को लागू करने तथा उनके लिए अंतःसंरचना निर्माण में बहुत धन की आवश्यकता होगी। धन के अभाव में हमारा अभियान रूके नहीं इसलिए घाटे में चल रही तथा अनुपयोगी परिसंपत्तियां से मुद्रीकरण कर राजस्व के नये स्रोत उत्पन्न किये जायेंगे। विश्व भर में सिद्धांत मान्य है कि सार्वजनिक परिसंपत्तियां अर्थ व्यवस्था के लिए महत्वपूर्ण स्रोत हो सकती हैं।

रोजगार एवं उत्पादन को प्रोत्साहित करने के लिए नये लोक उद्यमों की नीति बनाई गई है। वैसे निजि एवं विदेशी पुंजी को प्रश्रय दिया जायगा जिसके सहयोग से आर्थिक वृद्धि एवं रोजगार में गुणात्मक वृद्धि का लक्ष्य प्राप्त किया जा सके। आज राज्य नियंत्रित लोक उद्यम उत्पादन में अक्षम हैं तथा तकनीकी नवोन्मेष की दिशा में जड़ता की स्थिति में है। नये लोक उद्यमों को सामरिक एवं गैर सामरिक क्षेत्रों में वाणिज्यिक उद्यम जैसे दूरसंचार, परिवहन, उर्जा, पेट्रोलियम, कोयला तथा खनिज आदि के क्षेत्रों में विकसित किया जायगा।

मानव संसाधन के आत्मनिर्भरता के अनुरूप समुचित विकास के लिए नई राष्ट्रीय शिक्षा नीति 2020 लायी गई है। भारत सरकार द्वारा लायी गई नई शिक्षा नीति से उम्मीद की जा रही है कि शिक्षा व्यवस्था के पुनरूद्धार से जो पीढ़ी तैयार होगी वह आत्मनिर्भर होगी और भारत भी आत्मनिर्भर होगा। इस नीति के तहत छात्रों को हर स्तर पर व्यवसायिक शिक्षा का व्यापक प्रावधान है। इतना ही नहीं छात्र जिस स्तर पर पढाई छोड़ेंगे उस स्तर का प्रमाण पत्र दे दिया जायगा। ऐसे व्यवसायिक शिक्षा की व्यवस्था है जिसमें वे दोनों - ग्रामीण एवं शहरी- क्षेत्रों के लिए कौशल हासिल करेंगे।

श्रमिक वर्गों को अधिक आय तथा उनके हितों की संरक्षा के लिए पुराने पड़ चुके श्रम कानूनों में बदलाव लाया गया है। भारत सरकार द्वारा 29 श्रम कानूनों, जो अप्रासंगिक हो चुकी थी, को चार सरलीकृत एवं आधुनिक संहिताओं में सीमित किया गया है ताकि रोजगार के अवसरों में वृद्धि हो सके और कामगारों के हितों एवं अधिकारों की रक्षा हो सके। उनके नाम हैं — Code on Social Security, 2020, The Industrial Relations Code, 2020, Occupational Safety, Health, and Working Conditions Code, 2020, Code on Wages, 2019 और MSMEs & Ease of Doing Business.

एम0एस0एम0ई0 को प्रोत्साहन - आत्म निर्भरता तथा लोकल फॉर भोक्ल के लिए सूक्ष्म, लघु, एवं मझोले उद्यमों का प्रसार एवं विकास आवश्यक है। ये स्थानीय स्तर पर उत्पादन करते हैं तथा अधिक से अधिक रोजगार के अवसर उत्पन्न करते हैं। इसलिए भारत सरकार ने इन उद्यमों को प्रोत्साहित करने की नीति बनाई है।

आत्मनिर्भरता की प्रशासनिक चुनौतियां

श्रमिक एवं रोजगार: उपलब्ध जनांकीशास्त्रीय आंकड़े प्रशासन के समक्ष गम्भीर चुनौती खड़ी करते हैं। अनुमान लगाया गया है कि सन् 2030 तक लगभग 6 करोड़ श्रमशक्ति में वृद्धि हो जायगी जो रोजगार सृजन में प्रशासन के समक्ष समस्या बनेगी। इसके अलावा बदलती परिस्थितियों के अनुरूप रोजगार की प्रकृति में भी अंतर आयेगा उदाहरणार्थ अनुमान है कि खेती से जुड़े व्यवसाय में 2018 की तुलना में 44 प्रतिशत से 30 प्रतिशत तक की गिरावट आयेगी (DIPAM: 2021)।

भारत में महिला श्रमशक्ति के समायोजन की भी समस्या गम्भीर है। आंकड़े बताते हैं कि 2005 तक श्रमबल में महिलाओं की भागीदारी 32 प्रतिशत थी जो 2019 में घटकर 21 प्रतिशत रह गई है। परन्तु बेटी बचाओ बेटी पढ़ाओ, जेण्डर बजट आदि कार्यक्रमों के कारण उनके श्रमबल में भी 2030 तक 30 प्रतिशत की बढ़ोतरी होगी, फलस्वरूप लगभग 5.5 करोड़ महिलाएं श्रम बाजार में सम्मिलित हो जायंगी (Ibid)।

राजनीतिक व्यवस्था की चुनौतियां: ग्लोबल सप्लाई चेन में अंतराष्ट्रीय स्पर्धा का सामना करना होगा। इसके लिए समस्त देश को एक समान योगदान देना होगा। परन्तु भारत एक विविधतापूर्ण राजनीतिक इकाइयों का संघ है जिसमें सभी राज्य एक समान योगदान नहीं दे सकते और शासन पर प्रतिकुल प्रभाव पड़ सकता है (Bhowmick, 2020)। दूसरी ओर केन्द्र को अधिक शक्तियां प्राप्त हैं तथा केन्द्र और राज्य में विरोधी दलों के शासन का भी प्रतिकुल प्रभाव पड़ता है। हलां कि माना जाता है कि प्रत्येक राज्य अपने में कुछ खासियत रखते हैं जो अपनी विशिष्टता के अनुरूप ग्लोबल चेन में उत्तम योगदान दे सकते हैं। इस चुनौती से निपटने के लिए सहकारी संघवाद पर बल देना होगा। कुछ अर्थशास्त्रियों का तर्क है कि विविधता के कारण स्पर्द्धापूर्ण आर्थिक नीतियों का लाभ मिलेगा। विभिन्न राज्य आपस में अच्छे उपलब्धियों के लिए स्पर्द्धा करेंगे और उन्हें अधिक वित्त और निवेश प्राप्त होंगे। ऐसा होने से राज्यों के शासन में दक्षता के विकास और विकास के अभिनव पहल को प्रोत्साहन मिलेगा जिससे प्रभावकारी पॉलिसी आउटकम होगा (Taneja: 2021)।

चुनौतियों का समाधान

ऐसी बात नहीं कि आत्मनिर्भर भारत का लक्ष्य केक वाक है। यह एक दिन में हासिल नहीं किया जा सकता। इस लक्ष्य में जो चुनौतियां हैं उनके समाधान के उपाय करने होंगे। उपरोक्त चुनौतियों का सामना करने के लिए हमें अधिक रोजगार के अवसर जल्द से जल्द तलाशने होंगे, शहरी ही नहीं ग्रामीण क्षेत्रों में भी स्थानीय संसाधनों के अनुरूप कौशल विकास को तीव्र करना होगा, ऐसी संस्थाएं बनानी होंगी जो स्थानीय उत्पादन को वैश्विक सप्लाई चेन से जोड़े, केन्द्र और राज्य सरकारों के बीच सहयोग हो, शोध एवं विकास पर बजट

प्रावधान हो, रक्षा संबंधी उत्पादनों पर ध्यान दिया जाय तथा अंततः इनके आलोक में प्रशासनिक सुधारों की आवश्यकता होगी।

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महिलाओं में समायोजन हेतु सरकारी नीति की आवश्यकता: पटना शहर की कामकाजी एवं गैर-कामकाजी महिलाओं का एक अध्ययन

सुहेली मेहता*

सार संक्षेप

तृतीय विश्व के देशों में आर्थिक तंगी का कुप्रभाव पुरुषों की तुलना में महिलाओं पर अधिक पड़ा है। फलस्वरूप महिलाओं के बीच समायोजन की समस्या बढ़ती जा रही है। यह भी देखने में आया है कि कमाउ महिलाओं में गैर कामकाजी महिलाओं की तुलना में समायोजन की समस्या कम है। इसी वैचारिक पृष्ठभूमि में प्रस्तुत शोधपत्र कामकाजी एवं गैर-कामकाजी महिलाओं के समायोजन का एक तुलनात्मक विश्लेषण का प्रयास किया गया है। समायोजन को चार क्षेत्रों में आंका जा सकता है यथा : घरेलू समायोजन, स्वास्थ्य समायोजन, सामाजिक समायोजन एवं सांवेगिक समायोजन। अध्ययन के लिए पटना शहर की कामकाजी एवं गैरकामकाजी महिलाओं में समायोजन की स्थिति ज्ञात करने हेतु सर्वेक्षण किया गया जिसमें लगभग 200 महिलाओं को प्रतिदर्श के रूप में चयन किया गया। संकलित आंकड़ों का मोहसिन शमसाद, 1987 का 'समायोजन मापनी: का प्रयोग किया गया तथा टी0-मूल्य को ज्ञात किया गया। अध्ययन में पाया गया कि कामकाजी महिलाओं का स्वास्थ्य, सामाजिक एवं सांवेगिक समायोजन गैर कामकाजी महिलाओं की तुलना में अच्छा था जबकि गैर कामकाजी महिलाओं का घरेलू समायोजन कामकाजी महिलाओं की तुलना में अच्छा पाया गया। इस परिणाम की पृष्ठभूमि में कुछ नीतियों को सुझाया गया है।

