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(On the occasion of 'Azadi ka Amrit Mahotsav', India @ 75th Year)

*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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*Editor*

**R.K. Verma**

**INDIAN INSTITUTE OF PUBLIC ADMINISTRATION**

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## From the Desk of the Chief Editor

Our country is celebrating 'Azadi ka Amrit Mahotsav' at the 75<sup>th</sup> year of its vibrant democracy. A sea of changes has taken place in the world and our country during past decades in the administrative, political and economic spheres. We cannot remain insulated from tracing these changes and new visions and dreams for our citizenry. So Bihar Journal of Public Administration has also joined the venture.

It will not be out of place to mention that, in addition to learned academic contributions, the Journal incorporates the working of administrative systems of different countries and thought provoking, impressionistic notes of veterans of different walks of life. It has been made every efforts to make it rich in all aspects.

I have immense pleasure to present the latest Issue of BJPA Vol. XIX, No. 1 before the readers. The processing (internal and external reviews, as well as computer typography) of the contributions took place amidst tough conditions and financial crunch. 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 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 this venture.

**Prof. S P Shahi**

*Chief Editor*



# Editorial

In the year of the occasion of '*Azadi ka Amrit Mahotsav*' at the 75<sup>th</sup> year of democratic governance of India, we have the privilege to bring out the present Issue of Bihar Journal of Public Administration to mark the Diamond Jubilee of Indian independence. In these 75 years, India and even world have witnessed a sea of changes in the spheres of politics, administration and governance. As such, it has been endeavoured to reflect the changes through Bihar Journal of Public Administration.

The fast changing socio-economic-political environment and IT revolution, added with conditions of Covid-19 pandemic crisis, have serious impact on Public Administration and governance in India and the world as well. In the given conditions, the administration and governance have to interface some emerging new trends, issues and challenges like, introduction of e-governance in different administrative echelons, policy reforms for economic development, capacity enhancement of civil services, hurdles in service delivery, local self-governance, arresting corruption, challenges of digital education and so on. The present issue of BJPA covers the contributions related to most of these issues and challenges. The varied aspects of e-governance covered in this Issue of BJPA are reforms in transport sector, education and its impact on bureaucracy. Enriching the capacity of the civil servants through well designed training, catalysing cooperative movement through establishment of Ministry, examination of laws for curbing corruption, protecting intellectual property rights, and the rights of children; understanding centre-state relations in the GST regime and administration in the context of caste and strategic communication are the main features of the contents in the present Issue.

In the area of comparative public administration, the contributions (papers) examining democratic backsliding of administration in authoritarian and hybrid regimes in the countries of Central Europe and Central Asia, the comparative account of appointment of judges of superior courts in UK and India and law making in India vis-a-vis UK have found place in the Journal.

It is a dominant assumption that India have most vibrant grassroots democratic governance in the world. Hence, assessing the functioning of the PRIs becomes significant. Four papers, examining the need of interface between PRIs and MPs/MLAs for LAD policy, degree of participation of Panchayat representatives in rural development, effectiveness of social audit of PR funds and the relevance of structure and functions of local government of ancient India, have been included in the Issue.

As the policy of the Journal is to place greater premium on the aspects of governance in Bihar, it has covered the papers on assessment of reforms in transport sector for economic growth of the state, district wise analysis of malnutrition among the children of Bihar, ICT integrated education policy 'Unnayan Bihar' and participation of panchayat representatives in development process in Bihar.

The IIPA Bihar Regional Branch and the Editorial team express thankfulness to external support from expert reviewers and the contributors. At last, though utmost care has been taken to maintain the quality, yet we shall feel obliged to have suggestions from readership for improvement in the Journal.

— **RKV, Editor**

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# E-GOVERNANCE REFORMS IN ROAD TRANSPORT SECTOR AND ECONOMIC GROWTH IN BIHAR

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**Sanjay Kumar Agrawal\***

## Abstract

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Bihar has recorded the highest growth during the last three years among major states of India. When majority of states registered negative growth in the pandemic year (2020-21), Bihar registered positive and highest growth. This growth is even highest among major Indian states during the pandemic year (2020-21), however, majority of states registered negative growth during the pandemic year. The paper quantifies the growth drivers of the economy and found that the road transport sector has been growing over 10 percent during the last decade. The growth recorded under road transport is the highest among other major Indian states. This background poses the question in mind that what is the reason behind this growth process and which sectors playing major role in the engine of growth? The paper further attempts to diagnose the origin of growth in transport sector and corresponding reforms undertaken in this sector.

**Keywords:** e-Governance, Policy Reforms, Road Transport, Economic Growth, Bihar

**Journal of Economic Literature:** E62, H2, O3, R4

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## INTRODUCTION

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The Ministry of Statistics and Programme Implementation has released data on Gross State Domestic Product (GSDP) at current and constant prices during March 2022. This data revealed that Bihar has recorded the highest growth among major

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Indian states during last three consecutive years (2018-19 to 2020-21). During 2018-19, Bihar had recorded 10.86 percent growth followed by 7.41 percent during 2019-20 (second highest among major Indian states). Finally, the state has recorded a positive growth rate of 2.5 percent during the pandemic year, when all other Indian states recorded negative growth to the extent of, for example, (-) 7.57 percent in Maharashtra. The national level Gross Domestic Product (GDP) also declined by nearly 7.0 percent during 2020-21 from a positive 4.0 percent growth during 2019-20. This background poses question as to what may the reasons behind this growth process and which sectors are contributing more to this growth engine?

The growth is backed by many sectors; however, transport sector is the foremost reason behind this since it recorded 14.0 percent compounded annual growth rate (CAGR), which is contributing 12.0 percent in the whole economy. The overall growth recorded in the state is 10.5 percent at current prices during 2011-12 to 2020-21. It emerges from the background that transport sector contributed high growth, which needs to be translated and quantify the reason behind its growth. Another evidence from the Transport Department, which shows a high growth in revenue collection under motor vehicle tax may be a kind of reason that promoted growth in the sector. The state government has taken many reforms through digital platform of E-governance programmes during the last decade. In this regard, the paper focuses on reforms undertaken under the transport sector with special focus on digital reforms.

## **Methodology**

This paper is based on secondary data, accessed from different documents pertaining to National Statistical Organisation, Government of India, Registrar General of India, Reserve Bank of India, State Government Budget Documents, Comptroller and Auditor General's Reports, Annual Reports of Transport Department, etc. The paper analyses the sectoral growth rate of GSDP for the period 2011-12 to 2020-21. Further, the sectoral composition of GSDP is also taken for the same period. For assessment of the reasons of growth in transport sector, the analysis has been focused on growth in revenue of motor vehicle tax. In addition to this, paper also attempts to diagnose the origin of growth in transport sector and corresponding reforms undertaken.

## **ECONOMIC GROWTH SCENARIO OF BIHAR**

Bihar accounts for more than 8 percent of India's population and around 3 percent of its economy. The state is 14<sup>th</sup> largest economy in India. During the period 1980-81 to 2004-05, Bihar witnessed low economic growth due to several factors. Many of the studies, inter-alia revealed infrastructural deficit, poor law and order, fiscal imbalances, etc. as the most important reasons for low economic growth. This situation made the state more deprived and backward on almost every socio-

economic parameter. The long-term growth for the last four decades may be seen in Table 1. Apart from annual growth rate, the table also presents the structural changes in the state's economy to comprehend the growth factors as also the moving direction of the Bihar's economy.

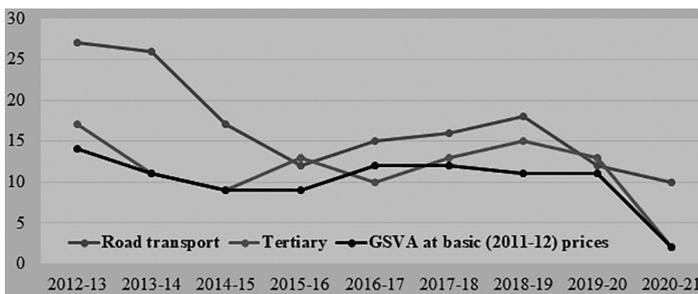
**Table 1: Compounded Annual Growth Rate and Sectoral Composition of Bihar's Economy (in percent)**

Sector	Compounded Annual Growth Rate					Percentage Composition				
	1980-91	1991-2001	2000-05	2005-15	2016-21	1980-91	1991-2001	2000-05	2005-15	2016-21
1. Agriculture/Animal Husbandry	2.7	2.2	-1.1	5.8	3.5	37.6	31.8	31.3	21.6	18.4
2. Forestry/Logging	5.5	-26.8	3.8	-1.9	4.7	1.9	3.0	1.7	2.2	1.5
3. Fishing	7.7	2.5	8.4	6.4	6.5	1.0	1.2	1.7	1.2	1.6
4. Mining/Quarrying	5.9	-27.9	-30.1	5.3	-0.2	4.8	1.3	0.2	0.1	0.9
<b>Sub Total (Primary)</b>	<b>3.3</b>	<b>1.1</b>	<b>-0.6</b>	<b>5.2</b>	<b>3.5</b>	<b>45.4</b>	<b>37.7</b>	<b>34.9</b>	<b>25.1</b>	<b>19.3</b>
5. Manufacturing	5.8	-7.1	1.2	7.0	5.0	18.2	9.7	5.6	5.1	8.0
5.1 Registered	6.8	-13.3	-0.7	19.3	-	11.4	4.1	1.2	1.5	-
5.2 Un-registered	4.2	-1.2	1.8	3.4	-	6.8	5.6	4.3	3.6	-
6. Construction	6.8	-0.8	14.6	16.6	5.0	5.7	4.1	4.2	10.8	9.0
7. Electricity/Water Supply/Gas	7.3	6.4	-2.9	8.0	19.2	1.5	1.9	1.1	1.4	2.2
<b>Sub Total (Secondary)</b>	<b>6.1</b>	<b>-3.9</b>	<b>5.7</b>	<b>13.1</b>	<b>6.1</b>	<b>25.4</b>	<b>15.7</b>	<b>10.9</b>	<b>17.3</b>	<b>19.2</b>
8. Transport/Communication	4.2	9.2	1.7	15.0	8.3	3.4	5.8	7.0	7.6	10.2
8.1 Railways	4.2	5.4	-5.8	3.9	6.6	1.8	2.5	2.7	1.8	1.2
8.2 Other Transport / storage	3.9	10.8	2.5	11.9	13.0	1.3	2.6	2.6	2.8	-
8.3 Communication	5.0	18.7	13.8	25.4	2.6	0.3	0.8	1.6	3.1	2.6
9. Trade/Hotel/Restaurant	5.8	9.1	11.8	13.4	4.7	8.2	13.6	18.3	22.1	17.6
<b>Sub Total (8&amp;9)</b>	<b>5.3</b>	<b>9.1</b>	<b>8.9</b>	<b>13.8</b>	<b>-</b>	<b>11.6</b>	<b>19.5</b>	<b>25.2</b>	<b>29.7</b>	<b>-</b>
10. Banking/Insurance	12.5	6.7	3.0	17.7	15.8	2.0	3.0	3.9	4.9	5.3
11. REODB	2.1	1.4	4.5	9.7	3.1	6.4	5.4	4.0	5.4	9.1
<b>Sub Total (10&amp;11)</b>	<b>4.4</b>	<b>3.2</b>	<b>3.7</b>	<b>13.4</b>	<b>-</b>	<b>8.4</b>	<b>8.4</b>	<b>7.9</b>	<b>10.2</b>	<b>-</b>
12. Public Administration	8.0	5.4	1.9	8.3	9.0	3.8	6.7	7.1	5.9	4.8
13. Other Services	6.2	11.0	1.4	8.7	14.6	5.5	12.1	14.1	11.8	14.6
<b>Sub Total (Tertiary)</b>	<b>5.6</b>	<b>7.6</b>	<b>5.2</b>	<b>12.1</b>	<b>8.4</b>	<b>29.3</b>	<b>46.6</b>	<b>54.3</b>	<b>57.6</b>	<b>61.5</b>
<b>GSDP/ GSVA</b>	<b>4.7</b>	<b>2.8</b>	<b>3.1</b>	<b>10.6</b>	<b>6.9</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Source: National Statistical Organisation, Ministry of Statistics and Programme Implementation, Government of India

The growth registered in primary sector is mixed and ranging between the highest of 5.2 percent during 2005-15 to the lowest of (-) 0.6 percent during 2000-05. However, this sector recorded a modest growth rate of 3.5 percent during 2016-21. The secondary sector on the other hand, accounted for the highest growth rate of 15.0 percent during the period 2005-15, to the lowest growth rate of (-) 3.9 percent during 1991-2000. This adversely affected the overall growth rate of secondary sector post economic reform. Although, the secondary sector recorded a moderate growth of 6.1 percent during last five years (2016-21). The tertiary sector also followed a similar trend of growth, through it never recorded negative growth, even during pandemic year. The highest growth of 12.1 percent was recorded during the period 2005-15, while it registered the lowest increase of only 2.8 percent during 1991-2001. During the last five years (2016-21), the service sector grew by 6.9 percent annually and contributed substantially to the overall economic growth in the state. The main growth drivers of Bihar's economy are construction, energy, real estate, transportation, financial services and public administration. These sectors are the most important factors for the recent growth of Bihar's economy and contributed around 40.0 percent in the whole economy.

The Ministry of Statistics, Planning and Implementation, Government of India, has restructured the national accounts and provided gross value added/ gross state value added in a new structure. This structure includes the segregated transportation data for – railways, roadways, airways and waterways, apart from the services incidental to the transport. Further, this classified data is useful for analysing transport sector and its overall role in economic growth. Chart 1 provides the performance and trends of transport sectors and its contribution in the state's economy vis-a-vis overall economic growth.



**Chart 1: Annual Growth of Transport Sectors in Bihar (2011-2021)**

The services sector which is leading the economic growth of state gets push by transport sector which register higher growth than the service sector. It goes to prove that the transport sector is the main growth driver of service sector, therefore, the growth driver of the total GSV A that contributes around six percent of the economic activities. Apart from this, the road transport also contributes through

construction of roads and bridges and by creating physical infrastructure providing majority employment in the state during the last one and a half decade. The overall construction contributed around nine percent in the economy. Together, the construction and road transport sector contributed around 15 percent of the Bihar's economy and provided pace to the growth during the recent period.

The growth registered under road transport is not only highest among the sectors of Bihar's economy, but it is also highest among the major states of India. Table 2 gives the growth scenario of road transport vis-a-vis overall transport sector, service sector and also the overall economic growth rate among the major Indian states.

**Table 2:** Growth rate of road transport, overall transport sector, tertiary sector and GSVa (in percent)

State	Transport, Storage and Communication		Road Transport		Tertiary		GSVA at basic (2011-12) prices	
	2011 to 2019-20	2020-21	2011 to 2019-20	2020-21	2011 to 2019-20	2020-21	2011 to 2019-20	2020-21
Andhra Pradesh	11.2	-27.1	12.3	-46.9	12.3	-0.3	12.8	2.4
Bihar	14.4	10.3	17.0	9.7	12.1	2.4	11.0	2.5
Chhattisgarh	10.2	-0.7	10.5	3.8	10.7	3.3	9.6	2.0
Haryana	8.1	-12.0	8.7	-17.3	13.5	-2.3	11.6	-2.0
Jharkhand	9.6	-15.5	9.4	-15.5	11.9	-6.4	9.3	-1.1
Karnataka	11.0	0.5	11.5	8.6	11.5	8.6	13.2	1.8
Kerala	7.5	-	5.7	-	5.7	-	10.4	-
Madhya Pradesh	11.2	-9.4	11.1	-9.7	11.1	-9.7	11.1	-9.7
Maharashtra	8.9	-	8.5	-	8.5	-	9.9	-
Odisha	10.0	-2.7	8.7	-5.8	10.2	2.3	9.9	-3.0
Punjab	8.6	-16.9	8.8	-20.8	9.2	-4.6	8.5	-1.2
Rajasthan	10.4	-12.4	9.8	-17.9	13.2	-7.6	10.7	-4.1
Tamil Nadu	6.9	2.8	5.6	5.6	11.9	6.4	11.2	5.7
Uttar Pradesh	13.5	-17.7	15.0	-26.1	11.9	-1.9	10.9	-0.3
West Bengal	9.1	0.3	8.9	-8.5	11.7	11.4	10.4	8.3

**Source:** National Statistical Organisation, Ministry of Statistics and Programme Implementation, Government of India

It is heartening to note that the road transport in the state led the growth during the period 2011-20 and also during the pandemic year 2020-21, and remained higher compared to the overall transport sector, tertiary sector as also to overall economic growth. The road transport sector also recorded highest growth among major states of India during the last decade(2011-20). It registered the highest 17.0 percent growth rate of Bihar during 2011-20, with second highest growth rate registered by Uttar Pradesh (15.0 percent). During the pandemic year (2020-21), Bihar recorded not only positive growth rate, but a very high growth of 9.7 percent compared to (-) 46 percent fall recorded in Andhra Pradesh during the pandemic period. Most of the states recorded negative growth rates in road transport sector; whereas, only three states registered positive growth besides Bihar during the year 2020-21.

### **CREATION OF PHYSICAL INFRASTRUCTURE THROUGH ROAD NETWORK**

A well-developed infrastructure is a pre-requisite of development of any economy and Bihar is not an exception. The state government laid emphasis on creation of world class infrastructure in the state, which enabled the network of better roads and bridges in the state. The state government has realised the dream of reaching the state capital from any corner within five hours. The state government spent major portion of its budget and created a well-developed road infrastructure for development of the overall economy and therefore its contribution to the economy has improved. The state government has increased its road network in terms of quantity as well as the quality. The national highways, state highways and major district roads have strengthened and widened in majority of cases. Apart from these roads, a number of rural roads are also being constructed including all-weather roads connecting each and every village. It enables people to reach the last mile connectivity and helps to improve communication through wider road network.

It is interesting to see the growth of road network in the state. As Bihar is the state of rivers and number of rivers criss-cross the state and pose challenges to travel from one part to another in the state. In this context, the state government has established a public sector undertaking 'Bihar Rajya PulNirman Nigam Limited' for creation of network of bridges in the state to provide smooth flow of traffic and transportation. Table 3 portrays the growth of road network under the heads of – National Highways (NH), State Highways (SH), Major District Roads (MDR) and Rural Roads (RR). These roads accounted for almost 99 percent of the road network in the state except roads of Local Bodies (Panchayati raj and urban local body), forest department, water resource department, etc.

The state government has improved the quality of road infrastructure across all the networks including construction of all weather roads. A total of 2323 kms NH

has been constructed or upgraded from the SH during the period 2005-2021. The main achievement of the NH is improvement in its quality and width. Around 45 percent of NH was single or intermediate width till 2005 and now it is only less than 17 percent, including 10 percent of intermediate width. These 17 percent single or intermediate width NH have also been taken up for widening the stretches. Regarding SH, 1537 kms road length has been newly constructed or upgraded from the MDR. The SH has also been improved in quality and width. Almost all SHs (98 percent) are single or of intermediate width road till 2005. Thereafter, the state government has taken the widening of SH in a mission mode and around 80 percent SHs are now converted into double or multiple lanes. A total of 6381 kms MDR have been added in the state with world class quality. It is important to note here that almost all MDR were single lane road till 2005. The state government has taken up initially to widening it into intermediate width and almost 50 percent of MDR is now with intermediate width road network.

**Table 3: Progress of Widening of Road Network in Bihar**

Category of Road	National Highways		State Highways		Major District Roads	
	Length (in kms)	Percentage share	Length (in kms)	Percentage share	Length (in kms)	Percentage share
<b>2021</b>						
Single Lane (3.75m width)	439.58	7.4	428.27	11.5	5979.91	39.2
Intermediate Lane (5.50m width)	566.39	9.5	383.61	10.3	6852.79	44.9
Double Lane (7.0m width)	1929.05	32.4	2540.58	68.4	2153.9	14.1
More than 7.00m width	1403.58	23.6	319.16	8.6	239.6	1.6
4 Lane/ 6 Lane & 8 Lane	989.62	16.6	42.35	1.1	46.4	0.3
Missing Link	619.62	10.4	—	—	—	—
Total	5947.84	100	3713.97	100	15272.6	100
<b>2005</b>						
Single Lane (3.75m width)	728	20.1	976	44.8	8134	91.5
Intermediate Lane (5.50m width)	888	24.5	1149	52.8	556	6.3
Double Lane (7.0m width)	1208	33.3	52	2.4	109	1.2

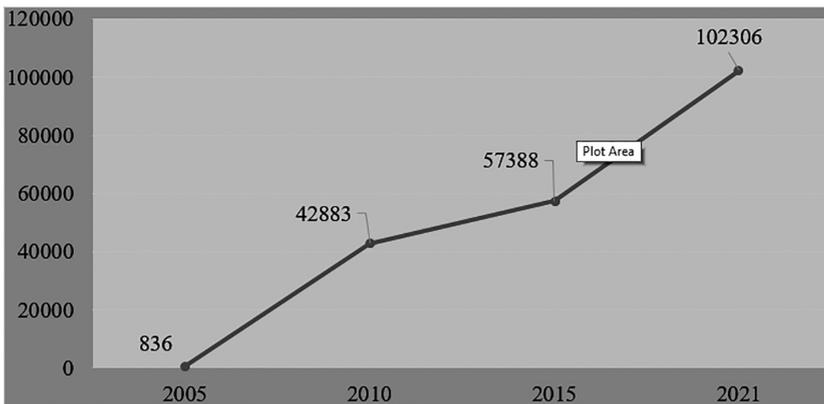
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Multiple Lane (More than 7.00m width)	769	21.2	0	0.0	92	1.0
4 Lane/ 6 Lane & 8 Lane	-	-	-	-	-	-
Missing Link	31	0.8	0	0.0	0	0.0
Total	3624.38	100.0	2177.4	100.0	8891.27	100.0

**Source:** Road Construction Department, Government of Bihar

## RURAL CONNECTIVITY

Bihar is a rural state where almost 90 percent of the people reside in the rural areas. It requires rural infrastructure to avail modern amenities at the door step of rural habitats. The reach of the road network to every village and tolas is very essential to transit passengers as well as goods. To achieve this goal, the central and the state governments have taken strides to eliminate the backwardness through massive investment in rural roads under number of rural road infrastructure programmes, viz. Pradhan Mantri Gram Sadak Yojana, Mukhya Mantri Gram Sampark Yojana, GharTakPakkiGaliNaliyan, etc. Chart 2 gives the trend of rural road network during 2005 to 2021 in Bihar. Till 2005, the state was suffering from lack of its rural road connectivity and accounted only 836 kms rural roads paved and that too were in very bad condition. During 2005 to 2010, the rural roads were constructed substantially to the extent of 42047 kms. Further, a total of 59,423 kms rural roads have been constructed in the state during the last decade (2010-21). This expansion of road infrastructure enabled rural economy and provided opportunity for better livelihood. In addition to these, strong rural connectivity provides great opportunity to reach the transportation to the doorstep in the remotest rural habitats.



**Chart 2: Paved Rural Road Network in Bihar (2005-2020) (in kms)**

## REVENUE AUGMENTATION OF TRANSPORT SECTOR IN BIHAR

During the last decade, growth in revenue collection from motor vehicle tax grew a decent rate. The state government has implemented an Online Government Revenue and Accounting System (OGRAS) to achieve transparency in revenue collection. It is an e-Governance initiative of Government of Bihar under Mission Mode Project. Transport Department is one of the Major Departments using OGRAS. It facilitates collection of tax as well as non-tax revenue in both manual as well as online mode. All the District Transport Offices and Regional Transport Authorities under Transport Department are using the OGRAS since February, 2018 and now cent percent transactions are made through OGRAS portal. In addition to this, real time revenue tracking is now possible through the system and revenue collected through OGRAS includes – Permit, Registration Tax, Driving Licenses, etc. Besides e-governance initiatives, the state government has massively expanded road network in the state, especially the rural road network. The expansion of road network in the state helps boost revenue collection under Motor Vehicle Act. The people of the state are now able to avail motor vehicles including motorcycles, and easily reach their homes owing to better connectivity through road network. Chart 3 below shows the growth of revenue collection by the Transport Department during the last decade. During the period of 2010-11 to 2016-17, the annual collection increased by only Rs. 800 crore to reach Rs. 1249 crore (2016-17) from Rs. 444 crore (2010-11). However, during the last three years (2016-17 to 2019-20), the revenue collection of the Transport Department increased by nearly Rs. 1500 crore to reach the highest level of Rs. 2713 crore in 2019-20 from Rs. 1249 crore in 2016-17. It is clear that the growth registered in road transport sector is unprecedented. This trend is also manifested through the growth of transport sector under GSDP.

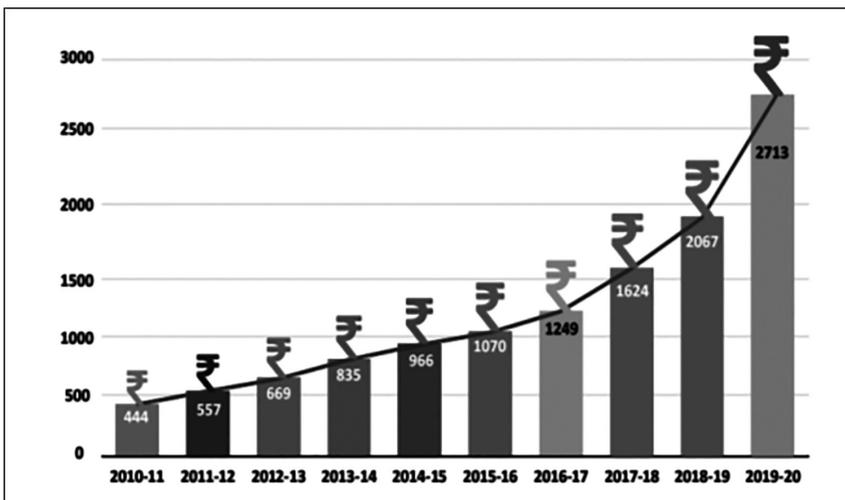


Chart 3: Growth of revenue collection by Transport Department (in Rs. crore)

## E-GOVERNANCE REFORMS IN TRANSPORT SECTOR OF BIHAR

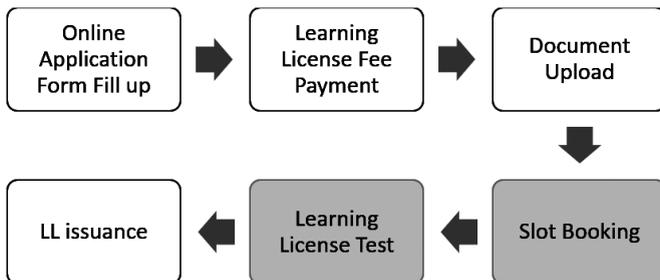
The Transport Department has initiated digital governance since 2018 onwards. The e-governance innovations helped department in many ways to improve its functioning eliminating human resource deficits to some extent, as various functions of the department are executed through online mode. This e-governance programme helped to reduce corruption to its minimum level. Apart from this, the functioning of the department is now more transparent, more accountable, more reliable and on real-time basis. The trust in public service is more pronounced compared to manual system. The digital platform is easier, convenience, time saving and user friendly available 24X7 from anywhere anytime. Table 4 gives a glimpse of benefits of digital innovation programmes under taken by the Transport Department.

**Table 4: Benefits of e-governance programme of Transport Department**

<i>Key Services</i>	<i>Process Time Pre-Implementation</i>	<i>Process Time Post-Implementation</i>
Issuance of Driving License	30-60 Days	5-10 Days
Registration of vehicles	30-90 Days	3-7 Days
Issue of permits	1 month-1 year	3 Days-30 Days
Collection of tax	1-3 Days	30 min
Challan for Traffic Violations	7 days	15 min
Delivery of RC/DL	7 days-3 Month	1-7 Days

**Source:** Transport Department, Government of Bihar

**Online Driving License:** Online Learning Test facility has been started for issuance of learning licenses across all the districts of Bihar. This ensures transparency and efficiency in citizen centric service delivery for issuance of learning license. Chart 4 presents the process of getting learning license, which is now easy and more convenience.



**Chart 4: Process of getting online learner's license in Bihar**

The E-governance initiatives taken up by the Transport Department to eliminate the mediocre from the system and also improve the functioning of the process. Chart 5 gives the trend of growth in DL during the last decade in the state. As a result, the Department has achieved unprecedented hike in issuance of DL during 2019-20, which reached 8.72 lakh compared to only 3.8 lakh a year ago. Now, the Sarathi-4.0 is operated in the state to execute online DL processing.

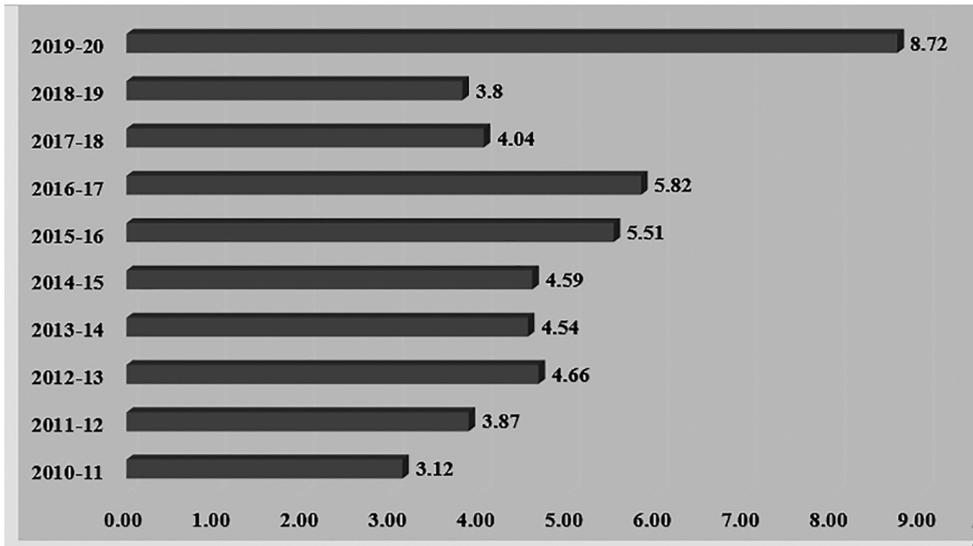


Chart 5: Growth of Driving License in Bihar (in lakh)

**Online Vehicle Registration:** All DTO offices are connected to VAHAN 4.0 and all the dealers are registered on Vahan 4.0. It provides a window for dealers to deposit fees and taxes online and issue Registration Certificate (RC) within 3 working days. Through this facility, pendency can also be tracked and customers are informed via SMS and email. It provides transparent transactions on real-time revenue recognition.