प्रमुख शब्द : समायोजन, स्वास्थ्य, सामाजिक, सांवेगिक, महिलाएं, पटना, समायोजन-नीति

प्रस्तावना

पुरे विश्वमें, खासकर विकासशील देशों में, सार्वजनिक क्षेत्र के व्यय में संकुचन हुआ है एवं बाजार-केन्द्रित नीतियों की ओर झुकाव बढ़ा है। इसके चलते महिलाओं, विशेषकर गरीब श्रेणी की महिलाओं के जीवन में तनाव एवं कठिनाइयां बढ़ी हैं। इसके विपरीत सरकारों ने जेण्डर आधारित नीतियों का अनदेखा किया है। हलांकि भारत में महिलाओं के हित में नीतियां बनाई जा रही हैं और उनका जोर शोर से प्रचार भी किया जाता है, फिर भी उनकी कठिनाइयों में कमी नहीं आ रही। विकासशील देशों में ऋण का दबाव, अंतर्राष्ट्रीय

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मुद्राकोष तथा विश्वबैंक के नीतियों ने विकासशील देशों पर महिलाओं के समायोजन संबंधी नीतियां बनाने का दबाव बढ़ाया है (अफसर एवंडेनिस: 1992)। भारत में भी महिलाओं में समायोजन एक गम्भीर समस्या बनी हुई है। विगत दशकों में महिलाओं द्वारा सामाजिक-आर्थिक एवं राजनीतिक क्षेत्रों में भागीदारी बढ़ी है जिसके चलते उनमें समायोजन की प्रवृत्ति में बदलाव आया है। परन्तु इस दिशामें एक ठोस नीति का अभाव है। कामकाजी एवं गैर कामकाजी महिलाओं में समायोजन की प्रकृति में अंतर है। उस आधार पर सरकारी नीति का निर्माण आवश्यक प्रतीत होता है। प्रस्तुत आलेख में पटना शहर में महिलाओं में समायोजन की प्रकृति का अध्ययन कर समुचित सुझाव देने का प्रयास किया जायगा।

घरेलू महिला से तात्पर्य उन महिलाओं से है जो घरों में रहती हैं तथा गृहस्थी का काम संभालती हैं जैसे अपने पति, बच्चों, सास-ससुर एवं परिवार के अन्य सदस्यों की देखभाल करना तथा अपने पति के आमदनी के अनुसार घर का खर्च चलाना जबकि कामकाजी महिलाओं से तात्पर्य उन महिलाओं से होता है; जो अपने परिवार की आर्थिक कमी को पूरा करने के लिए घर से बाहर जाकर किसी सार्वजनिक या निजी क्षेत्र में अपना योगदान करती हैं जिसके एवज में उन्हें पारिश्रमिक मिलता है। आज बहुत सी महिलाएँ घर से बाहर जाकर अध्यापक, डॉक्टर, इंजीनियर, नर्स एवं घरेलू कामगार के रूप में समाज में अपना योगदान कर रही हैं। लेकिन इन कार्यों को करने के साथ ही साथ महिलाओं को अपने पारिवारिक दायित्वों का भी निर्वहन करना पड़ता है। जैसे- अपने पति, बच्चों एवं परिवार के अन्य सदस्यों की देखभाल करना तथा साथ ही साथ समाज के अन्य लोगों के साथ भी व्यवहार बनाये रखना। अतः काम एवं पारिवारिक दायित्व के बीच तालमेल बैठानी हुई महिलाओं को दोहरी निभानी पड़ती है। जिसके कारण वे अपने परिवार एवं समाज के सदस्यों को पर्याप्त समय नहीं दे पाती हैं जिसकी शिकायत ऐसे हर घर में देखने को मिल जाती है। इस दोहरी भूमिका के निर्वहन के कारण उनमें चिन्ता एवं तनाव की उत्पत्ति होती है जो उनके पारिवारिक समायोजन को नकारात्मक ढंग से प्रभावित करती है। चिन्ता से न केवल उनके दैनिक जीवन के क्रियाकलाप प्रभावित होते हैं, वरन उनकी निष्पादन, बुद्धिमत्ता, सर्जनात्मकता इत्यादि भी नकारात्मक ढंग से प्रभावित होते हैं। यह कहा जा सकता है कि अत्यधिक चिन्ता से जहाँ उनका पारिवारिक समायोजन प्रभावित होता वहीं उनका कार्यस्थल पर समायोजन भी बिगड़ जाता है। अतः इस उद्देश्य से इनका अध्ययन आवश्यक हो जाता है।

आज के समय में महिलाएँ लगभग सभी व्यवसायिक क्षेत्रों में पुरुषों के साथ कन्धे-से-कन्धा मिलाकर काम कर रहीं हैं। देश की आधी आबादी के काम करने से न केवल परिवार की समृद्धि होती है बल्कि देश की आमदनी भी बढ़ती है। परन्तु यह बात भी सत्य है कि कार्य करने के साथ-साथ महिलाओं को अपने पारिवारिक दायित्वों का भी निर्वहन करना पड़ता है। जिस में बच्चों के शिक्षा, पोषण, पति की रूचियों का ख्याल रखना एवं परिवार के अन्य सदस्यों की आवश्यकताओं का ख्याल रखना शामिल है। कर्मक्षेत्र से जुड़ने के कारण उनका पारिवारिक जीवन बिखर सा जाता है। कर्मक्षेत्र में उत्पन्न चिन्ता एवं तनाव के कारण उनका समायोजन, व्यक्तित्व तथा कार्य-संतुष्टि भी प्रभावित होती है जिसके कारण वह अपने पारिवारिक दायित्वों का ठीक ढंग से निर्वहन नहीं कर पाती हैं। उन्हें जितना समय अपने पति, बच्चों एवं परिवार के अन्य सदस्यों को देना चाहिए, उन्हें नहीं दे पाती हैं। यहाँ तक कि स्वयं का भी ठीक ढंग से ख्याल नहीं रख पाती हैं। जिसके परिणाम स्वरूप उनके परिवार में बिखराव की स्थिति बनने लगती है। जिसकी परिणति तलाक के रूप में सामने आती है: तथा उनके परिवार में पल रहे बच्चे का भविष्य खतरे में आ जाता है। अतः यह आवश्यक है कि उनके कार्य से उत्पन्न चिन्ता एवं तनाव का उनके समायोजन, व्यक्तित्व तथा कार्य-संतुष्टि पर पड़ने

वाले प्रभावों का विश्लेषण करके एक सर्वमान्य परिणाम निकाला जाना चाहिए तथा उसके नकारात्मकता को कम करने का उन्हें सुझाव दिया जाना चाहिए। इसके अतिरिक्त उनकी दोहरी भूमिकाओं को ध्यान में रखते हुए उनको कार्य के समय, कार्य की प्रकृति तथा कार्य के उत्तरदायित्व में कुछ छूट दी जानी चाहिए ताकि वे कार्य के प्रति हतोत्साहित न हों तथा परिवार एवं देश के आर्थिक वृद्धि में अपना योगदान देते रहें एवं उनका परिवार भी बिखराव से बच जाय। अतः एक स्वस्थ समाज के लिए कामकाजी महिलाओं के समायोजन सम्बन्धी दिक्कतों को समझना आवश्यक है ताकि इनके हित में प्रभावी योजनाएँ बनायी जा सकें।

साहित्यिक सिंहावलोकन

महिलाओं के कामकाजी होने का इतिहास बहुत पुराना नहीं है, पाश्चात्य देशों में औद्योगिक क्रान्ति के बाद इस प्रक्रिया में तेजी आयी लेकिन भारत में यह प्रक्रिया अन्य देशों की तुलना में कुछ देरी से प्रारम्भ हुई। महिलाओं का कार्यक्षेत्र में प्रवेश उनकी आर्थिक आवश्यकता, आधुनिकीकरण एवं शिक्षा, आर्थिक विवशता, उपयोगी व उच्चतर जीवन स्तर अनेक कारणों से रहा होगा। व्यवसायिक भूमिका और परम्परागत भूमिकाओं को एक साथ निभाना एक महिला के लिए प्राकृतिक व कृत्रिम रूप से बहुत कठिन हो जाता है। आज भी परिवार में अनेक कार्य व भूमिकाएँ हैं जिनके निर्वहन की पूरी जिम्मेदारी एक महिला की ही मानी जाती है। इस प्रकार एक कार्यरत महिला के लिए दोनों क्षेत्रों में समायोजन करना एक बड़ी समस्या उत्पन्न कर देता है।