Chart 6 clearly displayed the growth of RC, which grew substantially from 7.6 lakh in 2016-17 to the highest peak of 13.6 lakh in 2019-20. It is important to note here that during the period of seven years (2010-11 to 2016-17), the registration of vehicles grew by around 38 lakh, however, during the last three years (2017-18 to 2019-20), a total of 35 lakh vehicles were registered stands a record. This is a result of e-governance reforms undertaken by the Transport department which enables dealers to directly register the new vehicles in their offices for easy and hassle-free transaction of vehicle registration fee on real-time basis.

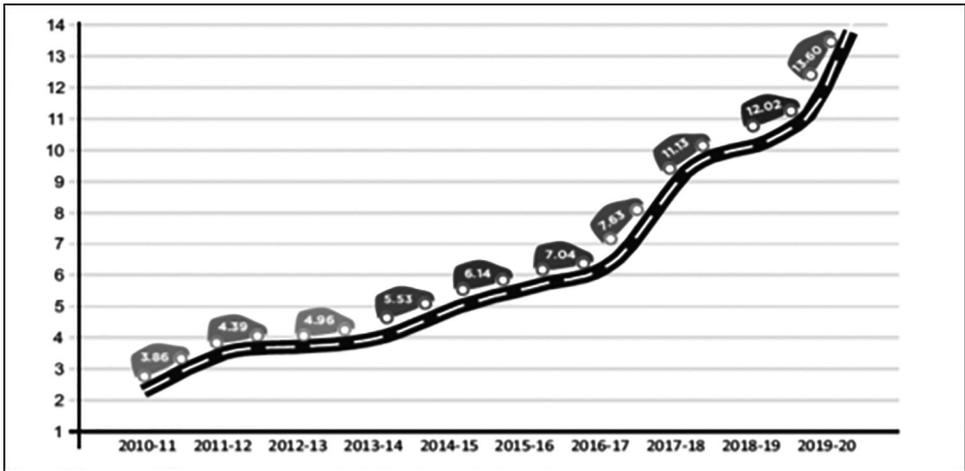


Chart 6: Trends of Vehicle Registration in Bihar (in lakh)

**Online Fancy, Choice Number and High Security Registration Plate:** The state government is committed to eliminate the corruption and leakages from the public services, therefore, the process for fancy or choice number is given through online e-auction. This process provides transparent as well as high price auction, which enhances the revenue of the Department. The HSRP is made of a rare Aluminum alloy and contain a retro-reflective hologram, hot-stamped lettering, a 10-digit unique serial number, and it will be fitted with a snap lock, which is expected to make the plate tamper-proof.

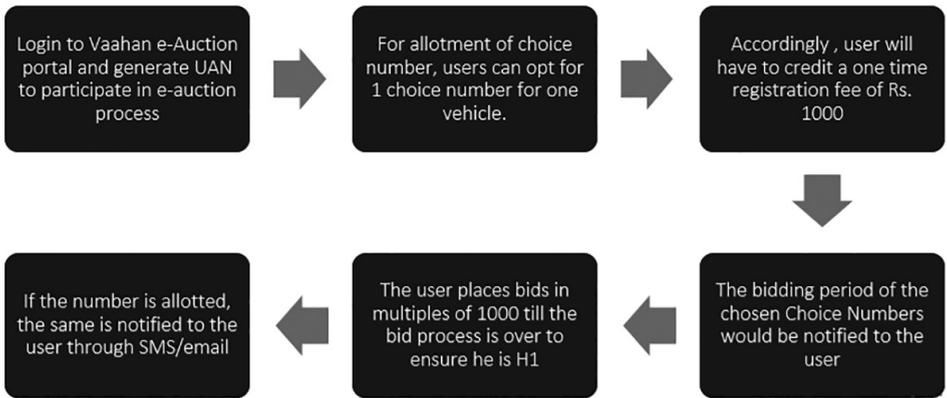


Chart 7: Process of e-auction in Bihar

**E-Checkpost, Online Permit and Online Tax Payment:** In order to facilitate seamless interstate vehicle movement, online interstate tax module was adopted at the check posts. The interstate tax module was adopted to ensure transparency,

reduced waiting time at check posts and to make sure no vehicle enters the state by evading taxes. Manual Challans have been completely abolished at check posts. E-challans and interstate tax module are made mandatory at all the check posts. This digital innovation provides several user-friendly facilities like – E-challan Facility, Online Tax Payment, Electronic Challan Facility, Revenue Reconciliation, and QR Code Authenticity.

**E-challan through Hand Held Device and through CCTV Camara:** E-Challan facility through CCTV camera has been started in Patna from July 2018. Currently, the CCTV cameras have been installed at majority of locations in Patna. In this surveillance, the offender also receives a message with violation details with a payment link to make payment for offence. A dedicated command and control center for monitoring the challan activities has been set up at Traffic Police headquarters in Patna. The plan is to launch similar challan facilities in the major districts of Bihar. E-challan facility has been started in Patna on pilot basis from 1<sup>st</sup> April, 2019 all the Traffic Police personnel in Patna are using Handheld Device for e-challan purpose. The e-challan facility is also started across all the check posts in Bihar. The benefits of e-challan include – (i) improved efficiency of enforcement officials, (ii) transparency, (iii) facilitating citizens online payment facility, (iv) streamlining road safety and traffic sense, (v) issuing challans for traffic violations on a 24x7 basis and (vi) creation of repetitive offender list.

**M-Parivahan and Digi-Locker:** M-Parivahan is mobile based application for citizens and transport operators providing access to all transport related service. M-Parivahan is citizen centric transport solution. M-Parivahan has also enabled Web platform. It provides online tax payment facility for commercial vehicles, virtual RC and DL, transport related notification to the citizen, RTO and traffic office locations, challan and towing services. The web-based application provides citizen offence report system, reports, analytics, etc. Bihar is the third state with legalized digital DL. The features of DigiLocker include - access to every individual holding Aadhaar card, people can keep copies of their fitness certificates, DL and RC on their mobile phones, vehicle tax receipt, etc.

**RC and DL delivery at doorstep:** The user faces many challenges in getting driving license as well as registration certificates and fraudulent practices during the issuance of DL and RC. In order to eliminate these glitches and deliver to the authentic recipient, DL and RC have been delivered through registered post to the authentic recipient via Postal Department. It improves quality of service, law compliance, address confirmation of the applicant, reduced turn-around time at DTO Offices, delivery status tracking related to RC and DL, alert SMS services, availability of MIS for decision-making, quick and easy availability of delivery information and easy detection of malpractices.

## **CONCLUSION AND POLICY SUGGESTION**

The Transport Department has received five awards for different innovations undertaken in the transport sector during the last three years (2018-20). These awards are - two national awards received from Ministry of Housing and Urban Affairs (MoHUA) for (i) 'Best City Bus Service', under Urban Mobility India-2018 and (ii) 'Innovation in Urban Transport during COVID-19' under Urban Mobility India-2020. Three more awards have been earned as SKOCH Order of Merit for – (i) 'Effective Service Delivery through IT initiatives in 2018, (ii) 'Road Safety Initiatives in Bihar' in 2019 and (iii) 'Mukhya Mantri Gram Parivahan Yojana (MMGPY) Scheme' in 2019.

The transport sector in the state has grown over 10 percent during the last decade. The revenue collection under motor vehicle tax has also recorded a high growth of more than 20 percent annually during 2010-11 to 2019-20. It is praiseworthy to note here that this growth is more pronounced (26.4 percent) during the last five year (2015-20). The remarkable achievement in revenue growth is a result of all-round development of the transport sector, especially on account of e-governance innovation. The Vahan – 4.0 and Sarathi – 4.0 helped a lot to augment the revenue collection, while e-challan and e-auction provide hike in almost from fine and help to enforce traffic law more effectively. These initiatives provide a mileage to increase in driving license as well as registration certificate.

The above reforms resulted in the overall growth in the state's economy. The road transport has recorded 17.0 percent growth during 2010-11 to 2019-20. Further, it is important to note that the road transport sector also grew by 9.7 percent during the pandemic year (2020-21). The road transport sector is one of the main growth drivers for overall development of the state.

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# LOCAL AREA DEVELOPMENT SCHEME AND PANCHAYATS IN INDIA: (Need for Interface Between the Elected Panchayat Representatives and MPs/MLAs)

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**D. Ravinder\***

## Abstract

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The Members of the Parliament and the Members of the Legislative Assembly have not only powers to determine the direction and efficacy of government policy, but also they are empowered to utilise the amount of public money made available under developmental scheme (s) in their constituencies based on locally felt needs. However, the analysis of the local area development fund scheme, during the past three decades, reveals several deficiencies in executing the scheme, despite central and state governments' efforts to revise guidelines from time to time to plug the loopholes. The executive agencies or the representatives have flouted the guidelines many times, and thus, the scheme could not contribute in creating durable community assets in the hinterland; on the other hand, the elected representatives used it to gain political mileage in the elections. implementation of the scheme can only be effective if it largely depends on the participation of Panchayat representatives and field-level functionaries in identification, prioritising, and execution of the works. In this regard, meaningful interaction between Panchayat representatives and Members of Parliament and State Legislatures can contribute greatly to a country's democratic culture, particularly in planning and implementation of local area development schemes.

**Key Words:** LAD, Local Needs; Elected Representatives; Development; Panchayat, MP/MLAs

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## INTRODUCTION

India is one of the largest democratic countries in the world having cross-cultural ecology symbolizing a mix of both developed and developing countries. It consists of

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varied geographical areas, multiple institutions, and several social groups with legal provisions and constitutional rights to participation. The governments - Central, States and local governments - derive their power from the Constitution and each of the tiers has specific administrative structures and duties to discharge. However, they are dependent on each other in executing the policies and programmes. The interface of these institutions is crucial in identifying the problems and resources to solve them and mobilizing the people in the implementation of the schemes also.

Meaningful interaction between elected Panchayat representatives (EPRs) and the Members of Parliament and State Legislatures contributes (MPs and MLAs) greatly to a country's democratic culture. Further, the effective implementation of socio-economic development programmes largely depends on cordial relations between the governments, particularly its elected representatives. In this context, the present paper seeks to examine the implementation of Members of Parliament Local Area Development Scheme (MPLADS) and Members of Legislative Assembly Local Area Development Scheme (MLALADS) as well as the need for interface between the elected representatives of local bodies and central and states for creating durable community assets and providing basic services to the people. The paper is divided in four sections, the first and second sections deal with the main features of the MPLAD/MLALAD scheme and framework of the study, respectively. This exercise is done to put the subject in the context. The implementation of the local area development scheme is presented in section three. The last section the epilogue.

## **LOCAL AREA DEVELOPMENT SCHEME**

India's constituency development funds trace their origins to the 1970s, when each elected member of the Bombay Municipal Corporation was allotted ` 50,000 annually as a discretionary fund to spend on municipal works within his or her ward, the corporation then starts executing the works thus designated. During the 1980s, Maharashtra state picked up the programme from its capital in Bombay, allotting Rs 1 million to each member of the legislative assembly (MLA). Other states began to follow suit, and in the early 1990s, Lok Sabha created its own programme, with a Rs. 5 million fund for each MP. Subsequent increases had raised the annual entitlement to Rs. 20 million or Rs. 2 crore by the time MPs took their seats in 2009 in the 15<sup>th</sup> Lok Sabha, a sum that was enlarged to Rs. 5 crore in 2011 (Harry Blair: 2017).

The UPA government announced in 1993 that Local Area Development Scheme/ Sansad Nidhi Yojana' will enable Parliament members (Lok Sabha and Rajya Sabha) to recommend works for creation of durable community assets based on locally felt needs to be taken up in their constituencies, namely drinking water, education, public health, sanitation, and roads etc. The Scheme popularly known

as Members of Parliament Local Area Development (MPLAD) is a Centrally Sponsored Scheme and the annual fund entitlement per MP constituency is Rs 5 crore. Initially, it was under the control of the Ministry of Rural Development and later the scheme was transferred to the Ministry of Statistics and Programme Implementation in October 1994.

The government guidelines provide a detailed set of regulations for executing MPLADS/MLALADS. The following are the scheme's critical features: (i) funds must be used to create "durable assets" that is, physical infrastructure for education, health, transportation, sanitation, electrification, and however, the private, religious or commercial structures are prohibited; (ii) an MP is required to provide his/her choice of the nodal district to the Ministry of Statistics and Programme Implementation, Government of India, in a prescribed format. A copy of the same should be given to the respective State government and the District Magistrate of the chosen district; (iii) a specified portion of each MP's fund must benefit Scheduled Caste and Scheduled Tribe populations; (iv) after an MP recommends a project, a government officer (called a "district authority") vets it for feasibility and appoints an implementer, which can be a local government body or a "reputed" non-government organisation (NGO); commercial contractors are prohibited; (v) the district authority must inspect at least 10% of all works under implementation every year; (vi) the funds are "non-lapsable," meaning that unused amounts can be carried forward to the following year(s), so that the MP can spend them later on; (vii) under the Right to Information (RTI) Act of 2005, any citizen has the right to obtain information on any aspect of MPLADS and the work under it; (viii) a stone or metal plaque identifying the sponsoring MP is to be "permanently erected" for each completed project; (ix) the Government of India releases an annual entitlement of budget in two equal instalments. This amount is given to the District Authority of the Nodal District selected by the concerned MP; (x) District Authority identifies the implementing agency, based on its capability to execute the eligible work qualitatively, timely, and satisfactorily; (xi) the recommended works must be sanctioned within 75 days from the date of receipt of the recommendation after the completion of all the formalities; (xii) scheme can also be converted into individual/stand-alone projects under the Central and State Government schemes provided they meet the eligibility conditions of MPLADS; similarly funds from local bodies can be pooled with MPLADS works (MPLADS, 2014); MOSPI (2016).

The Government of India, in 2016, issued guidelines permitting the authorities concerned to use MPLAD funds for execution of the schemes such as Swachh Bharat Mission; Accessible India Campaign; Water Conservation using rainwater harvesting systems; Sansad Adarsh Gram Yojana. It also mentioned that funds could be converged with MNREGS and Khelo India Schemes for the formation of durable assets. However, the scheme was suspended for two years (2020-2022) in the wake of the COVID-19 crisis.

## **Members of Legislative Assembly Local Area Development Scheme (MLALADS)**

Following MPLADS, several State governments have launched local area development schemes in their respective states since 1994-95 with an allocated fund of 1 crore for an MLA every year. The governments subsequently enhanced the allocation, and, in most states, it is Rs. 3 crores every year. However, certain State Governments such as Andhra Pradesh implemented the same scheme under a different nomenclature known as Assembly Constituency Development Programme (ACDP) and later changed it to Constituency Development Programme (CDP). The works under this scheme should primarily be assets creation works and purchase of inventory and equipment strictly of public utility as certified by the concerned MLA.

The State governments formulate their guidelines for planning and execution of the works under the MLALAD scheme; the guidelines by and large are similar to that of MPLAD. However, some of the specific guidelines of MLALAD scheme are: the site/s selected for execution of works by the MLA should not be changed except with concurrence of the MLA himself; the technical and administrative sanctions of the works under this scheme should be accorded by following departmental procedures in the State; the Deputy Commissioner/ District Collector needs get the written concurrence of the MLA in selecting work and granting administrative sanction for the same and also expected to inspect the work sites; the Planning Department is expected to make spot verification of works taken up under this scheme. However, the works belonging to organisations, trusts, registered societies, private schools or co-operative institution engaged in commercial activities and for-profit making activities; grants (except for health & educational programmes) and loans; and acquisition of land or any compensation for land acquired; assets for individual benefit, except those which are part of approved schemes; and places for religious worship are not permitted under this scheme.

The effective implementation of the scheme largely depends on the active participation of EPRs and field-level functionaries in identification of the works, prioritising the works, and execution of the work. In this context, the involvement of Panchayat Raj Institutions (PRIs) in planning and execution of works to be undertaken under local area development programmes, would be of great use as the Panchayats' political executives maintain close rapport with the people and mobilise them in planning and execution of the works at the village level. However, this requires strengthening of PRIs and interface between EPRs and the Members of Parliament and State Legislatures.

## **CONTEXT OF THE STUDY**

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The strengthening of PRIs and interaction between EPRs and MPs/MLAs has to be analysed in the context of:

- i. PRIs and changing context of India's development models.
- ii. Changing context of India's federal character and interface between the governments.
- iii. Nature of political parties and interface between elected representatives of governments – at local, state and central levels,
- iv. Viability of MPLADs & MLALADs for economic development of the given Panchayats.
- v. The need for constitutional arrangement/mechanism.

### **Changing Context of India's Development Models and the Status of PRIs:**

India's development models broadly can be categorised into two phases: one, mixed economy model (1950-1990) and, two, market economy model (from 1991 onwards). Against this backdrop, we need to understand the status of PRIs. During the mixed economy model (1950-1990), the State governments nurtured the PRIs and it allowed them 'to make mistakes and to learn by making mistakes' with respect to plan and implementation of programmes. These institutions, despite the weaknesses, contributed to transform a traditional society to modern one; change the economically stagnant society to dynamic one; inculcated democratic norms and values among the rural masses who were subjected by authoritarian forces.

During the market economy model (from 1991 onwards)- the second phase- though constitutional status is granted to PRIs, they are progressively made the agents of the government over the years. Many of the subjects/functionaries were withdrawn from the purview of PRIs. At the same time the State Governments have promoted Self-help Groups (SHGs) for implementation of the development programmes which were hitherto entrusted to the PRIs. All these reforms are in tune with India's market economy-oriented development model. Further, this experiment facilitated the 'ruling class's to 'accommodate the upcoming leadership from the marginalized communities' as well as expansion of their social base at the grassroots level (Bala Ramulu, 2021).

### **Changing Context of India's Federal Character and Interface Between the Governments:**

Federalism in the modern age is a principle of reconciliation between divergent tendencies, the widening range of common interests and the need for local autonomy. It is the constitutional obligation of each government to work for the

welfare of the people. However, following the rise of regional parties and fragile coalition governments, the true spirit of federalism has been under question in the recent past. The 'interests of ruling parties' at various levels of governments- Center, States and Local bodies- have become 'center-stage' rather than the conciliatory approach to resolve the problem. The financial allocations/sanctions and release of budget is biased on the party lines- be it between the center and state governments between the state and local governments. Hence, the effectiveness of PRIs in the implementation of socio-economic development programmes largely depends on the cooperation and coordination with each other instead of being involved in conflict.

### **Nature of political parties and Interface Between Elected Representatives**

India is a multiparty system with the national and regional parties and each party has its competing interests and power centers. The cordial relations between the elected representatives are determined by the power and money distribution, rather than on the constitutional/law norms or needs of a particular region/government and social groups.

In the early period of independence, EPRs were the constituents of higher-level leadership especially for electoral prospects. Today, the situation is reversed, and the MPs/MLAs decide the candidature for contesting elections - starting from GP ward to ZP chairperson on the party lines. The PRI's mandatory meeting schedule is also fixed with the prior permission of the local MPs/MLAs. This is because the PRIs eldership is dependent on the local MLA and his/her support for the allocation and execution of the schemes (Bala Ramulu and Ravinder, 2008).

### **DEPENDENCY: NOT THE INTERFACE**

The above factors indicate that the interface among the EPRs and MPs/MLAs is more of a dependency approach- i.e., state governments depend on the Center and local bodies dependent on both state and Central governments. The relationship/interaction among the representatives of legislative bodies is centralized or top-down; the latter support (MPs/MLAs) to the former (local bodies) is determined on the basis of power relations and electoral politics.

Despite these limitations, we need to discuss the viability of MPLADs & MLALADs for economic development of Panchayats; and the need for constitutional arrangement/legal mechanism to strengthen the interface among the representatives of legislative bodies,

## **VIABILITY OF MPLADS & MLALADS FOR ECONOMIC DEVELOPMENT:**

The purpose of MPLAD/MLALAD is to enable the members of Parliaments (MP) and state legislature to recommend developmental work in their constituencies with an emphasis on creating durable community assets based on locally felt needs. The experience with the implementation of MPLAD is almost three decades (since 1993). The utilization of funds reveals that 94.99% (Rs. 47572.75 crores) was utilized under the scheme, as on 2nd July 2018. Presently Rs. 3,940 crores are disbursed annually for MPLADS scheme. The per capita allocation for each Gram Panchayat (there are about 2.5 GPs) per year works out to be one lakh fifty-seven six hundred (1, 57, and 600). This amount is not adequate to take up any meaningful activities and create durable assets in the ever increasing cost of material and labour in the hinterland. The conservative estimates reveal that the outlay for five years under MPLADS and MLALADS, is around 19,750 crore and 40,000 crores respectively. It is a really substantial amount for creation of durable community assets, particularly locally felt needs to be taken up in their constituencies.

In the backdrop of the above discussions, the following questions need to be addressed: What is the awareness level of the scheme among representatives of local bodies/ common people? How have MP/MLAs utilised the MPLAD/MLALAD fund? How much of an impact has it made in addressing the local development needs? Should such a scheme exist or increase the budget for each MP/MLA?

## **IMPLEMENTATION OF THE LOCAL AREA DEVELOPMENT SCHEME**

The scheme is projected as having the character of decentralized development founded on the principle of participatory development, but there is no indicator available to measure the level of participation. The literature on the implementation of the scheme during the past three decades unfolds that the scheme is constrained to make significant positive impact in the hinterland mostly due to the flouting the guidelines, administrative dys functionalities, inadequate budget allocation and delay in the release of funds, spending the money on the existing scheme/s (repairing works) instead of new works, using the scheme to gain political mileage, and several others.

Two reports by the Comptroller and Auditor General of India (C & AG Report 1993-97 and 1997-2000) have pointed out the underutilisation of funds and inadequate implementation of the MPLADS. Based on a survey of selected authoritative bodies, MPs, and potential beneficiaries of the scheme, covering the period from 1994-95 to 1998-99, Programme Evaluation Organisation (PEO) in 2001 revealed that in more than 25% of the cases, the MPs had not considered local needs while recommending works. It also indicated that local politics seem to have

played a significant role in utilisation of the MPLADS. Similar evidence has been found in the case of the MLALADS in Madhya Pradesh.

PEO (2001) also documented that the MPLADS suffers from financial mismanagement. Most of the work is done through contractors who enjoy the political patronage of the MP, which is not permitted according to the prescribed guidelines; and the quality of the work done under the MPLADs is not up to the mark in many cases. These are important findings to understand some features of the utilisation process of the MPLADs. The Comptroller and Auditor General of India (C&AG) has highlighted the issues and challenges in the implementation of the scheme, (2010). They include violation of rules and regulations, misappropriation of funds, over estimation of the costs, undertaking the works which are not permissible such as office buildings for Govt. or private entities, works for religious institutions, etc. the delay in sanction and execution of works, lapse of allocated budget, etc.

The pattern and determinants of scheme utilisation indicate that there is a political business cycle in spending the funds. MPs accumulate funds by not spending about 47 percent of the allotted amount during the first half of their term, and spend that accumulated amount together with the newly allotted amount during the second half of their term. This implies that MPs utilise the fund to ensure their re-election (Rupayana Pal, Aparajita, Das, 2010).

The types of schemes (drinking water, sanitation, public toilets, roads and pathways, local public facilities) to be taken up under the MPLADS/MLALADS programme are principally those falling within the 11th and 12th Schedules of the Constitution describing the functional domain of the panchayats and urban local bodies. The various panchayat and municipal laws in different states have invariably assigned these tasks to the local bodies. The decision about the choice of schemes to be taken up in this regard, their location, the amount to be spent and the manner of execution are all matters to be decided by and within local bodies. Construction of a toilet cannot and should not be the matter of an MP's benevolence or a district officer's discretion. Indeed, that is the very purpose of giving constitutional recognition to these bodies as "institutions of self-government". They should not be dependent either on the recommendation of an MP/MLA or the choice of a district officer. However, in practice, the local bodies are dependent on MPs/MLAs for allocation of funds for its functional domain activities ( Sivaramakrishnan, 2010).

Harry Blair (2017) has observed that the MPLAD Scheme, in which each MP is allotted an annual discretionary fund to spend in his or her district, offers an incentive to MPs to engage in individual political business cycles, or increased spending just before the elections, to improve their chances of re-election.

## **CONCLUSION**

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The local area development scheme allows the MPs/MLAs to recommend works/projects in a state/district/ for strengthening infrastructure and providing civic necessities to the local people. A careful scrutiny of the guidelines as also the information about the process of implementation of the schemes indicates that the role of the MPs/MLAs is much more than recommendatory in nature; it takes away the decision-making power of the local bodies' district authorities as they have no other way but to accept these projects. This process is contrary to the separation of powers where the legislators become the executors; as well as cooperative federalism.

The types of works mentioned in the guidelines are mostly those falling within the 11th and 12th Schedules of the Constitution describing the functional domain of the panchayats and municipalities. However, the decision about the choice of schemes to be taken up, their location, the amount to be spent and the manner of execution are decided by MPs/MLAs rather than the local bodies. In practice, the latter are dependent on the former for selection of the work/s and allocation of funds for its functional domain activities. This situation is in a way defeating the constitutional spirit granted to the local bodies- institutions of self-government.

The analysis unfolds that the executive agencies or the representatives many a times have flouted the guidelines, thus, the scheme could not be adequately successful in creating durable community assets in the hinterland; on the other hand, the elected representatives used it to gain political mileage. In fact, there were demands from different corners of the country to discard MPLAD and MLALAD schemes.

However, the effective implementation of the local area development scheme, largely depends on the active participation of people and field level functionaries in the identification of the works, prioritising the works, and execution of the work. In this regard, meaningful interaction between Panchayats' elected representatives and Members of Parliament and State Legislatures contributes greatly to a country's democratic culture. In fact, the local area development scheme is perceived as having the character of decentralized development founded on the principle of participatory development.

Further, there is a need for initiating measures to provide constitutional arrangement/ legal mechanism in the form of GO, to take the prior approval of PRIs- Gram Sabha and Gram Panchayat as a mandatory before taking up any work under MPLADS/MLALADS. There is also a need for the establishment of a single administrative arrangement for granting financial allocation, budget release and also technical sanction to the works; preferably it may be placed under overall supervision of PRIs- Zilla Parishad Chief Executive Officer.

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# ASSESSMENT OF CAPACITY BUILDING TRAINING PROGRAMMES IN BRIDGING THE COMPETENCY GAPS

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## Abstract

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Capacity Building is essential prerequisite to professional excellence in domain areas, irrespective of being in public or private department/organisation, thereby, effectively furthering organizational goals. As such greater premium is placed on it and provide opportunities for capacity enhancement through designated training programmes. Government officers at various levels are also imparted such training programmes from time to time. However, the larger question is how to quantify the efficacy of such programmes and evaluate the contribution of the officers in decision making process so as to achieve the objectives of the organization. Government of India has provided a new look to capacity building programmes evident from the chalked out strategies to earmark the capacity domain fields and also from holistic approach to provide the needed skills. The present paper assesses the processes and procedure being followed for identifying and monitoring the capacity building needs and the mechanism followed in Government organizations to evaluate and assess the efficiency and effectiveness of such initiatives.

**Key words:** Capacity Building, Training, Domain Knowledge, Monitoring, Core skills, MDOs

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## INTRODUCTION

Both Capacity Building and Capacity Enhancement are important pre-requisites to achieve professional goals and excellence in organizational performance. Often

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people are confronted with novel situations forcing them to respond suitably. This has become more critical in the present context when organizational dynamics are increasingly globalized. Capacity Building (herein after CB) is associated with the idea of enhancing or developing skills and Competencies at an individual level, i.e. training of employees. Capacity Building is a much broader concept that should be considered from a systemic perspective, which involves different clusters, as individuals, organizations, institution and society. It is imperative for organizations to have well-trained officials to perform assigned tasks in order to achieve desired goals. Capacity Building, for organizations, relates to almost all aspects namely leadership, mission and vision, strategy, administration (including but not limited to HR Management, Financial Management and Legal matters), Programme Development and Implementation, Income generation through various fundraising activities, diversity, partnerships and collaborations and overall Improved governance.

## **CONCEPTUAL CONSIDERATIONS**

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**Capacity Building:** According to Bohlande, Snell and Sherman (2001), C B has become increasingly vital to the success of modern organizations in order to enable it to compete on Competencies. Among different C B tools and techniques, training plays a very important part in strengthening and nurturing these competencies. In addition, emerging technologies require that employees continuously sharpen their skills and abilities and enhance their knowledge, to cope with new processes and systems. To quote *United Nations Development Programmeme (UNDP)*, “In the global context, Capacity refers to the ability of individuals and Institutions to make and implement decisions and perform functions in an effective, efficient and sustainable manner. At the **individual level**, Capacity Building refers to the process of changing attitudes and behavior imparting knowledge and developing skills while maximizing the benefits of participation, knowledge exchange and ownership. At the **Institutional level**, it focuses on the overall organizational performance and functioning capabilities, as well as the ability of an organization to adapt to change. At the **Systemic level**, it emphasizes the overall policy *framework in which* individuals and organizations operate and interact with the external environment.”

C B is the development of an organization’s core skills and capabilities, such as leadership, perception of goals, strategy, management, administration including that of human resource, finances and legal aspects, programme development, implementation, resource generation, and further skills of handling diversity, promoting partnership and collaborations, delivery of services and external relations in order to build the organization’s sustainability and effectiveness. It is the process of assisting individual, organization or group to first identify and then address relevant issues as also to gain insights, knowledge and experience required

to solve problems and implement changes. C B is furthered with the help of technical support activities including mentoring and coaching, training and resource networking. In nutshell, it is the process by which the professionals enhance their abilities to: a) Define and achieve their goals, carry out main functions and solve relevant problems and b) Identify and deal with developmental requirements in a broader canvas and in a sustainable manner

**Training:** According to National Training Policy (2012), the emerging changes like rapid economic growth, devolution of funds, functions and functionaries down to urban and rural local bodies (PRIs and ULBs), enhanced transparency facilitated by Right to Information and ICT, challenges of globalization, climate change and extremism and so on have created a complex and challenging environment in which the civil servants have to function, added with the responsibilities of coping with rising expectations of their performance as well as the aspirations and needs of the people. Competencies which include knowledge, skills and behaviour, are required by an individual for performing the functions related to a position effectively. Some of these competencies pertain to leadership, financial management, human resource management, information technology, project management and communication. The other set of competencies relate to the domain knowledge skills which are relevant for specialized functions. For all these, well designed training of civil servants are required. A number of institutions for their training, both at Centre and state levels, are functional, entailing sizeable budgetary provisions.

The objective of training is to facilitate learning of new skills, enhancing the existing knowledge or bringing attitudinal and behavioral changes among the officials. However as a learning activity, it is specific and distinct from normal education. The broad areas for imparting training are as follows: - Knowledge, Skill and Attitude, Performance, Career development, Human resource development and Organizational development

**Training and Development:** Training can be defined as “acquisition of skills, concepts, or attitudes that results in improved performance in an on-the-job environment”. Development can be defined as “expansion of an individual’s capacity to function effectively in his or her present or future job and work organization”. Training, typically, concentrates on improving an employee’s performance in the given job. On the other hand, development concentrates on preparing him or her for new assignments, roles or duties. While the terms “training” and “development” are distinct, they are used synonymously and interchangeably many a times.

Training can be perceived as the systematic process of changing the behaviour and/or attitude of people in a certain direction to increase goal achievement within the organization (Van Dyk et al, 1992:148). Laird (1978), as quoted in Van Dyk (1992:148), defines training as “an experience, a discipline, or regimen which

causes people to acquire new predetermined behaviour”. Davis and Davis (1998:44) support this conception by indicating that training is the “process through which skills are developed, information is provided, and attitudes are nurtured, in order to help individuals who work in organizations to become more effective and efficient in their work”. This is reiterated by Thomas (1992:10) who maintains that training is the process of equipping people with specific attitudes, skills and knowledge needed to carry out their responsibilities. Training, therefore, refers to the acquisition of specific skills and/or knowledge about the work environment.

## **REVIEW OF LITERATURE**

An array of studies on training of civil servants can be found but there is dearth of literature on training with reference to capacity building, training and development of individual capacity. However, the available literature on the subject reflects the design and implementation of the various training programmes initiated by departments and organizations to enhance the performance of their employees. But these do not cover the design and implementation of the training and development programmes undertaken by Government MDOs. Also, it has not suggested how one should go about analysing the impact of the said programmes on the targeted trainees and how the programmes themselves need to be fine-tuned, if the findings of the analysis require this fine-tuning. It is understandable given that nowhere in the world, Government MDOs (Ministry, Department, Organisations) are as conspicuous as they are in India. It is this gap the present study proposes to bridge.

People have examined various aspects of training and capacity building of civil servants. Training and educational opportunities range from one-time workshops to regularly scheduled webinars to year-long institutional courses (Connolly, 2007). Workshops and trainings are popular capacity building activities. Online workshops and trainings can increase accessibility by allowing people to participate from anywhere and can also be saved and accessed at any time. Best practices in implementing workshops and training include having a clear agenda and set of goals, as well as using exercises, case studies, and other tools to create an interactive format (Connolly, 2007; United Nations Environment Programme (UNEP), 2006). Additionally, training activities like workshops are more effective when they are embedded in long-term Programmes rather than one-off events, as well as when they use other capacity building approaches in parallel (UNEP, 2006). Scholarship on the subject has opinion that CB takes time because people and systems evolve gradually (Robertson, 2005; Connolly, 2007). It is rarely a one-time event, rather it is continuous and iterative to allow for time to absorb, implement and learn from capacity building experiences (GEO, 2013; GEO, 2015a; Jacobs, 2001; Connolly, 2007; Chandler and Scott Kennedy, 2015; Whittle et. al., 2012). Long-term capacity

building has better impact including increased connections and trust, and stronger networks (GEO, 2015a; Connolly, 2007).

Bloom, N. and Van Reenen, J. (2007) opined that good leadership is essential for accomplishing an organization's goals, fostering a positive workplace culture and employee engagement, and avoiding harm to the organization's reputation. Good leadership behaviors that encompass communicating key performance indicators, setting goals, monitoring performance, soliciting ideas from direct reports, and listening to needs and concerns of direct reports, are associated with positive results such as increased productivity, profitability, job satisfaction, motivation, and reduced employee turnover. Goldstein, I.L. (1980) argues that training can be defined as the "acquisition of skills, concepts, or attitudes that result in improved performance in an on-the-job environment". He further advocates that environmental influences, such as training and developmental experiences and work experiences, also are associated with those who undertook a formal leadership role (Goldstein, I.L. 1980). When examining the effectiveness of training and development activities, Noe (2010) suggests to assess: (1) reaction outcomes; (2) affective outcomes; (3) learning or cognitive outcomes; (4) behavior and skill-based outcomes; (5) results; and (6) return on investment.

According to U.S. Office of Personnel Management, *Senior Executive Service Survey 2011*, Many career senior executives (65 percent) attended a short-term training programme and many (63 percent) characterize the training as either very or mostly effective for their continued development." Collins, D.B. and Holton III, E.F. (2004) in their research conducted on leadership development programmes, indicate a very broad range of effectiveness.

## **RESEARCH GAPS & RESEARCH QUESTIONS**

The above review reveals that there are few studies undertaken in the past covering specific organizations to ascertain the effectiveness of training and development in capacity enhancement of the team leaders. There is very scanty literature available on the training and capacity enhancement among government officials more so in the Indian context. The following research gaps have been identified: a) The research studies are inadequate in understanding whether various types of training programmes, meant for government officials, really contribute to capacity enhancement and its impact on achieving the organizational goals. b) It makes an urgent imperative to undertake study on assessment of efficiency of training programmes on performance of public servants. c) There is urgent need to assess the quality of training which could contribute more to the organizational efficiency. d) There is dearth of literature on training and capacity enhancement exclusively covering senior government officials in the Indian context.

In the light of above discussion, certain queries and curiosities emerge before us, those are - Whether the training to senior officials has contributed to capacity enhancement and their contribution in efficient functioning of the organization? Despite sizeable financial investment, why the post training evaluation of senior officials is ignored? Whether the quality of training design and delivery facilitated in achieving the goals of the training programmes? To what extent the senior officials adopted and accommodated the concepts and fundamentals of the capacity building function in their functional domain? What are the challenges or obstacles impending in effective implementation of the capacity building as a means for enhancing efficiency of the organizations?

### **MISSION KARMAYOGI-INTEGRATED GOVERNMENT ONLINE TRAINING (MK-IGOT)**

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In view of the above queries and gap in research in the area, an attempt has been made to examine the issues in the context of MK-iGOT. Mission Karmayogi is the National Programme for Civil Service Capacity Building (NPCSCB) initiated by Government of India in 2019. The government of India has developed a plan to make the training programmes more effective, particularly for the government officials of different categories. The plan document brings out the details of the processes of the training programmes, focus of the training programmes, areas to be identified and the monitoring of the efficiency in the post training period.

At present, there are over 25 million Civil Servants in India from top to bottom including Union and States. There are around 800 CTIs (Central Training Institutes) and scores of ATIs (Administrative Training Institute, at state level). However, training is imparted to only 1.25 lakh civil servants annually. As such, there is a huge gap in the training area at government level. Mission Karmayogi attempts to bridge this gap by making an elaborate structure of training hierarchy under direct supervision of the Hon'ble Prime Minister. A Capacity Building Commission (CBC) has also been established to coordinate C B activities at the Central Govt. level. iGOT (Integrated Online Government Training) Platform has also been created where online training courses are being uploaded to carry the programmes. This online training may cater to a wide range of, and remote audience also. The Department of Personnel & Training (DoPT) has come out with three types of competencies on the line of the competencies underlined by United Nations:

### **Behavioural Competencies**

Behavioural competencies are a set of benchmarked behaviours that have been observed among a range of high performers. These capture competencies displayed

(or observed/ felt) by these individuals across a range of positions, roles and activities within the MDOs. These competencies also describe the key values and strengths that help an official perform effectively in a range of roles. Collectively, they can help an MDO to plan their talent requirements. Problem Solving, Decision Making, Team Building and Leadership etc. are typical behavioural competencies.

### **Domain Competencies**

Domain competencies are shared by a 'family' of related positions that have common roles and activities, and form a logical career path. These competencies are defined for a specific MDO (for example, the Ministry of Personnel or the Department of Biotechnology). Domain competency requirements may be concentrated in one specific MDO but that does not mean that others will not need them. While the Department of Personnel will require an officer to display competence in vigilance planning, similarly, the Ministry of Health may require the domain competency of medical knowledge for the officials.

### **Functional Competencies**

Functional competencies are common among many domains, cutting across MDOs, as well as roles and activities, for example, project management, budgeting, communication etc. are required for many roles across many MDOs.

Although they may use slightly different terminology, others have used carefully researched and developed competencies to improve their working. For example, the United Nations has listed eight core and five managerial competencies (UN, 2020); IAEA has four core and 11 functional competencies (IAEA, n.d.); OECD has 15 core and technical competencies (OECD, 2014); and the NeGD, Ministry of Electronics and Technology, Government of India has developed a set of e-governance competencies (NeGD, 2014). We anticipate that our understanding of competencies will both build on these existing frameworks as well as contribute to the body of literature.

Specific and targeted capacity building initiatives needs to be undertaken at each single level. Potential capacity building initiatives for each cluster are:

- **INDIVIDUAL:** training Programmes, business development activities, workshops for in-depth discussion of specific topics; conferences;
- **INSTITUTIONAL:** development of internal policies, organizational and procedural restructuring; and
- **SYSTEMIC:** advocacy initiatives, consultations, open dialogue, reforms.

The effects and impacts of each capacity building strategy differ from country to country, institution to institution as well as from individual to individual,

according to the pre-existing historical, legal, economic and social background. This is why capacity assessment is a key priority when developing any capacity building programmes. Based on the above discussion Capacity Enhancement has following components (Gul et.al, 2012; Waseem et.al, 2019): a) Suitable training programmes, b) Supervisory support and c) Organizational Support. The following chart (Fig. 1) reveals the picture.



Fig. 1

## **PROPOSED MODEL FOR CAPACITY ENHANCEMENT IN MDOS**

In the light of the above discussions, a proposed model of capacity enhancement is being discussed hereunder:

- 1. Suitable Training Programme:** Employees' skills may be enhanced by adopting various human resource management (HRM) practices. The first and the most common are to involve either refining quality of individuals at entry level or enhancing skills of in-service employees or both. It is usually achieved through extensive training regarding the job and other developmental activities after selection (Delaney & Huselid, 1996). Training is a continuous process, designed according to the individual requirements, and it is constantly renewed to meet needs and feedback after training. As the training programmes of the employees vary from organization to organization, a fixed specific training should be adopted by the organization annually, bi-annually, or quarterly. Some employees rely on organizational knowledge and training to play the role, so organizations must include "On the Job Training and Off the Job Trainings" in their SOPs and organization manuals. Managers who invest in the employees to change and adapt their behavior, skills and knowledge concerning the business

would experience positivity and employee retention (Frazis, Gittleman & Joyce, 2000). The training programmes and its course modules should be beneficial for the organization in terms of more skilled, learned, disciplined and punctual employees (Achard, 1938). Employees should also be acquainted with self development training to groom their talent and improve knowledge, skills and attitude (Truckenbrodt, 2000). Truckenbrodt suggests that managers must acknowledge each and every employee's specific abilities and ideas to generate productivity and creativity. Employees should feel that management is keen to develop them and rely on them then they would automatically apply extra efforts to meet organizational objectives and more likely to have life time relationship with the company (Belfour and Wechsler, 1996).

2. **Managerial Support:** Sometimes, the lower level managers become distressed when they are restrained and restricted by top management, and they are not allowed to give innovative ideas for overcoming the existing problematic situation. Those who have reached their position from a technical background fear uselessness of their old skills and become reluctant about their ability to acquire new skills. In this situation, senior management should support newly promoted employees of the organization. Employees have a stronger commitment to their organizations when they perceive that their supervisors are committed to their wellbeing (Kwenin, Muathe, & Nzulwa, 2013).
3. **Organizational Support:** Organizational Support and career development (OSCD) or "organizational sponsorship" is always required. It leads to the programmes, procedures and assistance given by organization to retain and increase their employees' career success (Ng et al., 2005; Orpen, 1994). According to Lent and Brown (2006), OSCD belongs to the group of resources and environmental support, provided to them, which are particularly related to enhance the employee's career goals. OSCD included formal policies (like career planning, assessment centers and training programmes) and informal policies are such as education providing mentoring and networking opportunities (Hall, 2002). This is considered to be one of the most important components for capacity enhancement in employees.

The proposed model is further supported by the Government of India Scheme which was initially approved in 2008 with training & knowledge sharing initiatives and technical manpower support to bridge the relevant skill-sets and expertise in managing large IT/ e-governance projects and to develop an appropriate institutional framework to handle the capacity building requirements of the State. In 2015, the scheme under Digital India Programmeme was continued under phase II that included special focus on Central Line Ministries introducing new components for maximum outreach; bringing flexibility, continuity in learning through technology led platforms (LMS & KMS); and to handle the capacity building requirements of States/UTs and Central Ministries with an appropriate institutional framework.

To meet the above objectives, the scheme focuses on:

- Training and knowledge sharing initiatives, including dynamic training need assessment, orientation, thematic workshops, intensive role-based trainings & online learning, and knowledge exchange (LMS & KMS) to build desired capacities within the Government
- Handholding support to the States & supplementing some of the critical competencies through State e-Mission teams (SeMTs)
- Develop and strengthen suitable institutional framework as per graphics (fig.2) below:

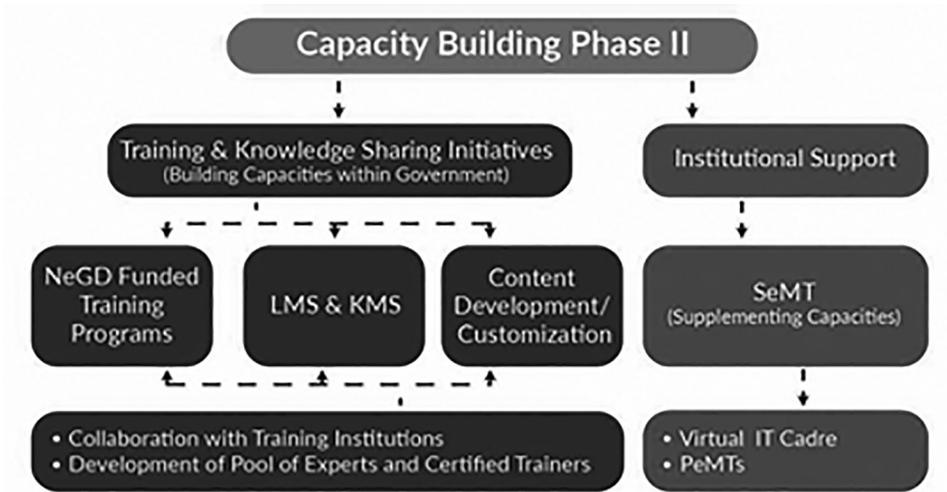


Fig. 2

## **POSSIBLE OUTCOME OF CAPACITY BUILDING PROGRAMMES**

The impact of capacity building can be seen on the following components:

1. **Domain Knowledge:** Domain knowledge is defined as the knowledge of a specific, specialized discipline, profession, or activity, in contrast to general knowledge. In other words, the term *domain knowledge* is used to describe the knowledge of specialists or experts in a particular field. For example, in software engineering, domain knowledge can apply to specific knowledge about a particular environment in which the target system operates. Typically, those with domain knowledge work in a specialized field. Domain expertise can be hard to come by. One way to do this is to volunteer to train new employees. Thus Capacity Building Programmes can enhance the domain knowledge of middle level government officials thereby increasing their expertise.

2. **Emotional Competencies:** Emotional Competence and Emotional Capital refer to the essential set of personal and social skills to recognize, interpret, and respond constructively to emotions in oneself and others. The term implies an ease around others and determines one's ability to effectively and successfully lead and express. So through effective capacity building programmes, the required set of emotional competencies can be developed in middle level officials which would help them to strike a good balance between workplace and personal lives.
3. **Behavioural competencies:** Any behaviour attribute such as knowledge, skill set, teamwork, leadership skills, technical know-how, etc. which contributes to the development of an individual in the organisation to take up bigger roles is known as behaviour competency. To put it differently, behaviour competency is the kind of skill set that an individual should have so that he or she can meet the goals of the organization. Through an efficient capacity building Programme, the right set of employees can be identified for succession planning

## **CONCLUSION**

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The importance of training and development cannot be overemphasized since it has been found an effective instrument in bringing the efficiency in work processes, procedures and also developing a conducive environment in an organization leading to achieving the organizational goals and aspirations. This becomes more crucial for the senior government officials as they have dominant role in policy formulation, planning and implementation of government schemes and programmes of development. The training provides the officials different types of skills and orientation towards a problem to facilitate efficient decision process in the organisation. There are large financial resources being invested by the government on training to senior officers for enhancing capacity and thus contribute for the efficient functioning of the departments and the organizations. This is in this background that the Government of India has initiated revolutionary changes in the training strategies and techniques and bring required qualitative improvements in the training and development under the banner of "Mission Karmayogi". This is a unique model in many ways which aims to provide and develop a comprehensive framework to sharpen the planning, implementation and decision making process at different levels.

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## EVOLVING ROLE OF STRATEGIC COMMUNICATION IN HYBRID WARFARE: A CASE FOR INDIA'S CIVIL-MILITARY INTERACTION

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**Nishtha Kaushiki\***

### **Abstract:**

The power of effective communication is well accepted. In the post 9/11 phase, the Bush administration started working on the concept of strategic communication, and soon it came out with three essential documents- '*Information Operations and Psychological Operations*' (IO and PSYOPS); '*Public Affairs*' (PA); and '*Defense Support to Public Diplomacy*' (DSPD). These documents boldly outline the art of strategic communication to win the freedom of action through the reimagining of the perception framework. Later, the term was adopted by various other disciplines such as business management, public administration, political and public relations. For this study, the term is associated with the media engagement by the security agencies of India in the post-Balakot pre-emptive non-military surgical strikes. The paper analyses the achievements of Indian agencies when strategic communication was adopted. Finally, it strongly emphasizes incorporating strategic communication and perception management as an active defence policy to counter the emerging and traditional threats from different directions.

**Key Words:** Hybrid Warfare, Civil-Military relations, Ajit Doval, Strategic Communication.

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### **INTRODUCTION:**

Perception management through enhanced civil-military interaction serves as necessary strategic and tactical instruments to create favourable narratives that

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necessitate a military action when an active threat is intercepted, and the uncertainty logic is more significant. Islamabad has well comprehended that it cannot ever win full-fledged conventional warfare. It has actively resorted to the reliance on sub-conventional means with the help of China. Pakistan's components of hybrid warfare employed in Kashmir include active use of terrorist activities, cyber warfare, use of conventional forces for fast armed intrusion, supplying narcotics through the porous borders and other subversive activities which use social media, internet apart from religious indoctrination through fake videos and false viral messages. This warfare depends on using either all or a mix of the tools at any given time and act as threat multipliers to the separatist tendencies and encourage domestic mistrust of the armed forces.

One of the tools that terrorist and the media of the adversary uses is propaganda warfare which serves multiple objectives ranging from giving new frames via different interpretations and instigating the enemy population for questioning the legitimacy of the government. Media thus has emerged as an essential factor in contemporary warfare. Today, as the challenges of hybrid warfare from Pakistan, as well as China, have increased all the more, it has become pertinent for the Indian government to increase the civil-military interaction through regular media briefings and question-answer sessions as it has been a trend in many developed countries such as the U.S., U.K.

The phase of post-Balakot strategic communication through an active civil-military interface that the world witnessed has been taken up as a case study to convey the importance of the topic. It was a phase of open hostility, and the uncertainty of Islamabad's retaliation was high. In this light, the government came up with regular media briefings by the forces and MEA that sought to influence the world in its favour.

### **PRE-BALAKOT PHASE OF STABILITY-INSTABILITY PARADOX**

In case of terror attacks conducted by Pakistan sponsored non-state actors in Kashmir and elsewhere, whenever India posit itself to reiterate that Pakistan would have to pay a heavy price for its misadventure, Islamabad always retaliated with nuclear blackmail, thereby leading to what the strategic experts call as 'stability-instability paradox'. This always restrained India's counter offensive operations across the border and could not achieve much at a diplomatic level regarding the isolation of Pakistan at an international level. Thus, the impression given to India was always that on its shoulders lies the responsibility of maintaining peace and tranquillity since it has been a more significant power than Pakistan.

The absence of an official policy wherein the Indian Army and the MEA spokesperson would brief the media and let the people and the world know the

Indian narratives in terms of punishing its perpetrators of the attack led to the world side-lining India's core security objective and simultaneous dilution of India's stand at the domestic, regional and at an international level. It also delinked the actions of various government agencies such as MEA, Defence and Home Affairs, which had an overlapping objective of containing terror. If India spoke of any action, there was a lot of speculation and confusion at the domestic level leading to people wishing for 'peace' rather than retaliation. Such conditions only reinforced Islamabad's larger game plan, which could get away with its misadventures. Nonetheless, as PM Modi, Ajit Doval and late General Bipin Rawat had always stressed incorporating perception management and strategic communication in India's military and strategic doctrines. Such an opportunity arose from the unfortunate and coward attacks on Uri and India's pinpointed retaliation in Balakot.

### **INDIA'S MOMENT OF STRATEGIC COMMUNICATION AND ITS ADVANTAGES**

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India got its moment of strategic communication in the post-Balakot attacks. Critical information of the objectives, methods and targets can either be denied or disseminated to influence the adversary to take the decisions that one would like to have. Infact, the power of communicating as a strategic tool has been highled by Murphy (2008) when he said, "information as power is wielded in an increasingly complex environment consisting of physical, information, and cognitive dimensions" (p.175). By enabling the military commanders to interact with the media, they can send out covert and overt signals to the international community and the adversary, thereby achieving the 'narrowing' of the battlefield in case the adversary is capable of retaliating back. In the post-Balakot phase, the daily briefings given by the commanders and MEA spokesperson sitting side-by-side were a completely new development in the Indian operational history. Later, as the tensions escalated, the briefings were taken over by the Indian Army and Indian Air Force commanders. The tactic of strategic communication via civil-military interface had tactical as well as strategic advantages, which are discussed below:

First, the political leadership ensured social constructivism on the narratives of how to protect the people in case of terrorism and beyond. Adopting the media logic also provided an opportunity to communicate their decisions to a much larger audience to gain legitimacy for new precedents that were now established. It was only through such civil-military interaction that helped framed debates on national security, foreign policy and India's war on terror.

The resultant security perspectives remain unchallenged and have established legitimate interlinked political and military discourses. For instance, the media briefings and subsequent interactions successfully gained the people's approval

irrespective of their personal political preferences. Usually, the debate of guns versus butter dominates actions against countries or agents that are very notorious in their geopolitical mannerism, but as the forms of political communication and content changed, the receptivity of the domestic population increased. Almost all unanimously agreed that time is ripe for teaching Pakistan a lesson in the language that it understands. This was an evolutionary development on which further research is required. Such an agenda-setting method was used for the first time to revive the old memories of helplessness and non-decisiveness after the Mumbai attacks. The political and military resolve only strengthened with such an approach.

Second, human security discourses get strongly associated with military security, which otherwise has been a very different field in the academic discipline of international studies. Such pre-emptive interventions on non-state actors become necessary, playing a substantial role in combating hybrid warfare and deterring the adversary from retaliating. The media briefings were followed by the MEA actively using its diplomatic channels. Although not visible, they played an essential role in the strategic communication wherein they made the country's intent very clear. The ability to send messages to nations, international and regional organizations that India acted in its 'self-defence' and if Islamabad initiates retaliation against India's non-military pre-emptive strikes on Jaish camps, New Delhi would consider it a war worked as an essential deterrent. As both the forces and the MEA worked in tandem, most countries, especially the OIC of which Pakistan is a member, were convinced of its belligerent overt role. Diplomatic pressure was on Pakistan to bring the perpetrators to justice apart from not being influenced by its armed forces and ISI.

Consequently, the Indian Army was victorious in deterring Pakistan to open any front to launch even a limited war on any international border or the LOC, leaving alone a full-fledged nuclear war. The same narratives also deterred China from playing a distractive role on the Indo-China border. Had it not been the initiative to have a military's media strategy, things would probably have favoured the adversary. The security agencies should maintain this discourse through the media and gradually be brought to the mainstream of India's security realm.

Third, through the strategy, India successfully communicated to the people of Pakistan that they were not the target of these strikes and any attempt by any socio-religious organization to portray India as their enemy should be side-lined. One can easily recall that after the pre-emptive strikes, the security agencies announced that 'it's over' and India does not wish to initiate further military actions and is capable of retaliating back if any misadventure is resorted to by Pakistan. Through this, security agencies strategically communicated clearly and concisely what India's intentions were to Pakistan's citizens. The portrayal of India as a 'responsible power' acted as a successful strategy for the socio-psychological conditioning of the

adversary's citizens, and the Army remained subordinated to the political decision-makers at such a critical juncture. Consequently, the favourable narratives set by strategic communication, the political leadership in Pakistan immediately came under heavy domestic and international pressure to take political steps to move towards de-escalation and take concrete measures against the perpetrators of the Uri attack.

Fourth, the civil-military interface made Pakistan adhere to the Rules of War, especially those incorporated in the Geneva Conventions and its additional protocols. After the confirmation of the capture of Wing Commander Abhinandan, the forces were quick enough to brief the media and decisively communicate to Pakistan to be very careful in the treatment given out to the captured personnel since the announcement and admission of his capturing put Islamabad under a legal obligation to treat him as per the international standards. The international attention that Abhinandan got contributed to India's overall strategy. On the contrary, one can recall that during the Kargil war, Lt. Saurabh Kalia and his team (first casualties) were captured and tortured to death. Despite wanting to punish the wrongdoers, India could not communicate to all the agencies openly for lack of a media strategy that simultaneously gave concise messages to multiple receptors. Directly associating the safety of the captured soldiers and reminding the enemy of its international legal commitments put the onus of de-escalation on Islamabad's shoulders. The communication through media thus shaped an information environment that catered to a much larger audience. Later, out of the frustrations arising from its inability to take action and the release of Wing Commander Abhinandan, Islamabad officially accepted its Jihadi role in the UNGA, for which it is still paying the price.

Fifth, the government's promptness in providing instant reports of its decisions, possible future moves and the proofs of weaponry used by Islamabad resulted in zero communication gaps between the Indian security agencies and the world. The presentation of proofs before the media, such as missile pieces, sought to it that the U.S. immediately pulls Pakistan against the misuse of its armaments supplies against its allies and strategic partners. The decision of the joint briefings made sure that there were no conflicting institutional positions between the government and the armed forces. Consequently, the forces' morale was high, leaving no scope for de-motivation. This factor also proved helpful in limiting Pakistan's response.

Sixth, it helped to consolidate the national mood for an upcoming conflict, and there was no scope for any dissent from any quarter. Gestures such as playing national songs in the backdrop of photos of the martyred soldiers and videos of the soldiers shouting their war cries were all a part of the more considerable effort to consolidate the national unity lying in fragments. Thus, it helped ensure there are no challenges to the government narratives. From a layman's perspective, to

accentuate upon the modalities of international law, conflict and war, the role and contributions of veterans helped to serve the purpose. The task of explaining to such fellow citizens who were not well versed with the language of defence and diplomacy, the interviews of retired forces personnel helped immensely comprehend the developments. They ensured that the people do not get hysterical and anxious and instead adopt a very positive outlook towards their security agencies and accept the possible and the unforeseen developments with an open mindset. Thus, a very well-defined, objective mix of strategic communication, journalism, and operational planning helped the nation achieve its objectives and set new strategic precedents.

Finally, the security agencies used strategic communication through the media that ensured that there remains no stone unturned for either the separatist groups or any other anti-national elements to question the efficacy of India's pre-emptive strikes. These subservient groups can sometimes penetrate the media with more significant ulterior motives. The decision to open up on the developments and communicate to the media ruled out any possible dissent journalism. It helped the government build a protective shield to control the situation and avoid probable dissents. The side-lining of such groups in all expressions- visual, digital or radios ensured national unity, which today also remains intact when it comes to finding solutions for problems that can be stirred up by either Pakistan or by a collusive Sino-Pak alliance. This was well displayed after the Galwan clashes.