जेंडर गैप रिपोर्ट 2020 के तहत भारत में 82 प्रतिशत पुरुषों की तुलना में केवल 24 प्रतिशत महिलाएँ ही कामकाजी हैं: जिसमें से मात्र 14 प्रतिशत महिलाएँ ही नेतृत्वकारी भूमिकाओं में हैं और भारत का इस इंडेक्स में 136 वाँ स्थान है। जबकि बिहार में मात्र 9 प्रतिशत महिलाएँ ही आर्थिक तरक्की में हिस्सेदारी निभा रही हैं जो हिमाचल प्रदेश से सात गुना तथा राष्ट्रीय औसत से तीन गुना कम है। ज्ञातव्य हो कि कामकाजी महिलाओं का एक बड़ा तबका वस्त्र सम्बन्धी व्यवसाय तथा घरेलू कामकाज से जुड़ा हुआ है। श्रम बाजार में लैंगिक समानता यानी महिलाओं की ज्यादा भागीदारी होने से गरीबी, मृत्यु-दर, प्रजनन तथा बाल श्रम में तेजी से कमी आती है। इस तरह अन्य उपायों सहित कार्यबल में लिंग समानता या श्रम शक्ति भागीदारी दर का बढ़ना व्यापक मानव विकास लक्ष्यों को हासिल करने का सबसे बड़ा साधन है।

साधारणतः लड़कों की अपेक्षा लड़कियों को परिवार में कम छूट दी जाती है। तथा अभिभावक लड़कियों के साथ अधिक सावधानी बरतते हैं। इस कारण उनमें आत्मनिर्भरता का गुण कम विकसित होता है। जबकि लड़के बाहर निकलकर अपने हर काम को अपनी इच्छा से कर लेते हैं। इसलिए उनमें आत्मनिर्भरता का विकास अधिक होता है। कुछ अध्ययनों में यह पाया गया है कि लड़कों की अपेक्षा लड़कियाँ कम समायोजित होती हैं। सुलेमान एवं सिंह (1994) ने लड़के और लड़कियों के दो अलग-अलग समूहों पर बेल्स समायोजन मापनी को प्रयोग करके पाया कि लड़कियों की अपेक्षा लड़के अधिक अच्छा समायोजन करते हैं। टेलर (2003) ने अपने अध्ययन में पाया कि कार्यस्थलीय तनाव और पारिवारिक तनाव से महिलाओं के संपूर्ण व्यक्तित्व पर ऋणात्मक प्रभाव पर पड़ता है। कार्यस्थल पर उत्पन्न हुए तनाव से महिलाओं का पारिवारिक जीवन प्रभावित होता है और पारिवारिक जीवन में उत्पन्न हुए तनाव से महिलाओं का कार्यस्थल प्रभावित होता है। यही तनाव उसके स्वास्थ्य को प्रभावित करता है। डॉ सुषमा मेहरोत्रा (2005) ने कामकाजी महिला और उनके बच्चों के मध्य संबंधों पर अध्ययन किया और पाया कि कामकाजी महिला बच्चों को पर्याप्त

समय नहीं दे पाती जिसका प्रतिकूल प्रभाव बच्चों के विकास पर पड़ता है। लंबे समय के अंतराल में यदि माता-पिता दोनों ही नौकरी कर रहे हों और अपने बच्चे के साथ पर्याप्त समय नहीं व्यतीत कर रहे हों तो बच्चे के विकास पर विपरीत प्रभाव पड़ सकता है और महिला भी अपने आप को दोषी मानकर तनाव में रहती है। हेव मेन और वेस्ट (1999) ने अपने अध्ययन में पाया कि कामकाजी महिलाओं में गैर कामकाजी महिलाओं की अपेक्षा तलाक की दर ऊँची होती है। भण्डारी माला ने अपने अध्ययन में पाया कि महिलाओं की दोहरी भूमिका वर्तमान जीवन की महत्वपूर्ण विशेषता है। बहुत से अध्ययनों से यह ज्ञात हुआ है कि स्त्री की दोहरी भूमिका (घर परिवार एवं ऑफिस का कार्यभार) के कारण भूमिका संघर्ष व तनाव उत्पन्न होता है।

शोध का उद्देश्य एवं शोध विधि

प्रस्तुत आलेख का मुख्य उद्देश्य कामकाजी एवं गैर-कामकाजी महिलाओं के घरेलू समायोजन, स्वास्थ्य समायोजन एवं सांवेगिक समायोजन में अन्तर ज्ञात करना तथा उसके निवारण हेतु सरकारी उपाय सुझाना। इस शोध की मुख्य परिकल्पना यह है कि समायोजन के इन तीनों क्षेत्रों में कामकाजी एवं गैर कामकाजी महिलाओं के बीच कोई अंतर पाया जाता है।

प्रस्तुत शोधपत्र का अधिगम मनोवैज्ञानिक, अन्वेषणात्मक, वर्णनात्मक, निगमात्मक विश्लेषणात्मक, तार्किक एवं व्यवहारिक है। सर्व प्रथम हमने उन प्राथमिक स्रोतों का अध्ययन किया जो कामकाजी तथा गैर-कामकाजी महिलाओं के पारिवारिक तथा कार्यगत समायोजन से सम्बन्धित है। दोनों प्रकार की महिलाओं से मिलकर उनके कार्यगत चिन्ता एवं तनाव का उनके समायोजन पर पड़ने वाले प्रभाव से सम्बन्धित आँकड़ों को इकट्ठा किया गया। विभिन्न कर्मक्षेत्रों यथा : अस्पतालाओं, स्कूलों एवं बैंको से इस मद में जो भी सूचनाएँ मिली उसका समीक्षात्मक अध्ययन भी इस शोधपत्र में प्रस्तुत किया गया। अध्ययन मौलिक (प्राथमिक) स्रोतों पर आधारित है जिसका दृष्टिकोण पूर्व में किये गये शोधों से सर्वथा भिन्न होगा। पत्र, पत्रिकाएँ, सेमिनार, आलेख एवं गोष्ठियों से भी सम्बन्धित तथ्य निकाला गया।

इस अध्ययन के लिए पटना शहरी क्षेत्र की महिलाओं को यूनियर्स के रूप में लिया गया है। इसमें कुल 200 महिलाओं का प्रतिचयन किया गया। जिसमें 100 गैर-कामकाजी तथा 100 कामकाजी महिलाएँ शामिल थीं, जो विभिन्न सार्वजनिक एवं निजी क्षेत्र के उपक्रमों यथा स्कूल, कालेज, अस्पताल, कारखानों, घरों आदि में काम करती थीं। इन महिलाओं की आयु 18 से 45 वर्ष के बीच थीं। इस अध्ययन का परिक्षेत्र पटना शहरी क्षेत्र चुना जिसमें मुसल्लह पुर हाट से राजापुर तक का क्षेत्र शामिल था।

इस अध्ययन में कुल दो (2) परीक्षण सामग्रियों का उपयोग किया गया, जो निम्न हैं : (अ) बेल्स एडजस्टमेन्ट इन्वेन्ट्री (हिन्दी अनुकूलन) मोहसिन-शमशाद, 1987 एवं (ब) व्यक्तिगत आँकड़ा संग्रहण प्रपत्र स्वनिर्मित।

आँकड़ा संग्रहण का कार्य एक शान्त कक्ष में कराया गया। इस क्रम में कामकाजी एवं गैर कामकाजी महिलाओं से सर्वप्रथम 'व्यक्तिगत आँकड़ा संग्रहण प्रपत्र' भरवाया गया। जिसके आधार पर उन्हें सरकारी/ गैरसरकारी या घरों में काम करनेवाली महिलाओं में बाँटा गया। तत्पश्चात उनसे बेल्स एडजस्टमेन्ट इन्वेन्ट्री (हिन्दी अनुकूलन) पर आँकड़ा संग्रहित किया गया।

सर्वेक्षण के परिणाम : प्रस्तुत अध्ययन के परिणाम को कामकाजी एवं गैर-कामकाजी महिलाओं महिलाओं के शिक्षा एवं आयु के आलोक में दर्शाया गया है।

सारणी 1 : कामकाजी एवं गैर-कामकाजी महिलाओं के समायोजन में तुलनात्मक अन्तर

क्रमांक	चर	मध्यमान	प्रदत्त-संख्या	माध्य	मध्य विचलन	टी0-मूल्य	सार्थकता के स्तर
1	घरेलू समायोजन	कमकाजी	100	19.09	6.52	3.61	0.01
		गैर-कामकाजी	100	21.81	8.98		
2	स्वास्थ्य समायोजन	कमकाजी	100	18.09	6.53	3.62	0.01
		गैर-कामकाजी	100	20.81	9.01		
3	सामाजिक समा-योजन	कमकाजी	100	17.89	6.81	5.09	0.01
		गैर-कामकाजी	100	13.43	4.56		
4	सांवेगिक समायोजन	कमकाजी	100	22.09	8.10	2.28	0.05
		गैर-कामकाजी	100	19.11	6.05		