However, a word of caution has to be adhered. As the media assumes the identity of an agenda-setting agency, the tact over here would remain not to allow the media to determine the debate for the day-to-day business of the armed forces and the MEA. Instead, the amount of information disseminated and when it should be done should be left entirely to the MoD and MEA. Of course, there are dangers such as leaking of the war strategy through media access to the war front, but it has to be well understood that deception too is an integral part of this strategy of perception management. What messages have to be conveyed depends upon the skill and experience of the military commanders and government agencies involved in the 'security review', but the usefulness of strategic communication and the civil-military interface cannot be denied.

## **CONCLUSION**

Today, as the nature of war has transformed and incorporated the use of modern information technologies and propaganda warfare through the use of its own and allies' news media, reinforced by the spy satellites, it has become imperative to bring innovation in the methods as well as strategies to counter it. Strategic communication through the synergy of media, military and other government agencies holds the key for future success. As information gets more complex in a

hyper globalized world in a digital age, one of the criteria for determining success is reaching out to a larger audience who can see the evidence instantly and respond to the fluid situation. A delay in proving one's point and the necessary evidence will have far-reaching consequences on the region's overall security. As displayed in the post Balakot phase of strategic communication, perception management directs its energy to the 'center of gravity', which is considered a guiding and a conceptual tool for modern warfare. Given by Clausewitz, this principle in military operations defines the target in a much-pinpointed manner around which the entire operation is built upon. It is this 'center of gravity' that has the highest target value in terms of decapitation of the adversary either strategically or militarily. In the operational parlance, this could be a regime (as in the case of Iraq's pre-emptive war) or even a high-value target such as an ammunition depot or something that the enemy cannot manage to lose.

Contrary to this, defeating a complex threat, as in the case of hybrid warfare when the definition and the meaning of 'success' or 'victory' do not remain confined to pure military combat, requires asymmetrical methods for achieving success. Encircling and eliminating the source of threat while being adaptive to include combat operations, active use of diplomacy, financial strangulation and perception management will only guarantee success. Combat alone will be self-defeating in a complex threat scenario.

Additionally, in terms of perception management via strategic communication in times of open hostility, the ability to restrict the audience to a given security framework proves too much beneficial to the originating country. Such a communication lends a more meaningful acceptance of the originator country's threat perception leading to more measurable positive results. It also enhances the effectiveness of the resources involved in the situation without warranting that new ones would be required. It is almost like giving an invisible shield to the ground operations so that new and unforeseen dangers do not arise for the soldiers involved in combat.

In the case of post-Balakot strategic communication, the civil-military interface and the absorption of the media logic was an experimental learning process at the institution level and should be considered a positive step in the military history of India. It produced the most nuanced decisions through the effective use of strategic arguments and tactical and legal planning that completely isolated the adversary and deterred it from any counter-strikes. The combined synergy of the country and the international response illustrate the significance of such an approach. It was an essential organizational change that set important precedents for the times to come. This was the need for long, primarily when the terror groups and adversary's state agencies worked hand in glove with each other in a very fast-paced unstable environment. New Delhi gained a vital understanding- the way hostilities

are reported, and messages are sent across plays an essential part in shaping the identities of the originator country and the adversary. The objective of moulding the perceptions of the domestic, regional and international audience was well crafted and was successful. India did achieve what it wanted to, and hence this experience should be incorporated in future strategic and operational doctrines of the forces. Hence, the institutionalization of strategic communication with official documents and policy guidelines that may or may not be available in the public domain should be initiated.

## **END NOTES**

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## EXPANDING SOCIAL AUDIT TO DEVELOPMENT PROGRAMMES BEYOND MGNREGA

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**Rajesh Kumar Sinha\***

### Abstract

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Social Audit has emerged as an important mechanism to enforce social accountability. It has got institutionalized in implementation of Mahatma Gandhi National Rural Employment Guarantee Act 2005. Seeing its usefulness in enhancing people's awareness, participation and curbing leakages, the Government of India has been making efforts to bring other development programmes under the ambit of social audit. National Food Security Act, 2013 and the Rights of Persons with Disabilities Act, 2016 already mandates conduct of social audit. The Supreme Court has mandated Social Audit in the implementation of Juvenile Justice (Care and Protection of Children) Act, 2015 and The Building and Other Construction Workers Act, 1996. Further, the Ministry of Rural Development has issued guidelines for conduct of social audit of Pradhan Mantri Awaas Yojana-Grameen and National Social Assistance Programme and draft social audit guidelines for Shyama Prasad Mukherjee National Rural Mission has been prepared. The Ministry of Panchayati Raj has released guidelines for social audit of Fifteenth Finance Commission grant utilisation by Panchayats and the Ministry of Social Justice and Empowerment has prepared an accountability framework for its schemes. This paper analyses the current progress of Government of India's efforts in expanding social audit beyond MGNREGA, its challenges and also recommends ways to strengthen this process of expansion.

**Key Words:** *Social Audit, Accountability, MGNREGA, Gram Panchayat, Gram Sabha, NIRDPR, Fifteenth Finance Commission, National Social Assistance Programme*

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In the second week of December 2021, when entire State of Uttar Pradesh was busy speculating whether the incumbent Bharatiya Janata Party will get re-elected to the power or the challenger Samajwadi Party has the better chances, a group of enthusiastic social audit coordinators were sharing findings of their record and physical verification exercise with the members of Gram Sabha of Madaripur and Sultanpur Gram Panchayats (GPs), in the Bakshi Ka Talab block in Lucknow district. One by one, they present their findings on implementation of Fifteenth Finance Commission grant utilization by these GPs, few positive but most negative. Every time, these social audit coordinators present the cases of procedural and financial violations, there is a visible discomfort among the Secretary and elected GP Pradhan. Social coordinators have found in Madaripur GP that instead of paying to all the labourers, entire wage payments have been made to one person. There is no record of bid opening and evaluation for procurements made by GP. Works identified by Gram Sabha to be carried out has been changed by the GP. There is no record of expenditure made to repair several hand-pumps in the GP. Though they try hard to convince participating Gram Sabha members that there is nothing wrong and they will set their records right, villagers tell them to correct a few on the spot. The empowering process is known as Social Audit and is now common in implementation of Mahatma Gandhi National Employment Guarantee Act (MGNREGA). A week later another GP, Kathwara, in the same block of Lucknow, witnesses social audit of National Social Assistance Programme under which financial assistance in the form of old age pensions, widow pension, disability pension and family benefits are given to poor and needy. Here too, social audit coordinators found many eligible persons being denied benefits while old age pensions continue flowing into the bank accounts of dead beneficiaries. These are not isolated examples. This is part of a systematic effort from the Government of India to bring rural development programmes other than MGNREGA to the ambit of social audit. Similar efforts to enforce social accountability are also being made in the implementation of few more schemes/ programmes of other Central Ministries/ Departments.

Little over a decade ago, through Audit of Scheme Rules 2011, the Government of India started making serious efforts to operationalize the Section 17 of MGNREGA which provides for conduct of social audit of the implementation of MGNREGS by Gram Sabha twice a year. There was successful experience of functional social audits in Andhra Pradesh to learn from. With push from Government of India and also from Civil Society activists, most States have set up a separate institution, Social Audit Unit (SAU), to facilitate conduct of social audit of MGNREGA by Gram Sabha. However, efficiency and effectiveness of social audit of MGNREGS varied across States. To improve the independence of SAUs and quality of social audits, Government of India notified Auditing Standards for Social Audit in 2016.

Thousands of social audit resource persons were given intensive 30-days training by the National Institute of Rural Development and Panchayati Raj (NIRDPR) through network of State Institutes of Rural Development (SIRDs). A large cadre of Village Resource Persons (VRPs) has been created by giving trainings to Self-Help Group (SHG) members. Ministry of Rural Development (MoRD) provided 0.5 percent of the total expenditure under MGNREGA to SAUs to meet the cost of social audit and monitored progress of social audit through social audit module in Management Information System (MIS) of MGNREGA. Comptroller and Accountant General (CAG) also conducted a compliance audit of implementation of MGNREG Audit of Scheme Rules 2011 in States. As a result of all these efforts, social audit has to a large extent, got institutionalized under MGNREGA now.

There is wide variation in how the social audit of Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) is conducted across different states. But typically, a social audit facilitation team, headed by a Block Resource Person (BRP) and with 3-5 VRPs, spend about 3-5 days in a GP meeting all the workers who had worked in the previous year, checking whether the days they worked and wages received match what is recorded in the MIS of MGNREGS, checking the quality and measurements of the works that were done and registering grievances. They prepare a draft report and help the Gram Sabha to audit all the works done under MGNREGS in their GP. Implementation officials and elected representatives of the GP attend the Gram Sabha and respond to the issues in the draft report and to questions and comments from the people. A public hearing is then conducted at the block level where decisions on the action to be taken on the issues noted in the GP social audit report are decided. The social audit facilitation team also creates awareness on MGNREGS, shares information on implementation of MGNREGS and mobilizes people to participate in the social audit exercise and Gram Sabha. This is done through rallies, focused group discussions, folk songs, wall paintings, pamphlet distribution and public announcement using a microphone.

In 2019-20, social audits of MGNREGA were carried out at least once in 1,68,111 Gram Panchayats which is 63% of the total GPs. In the previous year (2018-19), the 47% of GPs were audited at least once. Cumulatively, 3.95 lakh cases of financial misappropriation, 3.63 lakh cases of financial deviation, 6.34 lakh cases of procedural violations and 2.95 lakh grievances have been reported since beginning till September 2021 (source: nrega.nic.in).

Various studies have found usefulness of social audit in form of increased awareness among wage seekers about their rights and entitlements, enhanced people's participation in grassroots democratic processes, quicker grievance redressal and reduction in leakages in implementation of MGNREGA. However, there is much to be done to make the social audit exercise fully effective. Dutta

(2015) compared the performance of MGNREGA in Andhra Pradesh and Uttar Pradesh. He found that the Act has been implemented relatively well in Andhra Pradesh, despite the state's dismal performance in the implementation of most welfare programs. He attributed among other things to the institutionalization of social audit with the help of civil society organisations, providing a platform to the beneficiaries to voice their concerns and negotiate their entitlements with the state machinery. Afridi and Vegard (2014) studied a panel dataset of Andhra Pradesh social audits of MGNREGA and found a positive but insignificant impact of audits on employment generation, and a modest decline in the leakage amount in the wage component. Aiyar, Mehta, and Samji (2013) suggest that while social audits in Andhra Pradesh have been effective in ensuring answerability, they have been less effective in ensuring enforcement. Vij (2011) regards social audits as unique collaborative governance mechanisms which are not only participatory programme evaluation exercises but also lead to the empowerment of the poor. Further he claimed social Audits have been a significant vehicle for strengthening decentralization and deepening processes of democracy.

Recognising the promising results of social audits in MGNREGA, Government of India has been making efforts to expand it to other development programmes. Earlier, Second Administrative Reforms Commission (ARC) in its Fourth Report on "Ethics in Governance" Chapter 5 para 5.4.2 had also recommended that operational guidelines of all developmental schemes and citizen centric programmes should provide for a social audit mechanism. Social Audit has also been mandated by National Food Security Act (NFSA), 2013 and the Rights of Persons with Disabilities Act, 2016. The Supreme Court has mandated Social Audit in the implementation of Juvenile Justice (Care and Protection of Children) Act, 2015 and The Building and Other Construction Workers Act, 1996.

In January 2019, the Ministry of Rural Development, Government of India constituted a committee chaired by the Additional Secretary & Financial Advisor (RD) to make recommendations for extending social audit to selected Rural Development (RD) programmes. The other members of the committee included five Joint Secretaries of different programmes and the Director General, NIRDPR. The committee submitted its report in March 2019 and made many valuable recommendations for the different stakeholders. Important among them are following. The Central Government should support social audit across programmes from different departments. The same team that facilitates social audit of MGNREGS and other rural development programmes in a Gram Panchayat should also facilitate the social audit of the Public Distribution System (Ministry of Consumer Affairs, Food and Public Distribution), Mid Day Meal Scheme (Ministry of Human Resources Development), Integrated Child Development Services (ICDS) Scheme (Ministry of Women & Child Development), Drinking Water (Ministry of

Jal Shakti), National Health Mission (Ministry of Health and Family Welfare) and Fourteenth Finance Commission Grants (Ministry of Panchayati Raj).

As a result of all these efforts in expanding social audit to other rural development schemes, social audit in PMAY-G and NSAP has already been initiated. Ministry of Social Justice & Empowerment (MoSJE) has developed a social accountability framework and has decided to roll out social audit of institutions receiving grant-in-aid. Few pilot social audits have also been conducted of these institutions. Process is underway to set up a cell in NIRDPR which will spearhead capacity building and monitoring of social audit of schemes of the MoSJE. In June 2021, the Ministry of Panchayati Raj released social audit guidelines for the social audit of Fifteenth Finance Commission (XVFC) Grants to Panchayati Raj Institutions (PRIs) and NIRDPR has facilitated pilot social audits in Telangana, Assam, Uttar Pradesh, Chattisgarh and Jharkhand as part of training of trainers on social audit of XVFC grant utilisation. The Ministry of Education has prepared social audit guidelines for the social audit of its flagship Samagra Shiksha Abhiyan (SSA). Draft social audit guidelines for Shyama Prasad Mukherjee Rurban Mission (SPMRM) has also been developed and pilot social audits have been conducted in some Rurban clusters during September-October 2021. However, progress in expanding social audit to other development schemes has been limited.

The National Food Security Act (NFSA), 2013, aims to provide food and nutritional security in India through making the right to food a legal entitlement. Section 28 of NFSA mandates the social audit of the Public Distribution System (PDS). It says that every local authority shall conduct or get conducted periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes and publicise its findings and take necessary action. The Supreme Court of India in its judgement in the Writ Petition (C) No. 857 of 2015 directed the Ministry of Consumer Affairs, Food and Public Distribution of the Government of India to ensure that the social audit machinery is established at the earliest so that a periodic social audit of NFSA is conducted. However, only the Bihar government has decided to facilitate social audit of PDS and has allocated Rs 7 crores to the SAU in 2019-20. Pilot social audits have been undertaken by SAUs in Andhra Pradesh, Madhya Pradesh, Karnataka and Jharkhand. Civil Society Organisations / Non-Government Organisations have also taken up pilot audits in Odisha and Kerala. But these have not been scaled up. Social Audit of PDS has been done by the SAU in a big scale in 2019-20 covering 2667 GPs over 32 districts (31 % of all GPs in the State) of Bihar. Each social audit was done over eight days. The main findings are (i) low awareness on the entitlements and provisions among entire community; (ii) 10% of the beneficiaries are being denied ration due to Aadhaar linkage issue; (iii) 15% of families are eligible but they don't have a Ration Card; (iv) 3% of families are ineligible but they are availing the benefit; (v) timely

allocation and distribution of food grains is a major area of concern and due to this issue beneficiaries are getting ration in an interval of 3-4 months; (vi) PDS shops not opening on time and if someone try to raise their voice, PDS dealers threaten that their ration will not be given (vii) dealers are charging more and giving less quantity of food grains against the provision; (viii) poor quality of food grains; (ix) dealers do not provide receipt to the beneficiaries.

The Ministry issued the social audit guidelines in November 2019 during the National Seminar on Social Audit and has asked all states to take up social audit of NSAP. However, only West Bengal, Mizoram and Tripura have taken up social audits of NSAP in 2019-20 and 2020-21. In West Bengal, the social audits of PMAY-G and NSAP are done together along with MGNREGS. NIRDPR facilitated pilot social audits of NSAP in Maharashtra, Tamil Nadu, Assam, Odisha, Himachal Pradesh, Jharkhand, Karnataka, Uttar Pradesh and Gujarat. Common issues identified during these pilot social audits include: low awareness level is low; difficult application process; non-functional grievance redressal system; non-availability of BPL list; Poor maintenance of registers at GP and block level; irregular payment and difficulties in withdrawing money; many beneficiaries are not alive but payments are being transferred to accounts; many beneficiaries are untraceable; no annual verification, poor transparency; incomplete or wrong data in MIS; poor coverage of eligible beneficiaries.

PMAY-G 'Framework for Implementation' published in 2016 says that social audit should be conducted in every GP at least once in a year. Guidelines for social audit of PMAY-G was released by MoRD in November 2019. The guidelines specified that the social audit should be conducted at the same time that social audit of MGNREGS is conducted and facilitated by the SAU established in each state. However, only four states (Uttar Pradesh, West Bengal, Bihar and Meghalaya) are facilitating social audit in scale. Jharkhand, Assam, Mizoram have done pilot audits in few GPs. In these social audit findings included delay in release of fund; demand of bribes before sanctioning of house and release of instalments; demand of bribes before geo-tagging of under construction houses. The PMAY-G programme team has not made any provisions in the MIS for upload of social audit findings and action taken reports and hence there is no data on the social audits conducted in the public domain.

The Department of School Education and Literacy has taken steps to introduce social audit of the Samagra Shiksha Scheme. It has prepared draft guidelines and has held consultations with NIRDPR and civil society organisations. Recently the cabinet committee on economic affairs approved the continuation of the revised 'Samagra Shiksha Abhiyan' scheme for another five years. In this, social audit of 20% of schools is planned for every year so that all schools are covered in five years. Along with the social audit of the Mid Day Meal programme, the Jharkhand SAU

facilitated social audit the Samagra Shiksha Abhiyan scheme in 2019-20. Andhra Pradesh also conducted social audit of their 'Mana Badi: Naadu Nedu' scheme which aims to provide basic infrastructure in all schools.

The Ministry of Human Resource Development issued social audit guidelines for the Mid Day Meal (MDM) programme in 2014. This said that States should conduct social audit of at least 20 schools in two poor performing districts with the help of eminent institutes in the State and then scale it up to all districts in the state. The minutes of the Programme Approval Board – Mid Day Meal meetings in 2019 stresses that under the provisions of Section 28 of NFSA, 2013, social audit of the MDM scheme is mandatory. It's not clear how many states are doing the social audit at least as specified in the guidelines. Reports are not publicly available. In response to an adverse video about the food served in a school, the Uttar Pradesh Government has recently decided to do social audit with the help of three research institutes. Tamil Nadu has also recently decided to partner with a technical institute to do the social audits. Both of these are in a very limited scale. Only three SAUs have facilitated social audit of the Mid Day Meal scheme. Karnataka has done it in 40 schools in two districts in 2017-18, Telangana has facilitated social audit in 60 schools in 10 districts in 2017-18 and Jharkhand has done social audit of MDM along with the social audit of Samagra Shiksha Abhiyan scheme.

The NFSA 2013 specifies the nutritional entitlements (take home rations and nutritious hot cooked meal) to be provided by the Anganwadi (child care and development centre set up under ICDS Scheme of the Central Government) for children, pregnant women and lactating mothers. In 2017-18, Telangana SAU facilitated social audit in 5% of Anganwadis in the State. The objective was to create awareness among different stakeholders on growth monitoring, importance of breast feeding, pre-school activities, to grade the Anganwadi centres on different parameters and to strengthen the Anganwadi Level Monitoring Support Committee (ALMSC). The main findings include – non-functional ALMSCs, low awareness level on child and mother protection, discrepancies between food distributed and official records, delay in supply of food items, lack of supervision, poor performance in pre-school activities, discrepancies in registers, supply of small eggs, supply of lesser quantities, dual enrolment etc. Civil Society Organisations have facilitated Social Audit in few States including Odisha and Bihar.

In 2019, the Ministry of Panchayati Raj had directed States to carry out social audit of the utilization of Fourteenth Finance Commission Grants. Jharkhand SAU facilitated audits in 1500 GPs in 2017-18. This was, however, not continued due to difficulties in getting the audit expenses reimbursed from the GPs. Madhya Pradesh has also taken up audit of the works in some Mission Antyodaya GPs and they have received funds from the State Department of Panchayati Raj for this. Karnataka SAU has facilitated social audits of all GPs in 2020-21. In June 2021,

the Ministry of Panchayati Raj (MoPR) published the guidelines for social audit of Fifteenth Finance Commission Grants (XV FCG). The guidelines specify that the SAU created to facilitate social audit of MGNREGS shall also facilitate social audit of XV FCG at the same time. The guidelines mandate the social audit of one third of all local bodies in a year so that all local bodies shall be covered in three years. Currently, NIRDPR is conducting training of trainers to equip social audit resource persons to facilitate social audit of XV FCG. As part of such training of trainers in Uttar Pradesh, participants conducted social audit of two GPs in Bakshi Ka Talab block in Lucknow district, mentioned in the beginning.

The Ministry of Social Justice and Empowerment (MoSJE) has taken a policy decision to conduct social audit of all its schemes in order to bring in greater transparency and accountability in programme implementation. A scheme has been approved for the next 5 years for conducting around 700 social audits through the Social Audit Units in each state. In October 2020, the MoSJE decided to conduct social audits of 'Grant-in-aid' (GIA) institutions in five States (Telangana, Tamil Nadu, Maharashtra, Uttar Pradesh and Meghalaya) as a pilot. In each State, six institutions catering to elderly persons, hostels/schools for children and rehabilitation centres for drug addicted persons were selected. The pilot social audits have been completed in three States (Meghalaya, Uttar Pradesh and Maharashtra). Instances of beneficiaries admitted to residential care facilities being charged admission whereas they are entitled to free stay and treatment was documented. There were signs of inadequate medical attention and care being provided to residential patients, and an absence of dedicated medical staff particularly for residential facilities treating drug addiction patients. There were instances of poor or no counselling to patients while they were admitted in facilities and inadequate follow up after their discharge. Cases of fraudulent beneficiaries and fudging of records were also noticed. Issues pertaining to GIA institutions not receiving grants from the Ministry in a timely fashion thereby preventing them from following mandatory norms and standards were also raised through the social audit.

The Building and Other Construction Workers' (BOCW) Act was passed in 1996 to benefit workers in the construction industry. The State Governments/ Union Territories Administration have created a welfare board and collect 1% of the cost of construction as cess to be used for the welfare of the workers. In a writ petition, the Supreme Court in its judgement on March 19, 2018 directed the Central Government to facilitate a nation-wide social audit of the Building and Other Construction Workers Act (BOCW), 1996. Following this, the Ministry of Labour and Employment has facilitated social audits in a few places – (i) Salumbar Block, Udaipur District, Rajasthan, (ii) Shalimar Bagh Constituency, North West District, New Delhi, (iii) Beawar Block, Ajmer District, Rajasthan.

The Mines and Minerals (Development & Regulation Amendment) Act, MMRDA, 2015 mandated the setting up of a trust as a non-profit body to be called the District Mineral Foundation (DMF). The objective of this foundation is to work for the benefit of persons affected by mining related operations. The standing committee on Coal and Steel in its report on implementation of DMF suggested that the Ministry may prescribe social audits of DMFs. The Centre for Science and Environment (2018) found that most States do not have any specifications or elaboration on the mechanism of social audits. DMF Rules of States such as Chhattisgarh, Gujarat and Maharashtra provide for conducting social audits of the development schemes executed from the DMF fund. However, the Rules in these States do not outline how to conduct such an audit.

To strengthen the ongoing expansion of social audit to central government schemes beyond MGNREGS, some concrete actions as suggested by the Committee earlier mentioned need to be taken. Since the schemes that matter to rural poor are run by different ministries, facilitating social audit becomes a logistical hurdle. The Central Government should address this problem and develop a common framework/ structure which will facilitate social audit of all relevant schemes in a GP by the Gram Sabha. To operationalize social audit across different schemes, the MoRD should transfer funds required for facilitating social audit directly to the SAUs of States instead of asking the State governments to transfer a fraction of the administrative funds to the SAU. This practice was started in MGNREGS two years ago and has been critical to establish the SAUs and make them functional. The Ministry should create a separate social audit division/ cell and staff it with sufficient personnel who will work across different programme divisions and support the social audit units in the States. This division/ cell should pool in the funds from different programme divisions and release money to the social audit units for social audit facilitation of all programmes. This wing (with sufficient personnel) should not be under a programme division but should be independent like the Internal Audit Wing that reports directly to the Secretary. This will avoid conflict of interest between the programme division and social audit. It will also ensure that there is synergy between the social audit of different programmes – common capacity building programmes can be devised, funding for the social audit at the field level can be shared. The MoRD should build good MIS that will support the social audit processes and ensure that SAUs are truly independent and have been set up as per the auditing standards. Ministry along with C&AG should conduct regular reviews of social audit units, the audit findings and the action taken reports. Central and State governments need to ensure that States take appropriate follow-up action in a timely manner and mark it in the MIS. Regular reviews on the social audit findings and the action taken reports is pertinent. Exchange visits of social audit resource persons between different States for learning best practices may also be facilitated.

MoRD should ensure that the full 0.5 % of the previous year's expenditure under MGNREGS is released before the start of the financial year to the SAUs. For smaller States and SAUs which cover all the GPs, the amount allotted for social audit should be increased to one percent. Funds for social audit of PMAY-G and NSAP should also be directly sent to the SAUs. Non-provision of funds has been the main reason that social audit of these programmes have not been taken up on scale. The MoRD had supported a 30-day certification training programme for resource persons facilitating social audit. Nearly 5000 resource persons have been trained so far. However, there has been no new 30-day training in the last three years. Many SAUs have hired new resource persons either because they established the unit recently or to fill up vacancies that arose due to turn-over of employees. MoRD should continue to support the training programmes for all resource persons to ensure that the quality of social audits conducted is high.

Comptroller and Auditor General (CAG) should carry out a compliance audit (with respect to the Rules and Auditing Standards) of all SAUs and State implementation agencies; help SAUs in the capacity building of social audit resource persons; conduct periodic review of the social audit findings and action taken reports; and develop standards for follow up action after the social audit – specific actions to be taken on different types of irregularities, protocol for review of action taken reports and closure of issues.

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## POLICY OF E-GOVERNANCE AND BUREAUCRACY IN INDIA

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**Munin Baruah\***

### Abstract

Reinventing governance and bureaucracy has been a dominant theme since 1990, wherein governments world over are attempting to improve the system of public service delivery and efficient functioning of governmental organisations. Rapid strides made in the field of ICT have facilitated the reinvention of governments and prepared them to serve the needs of a diverse society. It is with this concern that the concept of e-governance became prominent. As such, it is quite pertinent to examine the e-governance in context of bureaucracy and policy process in India. Owing to e-governance there is improvement in the internal organizational processes of government, increased transparency government's functioning and enhanced political credibility & accountability in governance. Democratic practices through public participation and consultation are also facilitated through e-governance. With this view in mind, the present paper examines the conceptual and practical aspects of use of Information and Communication Technology (ICT) in governance and policy formulation and implementation since 1990s.

**Key Words:** e-Governance, Policy, ICT, Bureaucracy, Laws, Digital India.

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### INTRODUCTION

The prime goal before the developing nations has been the development and meeting the needs and desires of poor people. In the process, formulation of appropriate policy and its implementation have to be completed by proper role of

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appointed executives, popularly known as 'bureaucracy. On the other hand, there has been wide disagreement on the credibility of the bureaucracy in such societies. Further, in the wake of globalisation, it has become a necessity that the governance of such country should match the universal parameter of good governance. Rapid strides made in the field of ICT have facilitated the reinvention of governments and prepared them to serve the needs of a diverse society. As such, it is quite pertinent to examine the policy of e-governance in context of bureaucracy in India. Owing to e-governance there is improvement in the internal organizational processes of government, transparency in government's functioning and enhanced political credibility & accountability in governance. Democratic practices through public participation and consultation are also facilitated through e-governance. With this view in mind, the present paper examines the conceptual and practical aspects of use of Information and Communication Technology (ICT) in governance in the context of bureaucracy and the policy process in India.

## **CONCEPTUAL CONSIDERATIONS**

*e-Governance:* Let us first mark the difference between e-Government and e-Governance. e-Government is the modernization of processes and function of government using the tools of ICT so as to transform the way it serves its constituents. e-Governance on the other hand goes beyond the service delivery aspects and is seen as a decisional process. It is about the use of ICTs in the system of governance i.e., using ICT to involve multi-stakeholders in decision making and in making governments more open and accountable. The basic purpose of e-governance is to simplify processes for all, i.e., government, citizens, businesses, etc. at national, state and local levels. As such e-governance is nothing but the application of ICT for delivering public services, exchange of information, communication transactions, integration of various stand-alone systems and services G2G (Government to Government), G2C (Government to Citizen), G2B (Government to Business) as well as back-office processes and interactions within the entire government frame work. e-Governance promotes more efficient and effective government, facilitates more accessible government services, allows greater public access to information, and makes government more accountable to citizens. It facilitates the process of development and inclusive governance. The old model was one of information technology (IT) automating the internal workings of government by processing data. The new model is one of information and communication technologies (ICTs) supporting and transforming the external workings of governance by processing and communicating data. (Heeks: 2001). ICTs are effectively throwing up new dimensions to old institutional setups. It is a powerful enabler of development goals because of the way in which it improves communication and the exchange of knowledge and information necessary for development processes. The ICT offers -

automation, informatics and transformation. Automation refers to replace current human-executed processes which involve accepting, storing, processing, outputting or transmitting information i.e., the automation of existing clerical functions. Informatics is concerned with supporting current human-executed information processes i.e., supporting the current processes of decision making, communication, and decision implementation. IT transforms by creating new IT-executed information processes or supporting new human-executed information processes viz. example, creating new methods of public service delivery. These change potentials, in turn, can bring five main benefits to governance for development viz. cost-effective, efficient, quicker, quality and innovative service delivery (Ibid).

e-Governance requires a sound management of information system (MIS) in all governmental organisations. This also involves that bureaucracy should be e-ready to use ICT in its day-to-day functions of bureaucracy, like Gathering, Creating, Storage, Accessibility, Dissemination, Shelving or Discarding, Up-dating and Securing the information or data.

*Approaches to the Study of e-Governance:* People have viewed the ICT for governance from the angle of meeting the respective needs that are put on priority which has been categorised into three - namely, Organisational Approach, Functional Approach and Social Justice Approach (Verma and Kumari: 2010). Governance involves organisations which aim at management of natural, material and human resources for the well-being of the people and also at the optimum level. There are devices, in an organisation, to accrue, store, disseminate and use the information for achieving its goals. Here ICT is concerned to be used in an organisation (governing institutions) for efficient, responsive, simple, transparent and faster pace of governance that minimises corruption and delay. Secondly, ICT has been considered as facilitator of functions of organisation. The application of ICT is an 'enabling' technology to enhance the performance of governing institutions in two ways - (i) for critical processes to produce goods and services for the public like information dissemination, registration and licensing process which are re-engineered and automated to its people, and (ii) for automating the internal 'back office' processes like payroll, planning processes etc. involved in internal working of organisation (Malhotra: 2001). In developing countries, the governance aims at serving the cause of poor and deprived sections of the society, hence scholarship on e-governance examines its utility to achieve this goal. The widening use of ICT can potentially evolve knowledge and power structures that enhance transparency in governance. Public access to alternative information sources through ICT also means that the public can circumvent government censorship. Where governments are ineffective and governance chaotic rather than disciplined, people find their own solutions. Other groups, e.g., NGOs and civil societies step in to take the slack and void governance. ICT is powerful tool that can engender stronger civil society

networks that are better informed and brought together and empower these groups to be more effectively engaged in national development. Heeks has gone a step forward to argue that the ICT can facilitate the poor to voice their grievances as well as influence the decision-making process, not only as information receiver but also as information provider (Arce and Long: 1992, UNDP: 2001).. e-Governance has also been considered as good governance (Dey: 2000).

## **EVOLUTION OF E-GOVERNANCE IN INDIA**

It is not that use of ICT in government/governance was not experimented earlier in India. With the advent of rise of ICT technologies, almost all governments attempted to bring it in government functions. But it was considered as an administrative luxury. Realising the significance of use of electronics, the Government of India established the Department of Electronics in 1970. The subsequent establishment of the NIC in 1977 was the first major step towards e-governance in India. In the early 1980s, the use of computers was confined to very few organizations. The advent of personal computers brought the storage, retrieval and processing capacities of computers to government offices (Web link [arc.gov.in](http://arc.gov.in)). The then Prime Minister Rajiv Gandhi introduced the use of computers in various governmental organisations during mid-1980s, though it was an old generation computer with 'word processor' programme. Gradually, with the introduction of better software, computers were put to other uses like managing databases and processing information. Advances in communications technology further improved the versatility and reach of computers, and many government departments started using ICT for a number of applications like tracking the movement of papers and files, monitoring of development programmes, processing of employees' pay rolls, generation of reports etc. The main thrust for e-governance was provided by the launching of NICNET in 1987 – the national satellite-based computer network. This was followed by the launch of the District Information System programme of the National Informatics Centre (DISNIC) to computerize all district offices in the country for which free hardware and software was offered to the State Governments. But it was not opened in public domain rather focus was on the development of in-house government applications in the areas of defense, economic monitoring, planning and the deployment of IT to manage data intensive functions related to elections, census, tax administration etc.

The efforts of the NIC to connect all the district headquarters during the eighties was a very significant development. From the early nineties, IT were supplemented by ICT technologies to extend its use for wider sectoral applications with policy emphasis on reaching out to rural areas and taking in greater inputs from NGOs and the private sector as well. India witnessed increasing involvement of international donor agencies under the framework of 'e-governance for development' to catalyze the development of e-governance laws and technologies in developing countries.

The Gyandoot project set up 31 Internet-connected kiosks in villages in a district of central India where 60% of the population live below the poverty line (earning less than US\$1 per day). Each kiosk was initially funded by the local government committee. It is run by a local young entrepreneur along business lines: fees are charged for the services provided. Government-related services include online application for government certificates; online filing of complaints; printing of land records (which are held online and which all farmers need every season to obtain bank loans); and access to information on government welfare and related schemes. Other community development services include: access to agricultural produce prices; an auction site for sale/purchase of land, equipment and animals; online discussion forums; and e-mail. In the first year of operation, the kiosks were used on tens of thousands of occasions. Proven benefits include better prices for agricultural produce; easier sales of other items; faster reactions to complaints or problems (e.g., an outbreak of cattle disease); and improved knowledge and skills within the communities served (Verma and Kumari: op.cit).

E-governance in India has reached the 'transactional' stage and provides various services to citizens and business and government organizations and is dispensed by central government agencies and different state government departments. The National e-Governance Plan (NeGP), initiated in 2006, attempts to make all Government services accessible to the common man in his locality, through CSCs being set up across India (web link: op cit). As on April 2011, about 94,786 CSCs were operational with different brand names and delivering services to the people. The rural landscape in India is set to take advantage of the flourishing ICT initiatives, through various institutions, more specifically the CSCs. The concept of e-panchayats (Verma and Kumari- eds: 2012) flourished in various states in which Andhra Pradesh, West Bengal and Karnataka took the lead in the first decade of 21st century. The ongoing e-governance movement in India aims to providing a one stop information access. The present Modi-led government has put special emphasis on proliferated use of ICT in governance through various programmes and portals under Digital India mission. It calls for less government and more governance.

## **POLICY PERSPECTIVES**

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In fulfillment of the intentions for e-governance, the Central Government and state governments have taken a large number of initiatives to usher in an era of e-governance. Sustained efforts have been made at multiple levels to improve the delivery of public services and simplify the process of accessing them. Lessons from previous e-governance initiatives have played an important role in shaping the progressive governance across the various arms of government at national, state, and local levels. The National e-Governance Plan (NeGP) is an initiative of the

Government of India to make all government services available to the citizens of India via electronic media. NeGP was formulated by the Department of Electronics and Information Technology (DeitY) and Department of Administrative Reforms and Public Grievances (DARPG). The Government approved the National e-Governance Plan, consisting of 27 “Mission Mode Projects” (MMPs) and Ten components, on 18 May 2006. This is an enabler of Digital India initiative, and UMANG (Unified Mobile Application for New-age Governance) in turn is an enabler of NeGP

The National e-Governance Plan (NeGP), launched in May, 2006, takes a holistic view of e-Governance initiatives across the country, integrating them into a collective vision, a shared cause. Around this idea, a massive countrywide infrastructure reaching down to the remotest of villages is evolving, and large-scale digitization of records is taking place to enable easy, reliable access over the internet. The ultimate objective is to bring public services closer home to citizens, as articulated in the Vision Statement of NeGP, “Make all Government services accessible to the common man in his locality, through common service delivery outlets, and ensure efficiency, transparency, and reliability of such services at affordable costs to realise the basic needs of the common man.”

The 11th report of the Second Administrative Reforms Commission, titled “Promoting e-Governance - The Smart Way Forward”, established the government’s position that an expansion in e-government was necessary in India. The programme required the development of new applications to allow citizen access to government services through Common Service Centers (CSCs); it aimed to both reduce government costs and improve access to services (Govt of India: 2014). In order to promote e-Governance in a holistic manner, various policy initiatives and projects were undertaken to develop core and support infrastructure, like State Data Centres (SDCs), State Wide Area Networks (SWAN), Common Service Centers (CSCs) and middleware gateways i.e., National e-Governance Service Delivery Gateway (NSDG), State e-Governance Service Delivery Gateways (SSDG) and Mobile e-Governance Service Delivery Gateway (MSDG).

## **E-GOVERNANCE THROUGH DIGITAL INDIA PROGRAMME**

After general elections in 2014, the NDA government placed greater premium on the use of ICT in governance on a large scale. The Communication and Information Technology (IT) minister writes, “Government of India accords highest priority to the Digital India programme. The implementation of e-Kranti an integral component of Digital India aims at ‘Transforming e-Governance for Transforming Governance’ and is vital for the delivery of e-governance easy governance and good governance in the country (Govt of India:2015). He further writes, “In the recent rapid advances in ICT have made e-governance a very potent tool for ushering

in an era of good governance. The implementation of e-governance projects like MyGov platform, Jeevan Praman, Wi-Fi Hotspots, BPOs in rural areas” (Ibid). Thus Digital India endeavours to chart out the road map of implementation of e-governance projects in the country which cover a number of important areas, e.g. e-Kranti (National e-Governance Plan 2.0), open source software, open APIs, e-mail policy, use of IT Resources, Collaborative Application Development and Application Development & Re-Engineering for Cloud Ready Applications. These policies are envisaged to provide necessary support to all Central Ministries/ Departments as well as all States/UTs in leveraging the emerging technologies, making use of newer business models and revamping of existing projects so as to deliver the services electronically to citizens in an efficient, transparent and affordable manner. ‘The e-Kranti Framework’ has the vision of ‘Transforming e-Governance for Transforming Governance, e-Kranti programme aims towards easy governance, effective governance, good governance and mobile governance. It provides the key principles for revamping the existing projects and also for new and ongoing e-Governance projects. ‘e-Kranti’ or NeGP 2.0 was also conceptualized with a focus on electronic delivery of services. Later Digital India which was launched on 1 July 2015 is an initiative to ensure that Government services are made available to citizens electronically by improving online infrastructure and by increasing Internet connectivity. It was launched keeping in view that despite the successful implementation of many e-Governance projects across the country, e-Governance as a whole has not been able to make the desired impact and fulfill all its objectives.

## **COMPONENTS OF DIGITAL INDIA**

1. Making the ministries, departments of Centre and state governments to leverage the common people and support the use of ICT. The Department of Electronics and Information Technology (DEIT) has been entrusted to evolve or lay down standards and policy guidelines, provide technical and handholding support, undertake capacity building, R&D, etc.
2. To revamp suitably the existing or ongoing e-Governance initiatives in order to align them with the principles of Digital India. To undertake scope enhancement, process reengineering, massive use of integrated & interoperable systems and deployment of emerging technologies like cloud & mobile in order to enhance the delivery of Government services to citizens.
3. To facilitate the states with flexibility to identify the inclusion of additional state-specific projects, which are relevant for their socio-economic needs?
4. To promote e-governance through a centralized initiative to the extent necessary, to ensure citizen-centric service orientation, interoperability of various

e-Governance applications and optimal utilization of ICT infrastructure/resources, while adopting a decentralized implementation model.

5. To identify success stories and replicate them proactively with the required productization and customization wherever needed.
6. To introduce and promote PPP (Public Private Partnerships) wherever feasible to implement e-Governance projects with adequate management and strategic control.
7. To adopt the Unique ID promoted to facilitate identification, authentication and delivery of benefits.
8. To restructure the NIC in order to strengthen the IT support to all government departments at Centre and State levels.
9. To create a position of Chief Information Officers (CIO) in at least 10 key Ministries so that various e-Governance projects could be designed, developed and implemented faster. CIO positions will be at Additional Secretary/Joint Secretary level with over-riding powers on IT in the respective Ministry.

The Government of India has launched some projects which have already been implemented or are in the process of being implemented in the Digital India. These projects are:

- a. **MyGov.in** which is a platform that has been implemented for citizens to interactively engage within the government.
- b. **Aadhaar based** biometric attendance system in the Central Government offices and in all state governments.
- c. Jeevan Pramaan **Portal**: A portal which allows pensioners to submit their life certificate, which can later be disbursed to the agencies for necessary processing.
- d. **e-Greetings** with a portal for government greetings
- e. **e-Book Platform** for developing to upload e-books on website <www.ebasta.in>
- f. IT Platform as **e-sampark** for Elected Representatives
- g. There are some other e-Governance Projects which are being revamped like Transport, PDS, e-Prisons, National Scholarship Portal, Pay online, Check post online, etc.

## **LEGAL ASPECTS OF E-GOVERNANCE**

The legal aspects of e-governance have its source in United Nation Commission on International Trade Law (UNCITRAL) which was necessitated for electronic transactions extends across national boundaries, hence there was a need of international harmonization in IT Laws. UNCITRAL drafted the 'Model Law on Electronic Commerce - 1996' for adoption by countries. The basic principles of Model Law are - functional equivalence, neutrality of media and technology and

party autonomy. India did also usher into the legal arena of e-governance with enactment of cyber-law in October, 2000 on the model of UNCITRAL named as IT Act 2000. India became the 12th nation in the world to adopt Cyber Laws. The Act applies to the whole of India and also applies to any offence or contravention there under committed outside India by any person irrespective of his nationality, if such act involves a computer, computer system or network located in India. The law has 94 Sections segregated into 13 Chapters and 4 Schedules. Further, the IT Act 2000 was amended through the Information Technology Amendment Act, 2008 which came into effect from October 27, 2009. The law, in regard to e-governance, makes provisions of electronic filing of documents and e-payments, defining civil wrongs, offences, punishment, investigation, adjudication of cyber-crimes etc. The law defines 'access' as gaining entry in computer net-work which means 'data processing device'. The device functions by manipulations of electronic, magnetic or optical impulses, and includes all input, output, processing, storage, and computer software or communication facilities at computer net-work through the use of satellite, microwave, terrestrial lime or other communication media. Section 4 of the IT Act provides legal recognition to electronic records, "If any information is required in printed or written form under any law the Information provided in electronic form, which is accessible so as to be usable for subsequent use, shall be deemed to satisfy the requirement of presenting the document in writing or printed form" Section 3 of the Act provides the authentication of electronic records in the following words, "The authentication of the electronic record shall be effected by the use of asymmetric crypto system and hash function which envelop and transform the initial electronic record into another electronic record". Similarly, section 7 of the law allows retaining the records.

Major themes of IT Amendment Act, 2008 are to make the technology neutral by enabling provision added to replace Technology specific "Digital Signatures" to technology neutral "Electronic Signatures". Central government has to specify accepted forms of electronic signatures in the Rules. Exclusion of applicability modified to allow Central Government to change the list by executive orders (Rules). It also has enabling provision for PPP in e-Governance in service delivery and provisions for more extensive coverage of cyber-crimes including Cyber Terrorism. The Act as amended update makes provisions of statutory bodies like Controller of Certifying Authorities which is regulating agency for the working of licensed certifying agencies named Indian Computer Emergency Response Team (CERT – in) and National Nodal Agency in the area of Cyber Security. Further, provisions have been made for Cyber Appellate Tribunal as Appellate body in Cyber Crime related cases. Sub section 70A (1) of the ITAA 2008 empowers Central Government to notify in the Official Gazette, designate any organization of the Government as the national nodal agency in respect of Critical Information Infrastructure Protection. Accordingly, 70B (1), stipulates that the identified nodal

agency be called Indian Computer Emergency Response Team (CERT) headed by a Director General who perform functions related to ensuring Cyber Security in the country.

The Act also speaks about legal framework of governmental processes in shape of designing in accordance with the legislation governing particular domain. Some of these Legislations may be old and antiquated e.g., Laws governing the Land Record Management include - Registration Act 1905, Stamp Act 1899, Survey & Boundaries Act 1923, Revenue Code 18xx etc. It is criticized that the basis of the legal system is to put in controls, and not for better service delivery. Further, the old Acts are mainly department-centric and not citizen-centric. But the cyber law allows for controls to be enforced in a cost-effective manner and allowing departments to concentrate on better service delivery

### **IMPACT OF E-GOVERNANCE ON BUREAUCRACY**

E-governance requires some basic restructuring of age-old, archaic and colonial procedure – it indeed involves almost elimination of existing dysfunctional system of governance. The e-governance offers a set of efficiency measures like time bound and cost-effective governance, transparency, demolition of discretion and arbitrariness, above all, clientele orientation and redressal of citizens' grievances. It down sizes, cuts number, unites knots and does away with regulation & procedural bottlenecks reduce time & increase customer satisfaction. Use of ICT in governance has led to resizing of today's organizations, eliminating the need for levels of bureaucracy. People are replaced by technology & organization is able to down size or right size. The impact of IT is mainly felt at the middle level management. Downsizing of Government departments & directorates would create a new administrative culture by doing away with middle management. IT brings in a rapid change in management pattern, such as breakdown of hierarchy in administration & increase in coordination activity. Computers make coordination better & cheaper. It will facilitate Decentralized administration i.e., delegation of authority. IT leads to administration & management revolution. The file pushing processes is done away with, data processing and decision making is done quickly and cheaply. Viz. if an information system would be built up for gathering databases regarding crimes and criminals, these data would enormously help police officer to track down criminals and prevent crimes. Comprehensive use of ICT is more likely to offer people friendly administrative culture by making people's easy access to data and information about public administration, bringing the functioning of bureaucrats and other public servants under the gaze of effective public scrutiny, by helping the people to assess the moral and attitude of public servants towards the people. Appreciation of needs of people will be greatly facilitated. It can be the instrument for transforming the nature & style of India's Public Administration into a Participative Culture,

taking the people as partners in development administration. Besides, some other impact areas are global governance, co-governance and integrated governance, modernizing vigilance and monitoring, delivery of services like health, education and mitigating adverse impacts of disasters.

## **CHALLENGES OF E-GOVERNANCE AND BUREAUCRACY**

India has several challenges in the way of introducing e-governance completely. First of all, creation of appropriate infrastructure conducive to e-governance for reaching the benefits of e-governance, more e-government projects have to be implemented by building adequate e-infrastructure particularly in rural background regions. Secondly, there is lack of adequate policy strategies and appropriate legal frame-work for removal of obsolete laws and discretionary power, simplification of procedures to avoid administrative bottlenecks and constitution of single window delivery system to ensure speedy disposal of cases. Besides these, there is need of laws for making public servants accountable & responsive for non-performance, laws for privacy to ensure that information is not misused and for emerging challenges like cyber-crime e.g., Hacking. Though e-governance is not panacea for solving all the problems, yet it requires enabler in the form of human resource management and leadership of organization to reap greater dividends of it. There is urgent need of citizen – centric approach rather than technology centric approach, centralized monitoring and decentralized provision of services, attitudinal and technological training of Government employees. Another unnoticed problem is the menace of social media.

The second administrative reforms commission in its 11th Report emphasized on building an environment within bureaucracy which is conducive to e-governance for which it suggested to a) develop new skills and habits to use ICT among members of bureaucracy, b) ensure support from higher echelons of political executives in shape of infrastructure and finances, c) introduce incentives to members of bureaucracy reflected in the budgetary allocations, d) spread awareness among people for G 2 C communications electronically and e) overcome the resistance from intra bureaucracy set up as some people in bureaucracy would resist against the use of ICT. Further, the e-governance projects should be managed and monitored sincerely and seriously for which both the Central and State governments' departments must provide support to other departments and institutions. There is also a need of changing the Rules of Executive Business framed decades earlier. The secretaries of different departments should be entrusted with the responsibility of project implementation in unambiguous terms. They should provide with the requisite authority and resources for project implementation. The Report also suggests to present Annual Performance Appraisal Report (APR) of public servants entrusted with the responsibility of project implementation under NeGP should

have a separate entry for evaluation of their performance in this regard. As regards legal frame work, the Report recommends to enshrine all these efforts in 'a legal framework keeping in consideration the mammoth dimension of the task, the levels of required coordination between the Union and State Governments and the diverse field situations in which it would be implemented (GoI: 2008).

## CONCLUSION

So far, the recent policy initiative of e-Governance under "Digital India" is concerned, the compendium of several policy initiatives in the e-Governance domain reveals several steps namely the *e-Kranti* Framework, Open Source Software, Open APIs, E-mail Policy, Use of IT Resources, Collaborative Application Development and Application Development & Re-Engineering for Cloud Ready Applications, that have taken by Department of Electronics and Information Technology (DeitY) in the recent times. The compendium aims to provide a ready reckoner to the policy makers and the practitioners in various domains and is expected to help faster implementation of Digital India projects. The bureaucracy will have to abide by these initiatives in spirit.

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## CHILD MALNOURISHMENT IN BIHAR: A DISTRICT LEVEL ANALYSIS

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Ashi Rooth Stuart<sup>1</sup> and Swastika Satyam<sup>2</sup>

### Abstract

Malnourishment is the imbalance between demand and supply of required nutrients in the body. WHO (2020) defines malnutrition as “deficiencies, excesses or imbalances in a person’s intake of energy and/or nutrients”. A lack of attention to child malnutrition is a self-defeating agenda for development, given the impact of child malnutrition on child growth and, subsequently, the overall quality of human development. The COVID-19 pandemic has posed a serious danger that may increase the prevalence of malnutrition. It hampered the schemes like Mid-day Meal, ICDS, Anganwadi etc. However, the children’s nutritional status in terms of weight, growth, stunting etc. in Bihar has improved from 2015-16 to 2019-20 (as per NFHS data). But often, state-level averages conceal district-level disparities. Therefore, in this study, district-level estimates of NFHS-4 and NFHS-5 in Bihar are compared to see how far the districts have progressed toward achieving the United Nations Sustainable Development Goal 2.2: “ending all forms of malnutrition by 2030 for children under 5 years of age”. We also attempt to investigate district-level correlates of child stunting in Bihar.

**Keywords:** Malnourishment, Children, NHFS, Stunting, Wasting, underweight, Bihar

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### INTRODUCTION

The impact of child malnourishment at an early age is irreversible in nature. The first thousand days of life from conception are pivotal periods for the future growth

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and development of children (Victora et al., 2008; Daelmans et al., 2017). The high prevalence of stunting is a great obstacle for millions of children not reaching their developmental potential in many developing countries (Daelmans et al., 2017; Richter et al., 2017).

Physical or cognitive growth starts in utero. Once a child gets stunted, it rarely catches up with that deficit in later life (Martorell et al., 1994). A partial recovery may be possible if stimulus nutrition and health package are provided in the initial period because the likelihood of recovery is higher at the early stage of life Mani (2012). However, a stunted child of two years, even if she catches up growth in the later period of her life, she does poorly on average compared to a never stunted child, as the cognitive development in a stunted child is somewhat impaired (Crookston et al., 2011)

Undernourished girls who become mothers in the future are a direct health risk for pregnancy and delivery problems. The chances of her child's survival are low due to her reproductive role. Growth restriction in the mother's womb frequently has a negative impact on the foetus, sometimes resulting in death or, if saved, some life-threatening complications (Black et al., 2013). Poor nutrition and frequent infections cause a child's nutritional condition to deteriorate and increase vulnerability to infections and diseases. WHO (2018) reported the under-five mortality rate in low-income countries was 68 deaths per 1000 live births-almost 14 times the average rate in high-income countries (5 deaths per 1000 live births).

Poor nutrition extends the cycle of poverty and malnutrition through a channel. Direct losses in productivity and functioning are not their optimal level due to poor physical health and short height in adulthood related to malnutrition and disease. Another loss of the early age of child malnourishment is low cognitive abilities and fewer years spent in school. Furthermore, increased health care cost of the households for severe illness, chronic diseases and other opportunity costs for the time of expenditures for supplementary care practices of malnourished children. Adults who were malnourished as children face a loss of employment opportunities. Even if they find employment, they receive low wages and subsistent earning through their lifetime compared to their skilled peers. Finally, poor human capital formation leads to a loss of GDP in the economy. Food and Agriculture Organization (FAO, 2013) estimates that the economic cost of malnutrition at the global level is approximately \$ 3.5 trillion (compared with GDP).

The interplay of different social and economic factors determines a child's nutritional status. As shown in numerous previous studies, low parental education levels (Nepal, 2018; Sukmawati, 2019; Vikram and Vanneman, 2020), poor household living conditions (Behrman et al., 1984; Feinstein, 2003), parental unemployment, inadequate maternal antenatal and postnatal care (Engle et al., 2011; Cunningham et al., 2015), child marriage (Rah et al., 2010; Nasrullah et al.

2013; Paul et al., 2019), maternal undernutrition, poor maternal and child dietary diversity (Mahmudiono et al., 2017) and child immunisation (Vikram et al., 2012; Agrawal and Kumari, 2014) are all significantly and positively linked to child growth failure incidents. On the other hand, education is directly tied to unemployment, poverty, child marriage, and other variables that contribute to growth retardation among children (Das et al., 2021).

According to UNICEF (2000), around 200 million children (<60 months) were malnourished based on overall population undernourishment, child stunting, wasting, and child mortality, ranks India 94th out of 107 countries.

In comparison to other Indian states, Bihar performs poorly in terms of child nutrition. Additionally, it does poorly in terms of factors affecting child nutritional status. Bihar has the greatest percentage of underweight children (41 per cent), the second-highest percentage of stunted children (42.9 per cent), and the third-highest percentage of wasted children (22.9 per cent) in India.

To combat malnutrition, Government of India and Government of Bihar have implemented many schemes taking a holistic approach towards nutrition and health. Janani Suraksha Yojana (JSY) is a safe motherhood intervention programme under the National Health Mission launched in 2005. Janani Shishu Suraksha Karyakram (JSSK) was launched in 2006 to reduce maternal and infant mortality rates. This scheme applies to all states and Union Territories of India. Pregnant women under this scheme are encouraged to have institutional delivery. Accredited Social Health Activists (ASHAs) are appointed to guide and inform pregnant women about safe delivery and vaccination process to improve better health outcomes and significantly reduce child and maternal mortality. JSSY is a centrally sponsored scheme under which a pregnant woman receives cash assistance with delivery and post-delivery care. JSSK provides free diagnostic, free and cashless delivery, free drugs and consumables, exemption from user charges, free referral and ambulance service, free stay in the hospital, free diet during the stay in the health facility, free provision of blood, free drop back from health facility to home after 48 hours.

The government of India and Bihar adopted several effective strategies to tackle neonatal deaths. For example, the Comprehensive New-born Care Initiative (CNCI) uses the IDA approach. Also, New-born Care Corner (NBCC) provides health care facilities for infants at primary health centres in Bihar. Under Facility Based New-born Care (FBNC), children are provided health care facilities. Special New-born Care Units (SNCUs) established for low-birth-weight children and ill infants at the district level, medical colleges and sub-districts hospitals in 2008.

Ministry of Health and Family Welfare setup Nutritional Rehabilitation Centres (NRCs) across India. Severe and Acute Malnourished (SAM) children under 5 years are identified by health facility and Anganwadis and were referred to NRCs

where they were treated and provided with nutritional supplements, food, medical treatment and rehabilitation.

The inter-district variation in the proportion of child anthropometric failure incidents across the state is cause for concern, as 31 out of 38 districts in Bihar have seen an increase in at least one child anthropometric failure measurement from 2015-16 to 2019-20, despite the Sustainable Development Goals' (SDGs) goal 2 of ending hunger and malnutrition by 2030. Variation in the proportion of child anthropometric failure incidences throughout the state may be a result of socio-economic inequalities, maternal and reproductive health care disparities, or variances in the physical environment (Anand, 2014; Prakash, 2018).

In this context, the primary objective of this study is to determine the changes in child growth failure indices using anthropometric measurements of Under 5 children in various districts of Bihar. Additionally, this study will demonstrate the prevailing (2019–2020) rates of child anthropometric failure indices (stunting, wasting, and underweight) across the districts of Bihar. This study would aid policymakers and health care providers in understanding the dynamic nature of the prevalence and changes in child growth failure indices across the districts of Bihar.

## Methodology

**Data Source:** This study used data of child anthropometric failure indices from district level fact sheets of Bihar provided by the National Family Health Survey (NFHS), India. This study examines two NFHS time periods, that is, NFHS-4 (2015–2016) and NFHS-5 (2019–2020). Due to the identical data sets in NFHS 4th and NFHS 5th rounds, it is possible to compare child anthropometric failure indices over time across the districts of Bihar.

**Child Anthropometric Indices:** The primary outcome measure for this study is children's anthropometric failure indicators, which are defined as stunting, wasting, and underweight status in children under the age of 5. The related scores, that is, height-for-age Z-score (HAZ), the weight-for-height Z-score (WHZ), and the weight-for-age Z-score (WAZ), were calculated using children's height/length, weight, and age data and provided in respective NFHS datasets. NFHS permits its surveyor to gather anthropometric data on children's height and weight. It also authorises the statistical assessment team to estimate the present nutritional status of children under-5 (Z-score). Each of these indices provides unique information about children's growth and body composition, which can be used to determine the children's nutritional health. Stunted children are those whose HAZ is less than minus two standard deviations (-2 SD) from the reference population median. Wasted children are those whose WHZ is less than minus two standard deviations

(-2 SD) from the reference population median. Besides these, the WAZ index is a combination of the HAZ and WHZ indices. It takes acute and chronic malnutrition into account. Children whose WAZ is less than minus two standard deviations (- 2 SD) from the reference population's median are regarded as underweight. In this study, we did not directly measure children's stunting, wasting, or underweight status; instead, we retrieved data about child growth failure indicators from NFHS district-level fact sheets (NFHS-4, 2015–2016 and NFHS-5, 2019–2020).

**Data Analysis:** By conducting a comparative analysis of district-level NFHS-4 and NFHS-5 factsheets in the state of Bihar, this article examines the major achievements and shortfalls in progress made on indicators of the nutritional status of children under-5 over the last five years (2015–2016 to 2019–2020). Additionally, choropleth maps are used to compare the changes in the prevalence of child anthropometric failure indices in NFHS-4 and NFHS-5 in the districts of Bihar. Further, the correlation coefficient is used to describe the degree and direction of an association between child anthropometric indices and factors affecting child anthropometry in this study.

## Results

**Stunted Children:** Stunted children in Bihar reduced from 48 per cent to 42.9 per cent between NFHS-4 and NFHS-5. According to NFHS-5, in two districts, Sitamarhi (54.2 per cent) and Sheikhpura (53.5 per cent), more than half of the population of children under the age of 5 suffer from stunting (Figure 2). Gopalganj (34.2 per cent) and Sheohar (34.4 per cent) have a lower prevalence of stunting than the other districts in Bihar.