सारणी से स्पष्ट है कि कामकाजी एवं गैर कामकाजी महिलाओं के घरेलू समायोजन में सार्थक अन्तर है तथा यह अन्तर 0.01 स्तर पर सार्थक है। अतः यह कहा जा सकता है कि कामकाजी महिलाओं का घरेलू समायोजन गैर कामकाजी महिलाओं की तुलना में खराब होता है। इसका कारण यह है कि कामकाजी महिलाओं के पास घर के सदस्यों को देने के लिए कम समय होता है। जिससे वे उनकी आवश्यकताओं को ठीक ढंग से पूरा नहीं कर पाती हैं। फलस्वरूप उनका घरेलू समायोजन ठीक ढंग से नहीं हो पाता है। स्वास्थ्य समायोजन के स्तर पर भी दोनों में सार्थक अन्तर पाया गया और यह अन्तर 0.01 स्तर पर सार्थक है। अतः यह कहा जा सकता है कि कामकाजी महिलाओं का स्वास्थ्य समायोजन गैर कामकाजी महिलाओं की तुलना में बेहतर होता है। इसका कारण है कि कामकाजी महिलाएँ बाहर में काम करने के कारण ज्यादा हेल्दी डाइट लेती हैं तथा अपने स्वास्थ्य के प्रति जागरूक होती हैं। सामाजिक समायोजन के स्तर पर भी दोनों में सार्थक अन्तर देखने को मिलता है। तथा यह अन्तर भी 0.01 स्तर पर सार्थक है। अतः यह कहा जा सकता है कि कामकाजी महिलाओं का सामाजिक समायोजन भी गैर कामकाजी महिलाओं की तुलना में बेहतर होता है क्योंकि कामकाजी महिलाओं का सामाजिक दायरा अधिक होता है। जिससे उनमें अधिक व्यवहारकुशलता का विकास होता है। फलस्वरूप उनका सामाजिक समायोजन बेहतर हो जाता है। सांवेगिक समायोजन के स्तर पर भी दोनों में सार्थक अन्तर देखने को मिलता है तथा यह अन्तर 0.05 स्तर पर सार्थक है। अतः इस आधार पर यह कहा जा सकता है कि कामकाजी महिलाओं का सांवेगिक समायोजन भी गैर कामकाजी महिलाओं की तुलना में बेहतर होता है। क्योंकि सामाजिक दायरा अधिक होने से इनको अपनी इच्छाओं, भावनाओं तथा अपनी चिन्ताओं को व्यक्त करने का अधिक मौका मिलता है। जिससे ये सांवेगिक रूप से अधिक मजबूत हो जाते हैं। फलस्वरूप इनका सांवेगिक समायोजन भी गैर कामकाजी महिलाओं की तुलना में बेहतर हो जाता है।

अतः यह सार रूप में कहा जा सकता है कि घरेलू समायोजन के बिना सभी समायोजन अधूरे हैं। क्योंकि यदि व्यक्ति घर से प्रसन्न होकर निकलता है तो बाहर के सभी कामों को अच्छी तरह निपटाता है। अन्यथा

इससे कुठित होकर इसका गुस्सा अपने कार्यों पर निकालता है। जिसके फलस्वरूप उसकी कार्यक्षमता प्रभावित होती है। इसलिए इस बात को ध्यान रखते हुए कामकाजी महिलाओं को उनके कार्य के समय, तथा कार्य की प्रकृति में थोड़ी छूट दी जानी चाहिए ताकि वे अपने घर के सदस्यों को थोड़ा पर्याप्त समय दे सकें एवं उनका घरेलू समायोजन बेहतर हो सके तथा वे अपने कार्यों को अच्छे ढंग से कर सकें।

सुझाव

घरेलू स्तर पर समायोजना अत्यंत महत्वपूर्ण है इसलिए महिलाओं के प्रति पुरुषों के रवैये को नियंत्रित कराने तथा उन्हें घरों में समुचित माहौल देने हेतु सरकारी हस्तक्षेप की आवश्यकता है। गैर कामकाजी महिलाओं के लिए वैकल्पिक नियोजन के उपाय किये जाने चाहिए तथा उनके आय के स्रोत उत्पन्न करने हेतु घर बैठे आय करने के लिए कार्यक्रम चलाये जाये। उन्हें केवल सहायता या कानूनी सुरक्षा तक सीमित नहीं रखा जाय। वहीं काम काजी महिलाओं का घरेलू माहौल में समायोजन का परिमाण कम होता है। इसके लिए कामकाजी महिलाओं खासकर गैरसरकारी क्षेत्रों में काम करने वाली महिलाओं के लिए वही सुविधाएं उपलब्ध करायी जाय जो सरकारी क्षेत्र में काम करनेवाली महिलाओं को मिलता है। गैर कामकाजी महिलाओं को सामाजिक डोमेन में भूमिका निभाने के अवसर दिये जाने चाहिए ताकि वे शेष समाज से घुल मिल सकें और अपनी समझ का दायरा का विस्तार कर सके। इस पर गहन शोध की आवश्यकता है तथा सरकार को चाहिए कि इन विषयों पर गहन विचार विमर्श के पश्चात् नीति सुझाने के लिए एक टास्कफोर्स या समिति का गठन अविलंब कराना चाहिए। केवल सहायता देने के बजाय ऐसे उपाय करने चाहिए ताकि मुख्य सामाजिक धारा में उनकी अंतःक्रिया होती रहे।

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समान नागरिक संहिता और नारीवाद

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सार संक्षेप

हमारे देश में महिलाओं के अधिकारों से संबंधित शायद ही कोई दूसरा मुद्दा इतने दबावों का शिकार रहा होगा जितना कि विभिन्न धार्मिक समुदायों में निजी कानूनों में सुधारों का मुद्दा। समाज का पितृसत्तात्मक आधार ही निजी कानूनों को जीवित रखने का सबसे महत्वपूर्ण कारण रहा है। निजी कानूनों में सुधार अथवा समान नागरिक संहिता की रूपरेखा निर्धारित करने के संदर्भ में, महिला आंदोलन के बाहर उठने वाली बहस सदा ही 'अल्पसंख्यक बनाम बहुसंख्यक' पहचान और राष्ट्रीय एकीकरण जैसी दलीलों के आसपास घूमती दिखाई देती है क्योंकि सभी निजी कानून संबंधित धर्मों से वैधता प्राप्त करते हैं इसमें किसी भी समुदाय के निजी कानून में जबरन किए जाने वाले किसी भी सुधार या बदलाव को वह समुदाय अपनी पहचान के लिए खतरे के रूप में देखता है। धर्मोत्तर विवाह, तलाक, विरासत, गोद लेना आदि नई समस्याओं को जन्म देती है। वहीं दूसरी ओर, समान कानूनों की आवश्यकता को राष्ट्रीय एकीकरण के लिए आवश्यकता के रूप में देखा जा रहा है।¹ इसी वैचारिक आलोक में प्रस्तुत आलेख विभिन्न निजी कानूनों, संवैधानिक प्रावधानों, सामान्य कानूनों एवं न्यायिक निर्णयों का नारीवादी आंदोलन के परिप्रेक्ष्य में अनुशीलन कर समान नागरिक संहिता के उपाय सुझाने का एक प्रयास है।

प्रमुख शब्द : नारीवाद, लैंगिक न्याय, निजी कानून, संविधान, समान नागरिक संहिता, भारत

पृष्ठभूमि

भारतीय संविधान के नीतिनिर्देशक तत्व के अनुच्छेद 44 में वर्णित है कि राज्य भारत के पूरे क्षेत्र में नागरिकों के लिए एक समान नागरिक संहिता सुनिश्चित करने का प्रयास करेगा। आज अधिकांश भारतीय कानून, इन मामलों में एक समान नागरिक संहिता का पालन करते हैं जैसे संपत्ति हस्तांतरण अधिनियम, भारतीय अनुबंध अधिनियम, नागरिक प्रक्रिया संहिता, भागीदारी अधिनियम, साक्ष्य अधिनियम इत्यादि। कई राज्यों ने कई कानूनों में संशोधन किए हैं परंतु निजी कानूनों में अभी भी मौलिक अधिकारों से अंतर्विरोध दिखाई

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देता है। इन निजी कानूनों के माध्यम से महिलाओं के साथ उन सभी मामलों में भेदभाव होता है जिसका जिक्र संविधान के मूल अधिकारों वाले अध्याय (भाग 3) में किया गया है। स्वतंत्रता के इतने वर्षों के पश्चात भी जनसंख्या का एक बड़ा वर्ग अपने मूलभूत अधिकारों के लिए संघर्ष कर रहा है। इस प्रकार समान नागरिक संहिता का लागू ना होना एक प्रकार से विधि के शासन, संबंध संविधान की प्रस्तावना और मौलिक अधिकारों का उल्लंघन है।

निजी कानूनों की नींव अंग्रेजी शासन काल में सन 1772 में वारेन हेस्टिंग्स के द्वारा जारी अधिनियम द्वारा रखी गई जिसमें यह कहा गया कि कुछ खास मामलों में हिंदू और मुस्लिम अपने-अपने कानूनों द्वारा शासित होंगे। हिंदुओं के मामले में 'शास्त्रों' पर आधारित कानून और मुसलमानों के मामले में 'कदी' द्वारा की गई व्याख्या को ब्रिटिश शासकों ने सही माना। इसके तहत उन सभी को जो मुस्लिम, ईसाई और पारसी नहीं थे उन्हें बतौर हिंदू घोषित किया गया। इसी प्रकार 1937 के शरीयत कानून में मुस्लिम समुदाय की सीमाएं निर्धारित की गई जबकि पहले प्रचलित रिवाजों का ही ज्यादातर अनुसरण किया जाता था।² निजी मुद्दों से निपटने वाले कानूनों की संख्या में वृद्धि के कारण सरकार ने वर्ष 1941 में हिंदू कानून को संहिताबद्ध करने के लिए बी. एन. राव के अध्यक्षता में एक समिति गठित की। इसकी सिफारिशों के आधार पर हिंदुओं, बौद्ध, जैन और सिखों के लिए वसीयत, उत्तराधिकार से संबंधित कानून को संहिताबद्ध करने के लिए वर्ष 1956 में हिंदू उत्तराधिकार अधिनियम के रूप में एक विधेयक को अपनाया गया। वही साथ ही, मुस्लिम, ईसाई और पारसी लोगों के अपने अलग-अलग निजी कानूनों का प्रावधान था।