A steady rise in the number of children who are stunted has been found in 6 out of the 38 districts in Bihar (Figure 1). Kaimur district has seen the greatest growth in stunted children, increasing by 76.40 per cent. Other districts where stunting has increased includes Araria (3.10 per cent), East Champaran (4.03 per cent), Nawada (2.07 per cent), Saharsa (8.88 per cent), and Sheikhpura (15.30 per cent). Stunting has declined in 32 out of 36 districts in Bihar. Sheohar is the best performing district, with a maximum reduction in stunting of 35.09 per cent.

**Wasted Children:** Wasting increased in Bihar from 21 per cent to 22.9 per cent between NFHS-4 and NFHS-5. According to NFHS-5, Arwal (36.8 per cent) and Jehanabad (36.6 per cent) have the highest prevalence of wasting in Bihar. West Champaran (13.2 per cent), Sitamarhi (16.2 per cent),

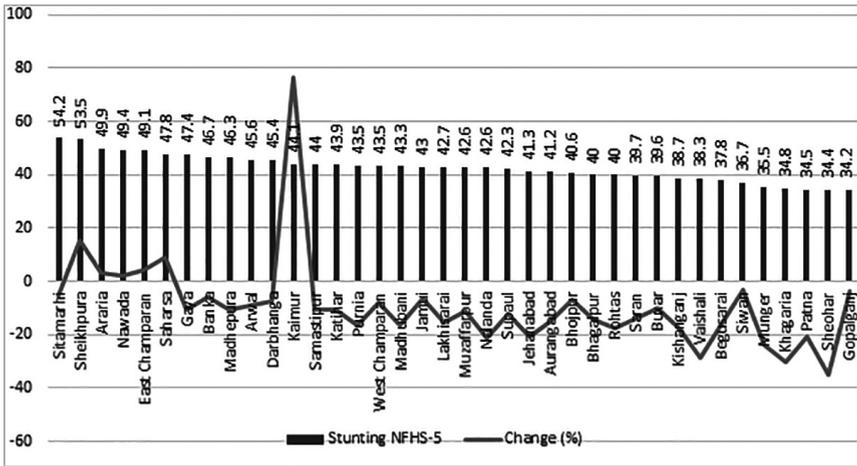


Figure 1: District-wise Prevalence and Percentage Change in Stunting among Children under Five in Bihar between 2015-16 and 2019-20

Source: District fact sheets published by National Family Health Survey, India. (NFHS-4, 2015–2016 & NFHS-5, 2019–2020, Bihar).

Sheikhpura (16.3 per cent), East Champaran (16.8 per cent), Madhubani (17.1 per cent), Nawada (18.2 per cent), Siwan (18.2 per cent), Darbhanga (19.3 per cent), Jamui (19.4 per cent), Vaishali (19.6 per cent), and Muzaffarpur (19.9 per cent) have a lower incidence of wasting among the districts in Bihar (Figure 3).

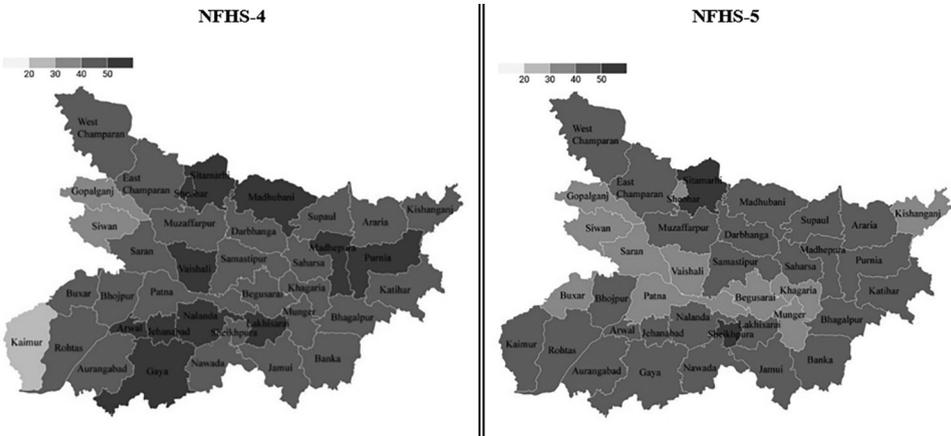


Figure 2: Changes in the Prevalence of Stunted Children in the Districts of Bihar between 2015-16 and 2019-20

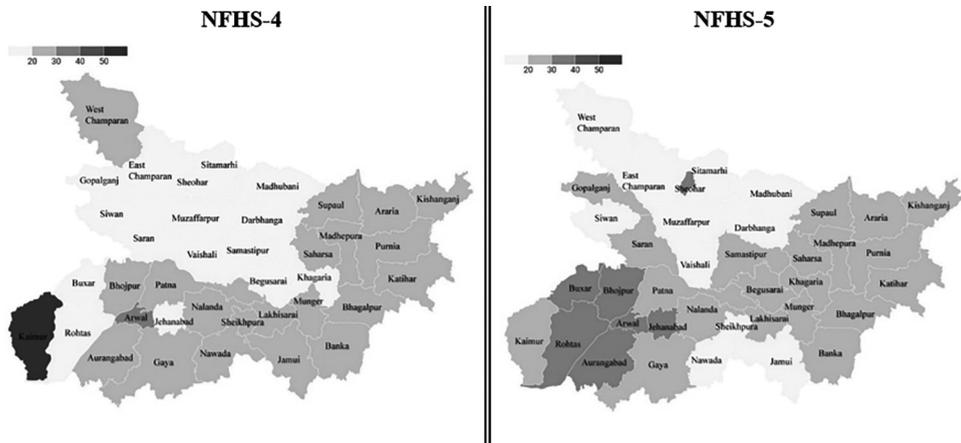
Source: District fact sheets published by National Family Health Survey, India. (NFHS-4, 2015–2016 & NFHS-5, 2019–2020, Bihar).

A consistent increase in the number of wasted children has been observed in 26 out of the 38 districts in Bihar (Figure4). Sheohar district has witnessed the most significant increase in wasted children, increasing by a staggering 139.19 percent.

Wasting has also grown in other districts, including Araria (4.82 per cent), Arwal (19.87 per cent), Aurangabad (32.66 per cent), Banka (3.46 per cent), Begusarai (14.13 per cent), Bhojpur (20.38 per cent), Buxar (69.39 per cent), Darbhanga (16.27 per cent), Gopalganj (30.30 per cent), Jehanabad (86.73 per cent), Katihar (13.53 per cent), Khagaria (48.82 per cent), Kishanganj (4.82 per cent), Lakhisarai (27.36 per cent), Munger (24.19 per cent), Muzaffarpur (13.71 per cent), Nalanda (14.40 per cent), Purnia (24.04 per cent), Rohtas (59.80 per cent), Samastipur (15.76 per cent), Saran (59.12 per cent), Sitamarhi (2.53 per cent), Siwan (21.33 per cent), Supaul (23.44 per cent) and, Vaishali (29.80 per cent). In 12 out of 36 districts in Bihar, wasting has declined. Kaimur is the best-performing district, with a 49.26 per cent reduction in stunting.

### CHANGES IN THE PREVALENCE OF UNDERWEIGHT CHILDREN IN THE DISTRICTS OF BIHAR

The proportion of underweight children in Bihar has fallen from 44 per cent to 41 per cent between NFHS-4 and NFHS-5. According to NFHS-5, in two districts, Arwal (52.9 per cent) and Jehanabad (51.7 per cent), more than half of the population of children under the age of 5 suffer from underweight. Gopalganj (29.2 per cent) has the lowest proportion of children who are underweight (Figure 5).



**Figure 3: District-wise Prevalence and Percentage Change in Wasting among Children under Five between 2015-16 and 2019-**

**Source:** District fact sheets published by National Family Health Survey, India. (NFHS-4, 2015–2016 & NFHS-5, 2019–2020, Bihar).

There has been persistent growth in the number of underweight children in 11 out of 38 districts in Bihar. The highest increase in the proportion of underweight children has been observed in Kaimur, with a 120.56 per cent increase. An increase in the proportion of overweight children has also been observed in Araria (5.29 per

cent), Aurangabad (2.31 per cent), Buxar (9.95 percent), Jehanabad (9.77 per cent), Katihar (6.65 per cent), Purnia (0.21 per cent), Rohtas (6.87per cent), Samastipur (3.63 per cent), Saran (11.39 per cent), Supaul (3.69 per cent). A decline in the proportion of underweight children has been observed in 27 out of 38 districts in Bihar. Sheikhpura recorded the highest decline in the proportion of underweight children, with a reduction of 27.27 per cent.

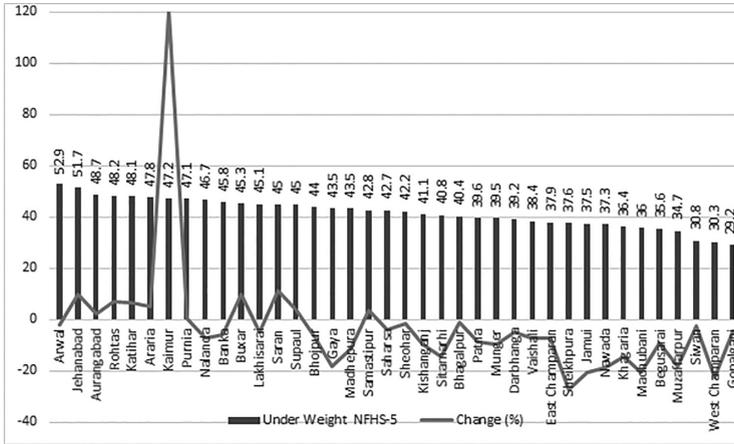


Figure 4: Changes in the Prevalence of Underweight Children in the Districts of Bihar between 2015-16 and 2019-20

Source: District fact sheets published by National Family Health Survey, India. (NFHS-4, 2015–2016 & NFHS-5, 2019–2020, Bihar).

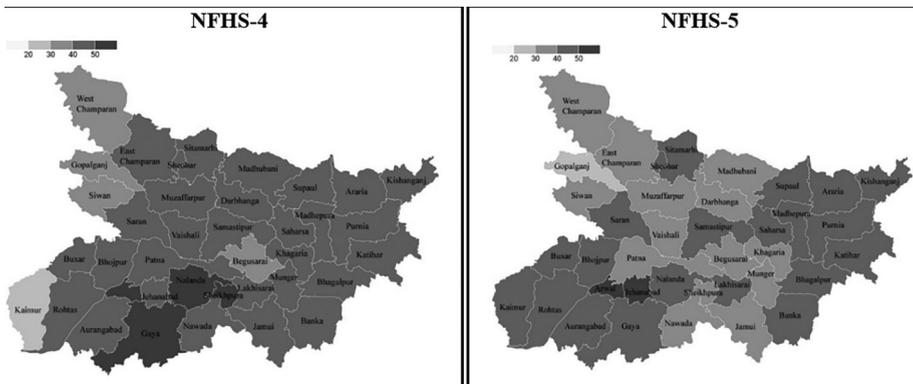


Table 5: District-wise Prevalence and Percentage Change in Underweight among Children under Five between 2015-16 and 2019-20

Source: District fact sheets published by National Family Health Survey, India. (NFHS-4, 2015–2016 & NFHS-5, 2019–2020, Bihar).

Figure 6: Changes in the Prevalence of Underweight Children in the Districts of Bihar between 2015-16 and 2019-20

Source: District fact sheets published by National Family Health Survey, India. (NFHS-4, 2015–2016 & NFHS-5, 2019–2020, Bihar).

## **FACTORS AFFECTING STUNTING AND UNDERWEIGHT IN THE DISTRICTS OF BIHAR**

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### **Pre-pregnancy Factors**

Maternal literacy has an impact on the nutritional status of children. In Bihar, the literacy among women ranges from 42.1 per cent in Supaul to 76.5 per cent in Rohtas. Sanitation practises also have an effect on nutrition outcomes in children. According to the NFHS-5, household access to toilet facilities varies between districts in Bihar, ranging from 41.4 per cent in Araria to 82.2 per cent in Rohtas.

Malnutrition is more likely in children born to mothers who married as minors than among children born to women who married at a majority age. Child marriages and early childbearing were also commonly prevalent in Bihar. The proportion of women married before reaching the legal age of marriage varies significantly across districts, ranging from 21.3 percent (Siwan) to 56.1 percent (Lakhisarai), with a median of 42.6. per cent. Prevalence of teenage pregnancy ranged from 2.6 per cent in Kaimur to 23.6 per cent in Saharsa. Malnourishment is also correlated to maternal health and nutrition. In Bihar, low BMI among women ranges from 18.1 per cent of the female population in Siwan to 32 per cent of the female population in Madhepura.

### **Post-Pregnancy Care**

Antenatal check-ups (ANC) and postnatal care are critical during pregnancy and after delivery for assessing the nutritional and health status of mother and the child. Pregnant women who had at least four antenatal care visits ranged from 11 per cent in Purnia to 37.9 per cent in Jamui. Access to postnatal care was comparatively better than access to ANC in Bihar utilisation of postnatal care from health personnel within two days of delivery ranged from 42.5 per cent women in Saharsa to 92.1 per cent women in Kaimur. Additionally, institutional delivery in the districts varied between 54.6 and 93.2 percent in Kishanganj and Munger.

### **Infant Feeding and Healthcare**

Timely initiation of breastfeeding ranges from 16.9 per cent in Kishanganj to 48.5 per cent in Kaimur. Children under 6 who are exclusively breastfed ranges from 22.3 per cent in Patna to 83.5 per cent in Seohar. Vitamin A supplements coverage varied from 30.2 per cent in Jamui to 74.7 per cent in Madhubani. Complete immunisation coverage ranges from 71.1 per cent (Araria) to 97.9 per cent (Gopalganj) among children aged 12 to 23 months.

## CORRELATION WITH STUNTING AND UNDERWEIGHT

Correlates of child anthropometric failures in Bihar are presented in Table 1. Childhood stunting increases as the proportion of girls married before reaching the legal age of 18 years increases ( $r = 0.52$ ). Stunting when the proportion of girls in the 15–19 year old age group who are pregnant or already mothers rises ( $r = 0.35$ ). Stunting is also more prevalent among children when the proportion of thin women with BMI  $< 18.5 \text{ kg/m}^2$  grows ( $r = 0.53$ ). Education among women ( $r = -0.45$ ), institutional delivery ( $r = -0.36$ ), accessibility to toilet facilities ( $r = -0.44$ ) are negatively correlated to the prevalence of stunting among children.

**Table 1: Median, Range and Strength of Correlation with Child Stunting and Wasting**

Indicator	Median	Range	Correlation Coefficient	
			Stunting	Underweight
Children age 12-23 months fully vaccinated (%)	83.5	71.1 - 97.9	-0.06	-0.02
Children age 9-35 months who received a vitamin A dose in the last 6 (%)	56.5	30.2 - 74.7	-0.18	0.04
Children under age 3 years breastfed within one hour of birth (%)	31.1	16.9 - 48.5	0.09	0.29
Children under age 6 months exclusively breastfed (%)	59.9	22.3 - 83.5	0.27	-0.40
Households having access to a toilet facility (%)	60.5	41.4 - 82.2	-0.44	-0.26
Intitutional delivery (%)	78.4	54.6 - 93.2	-0.36	-0.04
Pregnant women who had four or more ANC visits (%)	26.6	11.1 - 37.9	-0.06	-0.08
Women age 20-24 years married before age 18 years (%)	42.6	21.3 - 56.1	0.52	0.14
Women age 15-19 years who were already mothers or pregnant	10.2	2.6 - 23.5	0.35	0.11
Women who are literate (%)	57.0	42.1 - 76.5	-0.45	-0.01
Women with a postnatal check within two days of birth (%)	66.1	42.5 - 92.1	-0.01	0.15
Women with BMI $< 18.5 \text{ kg/m}^2$ (%)	25.5	18.1 - 32.0	0.53	0.32

The proportion of underweight children increases as the proportion of thin women with BMI  $< 18.5 \text{ kg/m}^2$  increases. ( $r = 0.32$ ). Infants under the age of six months who are exclusively breast fed have an inverse relation with the incidence of wasting ( $r = -0.40$ ).

## CONCLUSION

Prevalence of child marriage, teenage pregnancy, and maternal undernutrition have moderate and positive correlation with the occurrence of stunting among children. Access to toilet facility, institutional delivery of child, postnatal care, maternal education and mother's undernutrition have moderate and negative correlation with the occurrence of stunting among children. Mother's undernutrition also has a moderate positive correlation with the prevalence of underweight among children. Infants under the age of six months who are exclusively breastfed have a moderate negative correlation with the incidence of underweight. Modest efforts through government programmes resulted in a rapid decline in stunting and underweight. In India, many state governments provide rice and wheat at a subsidised rate through the public distribution system (Kishore and Chakrabarti, 2015). Excessive intake of carbohydrates in the form of wheat and rice leads to micro-nutrient deficiencies. In turn, this leads to short-term deficiencies in nutrition, culminating in an increased proportion of wasted children.

Kaimur experienced an enormous surge in stunting and underweight among children. Stunting affects more than half of the children under the age of five in the districts of Sitamarhi and Sheikhpura. The districts of Aurangabad, Jehanabad and Arwal have particularly high levels of both wasting and underweight among children. So, first and foremost, we must focus our attention on these high-prevalence districts in order to reduce children's undernutrition. There are differences in the districts regarding prevalence of child marriages and teenage pregnancy access to education, maternal nutrition, access maternal antenatal and postnatal care, and coverage of immunisation. These disparities are some probable explanations for why not all districts are individually able to reduce undernutrition among children under the age of five.

A comprehensive examination of current nutritional schemes and state-and district-specific constructive, relevant, and immediate updated nutritional interventions are necessary to address the root cause of child growth failure. In the context of a pandemic, the necessity for the state to stay vigilant becomes even more critical. The COVID-19 pandemic has posed a serious danger to health concerns such as malnutrition. Mid-day meal programmes, which are the primary source of supplementary nutrition for millions of children across the country, were impacted as schools were closed indefinitely. Several ICDS activities have been hampered due to the closure of Anganwadi centres and ASHA workers' participation in COVID-19 surveillance. Providing sufficient nourishment to migrant children has proven to be a difficult task, which may further exacerbate the risk of malnutrition among children.

## Notes

1. Meghalaya has the highest proportion of stunted children in India which is 46.5 per cent of the total children under the age of 5.
2. Maharashtra (25.6 per cent) has the highest proportion of wasted children in India followed by Gujarat (25.1 per cent).
3. The fact sheets are publicly accessible on the website <http://rchiips.org/nfhs/>, and the data set is accessible without prior request.
4. Women aged 15-19 years were already mothers or pregnant during the time of the survey
5. The Government has implemented several schemes such as POSHAN Abhiyaan, Pradhan MantriMatru Vandana Yojana, Anganwadi Services Scheme, and Scheme for Adolescent Girls under the umbrella Integrated Child Development Services Scheme (ICDS) as direct targeted interventions to address the malnutrition problem. Children suffering from Severe Acute Malnutrition are treated in the Ministry of Health and Family Welfare-established Nutrition Rehabilitation Centers.
6. In comparison to other districts in Bihar

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## THE POLICY OF ICT BASED MULTI-LEARNING AT SECONDARY LEVEL: AN EVALUATION OF *UNNAYAN* BIHAR SCHEME

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**Ashutosh Prabhakar\* and Deepak Kumar\*\***

### Abstract

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Unnayan is one of the ICT based multi learning platform which has opened the doors of quality education for the learners through integration of technology. It provides contextualised videos-based learning modules developed on the basis of Bihar Board text book syllabus. It also monitors students' performance through continuous and comprehensive evaluation and provides cohort learning facilities. In this context, it becomes an urgent imperative to assess its performance on the basis of empirical evidences. The present paper, thus, addresses the questions like - To what extent, the scheme has been successful and effective? has the scheme been successful in fostering skills among students? As such, the present paper attempts emirical examination by using "randomized control group pre-test post-test" design from 44 students of class IX of Government High School Katihar. The survey results depict that students taught through Unnayan showed a significant increase in thinking skills in higher degree in comparison to students of traditional teaching.

**Key Words:** Unnayan Scheme, Secondary-education, ICT, Skill, HOTS, Katihar, Bihar

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## **INTRODUCTION**

‘Unnayan Bihar’ is one of the ICT based holistic learning project that provide quality education in schools. It contains series of interacting video lectures that provide quality education through digital platforms and support to the efforts of the school teachers. It intends to helps the students to grasp the complex concepts through animation and pictorial depictions and enhance the higher order thinking skills of the student. In turn the Scheme is for It also helps to improving the learning outcomes of the students and increase enrollment and attendance of the students. Unnayan classes are available in both offline and online modes. In offline mode it contains animated concept video developed on the basis of Bihar Board text book syllabus. Daily test facility is provided to check the concept which is being taught through MCQ; Peer assessment is conducted once the test get finished, students themselves exchange for mutual assessment. The discussion session is organised by teachers to clear the difficult concepts. Finally, under the Scheme weekly tests are organised identifying the weak part of the lesson. Unnayan Teacher App has been developed for reporting the teaching learning process. Teachers are asked to report daily on the App with the topic taught along with photo of the class with attendance sheet. All the weekly test OMR sheets of each student has to be submitted on the App by scanning. The App itself evaluate OMR Sheets using Artificial Intelligence (GoI: 2020).

For online mode, “Unnayan App: Mera Mobile Mera Vidyalaya” is available where students get accessed to recorded animated video lecture of the lesson with e- content materials for the class VI to XII on the App. Students can access it from anywhere and able to ask their doubts on mobile platform and get the answers from various Global Experts (GoI:2020) Unnayan does not only help students to avail quality education but also fostering higher vocational skills among them (Choudhary, 2018).

## **BRIEF REVIEW OF LITERATURE**

An array of literature depict the utility of ICT based teaching strategies for teachers and students. A study finds that cooperative learning with ICT improve critical thinking skill within the students (Garcha & Kumar, 2015). Similarly, Ghavifekr & Rosdy (2015) found that students taught through ICT integrated method of teaching score better in comparison to teaching through talk and chalk method. The study of Piper et al., (2015) revealed that use of ICT has positive impact on student’s academic outcome. Nayar and Barler (2014) found that students taught through techno pedagogical tools had higher scores then students taught in traditional method of teaching. Delen & Bulut (2011) found that student exposure to ICT at home and school were the strong predictor of mathematical problems

and scientific abilities. Nowadays, higher order thinking is essential for effective learning. Students have to use the class room learning in practical situation to solve daily problems which is only possible by developing higher order thinking within the students. Saputri et al., (2019) found that the Stimulating Higher-Order-Thinking Skills (Stim-HOTs) model applied to the experimental group has the potential to improve critical-thinking skills in students in comparison to control group. Saragih et al., (2017) found that students taught through student-centred learning model based on local culture. Daher et al., (2017) experimented through Cognitive Research trust thinking (CoRT) programme. The study found that students exposed to CoRT program have higher creativity, flexibility, originality and fluency in comparison to control group students. Masalegoo (2013) revealed that experimental group showed higher mean score in comparison with Control group in development of higher order thinking skills. It indicates that project-based learning enhances the higher order thinking skills in the students.

## **Objectives**

From the reviewed literatures it is clear that ICT integrated teaching have positive impact on their academic achievement. Similarly, it is also clear that teaching through different models and programmes enhance their higher order thinking skills. In view of its utility, the present paper attempts to verify the reality of implementation of the Scheme and effectiveness of ICT based Unnayan Bihar Scheme at ground level. As such, we concentrate on assessing the Unnayan Bihar Scheme and compare the achievements of higher order thinking skills between slow learners and normal learners.

## **HYPOTHESES OF THE STUDY**

1. Teaching through Unnayan significantly enhances higher order thinking skills, analyzing, evaluating and creativity among students in mathematics.
2. There is no significant difference between the effect of teaching through Unnayan on higher order thinking skills among low achiever and high achiever students at secondary school level.

## **METHODOLOGY**

The study is an experimental research with randomized control group pre-test post-test design. The samples are divided into two equivalent groups- experimental and control group following randomization. The 'Unnayan based teaching strategy' serves as the independent variable whereas 'higher order thinking skill' is the dependent variable in this study. The universe of the present study is the secondary level students of Katihar, district in Bihar. The Government High School, Katihar

was selected from where all the 44 students of class IX were taken as a sample of the study. Two equivalent groups are created- one with even roll number (22 students) as experimental group, another with odd roll number (22 students) as control group. Two different types of tools were applied - measuring tool and instructional tool to conduct the study. In the measuring tool the test was designed to measure student's higher order thinking skills in mathematics on the topic "SURFACE AREAS AND VOLUME" for class IX students. Under the instructional tool, lesson plans and activities were developed on topics of the unit "SURFACE AREAS AND VOLUME" keeping in view the need of the students.

## DATA ANALYSIS

The data in Table 1 depicts that pre- test scores of analyzing, evaluating and creating are both positively and negatively skewed and having a standard variability. The mean score of evaluation skill in pre-test score is more, which indicates that the average score secured in evaluating skill is more than analyzing and creating skills.

	<i>N</i>	<i>Mini- mum</i>	<i>Maxi- mum</i>	<i>Mean</i>	<i>Standard Error of Mean</i>	<i>SD</i>	<i>Skewness</i>	<i>Kurtosis</i>
Analysing	44	2	7	3.66	0.19	1.31	0.41	-0.54
Evaluating	44	0	7	4.11	0.23	1.58	-0.34	-0.16
Creation	44	0	4	1.98	0.13	0.92	-0.15	-0.37

The figures in Table 2 depict that post- test scores of analyzing, evaluating and creating are negatively skewed and have a low standard variability. The mean of evaluation skill in post-test score is more, which indicates that the average score secured in evaluating skill is more than analyzing and creating skills.

	<i>N</i>	<i>Mini- mum</i>	<i>Maxi- mum</i>	<i>Mean</i>	<i>Standard Error of Mean</i>	<i>SD</i>	<i>Skewness</i>	<i>Kurtosis</i>
Analysing	44	3	7	5.73	0.17	1.04	-0.44	-0.36
Evaluating	44	3	8	6.09	0.22	1.52	-0.32	-0.98
Creation	44	1	5	3.61	0.19	1.31	-0.45	-1.00

Table-3 indicates the difference between the means of pre-test analyzing score and post-test analyzing score is 2.07. The  $t^2$ -value is 12.15, which is significant at 0.01 level. Hence the null hypotheses "there is no significant difference between the pre-test analyzing score and post-test analyzing score" is rejected at 0.01 levels and the alternative hypotheses "there is significant difference between the pre-test analyzing score and post-test analyzing score" is accepted. Hence it can

be concluded that teaching through Unnayan has significant contribution for development of analyzing skills among the student.

**Table 3: Comparison of Pre-Test and Post Test Scores**

<i>Group</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>Mean Difference</i>	<i>df</i>	<i>t'- value</i>	<i>Sig.</i>
Pre-Test Analyzing	44	3.66	1.31	2.07	42	12.15	0.0
Post-Test Analyzing	44	5.73	1.04				

Table-4 indicates the difference between the mean of pre-test evaluating score and post-test evaluating score is 1.98. The t- value is 12.54, which is significant at 0.01 level. Hence the null hypotheses “there is no significant difference between the pre-test evaluating score and post-test evaluating score” is rejected at 0.01 levels and the alternative hypotheses “there is significant difference between the pre-test evaluating score and post-test evaluating score” is accepted. Hence it can be concluded that teaching through Unnayan has significant contribution for development of evaluating skills among the student.

**Table 4: Comparison of Evaluative Scores of Pre-Test and Post-Test**

<i>Group</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>Mean Difference</i>	<i>df</i>	<i>t'- value</i>	<i>Sig.</i>
Pre-Test Evaluating	44	4.11	1.58	1.98	43	12.54	0.00
Post-Test Evaluating	44	6.09	1.52				

Table-5 indicates the difference between the means of pre-test creating score and post-test creating score is 1.63. The ‘t’- value is 12.54, which is significant at 0.01 level. Hence the null hypotheses “there is no significant difference between the pre-test creating score and post-test creating score” is rejected at 0.01 levels and the alternative hypotheses “there is significant difference between the pre-test creating score and post-test creating score” is accepted. Hence it can be concluded that teaching through Unnayan has significant contribution for development of creating skills among the student.

**Table- 5: Comparison of Creating Score in Pre-Test and Post-Test**

<i>Group</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>Mean Difference</i>	<i>df</i>	<i>t'- value</i>	<i>Sig.</i>
Pre-Test Creation	44	1.98	0.90	1.63	43	12.54	0.0
Post-Test Creation	44	3.61	1.31				

Table-6 indicates the difference between means of pre-test score and post-test score is 5.68. The ‘t’-value is 48.18, which is significant at 0.01 level. Hence the null hypotheses “there is no significant difference between pre-test and post-test score” is rejected at 0.01 levels and the alternative hypotheses “there is significant difference between the pre-test and post-test score” is accepted. Hence it can be concluded

that teaching through Unnayan has significant contribution for development of higher level thinking skills among the students.

**Table 6: Comparison of Pre-Test and Post-Test**

<i>Group</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>Mean Difference</i>	<i>df</i>	<i>t'- value</i>	<i>Sig.</i>
High Achiever	23	18.09	1.535	5.57	42	10.51	0.0
Low Achiever	21	12.52	1.963				

Table-7 indicates the difference between means of high achiever score and low achiever score is 5.57. The  $t'$ - value is 10.51, which is significant at 0.01 level. Hence the null hypotheses "there is no significant difference between the scores of high achiever and low achiever" is rejected at 0.01 levels and the alternative hypotheses "there is significant difference between the scores of high achiever and low achiever" is accepted. Hence it can be concluded that teaching through Unnayan has significant contribution for development of higher level thinking skills among the high achiever in comparison to the low achiever.

**Table 7: Comparison of High Achiever and Low Achiever**

<i>Group</i>	<i>N</i>	<i>Mean</i>	<i>SD</i>	<i>Mean Difference</i>	<i>df</i>	<i>t'- value</i>	<i>Sig.</i>
Pre-Test	44	9.75	3.79	5.68	43	48.18	0.0
Post-Test	44	15.43	3.87				

## **RESULTS AND DISCUSSION**

The data reveals that there is a significant difference between pre-test analyzing score and post-test analyzing score of students at 0.01 levels. Hence it can be concluded that Unnayan based teaching has significant contribution for the development of analyzing skills among the students in mathematics. There is a significant difference between pre-test evaluating score and post-test evaluating score of students at 0.01 levels. Hence it can be concluded that Unnayan based teaching has significant contribution for the development of evaluating skills among the students in mathematics. There is a significant difference between pre-test creating score and post-test creating score of students at 0.01 levels. Hence it can be concluded that Unnayan based teaching has significant contribution for the development of creating skills among the students in mathematics. There is a significant difference between pre-test score and post-test score of students at 0.01 levels. Hence it can be concluded that Unnayan based teaching has significant contribution for the development of higher order thinking skills among the students in mathematics. There is significant difference between the post-test scores of higher achiever and low achiever at 0.01 levels. Hence it can be concluded that Unnayan based teaching

has significant contribution for development of higher order thinking skills among the high achiever in comparison to the low achiever students.

## CONCLUSION

The study found that there is significant difference between the mean value of pre-test and post- test score of students, which indicate that teaching through Unnayan has significantly positive effect on student's higher order thinking skills of students in mathematics at secondary school level. The result of the study has supported the notion that instruction technology as supplementary in teaching learning process found to be more effective in comparison to traditional method of teaching (Kausar., Choudhry & Gujjar, 2008). Students exposed to ICT supported educational environment improved positive attitude towards their subjects (Ekici, & Pekmezci, 2015). Unnayan based teaching enhance the higher order thinking skills within the students of secondary school level. It acts as a motivation for the students to learn. It helps the teacher to grab the student's attention towards the effective teaching learning process.

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# INTELLECTUAL PROPERTY RIGHTS AND LAWS IN INDIA: A STUDY IN THE CONTEXT OF PHARMACEUTICAL PRODUCTS

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**Salim Javed\* and Majid Mahboob Khan\*\***

## ABSTRACT

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In this age of knowledge economy, the intellectual property rights need to be protected, particularly in the developing countries like India. We live in the era of knowledge economy, where ideas generated by talented people and the inventions, they make are the new currency. Research and innovation are now seen as the key differentiating factors determining the market value of a product or service. The emphasis today has graduated from cost arbitrage and quality deliverables to Intellectual Property creation and R&D. The concept of Intellectual Property treats intangible products in the same way as physical things. Intellectual Property rights and their protection is a major issue heralded nowadays in the scientific arena. The greater attention and importance given to it is due to the projected idea that IPR is a dependable way by which greater skill and knowledge can be harvested to serve as a reliable resource for uplifting economy. Intellectual Property protects applications of ideas and information that are of commercial value. The subject is growing in importance, to the advanced industrial countries in particular. One characteristic shared by all types of IPR is that they are essentially negative: they are rights to stop others doing certain things, in other words, to stop pirates, counterfeiters, imitators and even in some cases third parties who have independently reached the same ideas, from exploiting them without the licence of the right-owner. In this paper a modest attempt is made to highlight the issues of relevance for India that emerge from various studies on the probable impact of product patents on the pharmaceutical industry.

**Keywords:** IPR (Intellectual property Rights), Patent Law, TRIPS (Trade Related Aspects of Intellectual Property Rights), WTO, India

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The new technologies are increasing the complexity of the Intellectual Property system, and so creating new uncertainties for policy makers. The number and variety of information providers, kinds of information-based products and services, ways of using information, and types of information users are proliferating, giving rise to new relationships among the parties involved. These changes are occurring in very unpredictable ways. Thus, in the future, policy makers will need to have more information about the Intellectual Property system. Trade Related Aspects of Intellectual Property Rights (TRIPS) were brought in with the prospects purpose of universalising the standards of Intellectual Property Rights and frame the rules of the game of the developing countries on par with the developed countries. Several factors like the continuous advancement in science, new breakthroughs in bio-technology, the growing participation of the private sector in the cost intensive research and development in the knowledge based pharmaceutical sector and the relative strength demonstrated by the developing nations in adapting the results of the scientific innovations to the local environment have prompted the industrialised nations to seek stronger protection for their innovations in all the countries.

## **CONCEPTUAL FRAME WORK OF PATENT LAW IN INDIA**

Patents are granted in respect of inventions, i.e. technological improvements, great and small, which contain at least some scintilla of inventiveness over what is previously known.

It refers to a grant of some privilege, property or authority made by the Government or the Sovereign of the country to one or more individuals. The instrument by which such grant is made is known as “Patent”. The term Patent acquired statutory meaning in India when the Patents Act, 1970 was enacted. Patent, under the Act, is granted by controller to the inventor for a period of 20 years. It is the exclusive right to make use, exercise and vend his invention. The Patents (Amendment) Act, 2005 defines patent under Section 2(m) as “**Patent means a patent for any invention granted under this Act.**”

The Act conveys to the inventor substantive rights and secures to him the valuable monetary right which he can enforce for his own advantage either by using it himself or by conveying the privileges to others. He receives something tangible, something which has present existing value which protects him from some competition and is the source of gain and profit. After the expiry of the patent for which exclusive right is granted to the inventor, the invention can be put to use by any person other than the one to whom a patent had been granted. The person to whom patent is granted is called patentee.

Patents are limited rights based on a claim that a new technological invention has been created and fully communicated to the public. Essentially, they put a fence around territory which is claimed to be an entirely new contribution to human

technological knowledge. It is a fundamental principle of patent law that no patent should give rights to prevent people, from using existing knowledge or technology that is already available to the public at the date of the patent. In other words, the fence should not be put around terrain which is already public domain, or which belongs to someone else. It should only cover terrain that is genuinely new, and indeed would not have existed without a significant inventive contribution by the inventor. Governments can require, as a condition of granting the patent right, that other interested parties should have reasonable access to this terrain so the fence is not an absolute barrier, and others can enter the patented terrain for research, education, and other public interest needs. Binnie J of the Supreme Court of Canada has described the 'patent bargain' in these terms:

*"A patent, as has been said many times, is not intended as an accolade or civic award for ingenuity. It is a method by which inventive solutions to practical problems are coaxed into the public domain by the promise of a limited monopoly for a limited time. Disclosure is the quid pro quo for valuable proprietary rights to exclusivity which are entirely the statutory creature of the Patent Act. Monopolies are associated in the public mind with higher prices. The public should not be expected to pay an elevated price in exchange for speculation, or for the statement of 'any mere scientific principle or abstract theorem', or for the 'discovery' of things that already exist, or are obvious. The patent monopoly should be purchased with the hard coinage of new, ingenious, useful and unobvious disclosures."*

## **THE PATENT LAW AND ITS OBJECTIVES**

Patent is a legal reward which stimulates technology and industrial growth. The Apex Court of India in specific judgement *M/s Bishwanath Prasad Radhey Shyam V. Hindustan Metal Industries*, has aptly explained the object of patent law in following words:

*"The aim of patent law is to promote systematic explore, novel skill and trade growth. Award of special benefit to own, use or sell the system or the product patented for a limited period, stimulates new inventions of commercial utility. The cost of the allowance of the domination is the admission of the discovery at the Patent office, which after ending of the fixed phase of the control, passes into the community sphere."*

Value of patent system has now been realized at global level. In India, the patent law has been suitably modified to bring it in tune with TRIPS requirements. Most of the discoveries and inventions made in technology in all fields are published in the patent specification field at the patent offices of different countries. A world-wide exchange of technical information has been made possible only by the publication of such patent specifications.

The overall goals of the patent system are to stimulate innovation for the public good and to reward people for useful new inventions. The patent system aims to achieve this by allowing inventors exclusive rights for a limited period to exploit their inventions, while at the same time promoting competition and innovation

by ensuring that such inventions are fully disclosed to the public. The system is intended to balance the interests of the public with those of the inventors. Inventors have an interest in being rewarded for their effort, for example, by being able to recoup financial investments in research and development and to profit from their invention. Patent system is not created only in the interest of the inventors but also in the interest of national economy.

## **PRINCIPLES UNDERLYING THE PATENT LAW IN INDIA**

Every invention is not worthy of grant of patent. An invention must meet several criteria if it is to be eligible for patent protection. And it is not enough just to have created an 'invention' to be eligible for a patent. It has to be an invention that passes certain legal tests – the tests for 'patentability.' So the patent law of most countries includes three basic criteria for determining whether a claimed invention is eligible for a patent. These are termed the conditions for 'patentability.' The TRIPS Agreement expresses these conditions in a way that is now widely used in national laws. TRIPS specify that patents should in principle be accessible for any discovery's, whether commodities or process, presented that they are:

- New (or 'novel')
- Involve an inventive step (or are 'not obvious')
- And are capable of industrial application (or have 'utility').

Further even these conditions are fulfilled, an invention may be denied grant of patent if it is prohibited under law. Inventions, which are against public order and morality, are generally not patentable.

Indian Patent Act, 1970, which is considered as model legislation in the governance of the Patent regimes, provides for a comprehensive but simple definition of the term, 'invention', which is the foundation in determining the criteria for the grant of patents. Section 2(a) of the Act defines an 'invention as follows:

*"Invention means a new product or process involving an inventive step and capable of industrial application"*

An analysis of the above definition makes it clear that, the essential theory of patent law is that a patent is settled only for an development which must be novel and helpful. The criteria for patentability of an invention, thus in the ultimate analysis are novelty, non-obviousness and industrial application or utility

## **DEVELOPMENT OF PATENT PROTECTIONS TO PHARMCEUTICAL PRODUCTS IN INDIA**

The Indian Patents Act has been hailed as model legislation for developing countries. It seeks to balance both the need for granting rewards for inventors while

ensuring that India's developmental needs are not ignored. The Patents Act of 1970 retains the basic western model but with its own twist in a number of areas. On the one hand, the Act is adopted on the basis of a conscious decision to maintain the existing system and is influenced by the changes that took place in the UK which also amended its patent regime in 1949. On the other hand, the Act is noteworthy for its attempts to mitigate some of the perceived negative impacts of the monopoly inherent in patent system.

India has a big area of scientists and researchers between whom publication rather than acquisition patents has been a concern. G.V. Ramakrishna, Chairman of the 'Disinvestment Commission points out that in India, "We (Indians) are comfortable to the concept that information is free. Our total orientation has to modify from one that strains intellectual achievement to one that defends Intellectual Property."

The thinking of India's Patent Act of 1970 differs extremely from the structure creature conventional under TRIPS. There are numerous information and knowledge areas which India believes un-patentable. The following essential features of the Act reveal the basic patents policy of India.

- 1. General Principles of Patent Grant:** The Act specifically indicated that the general principles governing the use of patents were:
  - (a) That patents are approved to promote discoveries and to protected that the discoveries are effort in India on a trade scale and to the fullest level that is rationally feasible without under delay; and
  - (b) That they are not approved simply to facilitate patentees to like a control for the import of the patented article.
- 2. Principle of National Treatment:** No limitations or restrictions on foreigners in applying for or obtaining patents in India.
- 3. Inventions Not Patentable:** The following are not patentable:
  - (a) An invention which is frivolous or which claims anything obviously contrary to well established accepted laws;
  - (b) An discovery the principal or proposed use of which could be contrary to public order or morality or which causes serious prejudice to human, animal or plant life or health, or to environment.
  - (c) The mere discovery of a scientific principle or the formulation of an abstract theory or discovery of any living thing or non-living substance occurring in nature.
  - (d) The mere discovery of any new property or new use for a known substance or of the mere use of a known process, machine or apparatus unless such known process results in a new product or employs at last one new reactant;

- (e) A substance obtained by a mere admixture resulting only in the aggregation of the properties of the compounds thereof or a process for producing such substance;
- (f) The mere arrangement or re-arrangement or duplication of known devices each functioning independently of one another in a known way;
- (g) A method or process of testing applicable during the process of manufacture for rendering the machine, apparatus, or other equipment more efficient or for the improvement or control of manufacture;
- (h) A method of agriculture or horticulture.
- (i) Any process for the medicinal, surgical, curative, prophylactic (diagnostic, therapeutic) or other treatment of human beings or any process for a similar treatment of animals or plants to render them free of disease or to increase their economic value or that of their products.
- (j) Plants and animals in whole or any part thereof other than micro organisms but including seeds, varieties and species and essentially biological processes for production or propagation of animal or animals or plants.

## **INDIA'S PATENT POLICY VERSUS TRIPS**

The philosophy of India's Patent Act of 1970 varies enormously from the framework being established under TRIPS. There are several knowledge and information areas which India considers unpatentable.

The following table illustrates the basic differences between India's patent system and TRIPS:

<b>Table: Comparison of India's Patent Act and TRIPS</b>	
<i>Indian Patent Act of 1970</i>	<i>TRIPS</i>
Only process not product patents in food, medicines, chemicals	Process and product patents in almost all fields of technology
Term of patents 14 years; 5-7 years in chemicals, drugs	Term of patents 20 years
Compulsory licensing and license of right	Limited compulsory licensing, no license of right
Several areas excluded from patents (method of agriculture, any process for medicinal surgical or other treatment of humans, or similar treatment of animals and plants to render them free of disease or increase economic value of products)	Almost all fields of technology patentable. Only area conclusively excluded from patentability is plant varieties; debate regarding some areas in agriculture and biotechnology
Government allowed to use patented invention to prevent scarcity	Very limited scope for governments to use patented inventions

These differences in patent systems led to disputes in the GATT negotiations on the inclusion of IPRs in the WTO. The type of patent system that India established was clearly against the global IP regime promoted by the US.

### **THE PATENTS (AMENDMENT) ACT, 1999**

TRIPS Agreement provides that patents shall be available for any invention whether products or processes, in all fields of technology (ART. 27). A transition period of 5 years is offered to all developing countries to make their laws compatible with the TRIPS Agreement. Moreover, the countries that do not provide for product patents in certain areas can avail of further period of five years for amending their laws to provide for product patents. India does not grant product patents for food, drugs, pharmaceuticals and products produced by chemical process.

The Patents Amendment Act 1999 was passed in March 1999 to conform with these international obligations and has retrospective effect from 1st January 1995.

### **THE PATENTS (AMENDMENT) ACT, 2002**

The Patents (Amendment) Act, 2002 was passed by Parliament in May, 2002 and notified in June, 2003. The Act has been made effective from May, 2003 and has brought about lot of changes. It removed most of the elements that gave the Patents Act 1970 its specificity.

### **THE PATENTS (AMENDMENT) ACT, 2005 TRENDS TOWARD PHARMACEUTICAL PRODUCT PATENTS**

Patents (Amendment) Act, 2005 (hereinafter “the 2005 Act”) was India’s last step towards achieving complete TRIPS Compliance. The legal requirement of making Indian Patent Law to fully comply TRIPS necessitated the major changes in the Patent Act. The Patents (Amendment) Act, 2005 introduces *Pharmaceutical Product Patents* in India for the first time. This Act attempts to balance multinational pharmaceutical companies and civil society groups concerned with access to medicines out competing interests of a variety of stakeholders, including domestic generic medicine producers, foreign multinational pharmaceutical companies and civil society groups concerned with access to medicines.

Salient features of the Patents (Amendment) Act 2005:

1. Section 3 (d): Clause (d) of Section 3 has been amended to exclude 'the mere discovery of a new form of a known substance which does not result in the enhancement of the known efficacy of that known substance' from being patentable inventions. Therefore, salts, esters, ethers, polymorphs, metabolites,

pure form, particle size, isomers, mixture of isomers, complexes, combinations and other derivatives are considered to be the same substance, unless they differ significantly in properties with regard to their efficacy. It follows that the patentability of such derivatives is now a matter of inventive step, rather than that of novelty.

2. The Act of 2005 makes a critical change to the earlier 'non-obviousness' or 'inventive step' test. The definition now reads: 'inventive step' means a feature of an invention that involves technical advance as compared to the existing knowledge or having economic significance or both and that makes the invention not obvious to the person skilled in the art.
3. The most prominent and controversial change has been the deletion of Section 5 of the Patents Act, 1970, thereby paving the way for product patents in the area of pharmaceutical and other chemical inventions i.e. product patents to be issued in areas like drugs, food and chemicals, etc
4. Provision for enabling the grant of compulsory license for export of patented medicines to countries which have insufficient or no manufacturing capacity to meet public health emergencies such as HIV, AIDS.
5. Provision for acquisition of patent for public health purposes.
6. Provision for pre-grant and post grant opposition to the granting of a patent. Provision relating to opposition procedures modified to streamline the system.
7. Protection will be valid for 20 years from the date of application.
8. Provisions for exclusive marketing rights have been deleted.
9. Government will revoke a patent, which is found to be mischievous to the State or pre-judicial to the public.
10. Patent protection for software in combination with or embedded in hardware like mobile phones, TVs and computers.

Indian Patent Law reveals that step by step the Indian Parliament has synchronized the Indian Patent law with Global standards as envisaged under TRIPS.

## **PROSPECTS OF INDIAN PHARMACEUTICAL INDUSTRY IN POST-TRIPS ERA**

Pharmaceutical outsourcing is increasing world over and it is expected that these figures could increase still more with the vertical disintegration of activities by the multinationals as they review their core competencies. Henceforth, R&D could take place in one country, manufacturing in another and marketing rights could be given to a totally different country. Domestic units with state of art facilities, infrastructure and manpower that matches the product profile of the multinationals would derive the maximum benefits. These units could flag off the foreign direct

investment in manufacturing and R&D. This segment that has been able to export its products to both developed and developing countries can widen the market further in the universal patent regime provided the manufacturing practices and the quality standards match the standards at the export destination. While the medium and big units can adopt any of the or combination of strategies that were mentioned above, at present the future of the thousands of small units is not very clear. Under normal circumstances, units that are producing the generic drugs should not get affected because these drugs are not patent protected. But it is likely that, they may face competition from large producers who may compete on larger volume and lower cost of production. Evidence from Jordan indicates that the local industry had to suffer in terms of investment and production and a number of small local firms had to close their operations.

In order to increase the global prospects of the pharmaceutical industry in the post 2005 period, the Central Government has fixed the deadline of December 2003, to comply with the Good Manufacturing Practices set by World Health Organisation. Since this is mandatory for all the units, it means incurring expenditures that could range from Rs. 15 lakhs to 1 crore per unit. In some cases, it would involve shifting to new premises altogether. A few units might exit from business because of this. As contract manufacturers it is essential that both the parent unit and the loan licensee meet these requirements in cases where the production is meant for exports. While these standards improve the quality on par with international standards, it will also act as potential entry barriers for new firms to enter.

The strength of the Indian pharmaceutical industry is in reverse engineering. Such units by utilising the provisions under compulsory licensing, exceptions to exclusive rights and the Bolar exception should aim at producing the generic version of the patented product and those that are nearing patent expiry. Such firms should also be engaged in research leading to new drug delivery mechanisms and in identifying new uses of existing drugs. In this context, it is also essential to protect the innovations that have been introduced by the technology spillovers. In order to develop domestic innovations, developing countries require utility models or petty patents. These petty patents can be available for a shorter period of time for process innovations made over an existing product. The TRIPS agreement leaves members to introduce such legislation, as there are no specific rules on this subject. Such patents will encourage the small firms.

One of the concerns regarding product patents is the access to patented products. Some of the provisions within the TRIPS agreement clearly indicate that price controls could be imposed on the patented products. However, exemptions from price controls has been suggested by the government for the products that are produced domestically using the domestic R&D and resources and are patented in India. Such exemptions will keep the prices high and make access to the drugs

difficult. It appears that 'who patents the product' matters more for the government than what is patented. In the recently concluded Doha meeting, a separate declaration on the TRIPS agreement has clarified that members have the right to grant compulsory licence in the area of pharmaceuticals and that they have the freedom to determine the ground upon which such licenses are granted which can have a considerable impact on the availability as well as on their prices. However, the amendments made by the Government of India, make the procedures very cumbersome which needs to be revised in the third amendment to the Patents Act. While parallel trade in pharmaceutical may facilitate access to medicine, yet compulsory licence will be the only course of option to facilitate flow of technology and R&D. The economists suggested that tax concessions should be provided to the pharmaceutical manufacturers to encourage them to donate the high technology drugs to the less developed and developing countries which is a viable option. A majority of the population does not have access to the essential medicines (most of which are off patent) either in the government or private health care systems because they are not within their capacity to reach. Now that the percentage of drugs under price control has been reduced drastically it is essential to keep the prices of the essential drugs under check, especially those concerning the common diseases.

Currently only a handful of pharmaceutical firms in India invest in R&D which needs to be improved. The Pharmaceutical Research and Development Committee, 1999 has suggested that a mandatory collection and contribution of 1 per cent of MRP of all formulations sold within the country to a fund called pharmaceutical R&D support fund for attracting R&D towards high cost-low-return areas and be administered by the Drug Development Promotion Foundation. The domestic universities and other academic institutions can play the role of research boutiques or contract research organisations (CRO), which can supply the technical know-how and manpower. Units that already have such facilities can also function as a CRO for other firms.

In the post TRIPS era, the government will have to probe in to factors that contribute to the widening gap between the proposed FDI and the actual FDI and rectify these bottlenecks. Similarly, the difference between the number of patents filed and the patents granted calls for a detailed analysis to figure out where the Indian firms are lacking. Governments at various levels should take active part in disseminating knowledge about the IPRs and the possible strategies that can be adopted by the industry. This will remove some of the impediments. Lessons should be drawn from the Chinese experiences where systematic efforts were taken to educate the bureaucrats, policy makers and the industry about the WTO and product patents in the pharmaceutical industry. India will have to strengthen the patent examination process and speed up the processing procedures. This will help

in checking the products that may enter the country utilising the import monopoly route provided by the EMR. Besides a strong institutional and judicial framework will have to be set up for monitoring the prices, to prevent infringement and trade dress cases of patented products respectively.

As far as India's pharmaceutical industry is concerned, various options are possible in the WTO regime. These are to: (a) manufacture off patented generic drugs, (b) produce patented drugs under compulsory licensing or cross licensing, (c) invest in R&D to engage in new product development, (d) produce patented and other drugs on contract basis, (e) explore the possibilities of new drug delivery mechanisms and alternative use of existing drugs, and (f) collaborate with multinationals to engage in R&D, clinical trials, product development or marketing the patented product on a contract basis and so on. Besides these strategies, India's strength lies in process development skills. This expertise utilised within the WTO framework with emphasis on quality standards will provide India a competitive advantage over other Asian countries.

## **CONCLUSION**

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The present work contends that there is a need to reform Intellectual Property and biotechnology in order to better accommodate scientific and technological developments. This paper reveals that the new patent regime in India touched the hornets' nest and has raised several contentious issues relating to right to health of the people, which is in conflict with the economic right of patent holders. It is also likely to restrict access of allopathic medicines to only the affluent, affordable and more privileged class of people in India and other countries in the immediate future. The institutions associated with enforcement and protection of right to health of human beings whilst upholding the rights of patent holders are faced with the daunting task and challenge of devising ways and means for fulfilling their defined, designed and desired roles so that the conflict in rights pertaining to rights of Intellectual Property owners and the right to health of human beings is minimized whilst balancing the prevailing hierarchy of human rights for achieving the social and economic objectives. Lastly, the criteria for patentability should be applied strictly in respect of new technologies. Not only should the requirement for utility be strengthened, but patent offices and courts should apply the tests for novelty and inventive steps in a stringent fashion.

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## CONSTRUCTION OF CASTE AS AN ADMINISTRATIVE EPISTEME — A CASE OF NEGLECTED MATERIALITY

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**Abhishek Juneja\* Amir Mahmood\*\***

### Abstract

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This study attempts to unpack the existing frameworks in which caste is studied in the political sphere. Contrary to the popular notion that administrative categories that populate the census data and eventually welfare policies are based on objective truths, and that knowledge disseminated by means of formal education and vernacular press are value neutral, the fact is that the centralization of colonial state in early 18<sup>th</sup> century gave contemporary India its present epistemic distinctiveness and political anatomy. The process of enumeration in the census was principled on a religious and ideological reading of caste. In emptying caste of its economic character, colonial laws remolded the primary material verities into metrics of governance.

**Keywords:** *Caste, Administrative Categories, Materiality, Politicization of Caste, FPTP.*

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### INTRODUCTION

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At the outset, it is important to lay out certain fallacious formulations and assumptions about our historical knowledge of the caste system. First, the force fitting of the three temporally incongruent categories – (a) *Arya(n)/Dasa/Dasyu*, (b) *Brahmin/Kshatriya/Vaishya/Shudra/Atishudra*, and c) the *General/OBC/SC*

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*ST* onto each other is erroneous. The first classification is racial and derived from ritualistic texts; the second has limitations in how it is modeled only on a social differentiation of classes with scant regard to its economic context; and the third is an outcome of administrative categories developed by British colonialists who had little knowledge of regional differences and specificities. Second, while it is true that every unique thing contains in itself an element of universality and that the particular, the local or the indigenous, is never completely exclusive – it has an essence that can transcend regional and linguistic barriers. But it is also true that despite such ‘essential’ aspects to caste that may be extrapolated across space and time, caste largely is a local phenomenon. Extremely dynamic factors - temperature, terrain, flora and fauna, land productivity, presence or absence of water, history of migration and violence, the complex processes of state-formation and withering – all contribute to the structuring of a caste society.

A clear understanding of this dialectical relationship between the universal and the particular is essential to a fair investigation into the functioning of a caste society. Presently, more than 6000 castes are said exist in India, but in reality, very few people in South Asia interact with more than twenty or thirty castes in their lifetime. The cattle-rearing castes, the fishermen castes, the tanning castes, the trading castes, the scribe castes - none of these castes are present in every region of mainland India, none, except perhaps the priestly caste. Analyzing the caste system within such a territorially large frame as India only generates an extraneous crisis. Third, to view caste as primarily a religious or cultural institution would be to overlook its abiding materiality and negate the reasons for its tenacious grip over the subcontinent’s resource distribution patterns. Additionally, marginalization in the context of South Asia must be understood beyond the scope of the words inclusion/exclusion, rights and opportunities. Caste long predates liberal democratic principles expressed in these words, and it is not in the spiritual, cultural or legal domains, but in political economy that the solutions to this enduring evil have to be sought. In understanding caste from the point of view of purity and pollution alone, or from the standpoint of access to places of worship, one risks reducing the underlying structural issues to behavioral ones. Besides, by fixating on performance and practice of rituals and in overlooking the material inequities with respect to resource-distribution, one hazards rendering invisible the concrete truths about castes. In South Asia, the overarching social-material reality is caste.

Religions need to be understood within the framework of caste, not the opposite. The oft-banded narratives on conversion need to be viewed critically within this framework, and not in how Abrahamic religions understand religion and conversion. The history of South Asian caste societies is also a history of controlling resources that ensured the poor forever operated at subsistence levels. For a farmer, that meant having less than a hectare of land that could support only

his/her own immediate family. For an artisan, that meant having no capital to scale up his/her production. The valid criticism is not in the idea of capital, but in its underdevelopment in feudal and pre-modern economies (Resch 126).

## **CONSTRUCTION OF CASTE**

It is imperative to first look at categories of administration such as Scheduled Caste, Scheduled Tribe etc., formulated during the colonial period for award of concessions and for a more targeted apportioning of social security benefits, and then to look at caste from a material sense, in terms of classes, in terms of how they function and are structured locally, inside their particular state, and within the Indian union. For instance, it is deeply flawed to be applying a hierarchical model of Uttar Pradesh- in terms of the inter-relations, power differentials, and inequitable labour and resource distribution – to figure out how the caste system plays out in Tamil Nadu. For instance, the Other Backward Class (OBC) category used for governance matters (and that makes up for about 52% of Indian population according to 1931 census data) consists of over 5000 castes with immensely different occupations and functions, often with indeterminable relations with analogous castes even in their neighboring regions. There is no single fact or theory that applies to all castes listed under the OBC umbrella. It is only with the sedimentation of the Hindu identity and the territorial integration of India that many such castes are brought into a significant economic, cultural and ideological correspondence with each other.

The dangers of rigid classification were first flagged by Middleton in his 1921 census report where he found upper caste hierarchies more strict and lower caste hierarchies relatively malleable, and in pigeon-holing everyone into the caste category and often inventing caste through hereditary occupations of some, the census had put iron bands around each group (Middleton 1923). Susan Bayly (1999) has termed the development of rigid caste categories in the 19<sup>th</sup> century as both distinct and complementary, in the sense of how they became a reflected of unsecured gains and losses, but also a means to initiate change and contest other people's advantages and disadvantages (Bayly 189).

The sedimentation of administrative categories that emerged as a consequence of legislative interventions, both during and after the colonial rule, has played a big part in reshaping both the quotidian operations of the caste system as well as how castes negotiate with power at the electoral level. The Punjab Land Alienation Acts of 1900 and 1907 created the category of agricultural and non-agricultural tribes that produced new patterns of land transfer, resulting in many groups manipulating their caste identities. The creation of SC and ST categories formalized by a government order in 1936 put together a list of depressed classes, keeping castes with a history of untouchability into the SC list and those from primitive

tribes (1931) and backward tribes (1936) into the ST list. Both lists were region-specific, listing out specific castes and tribes from each province.