समान नागरिक संहिता एवं नारी संदर्भ

भारत में महिलाओं की स्थिति पर कमेटी की रिपोर्ट (Committee on Status of Women in India) ने 1974 में समान नागरिक संहिता की आवश्यकता की सिफारिश की थी और इससे पहले, 1971 में पुणे में मुस्लिम महिला सम्मेलन में भी समान नागरिक संहिता की आवश्यकता को उठाया गया था।³ भारत में महिला आंदोलन के आगे बढ़ने के क्रम में, अंतरराष्ट्रीय स्तर पर पहला महिला सम्मेलन वर्ष 1975 में मेक्सिको में आयोजित किया गया और इसी दौरान 1975-85 (अंतर्राष्ट्रीय महिला दशक) के दौरान अनेक महिला संगठन भी अस्तित्व में आए। इस दौरान अलग-अलग महिलाओं का एकसाथ काम करने के पश्चात उनके जीवन के अनेक अदृश्य तथ्य भी उभर कर इनके सामने आने लगे। इससे महिलाओं ने अपने दिन-प्रतिदिन के जीवन में घटित हो रही हिंसा को उजागर कर दिया, जिस पर अब तक किसी का ध्यान नहीं गया था। संपत्ति के अधिकारों, उत्तराधिकार से संबंधित अधिकार और मायके की संपत्ति पर अधिकारों के अभाव ने महिलाओं की स्थिति बेहद कमजोर कर दी है और यह उत्पीड़न और असमानता सारे समुदायों में समान रूप से व्याप्त थी। आज लता मित्तल, मैरी रॉय, शाहबानो, शहनाज शेख, सरला मुदगल, शबनम हाशमी, शायरा बानो, आफरीन रहमान, गुलशन परवीन, इशरत जहां और अतिया साबरी व अन्य ऐसे ही कई नाम भेदभावपूर्ण निजी कानूनों के खिलाफ संघर्ष का प्रतीक बन चुके हैं। नारीवादी आंदोलन के भीतर अपने संघर्षों को मजबूती देने के साथ-साथ इस बात पर भी गौर किया गया कि ऐसे कानूनी सुधारों की भी मांग उठाई जाए जो महिलाओं को लाभ पहुंचाएं। इसके साथ ही, ऐसे कई व्यक्तिगत और सामूहिक संघर्षों की तरफ ध्यान आकर्षित किया गया जहां पर विवाद का मुख्य कारण उत्तराधिकार, परिवारिक संपत्ति में हिस्सा, गुजारा भत्ता और साझा संपत्ति संसाधनों पर नियंत्रण व पैतृक मकान में अधिकार जैसे सवाल को

लेकर था। इस प्रकार यह स्पष्ट होता है कि निजी कानून, निजी बनाम सार्वजनिक क्षेत्र (Public Vs Private Sphere) के बीच संपर्क को बाधित करते हैं और वंशक्रम, उत्तराधिकार, अभिभावकता के मामलों में असमान अधिकारों को बनाए रखने और बढ़ावा देने का काम करते हैं और इन्हीं दलीलों के आधार पर सभी महिलाओं के लिए गैर भेदभावपूर्ण समान कानूनों के निर्माण की मांग को महिला आंदोलन द्वारा पूरे जोर-शोर से उठाया गया।

महिला आंदोलन और बुद्धिजीवी समुदाय के भीतर चलने वाली बहसों को 1980 के दशक के बाद एक नई दिशा मिली। इसमें आए बदलाव के कई कारण देखे जा सकते हैं, जैसे एक महत्वपूर्ण कारण संप्रदायिक और कट्टरवादी ताकतों का उभार था जिसके फलस्वरूप अल्पसंख्यक समुदायों में असुरक्षा की भावना बढ़ी है। दूसरा, भारत में कानूनी सुधारों के सिलसिले में महिलाओं के अनुभव भी बहुत संतोषजनक नहीं रहे। राष्ट्रीय और अंतरराष्ट्रीय दबाव के चलते राज्य ने महिलाओं के पक्ष में कई कानून तो बनाए लेकिन महिलाओं के प्रति हिंसा और अपराधों को रोकने में इन कानूनों की विफलता ने सामाजिक सुधारों के मुद्दे पर पुनर्विचार की प्रक्रिया को दोबारा हवा दे दी।⁴ देखा जाए तो 1980 के दशक और उसके पश्चात ज्यादातर कानून दहेज उत्पीड़न, दहेज हत्या, बलात्कार, भ्रूणहत्या जैसे मुद्दों पर केंद्रित थे। तीसरा, राज्य के साथ महिला आंदोलन के अनुभवों ने भी इस बात को समझ लिया कि उनकी स्थिति सुधारने के लिए संघर्ष में राज्य उनका सहयोगी नहीं हो सकता है।

उपरोक्त कारणों के चलते ही महिला आंदोलन ने कानूनी सुधारों के लिए राज्य से प्रार्थना करने के बजाए अपनी समझ पर नए सिरे से विचार करना प्रारंभ कर दिया और इस बात पर जोर दिया जाने लगा कि रणनीति के स्तर पर, समान कानूनों की मांग को फिलहाल स्थगित कर दिया जाए और इसके बजाय जेंडर समानता (Gender Justice) के लिए दूसरे विकल्पों (अनिवार्य समान संहिता) पर विचार किया जाए। इन्हीं विकल्पों के संदर्भ में हमें पांच दृष्टिकोण दिखाई देते हैं और इन्हें ही अनिवार्य समान संहिता (Compulsory Common Code) के रूप में देखने की कोशिश की गई।

आंतरिक सुधार

दिल्ली के एक महिला समूह 'सहेली' का मानना था कि हमें एक न्यायपूर्ण और लैंगिक समानता पर आधारित संहिता की मांग करनी चाहिए। हमारा संघर्ष एक ऐसे अनिवार्य समान कोड संहिता के लिए हो जो निजी कानूनों से ऊपर हो। इसी विचार को ध्यान में रखते हुए निजी कानूनों के भीतर सुधार (इसके अंतर्गत दो मुख्य धूरियां हैं) की वकालत की गई जैसे पहली धूरी के रूप में मुंबई का निकाहनामा समूह है जिसने मॉडल 'निकाहनामा' का मसौदा तैयार किया है जिसे कुछ समय पश्चात मुस्लिम पर्सनल लॉ बोर्ड द्वारा भी स्वीकार कर लिया गया। मुंबई की ही 'वुमैन रिसर्च एंड एक्शन ग्रुप (WRAG: Women Research and Action Group) का मानना है कि समुदाय की महिलाएं वैसे बदलावों के प्रति राय नहीं व्यक्त करना चाहती जो समुदाय के बाहर से आते हैं। वूमैन रिसर्च एंड एक्शन ग्रुप ने एक सर्वेक्षण भी किया था जिसके तहत 15000 महिलाओं, सामाजिक और राजनीतिक कार्यकर्ताओं के साथ-साथ वकीलों, जजों और धार्मिक नेताओं से भी बातचीत की गई। इन दोनों ही संगठनों का मानना था कि वर्तमान समय में केवल एक ही व्यवहारिक विकल्प है कि छोटे-छोटे परिवर्तनों पर ध्यान केंद्रित किया जाए जिससे महिलाओं को कुछ और अधिकार मिले जाए।

दूसरे धुरी के अंतर्गत, आंतरिक सुधार की आवाज इम्तियाज अहमद जैसे विचारको द्वारा दिए गए विश्लेषण में मिलती है जिन्होंने मुस्लिम समुदायों के जनवादी मत को इकट्ठा करने में अपनी भूमिका निभाई है। इम्तियाज अहमद का मानना था कि किसी भी तरह के समान संहिता को लागू करने में कुछ समस्याएं हैं जैसे पहला, यह स्पष्ट नहीं है कि इस तरह की संहिता की परिधि क्या होगी? क्या यह केवल हिंदू अविभाजित परिवार के भेदभावपूर्ण प्रवाधानों समेत सभी पहलुओं को शामिल करेगा? तीसरा मौजूदा कानून कम-से-कम चार विशेष धर्मशास्त्र संबंधी दर्शन पर आधारित हैद्वैतग्लिकन, हिंदू, मुस्लिम और जनजाति। इन सभी दर्शनों को एकजुट करने का आधार अभी तक नहीं खोजा जा सका है। इसी के साथ अहमद यह भी कहते हैं कि कुछ समुदायों जैसे नागा, मिजो इत्यादि जनजातियों को भी संवैधानिक सुरक्षा मिली हुई है इसलिए समान नागरिक संहिता को लागू करने के लिए संविधान में संशोधन की आवश्यकता होगी। इम्तियाज का मानना था कि समुदायों के लिए सही रणनीति यही है कि वह अपने निजी कानूनों के उन हिस्सों को तर्कसंगत व प्रमाणिक बनाएं जिनका संविधान द्वारा प्रदत्त समानता के प्रावधानों से टकराव है या जो न्याय और नैतिकता की जांच पर खरे न उतरते हो।

लैंगिक न्याय पर आधारित वैकल्पिक कोड

निजी कानूनों के संदर्भ में लैंगिक न्याय पर आधारित वैकल्पिक कोड की भी बात की गई और इसमें ऐसा कहा गया कि सामान्य परिस्थितियों में निजी कानून ही लागू होंगे लेकिन विवाद के समय पर महिलाओं के पास यह विकल्प होगा कि वह संहिता का सहारा ले जो उनके अधिकारों की रक्षा निजी कानूनों की तुलना में अच्छी तरह से करेगा। मुंबई स्थित फोरम अगेंस्ट ऑप्रेसन ऑफ वूमेन (Forum Against Oppression of Women) ने एक ऐसी संहिता तैयार की थी जिस पर उसने अन्य महिला समूहों से भी चर्चा की गई। इस फोरम द्वारा सुझाए गए कुछ प्रस्तावों में - 1. कानूनों को यथार्थ रूप से लागू कराने की गारंटी सुरक्षित करना, 2. सामाजिक सुरक्षा के लाभों को कानूनी तौर पर सुनिश्चित करना, 3. महिलाओं को कानूनी शिक्षा मुहैया कराना सरकार की जिम्मेदारी तथा 4. परिवार के विचार को व्यापक बनाया जाए और इसमें समलैंगिक संबंधों और विवाह के बिना साथ रहने वाले लोगों को भी शामिल किया जाए।⁵

विपरीत विकल्प

विपरीत विकल्प की बात दिल्ली स्थित वर्किंग ग्रुप आन वूमेन्स राइट्स की ओर से पेश की गई, जिसकी उम्मीद थी कि राज्य बनाम समुदाय और समुदाय बनाम महिलाओं को जो ध्रुवीकरण किया गया है, उसे विपरीत विकल्प के माध्यम से तोड़ा जा सकता है। वर्किंग ग्रुप ने एक समान संहिता की मांग की इस आधार पर आलोचना की कि इसे राष्ट्रीय अखंडता के विचार के लिए (ना कि लैंगिक न्याय की प्राप्ति के लिए) या तो छोड़ दिया गया है या अपना लिया गया है। दूसरी ओर, निजी कानूनों के अंतर्गत सुधार आंतरिक पितृसत्तात्मक दबावों के कारण रुका पड़ा है। इस वर्किंग ग्रुप के प्रस्ताव के निम्न तीन मुख्य हिस्से हैं।

1. एक व्यापक लैंगिक न्याय पर आधारित कानूनों का निर्माण किया जाए और उसका संस्थानीकरण हो, इसमें महिलाओं को ना केवल परिवार के भीतर बल्कि कार्यस्थल पर भी महिलाओं के समान अधिकार शामिल होंगे।

2. भारत के सभी नागरिक समान नियमों की संरचना से बंधे होंगे चाहे जन्म के सवाल पर या नागरिकता लेने के सवाल पर। जिन क्षेत्रों में कानून है ही नहीं, उन्हें पहचान कर उनके लिए कानून बनवाने और उन कानूनों का मसौदा तय करने का काम किया जाए।
3. सभी नागरिकों के पास निजी कानूनों द्वारा शासित होने के चयन का अधिकार होना चाहिए, इसके साथ ही उनके पास अपने इसे भविष्य में किसी भी तारीख को खारिज करने का विकल्प भी होना चाहिए।

निजी कानूनों के इतर कानून निर्माण

निजी कानूनों के दायरे से बाहर के क्षेत्रों में कानून निर्माण के लिए मुंबई की 'मजलिस' और 'अखिल भारतीय जनवादी महिला' समिति ने कुछ सुधार की पेशकश की थी। मजलिस का मानना है कि जनता की नजर में समान नागरिक संहिता शब्द इस्लामी रीति-रिवाजों में सुधार का पर्यायवाची बन चुका है। बातचीत के केंद्र में कभी भी विवाह और तलाक के संबंध में महिलाओं के आर्थिक अधिकारों पर चर्चा नहीं होती बल्कि बहुविवाह प्रणाली और तीन तलाक पर चर्चा केंद्रित होती है और इसमें सिर्फ मुस्लिम समुदाय को ही निशाना बनाया जाता है। समान अधिकार और समान नियम के प्रति प्रतिबद्धता पर अडिग रहते हुए 1995 के कन्वेंशन में जनवादी महिला समिति ने कदम-कदम पर बदलाव की वकालत की है जो मजलिस द्वारा सुझाई गए रणनीतियों से मेल खाता है। इनका सुझाव था कि विशेष क्षेत्रों में तत्काल कानून निर्माण करके महिलाओं के लिए सामान कानूनी जमीन मजबूत की जाए जैसे शादी के बाद हासिल की गई संपत्ति में अधिकार, शादियों का पंजीकरण आवश्यक हो चाहे आप किसी भी धर्म को मानने वाले हो और घरेलू हिंसा पर कानून बनाया जाए।

समान रूप से भेदभाव झेलने वाली महिलाओं के लिए कानून

वास्तव में निजी कानूनों के भेदभावपूर्ण पहलुओं के निराकरण के लिए इन कानूनों में सुधार पर तो सबकी सहमति है, लेकिन इसके लिए सबके रास्ते अलग-अलग हैं। समान शब्द के प्रयोग पर भी असहमति हैं। तर्क दिया जाता है कि समरूपता, विभिन्नता और बहुलता के विरुद्ध है इसलिए हो सकता है कि ऐसे में सारे समुदायों पर समान बहुमत वाले कानून थोप दिए जाए। कभी-कभी 'समरूपता' या 'समान' के विचार को इसलिए भी खारिज किया जाता है क्योंकि इसके प्रयोग के जरिए ऐसी राय तैयार करने की कोशिश की जाती है जिससे समान नागरिक संहिता से राष्ट्रीय एकीकरण को बल मिलेगा। राष्ट्रीय अखंडता को समान नागरिक संहिता के तर्क के रूप में पेश करने को नारीवादियों ने मंजूर नहीं किया। इसका पहला कारण यह है कि इस तर्क की बुनियाद एक ऐसी सोच पर आधारित है जो यह मानकर चलती है कि अन्य समुदाय विविध और पिछड़े हुए कानूनों में जकड़े हुए हैं, जो राष्ट्रीय अखंडता के लिए खतरनाक है जबकि केवल हिंदुओं ने सुधारों को अपनाया है। सरला मुदगल बनाम भारतीय संघ 1995 के मामले में सर्वोच्च न्यायालय ने यह टिप्पणी की थी कि, "हिंदुओं के साथ सिख, जैन और बौद्ध ने राष्ट्रीय अखंडता के लिए अपनी भावनाओं का परित्याग किया है, जबकि अन्य ऐसा नहीं करते, सर्वोच्च न्यायालय ने आगे कहा कि, भारतीय गणराज्य सिर्फ एक ही राष्ट्र होना था भारतीय राष्ट्र और कोई भी समुदाय या धर्म के आधार पर एक अलग अस्तित्व की दावेदारी नहीं कर सकता था।"⁶

समान नागरिक संहिता एवं न्यायिक निर्णय

तीन तलाक का मुद्दा सर्वप्रथम मोहम्मद अहमद खान बनाम शाहबानो बेगम केस में शीर्ष अदालत ने शाह बानो बेगम को निर्वाह व्यय के समतुल्य आर्थिक मदद देने का फैसला दिया।⁷ इस फैसले को रूढ़िवादी वर्ग द्वारा उनकी संस्कृति और विधानों में हस्तक्षेप माना गया। न्यायालय ने अपराध दंड संहिता की धारा 125 के अंतर्गत यह निर्णय लिया, जो हर व्यक्ति पर लागू होता है चाहे वह किसी भी धर्म, जाति और संप्रदाय का हो और न्यायालय ने निर्देश दिया कि शाहबानो को निर्वाह व्यय के समान जीविका दी जाए। इसके पश्चात कांग्रेस सरकार द्वारा 1986 में सर्वोच्च न्यायालय के निर्णय को निरस्त कर दिया गया और मुस्लिम महिला अधिनियम-1986 पारित कर दिया गया। इस कानून के अनुसार, "हर वह आवेदन जो किसी तलाकशुदा महिला के द्वारा अपराध दंड संहिता 1973 की धारा 125 के अंतर्गत किसी न्यायालय में इस कानून के लागू होते समय विचाराधीन है, अब वह इस कानून के अंतर्गत निपटाया जाएगा चाहे उपयुक्त कानून में जो भी लिखा हो।"⁸

सरला मुदगल वाद (1995) भी इस संबंध में काफी चर्चित है। यह वाद बहुविवाह के मामलों और इससे संबंधित कानूनों के बीच विवाद से जुड़ा हुआ था। प्रायः यह तर्क दिया जाता है कि तीन तलाक और बहुविवाह जैसी प्रथाएं महिला के सम्मान और उसके गरिमापूर्ण जीवन के अधिकार पर प्रतिकूल प्रभाव डालती हैं।⁹ शबनम हाशमी की याचिका पर फैसला देते हुए सर्वोच्च न्यायालय ने 19 फरवरी 2014 में यह स्पष्ट कर दिया है कि "व्यक्तिगत विश्वास और मान्यताओं का पूरा सम्मान होना चाहिए परंतु यह मान्यताएं नागरिकों को किसी अधिकार के लिए योग्य बनाने वाले प्रावधानों को बाधित नहीं कर सकती।"¹⁰ इसी निर्णय के पश्चात सर्वोच्च न्यायालय ने मुस्लिम महिलाओं को बच्चा गोद लेने का अधिकार दिया और साथ ही तलाकशुदा मुस्लिम महिला को अपने पति से गुजारा भत्ता देने का भी आदेश दिया। आज विश्व के 19 से 20 देशों में तीन तलाक को गैर इस्लामी घोषित कर दिया गया है जिसमें पाकिस्तान, बांग्लादेश, टर्की, साइप्रस इंडोनेशिया अल्जीरिया श्रीलंका जॉर्डन यूएई कतर, सूडान, मोरोको, इजिप्ट, इरान, ब्रुनेई व मलेशिया है। जब अधिकतर मुस्लिम राष्ट्रों ने इसे गैर इस्लामी घोषित किया है तो भारत के मुस्लिम पर्सनल लॉ बोर्ड, दारुल उलूम व अन्य मुस्लिम संगठनों को भी मुस्लिम महिलाओं को बराबर का अधिकार व सम्मान देना चाहिए।

वर्ष 2016 में विधि और न्याय मंत्रालय द्वारा समान नागरिक संहिता से संबंधित मुद्दों के व्यापक अध्ययन के लिए एक विधि आयोग का भी गठन किया गया था। इस अध्ययन में विधि आयोग का कहना था कि समान नागरिक संहिता का मुद्दा मौलिक अधिकारों के तहत अनुच्छेद 14 और 25 के बीच द्वंद से प्रभावित है। विधि आयोग ने भारतीय बहुल संस्कृति के साथ-साथ महिला अधिकारों की सर्वोच्चता के मुद्दे को भी महत्व दिया। विधि आयोग का मानना था कि समाज में असमानता की स्थिति उत्पन्न करने वाली समस्त रूढ़ियों की समीक्षा की जानी चाहिए और सभी निजी कानूनी प्रक्रियाओं को संहिताबद्ध करने की आवश्यकता है जिससे इनसे संबंधित पूर्वाग्रहों और रूढ़िवादिता का सामना किया जा सके।¹¹ शाहबानो मामले में, अदालत ने खेद व्यक्त किया कि अनुच्छेद 44 एक "मृत पत्र" बना रहा। संभावना है कि आगे भी ऐसा ही बना रह सकता है। अगस्त 2017 में सर्वोच्च न्यायालय में तीन तलाक के बहुत से मामले सामने आने के बाद भाजपा सरकार ने इस पर एक बिल तैयार किया और 28 दिसंबर 2017 को, लोक सभा में मुस्लिम महिला विवाह अधिकार संरक्षण विधेयक 2017 को पारित कर दिया। इस विधेयक में तीन तलाक

को लिखित रूप में या इलेक्ट्रॉनिक माध्यमों के रूप में जैसे ईमेल एस. एम.एस. और व्हाट्सएप को अवैध और शून्य घोषित कर दिया गया है और इसमें तीन साल तक जेल का प्रावधान भी किया गया है।¹²

सितंबर 2018 में अपने परामर्श पत्र में, विधि आयोग ने धर्मों के भीतर भेदभाव को समाप्त करने के तरीके के रूप में समान नागरिक संहिता पर व्यक्तिगत कानूनों के संहिताकरण को चुना। विभिन्न प्रथाओं और रीति-रिवाजों का संहिताकरण उन्हें संविधान के अनुच्छेद 13 के तहत 'कानून' बना देगा। अनुच्छेद 13 के तहत आने वाला कोई भी 'कानून' मौलिक अधिकारों के अनुरूप होना चाहिए, विधि आयोग ने तर्क दिया है। यह धर्मों की बहुलता की भी रक्षा करेगा, और निकट भविष्य के लिए आगे बढ़ने का मार्ग हो सकता है। वास्तव में, विधि आयोग ने अनिश्चित शब्दों में सुझाव दिया था कि यूसीसी "देश में इस स्तर पर न तो आवश्यक है और न ही वांछनीय है।" इसने कहा कि एक एकीकृत राष्ट्र को "एकरूपता" की आवश्यकता नहीं है।¹³

अभी हाल ही में दिल्ली उच्च न्यायालय ने देश में समान नागरिक संहिता लागू करने की आवश्यकता बताते हुए कहा था कि इसे लागू करने का अब सही वक्त आ गया है। जस्टिस प्रतिभा एम सिंह की पीठ राजस्थान की मीणा जनजाति की महिला और उसके हिंदू पति के तलाक से संबंधित केस की सुनवाई कर रही थी। इस दौरान उच्च न्यायालय का कहना था कि भारतीय समाज में धर्म जाति और विवाह आदि की पारंपरिक बेड़ियां आज टूट रही हैं और नीति निर्देशक सिद्धांतों के अनुच्छेद 44 में जिस समान नागरिक संहिता की बात कही गई है उसे आज हकीकत में बदलना चाहिए। आज युवाओं को अलग-अलग निजी कानून के चलते शादी और तलाक के मामलों में संघर्ष का सामना करना पड़ रहा है और यह सही वक्त है कि समान नागरिक संहिता को लागू किया जाए। देश के युवाओं को शादी तलाक और उत्तराधिकार आदि से संबंधित मामलों में कानूनी अड़चनों से बचाने के लिए समान नागरिक संहिता का होना आवश्यक है। अपने दिशानिर्देशों में उच्च न्यायालय ने विधि और न्याय मंत्रालय के सचिव को इस पर आवश्यक कार्यवाही हेतु निर्देश दिया है।¹⁴

इस जोड़े की शादी 24 जून, 2012 को हुई थी। पति ने 2 दिसंबर, 2015 को परिवार अदालत में तलाक की याचिका दायर की। महिला का पति हिंदू विवाह कानून के मुताबिक तलाक चाहता था। लेकिन महिला का कहना है कि वह मीणा समुदाय से ताल्लुक रखती है, इसलिए उस पर हिंदू मैरिज एक्ट लागू नहीं होता। बाद में फैमिली कोर्ट ने हिंदू मैरिज एक्ट-1955 का हवाला देते हुए याचिका को खारिज कर दिया। फैसले में कहा गया कि महिला राजस्थान की अधिसूचित जनजाति से है, इसलिए उस पर हिंदू विवाह कानून लागू नहीं होता। महिला के पति ने फैमिली कोर्ट के फैसले को 28 नवंबर, 2020 को हाईकोर्ट में चुनौती दी। इस मामले में उच्च न्यायालय ने यह दलील दी कि उसके सामने ऐसा कोई दस्तावेज प्रस्तुत नहीं किया गया है, जिससे पता चले कि मीणा जनजाति समुदाय के ऐसे मामलों के लिए कोई विशेष अदालत है।¹⁵

निष्कर्ष

समान नागरिक संहिता का समर्थन इस मान्यता के आधार पर भी आज किया जा रहा है ताकि विवाह, तलाक, उत्तराधिकार, संपत्ति इत्यादि अनेक दीवानी मामलों में एक समान कानून या समान नागरिक संहिता के आधार पर किसी भी व्यक्ति के मौलिक अधिकारों के हनन ना हो और विधि के समक्ष समानता और

न्याय की उचित प्रक्रिया का अनुसरण करते हुए निजी कानूनों के दुरुपयोग पर रोक लगाई जा सके चाहे वह व्यक्ति किसी भी धर्म, जाति, भाषा, क्षेत्र और लिंग का क्यों ना हो। यदि समान नागरिक संहिता का विश्लेषण राजनीतिक दृष्टिकोण से भी किया जाए तो तो यह बात स्पष्ट रूप से दिखाई देती है कि भारतीय जनता पार्टी ने अपने चुनावी घोषणापत्र में राम मंदिर, धारा 370 व समान नागरिक संहिता का भी उल्लेख (अन्य विषयों के साथ) किया था और राम मंदिर विवाद को सर्वोच्च न्यायालय द्वारा सुलझाया जा चुका है, तो वहीं दूसरी ओर धारा 370 के माध्यम से कश्मीर का विशेष दर्जा समाप्त कर दिया गया है और अब ऐसा प्रतीत होता है की बहुत जल्दी जिस प्रकार संसद द्वारा तीन तलाक को गैरकानूनी घोषित किया गया है ठीक उसी प्रकार इस पर भी विशेषज्ञों की राय लेते हुए बहुत जल्दी एक कानून का भारत में निर्माण किया जा सकता है।

Endnotes

1. आर्य, साधना, समान नागरिक संहिता: महिला आंदोलन के सामने चुनौतियां, में आर्यसाधना, मेनन निवेदिता और लोकनिताजिनी (संपादक), चतुर्थ पुनर मुद्रण, नारीवादी राजनीति संघर्ष एवं मुद्दे, हिंदी माध्यम कार्यान्वय निदेशालय, दिल्ली विश्वविद्यालय, पृष्ठ संख्या 217, 2013
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नौकरशाही की दरकती दीवार: एक आनुभविक टिप्पणी

अशोक कुमार*

भारतीय संविधान ने कार्यपालिका, विधायिका और न्यायपालिका को अपनी मूल आत्मा में प्रतिष्ठित कर गुलामी की जंजीरों से मुक्त देश को यह व्यवस्था दी थी कि उपर्युक्त तीनों संस्थायें नूतन भारत के सर्वांगीण विकास की पटकथा लिख सकेंगी। स्वतंत्रता प्राप्ति के बाद देश के कुशल शिल्पीकार सरदार वल्लभ भाई पटेल ने सरकार की बागडोर सम्हालते ही युद्ध स्तर पर प्रशासनिक क्षेत्र में क्रांतिकारी योजनाओं को लागू कर देश को एक नई दिशा की ओर प्रवृत्त किया था। उन्होंने देश के सबसे उच्चतर और महत्वपूर्ण सेवा “भारतीय प्रशासनिक सेवा” को “स्टील-फ्रेम” का नाम देकर संवेदनशीलता एवं सृजनशीलता के गुरुतर दायित्व से बांध दिया। स्व. पटेल की यह कल्पना थी कि इस सेवा के अधिकारी मानवीय संवेदनाओं को करीब से समझकर उसके उपाय का सूत्र रचने में सक्षम होंगे। आई.सी.एस. के चोले को उतारकर जब आई.ए.एस. संवर्ग का निर्माण हुआ तो यह अपेक्षा की गई कि इस सेवा के अधिकारियों में हरेक संवेदनशील प्राणी की तरह दिल धड़कते दिखेंगे। उनके भावों के आवेगों की जानी अनजानी राहों में निरंतर कल्याण तरंग गुजरती रहेंगी तथा उनके बहुआयामी प्रशिक्षण कौशल के उद्देश्य में सुख-दुख के मेघ चारों ओर नित घटती घटनाओं के बादल, सच की तलाश और झूठे मुखौटों की मेघालाएं उनके जीवन और विचारों को नित्य प्रति आलोड़ित करती रहेंगी। यही क्रम उनकी सेवा यात्रा में उठते, लड़ते, भिड़ते यक्ष प्रश्नों को जन्म देता रहा है जिसके दौर से गुजरते हुए उन्हें समाधान के सूत्रों को ढूंढते हुए जन जन के जीवन की दिशा में प्रशासनिक प्रकल्प पिरोने की गुरुतर जिम्मेदारी भी बनी हुई है।

आज जब देश स्वतंत्रता दिवस का अमृत महोत्सव मनाने में मग्न है, विचार करने की जरूरत है कि कार्यपालिका का सबसे महत्वपूर्ण अंग आज कितना फलदायी हुआ है। बेशक, विकास और विधि व्यवस्था के साथ जीवन के समस्त पक्षों में नौकरशाही ने एक चुनौतीपूर्ण लंबी यात्रा पूरी की है। चूंकि, जीवन के प्रत्येक क्षेत्र, में अच्छाई और बुराई का दृष्टांत देखा जा सकता है लेकिन जिस महत्वपूर्ण दायित्व से लैश

* डॉ. अशोक कुमार, बिहार प्रशासनिक सेवा के वरीय पदाधिकारी रहे हैं तथा संप्रति बिहार राज्य विश्वविद्यालय सेवा आयोग, पटना के सदस्य हैं। उल्लेखनीय है कि डॉ. कुमार राजनीति विज्ञान में एम. ए. एवं पी-एच. डी. हैं तथा इन्हें तीन दशकों का प्रशासनिक अनुभव है।

हमारा वृहद् नौकरशाही का यह तंत्र है उसमें अपेक्षाकृत अब क्षरण के प्रतिकूल लक्षण दृष्टिगोचर होने लगे हैं। एक ओर निर्भीक, साहसी, ईमानदार, सत्यनिष्ठ और परिश्रमी अधिकारियों की कमी नहीं है जिन्होंने उच्चतर मानदंड स्थापित कर लोक प्रशासन की नीति को सबल बनाया है। दिन प्रतिदिन की खबरों में जब हम सुनते हैं कि शीर्ष स्तरीय पदाधिकारी ने सभी नियमों को ताक पर रखकर ऐसी कुछ कारगुजारी कर दी तो प्रशासनिक लोक लाज एवं मर्यादा मूर्छित अवस्था अपनाते को बाध्य हो जाती रही हैं। राजनैतिक सांठगाठ एक ऐसा विषय है जिसने कभी कभी जनता जनार्दन के बीच अधिकारियों की निष्ठा एवं उनके कर्तव्य को प्रेरक उदाहरण के तौर पर समाज में स्थापित किया है लेकिन अस्वस्थ मिलीभगत की भंगिमा ने विधि के विधान में हर प्रावधान को खंडित कर शर्मनाक छटा भी प्रकट की है। ऐसे अधिकारियों के अशिष्ट आचरण ने उनकी सेवा में दाग लगाया ही है अपितु अपनी निजी प्रतिष्ठा और व्यक्तित्व को भी पश्च के घेरे में लाकर खड़ा कर दिया है। आंकड़ों की गहराई बता रही है कि मार्च 2021 (2000-21) तक देश में भारतीय प्रशासनिक सेवा के अधिकारियों के विरुद्ध 581 शिकायतें भारत सरकार को प्राप्त हुई हैं। लोक सभा में प्रस्तुत सरकारी प्रतिवेदन में यह भी उद्धाटित हुआ है कि 2016-17 में 484, 2017-18 में 623, 2018-19 में 653 तथा 2019-20 में 753 मामले दर्ज हुए हैं। चिंताजनक ब्यौरा यह भी है कि सी.बी.आई. ने वर्ष 2016 से मार्च 2021 तक आई.ए.एस. अधिकारियों के खिलाफ 44 मामले और आई.पी.एस. अधिकारियों के खिलाफ 12 मामले दर्ज कर अनुसंधान प्रारंभ किया है। विभिन्न सेवाओं के शीर्ष स्तरीय अनेक अधिकारियों को उनकी कर्तव्य शिथिलता एवं भ्रष्टाचार प्रमाणित होने पर विगत वर्षों में उन्हें अनिवार्य सेवा निवृत्ति और सेवामुक्त भी किया गया है।

पश्च है कि जनहित की इस व्यवस्था में घुसकर उसे चट करनेवाली इस दीमक को कैसे खत्म किया जाय। इसमें अदालतों और विभाग का शीर्ष स्तरीय प्रतिष्ठान की भूमिका ही सबसे प्रभावी हो सकती है। अदालतें अपने निर्णयों से कड़ा संदेश देती रहें तो संभव है कि अधिकारियों की इस दुष्प्रवृत्ति को न्यूनतम स्तर पर लाया जा सके। साथ ही जनता को भी अपने बीच में से ऐसे समाज सेवी को आगे लाने होंगे जो शासन पर पैनी निगाह रखें और हर गलती को रेखांकित करते चलें। समाज की यह भी जिम्मेदारी है कि कर्तव्य परायण अधिकारी को सम्मानित करे, उनका हौसला बढ़ाने में अपना निःस्वार्थ सहयोग प्रदान करे तथा अयोग्य अधिकारियों की शिकायतें सरकार के समक्ष प्रस्तुत करें। बगैर किसी दवाब-प्रभाव के न्यायपूर्ण कार्य करने वाले अधिकारियों के मनोबल में वृद्धि के आयाम ढूँढने की भी जरूरत है ताकि वे प्रोत्साहित होकर लोकतांत्रिक मूल्यों की रक्षा के प्रति कटिबद्ध रहें। कई बार समाज सत्ता के साथ चलने वाले अधिकारियों को ‘‘रोल मॉडल’’ मानने लगता है, इससे भी बचना चाहिए।

वी.आई.पी. संस्कृति ने नौकरशाही के दामन पर बदनामी के जो छींटे लगाये हैं, वह भी लोक सेवक की परिभाषा की परिधि को आहत कर रहा है। आई.ए.एस. सहित अन्य अखिल भारतीय सेवा के अधिकारियों के चयन में संघ लोक सेवा आयोग को कड़ी मशकत करनी पड़ती है। अभ्यर्थियों को कई साक्षात्कार के परीक्षण द्वार से गुजरना पड़ता है एवं चयनोपरांत उन्हें मसूरी/हैदराबाद जैसे प्रतिष्ठित प्रशिक्षण संस्थान से सेवा के विभिन्न स्वरूपों की गहन दीक्षा लेनी पड़ती है। बुनियादी सवाल यह है कि सेवा अर्पण में हो रही कमी या शिकायतों के पीछे कहीं प्रशिक्षण प्रकल्प में कमी तो नहीं है। सैद्धांतिक सेवा पाठ को व्यावहारिक धरातल पर उतारने में कहीं कानूनी खोट तो नहीं है जिसमें परिवर्तन की आवश्यकता है। गत सितम्बर माह के अंत में उच्चतम न्यायालय के मुख्य न्यायाधीश ने यह चिंताजनक संदेश दिया था कि पदाधिकारी यह न भूलें कि

कानून की जगह सत्ताधारी दल के इशारों पर काम करने का भारी नुकसान उनके भविष्य के प्रशासनिक पन्नों पर दर्ज होगा जिसका खामियाजा उन्हें भुगतना अवश्यम्भावी है। जब मानवीय संवेदनाओं की हत्या हमारे कानून के रक्षक करेंगे तो आखिर विश्वास, भरोसा और नियम की परिणति किस रूप में लोक जीवन को सामान्य रूप में संचालित कर सकेगा-इस पर हमारे भाग्य विधाताओं को चिंतन करना होगा। विडंबना यह भी है कि अखिल भारतीय सेवाओं के विभिन्न एसोसिएशन अपने कर्तव्यहीन अधिकारियों की न तो उनके आचरण की निंदा करते हैं न उन्हें कोई पाठ सिखाते हैं। कभी-कभी विस्मित करने वाली घटना भी लोक जीवन को उद्वेलित करती है जब किसी नियम विरुद्ध कृत्य के लिए किसी अधिकारी की रक्षा में पूरा सेवा संगठन सरकार से भिड़ जाता है। जरूरत है कि अखिल भारतीय सेवाओं के कुछ अधिकारियों द्वारा किये जा रहे कानून विरुद्ध कर्तव्य के निवारण हेतु उनके चयन प्रक्रिया और प्रशिक्षण प्रसंग में परिवर्तन की कार्रवाई की जाए।

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