The creation of the OBC category, where class is euphemism for caste since the inception of the term, was an outcome of the Starte Committee of 1930, which Ambedkar too was a member. (Report of The Socially and Educationally Backward Class Commission 3)

Since 1930, and especially since the adoption of free India's constitution in 1950, provincial governments have been left to decide which castes would constitute the OBC list. The category comprised castes that were at the same level of educational backwardness as SCs and STs, but had no history of untouchability or geographical remoteness and social primitivism. It is noteworthy that unlike the SC and ST categories that were determined at the level of the Union, the OBC category is curated at the both Union and state level. The other administrative category whose arbitrary use is instrumental in creating a conflicted legacy of reservations is that of 'Hindu,' which the Indian constitution, in an extensional definition, understands as anyone who is not Christian, Jew, Parsi or Muslim. The policy implication of these categories, seen with the 1950 Presidential Order, meant that backward castes among Muslims and Christians could avail the OBC benefits but not the SC and ST categories as the latter were open only to Hindus (and eventually through an amendment to Buddhists and Sikhs).

Since independence, the ingredients of backwardness for the perusal of determining the OBC status have undergone substantial change. While the Kaka Kalelkar Commission (1955) listed position in caste hierarchy, education levels and representation in government services and trade as its key determinants, the Mandal commission (1979) added economic criteria in the form of vital resources at disposal, such as drinking water, pukka house and family assets. High Court and Supreme Court orders in the interim period have added geography and developmental deficit to the list. The inability to draw out a clear, lasting, empirically and historically valid set of principles has rendered the OBC grouping arbitrary. In many states such as Kerala, Karnataka Maharashtra etc., many historically dominant Brahmin castes have been listed under the OBC category.

In Uttarakhand, entire regions have been denominated as ST and OBC, creating a crisis and farce in equal measure. Arbitrariness in legal and administrative matters has led to the erosion of public trust in the practice of affirmative action, and has posited fresh challenges pushing electoral politics further into the sphere of brinkmanship. In recent past, Jats, Marathas, Patidars and many other castes have agitated for inclusion in the OBC list, and while the respective state governments have sometimes caved in, the Supreme Court has reversed many such awards. The making (Indira Sawhney judgment, 1992) and unmaking (102<sup>nd</sup> Constitutional

Amendment Act, 2019) of the 50% ceiling have added to the existing inconsistent and erratic classification of backwardness. Finally, the capricious delineation of the income ceilings for the OBC and EWS sections has shaken the edifice upon which the argument of social justice rested.

The constant passing-of-buck between the legislative and judicial arms of the State in matters of reservation has forced a governance vacuum, especially upon the states whose power to designate a caste as OBC was recently taken away by a Supreme Court order citing National Commission for Backward Classes' elevation to a constitutional body status. While a bill to reverse this order has been passed by the two houses of Parliament, the sheer power that the Centre holds over the states in these matters is an area of persistent concern. It is impossible to view such consistent contrariety as anything but a steadily evolved governmental rationality. While the idea of sub-categorizing the OBC list has been constantly flirted with, especially at the times of elections, the substantive aspects that require thorough empirical re-examination have been hollowed out. Since census is in the Union List of the Seventh Schedule, the process of enumeration and periodic reappraisal is entirely in control of the Union. The selective release of 2011 Socio-Economic and Caste Census data and the specific non-disclosure of OBC numbers point towards a deliberate malfeasance.

## **CASTE AND CLASS: THE NEGLECTED MATERIALITY**

The analytical category of class has been complicated significantly since it first became the principal axis around which socio-economic mobility and stratum were seen to be precipitating. While Marx (1967) conceptualized classes as intrinsically antithetical in how they related with each other and in their relation to Capital, Weber's (1946) stratification model played down this hostility by foregrounding the diffused nature of status and power. Bourdieu (1986) built on, yet implicitly showed the inadequacy of, both Marx and Weber by unpacking the elements of Capital, adding cultural markers such as language and education to the complex matrix of class. The disintegration of USSR and the events that preceded it prompted successors of two extremely different political traditions from either side of the spectrum to converge on one matter – the definitive prevailing of liberal democracy. On one side, post-Marxists and scholars of Gramsci such as Laclau and Mouffe (1985) repudiated the orthodox use of 'class' and tried to emphasize the role of discourse and multitudinous identities. On the other side, critics of communism such as Fukuyama (1992) and Huntington (1996) tipped a resurgent cultural politics to be the conspicuous symptom of a post-ideology world. It has been proposed that Identity Politics, or the populist negotiation of competing subjectivities for concessions from State and Market, has become the order of the day, relegating class analysis to the dustbin of history.

Interestingly, all recent surveys and metrics on income and wealth from across the world have been unanimous in revealing a sharp increase in inequality between the top one percent and the rest. Identity Politics, with its fierce advocacy of accommodation and representation of multi-indexed diversity, may be sufficient in the extending the rewards of political democracy to hitherto overlooked sections of the society, but on the question of ameliorating the material conditions of the poorest, it has fallen short. The discourse on diversity is often based on the decontextualized set points of inclusion and exclusion, atrocity and justice, resistance and recognition. The outcome of this 'rights discourse' has been a rapid co-optation of the anger emanating from the immediate and quotidian violence into the mainstream demand politics of the (largely urban) public sphere, emptying the subject of its materiality, and suffusing it with piecemeal concessions of State/Market welfare policies. The gradual recession of State from the economic sphere following the onslaught of corporations has resulted in the blossoming of NGOs, often making them the de facto primary points of contact between centers of policy formulation and implementation. The politics of structural resource redistribution has now been remodeled into a politics of performativity. The stymieing of the class question and the gradual disappearance of class-based politics offers intriguing insights into the workings of liberal democracy and warrants a serious re-imagination of caste-class relationship in India.

As early as in 1979, Sardesai had lamented the failure of both the bourgeois colonialists and independent India, in performing the historical function of abolishing the feudal elements. The failure of tenancy reforms was not only in its inability to facilitate tenants to lease in lands from big landowners, but in how it started a new process of reverse tenancy where small tenants had to lease out lands to bigger landholders in order to make them viable. Many tenants caved in, either voluntarily or under coercion because small lands were unviable in themselves and daily-waged labour on big lands could at least ensure a steady income (Indian Journal of Agricultural Economics 2002). By 1992, only four percent of the operated agricultural area had been redistributed, a total of 14.5 million acres of land among 11 million tenants, averaging barely an acre per head. 97% of the land distribution under tenancy reforms was from just 7 states. Land ceiling laws were able to redistribute about 2 million hectares among nearly 5 million beneficiaries. Add to that, share-croppers were excluded from the tenant category in most states, thus benefitting nothing from these reforms. (Land Reforms in India 1996). In China, the average Gini coefficient between the landed and landless in four major agricultural regions in 1930 was roughly 0.65, which after complete land reforms was closer to 0.2 when recorded in 1978. Similar improvement was recorded in income distribution, irrigated land, literacy and IMR, following a nearly tenfold increase in State investment over the recorded period (Ghonemy 158).

The *Lewis Model* envisions structural change from agriculture to industry ensuring wherein surplus labour with low or zero marginal product in rural farms would transition into high rising marginal product in factories. This, first and foremost, requires a change in land-use patterns (Singh 279). The 2014-15 state-wise data (Annual Survey of Industries 2014) on number of factories shows that all five southern states (barring Kerala), Maharashtra and Gujarat have a higher number of factories as a percentage of their population compared to the Hindi-speaking states. Even in absolute terms, most non-Hindi states have seen a faster rate of industrialization since independence than their Hindi counterparts. And undeniably, there is a strong correlation between the quantum of factories, State-GDP and socio-economic mobility. Given the fact that the majority of Indians are still either partially or fully engaged in their traditional caste-based occupations, it is impossible to imagine a permanent solution to the problem of underemployment and unemployment. Experience from the world over suggests that only a rapid transformation of the macro-economy from an agrarian to an industrial one can address these issues.

## **POLITICIZATION OF CASTE**

The academic and media discourse on caste politics has been unanimous in its celebration of these developments that ensured greater participation from historically marginalized groups, terming it a deepening of democracy. The visible rise in pressure groups and other forms of mobilization and assertion that allowed the laboring castes to make demands on the State also brought a fresh political culture rooted in local democratic practices. This vernacularization of democracy threw up new possibilities and greater space for deliberation that had until then been limited to the hallowed corners of Lutyens' Delhi. But there are three discrepancies that have emerged parallel and which fly in the face of this discourse on the deepening of democracy. *First*, the last three decades have witnessed the steepest rise in inequality since independence, both in income and wealth terms, indicating that greater political participation has not quite translated into real material gains, on the contrary large populations of those OBC and SC castes that have gained significant political heft, are now relatively worse off in the economic sense. This pauperization is usually attributed to the neo-liberal reforms that were ushered in 1991, but the role of a relatively more representative State, that has in percentage terms more ministers and members of Parliament coming from the marginalized castes, in abandoning the question of material equality despite the rhetoric of social justice merits attention. *Second*, the rise of Hindutva, or what is perceived as a counter-consolidation of forward castes, has followed from the aforesaid development, resulting in a new wave of cultural hyper-nationalism. The Hindutva politics, in this context, can be viewed, on the other hand, as an offsetting

of the limited gains made by the marginalized caste, and on the other, a fresh zeal to broaden the Hindu religious fold by way of undoing social and civic interdiction. The return of the BJP in 2019 for a second term, despite a poor showing on nearly all relevant parameters, put two conjectures at rest – first, in hindsight it made clear that Kothari's(1970) prediction for the demise of the 'One Party System seems to have been greatly overstated; second, Chandhoke's(2014) appraisal of 2014 results as something unique (in relation to Congress one-party rule) and her laying down the culpability on petty caste politics were both found lacking in evidence. *Third*, most of the gains made by the marginalized castes have been at the regional level, in state elections and at the local Panchayati and municipal levels. An examination of the possible reasons for the failure in extending these political gains to the level of the union forms the major chunk of the remaining part of this chapter.

The first-past-the-post (FPTP) system is known to cause a 'loss of votes' in the sense that it more often than not returns candidates who have obtained less than half the votes as winners, meaning more than half the votes, cast for all other candidates combined, have been wasted. In India, where each caste is a minority (the average caste size being less than 250,000, whereas the lowest and the highest can range between 10,000 and 20 million) since it is spread across regions (and constituencies), the FPTP system ends up in fragmentation of votes. While it is against the spirit of democracy and reasonableness to argue that people from a particular caste do, or should, only vote for a candidate from their own caste, the FPTP tilts the balance unmistakably in favor of the numerically larger castes.

The other major problem with FPTP is that it renders multi-party elections essentially into two-party or two-coalition elections. According to Duverger's law (1963), the plurality-vote system, such as India's, leads to a gradual diminution of all but two parties (or two pre-electoral coalitions). This was especially true for countries opting for single-membered constituencies. It is worthy of note here that until 1961 India had a mixed system - the 1951-52 general elections had 314 single-membered, 86 two-membered and 1 three-membered constituencies, and the 1957 general elections had 312 single-membered and 91 two-membered constituencies. The two-membered constituencies had one of its members from the SC groups, meaning there was a plurality of representation in nearly twenty percent of the LS seats. In a caste-infested society with a clearly disproportionate distribution of resources, FPTP is shown to greatly exacerbate the problem by reproducing this disproportionality in the electoral sphere. Jadhav's (2021) use of Gallagher Index and HHI metrics shows that despite rise in political parties and a multi-party system gaining grounds, one party dominates government formation, despite garnering less than 50% of the votes. A Mixed Member Proportional Representation system has the potential to rein in this mismatch and make representation count in real terms. Election data for both general and state elections suggest that a national

party is likely to garner more seats, sometimes even by a factor of two, despite getting the same percentage of votes as a state party.

## **THE ABIDING MODERNITY OF CASTE**

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Despite the hierarchical division of laborers of the Varna system being an ancient reality for the Indian sub-continent, caste as it appears today is an outcome of its contact with colonial modernity (Dirks 2001). These contacts, mediated by institutions of judiciary and bureaucracy, and exercises such as the decadal census, gave a fresh contour to the caste system. Orientalist readings of Indian society portrayed many unambiguous practices as exceptional, necessitating a redrawing of South Asia's political-cultural map. The political economy of India is instrumental in the reproduction of identities and relations that were engendered during the colonial period. This is done by the State and market forces in tandem, that work to regulate, restrict and in some cases, disrupt the relations of production, distribution and consumption by policies that are unmindful of the many intra-regional and inter-regional differences in the nature of caste hierarchy. Land remains central to the economic mobility, and the many contrivances instrumental in the blunting of cosmetic legislative reforms only prove this centrality. The politicization of caste and its growing importance in electoral calculus has produced conflicting results. While the limited gains made at the state level have forced recasting of political parties, real gains have been cornered largely by numerically large castes, often situated at the intermediate levels of the hierarchy. Moreover, the quasi-federal structure of India, bent heavily in favor of the Union, along with the FPTP system, make it difficult for regional dominance to be replicated at the Centre. Drawing a line between the empowerment and emancipatory aspects of upward mobility, Aloysius (2006) has remarked that the liberal democratic path has often scuttled emancipation in favor of empowerment, in how it has hemmed and domesticated visions of castelessness, and unceremoniously dismantled the critical consciousness by privileging perfunctory welfare projects over societal transformation.

## **CONCLUSION**

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The historically marginalized castes, though making significant new strides in the electoral sphere, are still passive witnesses of the knowledge apparatuses that make and unmake new identities. The forward castes' ability to use policies and administrative categories to distort and arrogate new knowledge frameworks that ensures minimal material reconfiguration cannot be overstated. Political democracy in India, hinged on twin pillars of representation and civic rights, has found it difficult to stretch across to the participatory and deliberative spheres. Most importantly, the failure to converge on concrete standards of social and economic backwardness

in matters of governance has set off a culture of brinkmanship. The civic sphere is today a theatre of constant parleying for meager concessions.

To conclude, it may be stated that the sedimentation of administrative categories formulated during the colonial period has outlasted its usefulness. The arbitrariness with which the horizontal and vertical power devolution mechanisms have dealt with the questions reconfiguring the said identities has been harmful in the long term. There is an imminent need to recalibrate caste identities in contemporary economic and material terms. The present electoral system is a means of reproducing the hierarchical power structures instead of disrupting or transforming them. Beyond the use of caste as a marker for backwardness and hence a reliable metric for welfare scheme distribution, castes are also an outcome of political micro and macro economy. Electoral processes and limited avenues for representation alone are grossly insufficient in offsetting the material iniquities brought about by global capitalist shifts.

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# CATALYSING COOPERATIVE MOVEMENT IN INDIA: PROSPECTS OF MINISTRY OF COOPERATION

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**Vineeth Thomas\***

## Abstract

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Cooperatives have been beneficial to society in almost all the spheres of life like social, cultural and economic. On the other hand present Union Government, has placed greater premium on it by establishing a separate Ministry to strengthen the cooperative movement. Thus the present paper intends to underline the usefulness of cooperatives and prospects of the newly formed Ministry. It addresses the questions like how cooperative societies are instrumental in the Indian economy by creating values for their stakeholders in multiple ways such as mutualism, prosperity, inclusion, sustainable development, democratic outlook and financial support. After identifying India's cooperative sector benefits and challenges, the author has evaluated the significance of the Government of India's decision to establish the Ministry of Cooperation on 6 July 2021.

**Keywords:** Cooperatives, Financial Inclusion, Ministry of Cooperation, Prosperity, India

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## INTRODUCTION

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Cooperatives are the people's voluntary organisations established to create a platform for the collaborative development efforts by the people themselves. Cooperatives are owned, controlled, and run by their members to accomplish their common social, economic and cultural goals. The main objective of a cooperative

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is the development and growth of its stakeholders in a democratic way. Unlike business organisations that are profit-driven, the cooperatives are value-driven by putting justice, equality, and harmony as the bulwarks that generate collective and sustainable growth and prosperity. Mutuality is the essence of cooperatives. In India, cooperatives are formidable in almost all spheres of life like, agriculture, dairy, handlooms, coir sector, edible oil, fisheries, housing, fertilizers, banking, and micra-finance and so on. These organisations play a pivotal role in promoting collectivism and preserving the social capital among actors in the society. Realising the importance of cooperatives in India, the Government of India formed the Ministry of Co-operation on 6 July 2021. Therefore, it is pertinent to discuss the significance of cooperatives and the role of newly established Union Ministry in strengthening the cooperative movement in India.

## **HISTORICAL PERSPECTIVES**

The cooperative outfits have been prevalent in Indian society since British rule. Village communities - both organised and unorganised - have been taking up tasks for common benefits like, creation and maintenance of rural infrastructure and carry out social cultural and economic activities beyond governmental ambits. There are evidences that the rural communities created and maintained water bodies (tanks, ponds, ahar-pynes, kata etc.) for irrigation and other social purposes even in the beginning of 19<sup>th</sup> century. In ancient times also community activities for agriculture were prevalent in India (Pant and Verma: 2010). There were communities which created permanent public utilities like wells, tanks and village forests. In the erstwhile Madras Presidency, Chit Funds were there to collect small cash contributions in regular intervals to lend to members of the group at the time of exigencies. Cooperative practices were also prevalent in farming, harvesting, irrigation and transportation (Society, 2021). The first attempt to streamline the cooperative system in India happened in 1904 through Cooperative Credit Societies Act. This was done as per the recommendation of the Edward Law Committee with Mr. Fredric Nicholson, a Madras civilian, as its member. The cooperative society we see in India today is the output of serious and deliberate policy of the government that was vigorously pursued by forming an elaborate governing, administrative and legislative structure. Cooperative Societies Act (1912), Government of India Act (1919), Multi-Unit Cooperative Societies Act (1942), The National Bank for Agriculture and Rural Development Act (1981), Multi-State Cooperative Act (1984) Model Cooperatives Act (1990), Multi-State Cooperative Societies Act (2002) National Cooperative Policy (2002), Companies Amendment Act (2002) and Vaidyanathan Committee (2004) were enacted in India to make the functioning of cooperatives systematic and professional. The acts boosted the cooperative societies, which developed rapidly throughout the length

and breadth of India. As the movement flourished, cooperative organisations mushroomed in various non-credit and non-finance sectors as well. Presently, the cooperative societies are listed in the state subject under the seventh schedule of the Indian Constitution.

## **COOPERATIVES' PROFILE IN INDIA**

Cooperatives occupy a prominent role in the Indian economy. India also has the credit of large and diverse cooperative organisations.. They can be categorised as farming, credit, producer, consumer marketing, and housing cooperative societies (Hajare, 2020). In India, generally, the formation and participation in cooperative societies are voluntary. During the decision-making and electioneering process, keeping democratic spirit afloat, cooperative societies follow one vote principle per member. The cooperative societies registered with the Government of India have functional and decision-making autonomy and independence. For the welfare and benefit of their members or the society, cooperative societies can make their own choices and decisions. Following the principle of justice and equality, the surplus produce or profit generated by the cooperative societies is rightfully distributed among its members according to their shares. For streamlining the operational procedures, periodic auditing and professional management are done in cooperative societies.

Cooperative societies have a significant presence in the Indian economy. NABARD's annual report of 2019-20 counts 95,238 Primary Agricultural Credit Societies (PACS), 363 District Central Cooperative Banks (DCCB) and 33 state cooperative banks in the country (NABARD, 2020). As of 2021, there are 1302 multi-state cooperative societies registered with the Government of India from 1986 onwards (Department of Agriculture, 2021). The registered cooperatives include 65 cooperative banks, 35 marketing firms, 8 tourism-related societies, 8 construction-related, 585 credit societies, 95 diary societies, 7 fisheries, 32 industrial and 30 handloom societies (Department of Agriculture, 2021). 98% of rural India is covered by cooperatives. 13.40% of the total agricultural credit is disbursed in India are by the cooperative societies. 28.80% of total fertilizer produced in India are by the cooperatives. 38.63% of total sugar factories installed in India belong to the cooperative societies. 84.17% of total liquid milk marketed out in India are by the cooperative societies of dairy farmers. 13.30% of total direct employment and 10.91 self-employment in India are generated by the cooperative sector and (India, 2018).

There are some cooperative societies in India that stand out with their excellent performance. Amul, a cooperative dairy society based at Anand in the Indian state of Gujarat, is the eighth largest milk processor in the world (Rupera, 2020). The Indian Farmers Fertiliser Cooperative Limited (IFFCO), with a group turnover of nearly 7 billion dollars, is the largest cooperative institution in the world. Some

of the prominent cooperative societies in India include: National Agricultural Cooperative Marketing Federation Of India Ltd.(NAFED), National Cooperative Housing Federation of India (NCHF), Indian Coffee House, Horticultural Producers' Cooperative Marketing and Processing Society,National Federation of Urban Cooperative Banks and Credit Societies Ltd., (NAFCUB), National Cooperative Dairy Federation Of India Ltd. (NCDFI), Government Medical College(Kannur, Kerala), etc.

## **ADVANTAGES OF COOPERATIVES**

Since its inception, the cooperative societies in India have generated a wide variety of benefits to their members. The supply of cheap and hassle-free credit has liberated the poor Indians from the clutches of money lenders and loan sharks. The rural population has also imbibed the habit of savings, investment and economical usage of money (RBI, n.d.). Farmers get financial support for agriculture at a lower interest rate. Cooperative procurement, marketing and selling have enabled the Indian farmers to get a better price for their agricultural products. Farmers are also able to get seeds and fertilizers at reasonable prices. By rejuvenating and reconstructing the cottage and village industries, cooperative societies offer direct, indirect and self-employment to large chunks of the Indian population.

Fairness and equity are ensured in the distribution of essential commodities by the professional functioning of cooperatives in India. Habits of investment and savings generated from cooperative societies have resulted in cutting expenses for ceremonial functions. The members of the cooperative society could spend the income in schooling and seeking better health facilities (Birchall, 2003). The members of the societies were made conscious of the seriousness of gambling, indecent behaviour, misappropriation, dishonesty, drunkenness, theft and fraud (Department, 20011). Cooperative societies promote social virtues of tolerance, harmony, brotherhood, mutual help, self-reliance and collective responsibility, and public accountability through its functional principles and objectives(Team, 2014).Cooperative societies are also the platform for training and practicing the principles and ideals of democracy. Active membership and participation have improved the standard of living of millions of Indians in cooperative societies (Shukla, 2020). The cooperatives also taught business lessons to their members. Indeed, cooperative societies became the training centre for learning business and life lessons for their members. The promotion and practice of cooperation have resulted in self-responsibility and solidarity among the members. This has also uplifted the members to a higher pedestal of life. *Cooperative societies also harmonise diverse social and economic interests.* The assistance from state and central government is motivating cooperatives to explore new avenues of business. This includes running restaurant chains (Indian Coffee House), operating tourist

boats (Alleppey *Tourism Development Co-operative Society Ltd*), managing medical colleges (Kannur Govt Medical College), operating coir sector (*Coir Vyavasaya Cooperative societies*), growing tobacco (*National Cooperative Tobacco Grower's Federation Ltd*), etc. Social leaderships are also encouraged and promoted by cooperative societies. Dr. Verghese Kurien of Amul is the best example of social leadership in this context. It is noticed that the cooperative societies in India have been instrumental in creating sustainable livelihoods, imparting financial literacy, and fostering financial inclusion and stability in India.

## **CHALLENGES IN THE WAY**

Even though cooperatives in India have progressed abundantly, some gruesome problems and defects are choking the smooth and perennial functioning of the cooperatives in India. The pace of growth of cooperative sectors in the agricultural sector are not at the desired speed. The cooperatives in the agriculture sector face the problems of an incompetent administration, deficiency of storage infrastructures, untimely payments, insufficient credits, middleman/private players interference and lack of expertise (Shah, 2020). Heavy dependence upon the government and legislative agencies facilitates meddling in the administration of the cooperative societies in India. It is also noticed that in order to ensure better performance, relaxations were given to the private sector, especially after the New Economic Policy 1991. Still, the governments at the central and state levels maintain strict control of the cooperative sector (Dasgupta, 2010). Inadequacy of trained staff and members makes the cooperative society derail from its foundational goals and objectives. This is clearly visible in the performance of urban cooperative banks in India. As per Trends and Progress of Banking in India report published by the Reserve Bank of India (RBI), there is a decline in the total deposits and loans and advances. Stagnant growth in loans and weak balance sheets have increased non-performing assets with cooperative banks (Adhikari, 2020). The lack of charismatic and social leadership creates inefficiency in managing a large membership base of cooperative society. People are also not sufficiently aware about the objectives, rules and regulations of cooperative institutions. Functional weakness due to inadequate infrastructure, funds and professionals is hurting the operation of cooperative societies in India.

## **PORTFOLIO REQUIREMENT**

Ministry of Cooperation was established by transferring the hitherto powers and functions associated with cooperation and cooperatives under the domain of the erstwhile Ministry of Agriculture, Cooperation and Farmers Welfare through the Cabinet Secretariat's Gazetted Notification. Shri Amit Shah became the first cabinet minister of the Ministry of cooperation. Cabinet Minister is assisted by a

Minister of State, a Secretary, one Additional Secretary, two Joint Secretaries and one Central Registrar of Cooperative Societies. The primary task of the ministry is to provide policy, legal and administrative framework for strengthening the cooperative movement in India. Streamlining processes for 'Ease of doing business' for co-operatives and enabling the development of Multi-State Co-operative Societies to constitute the primary activities of the ministry.

Realising the vision of '*Sahkar se Samridhi*' (Prosperity through Cooperation) and rejuvenate cooperative movement, the Government of India established the Ministry of Co-operation on 6 July 2021. Although it is too early to assess its performance, yet a few studies have indicated its prospects. It is expected that the establishment of a separate Ministry will provide an exclusive policy, legislation and administrative framework for solidifying the cooperative societies in India. This will also enable the government to guide and train cooperative societies professionally and systematically. Periodic monitoring and training will help cooperative societies overcome the difficulties resulting from inefficient internal management and administration at all levels of hierarchy. The Ministry can streamline the requirements for ease of doing business for the cooperatives in India. The Ministry can also spearhead activities for boosting the performance of Multi-State Cooperatives. The Ministry can deepen cooperatives as a true people-based movement reaching upto the grassroots. Sanjiv Babar, former managing director of Maharashtra State Federation of Cooperative Sugar Mills, said, "Various studies conducted by institutions like Vaikunt Mehta Institute of Cooperative Management have shown the cooperative structure has managed to flourish and leave its mark only in a handful of states like Maharashtra, Gujarat, Karnataka etc. Under the new Ministry, the cooperative movement would get the required financial and legal power needed to penetrate into other states also (Biswas, 2021)."

## **WAY AHEAD**

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Even though the number of cooperative societies and their members has tremendously increased, their contribution to poverty alleviation and equitable prosperity in India is not upto the mark. The changing dynamics of the market at the regional, national, and global levels require able and dynamic mentorship for the cooperative societies in India. The new Ministry can do justice to its establishment if it revives and boosts India's cooperative societies. The new opportunities and dynamism offered by technology shall be leveraged to improve the cooperative societies' structure, functioning, and performance. Since cooperative societies primarily operate on the principle of mutualism, the Ministry and policymakers shall utilise them for the even development of India. The irregularities associated with the structure and working of cooperative societies shall be diligently addressed by the Ministry in order to ensure sustainable prosperity of all its members. If not

handled cautiously, the establishment of the Ministry can also be a disaster. The power to monitor and control shall not be misused for political gain and control. Since cooperatives have proven effective in mediating politics at the local level, the Ministry shall not overarch and give diktat that snatches away the freedom to operate as per the demands of its members. After all, the logic behind cooperative is that its beneficiaries shall finalise decisions. The Ministry shall pursue the goal of *Sahkar se Samridhi* (Prosperity through Cooperation) by promoting the cooperative spirit and acting as a mentor. The Ministry shall never become the command centre and apparatus of political control.

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# SOCIAL RELATIONSHIP AMONG RURAL YOUTH AND POLICY PROSPECT: A STUDY OF BALASORE DISTRICT, ODISHA

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**Avay Kumar Parida\***

## Abstract

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The Social relationship which assumes importance for education, health, employment, social life and old age security is expectedly associated with various socio-economic characteristics of an individual. It is also time specific and varies across persons and places. In view of this assumption a study of aspects of social relationship of rural youths (aged between 15-29 years) was conducted in Balasore district of Odisha. The result of the study, based on analysis and descriptive statistical methods, reveals that social relation is depended on various socio-economic conditions of the youth. Also that poor youth in rural areas bear the double burden of poor social relationships and lower socio-economic status. This impel us to suggest the needs of state intervention through policies, programmes and legal provisions, if required

**Keywords:** Social-relationship, Rural-youth, Policies, Socio-economic, Balasore, Odisha.

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## INTRODUCTION

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Youth in India aged 15-29 years shares nearly 29 percent of total population (Registrar General, 2011). This large share draws attention from the perspective of future socio-economic and political realms and the extent to which the nation will

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be able to harness its demographic dividend. This to some extent depends on the quality of youth population. More specifically, their education, health, employment, social life, and the smooth transition from the youth to adulthood. Traditionally, it was assumed to be a linear relationship between youth and adulthood in terms of finding jobs, leaving family to the stage of independent living, and from staying single to finding life partner etc. (Punch, 2002; Evans, 2008; Worth, 2009). In recent time, the transition seems to have become complex. Besides individual capabilities many others factors have come in to influence the transition.

One of the dominant factors which appears to be important as far as transition is concerned is social relationship. In human life social relationship is considered as a source of attachment and social support (Belle, 1989; Berkman et. al. 2000). It influences social behaviour, sense of belonging, identity in the society and provide opportunity to be acquainted with the outer world (Berkman et. al., 2000). It helps to acquire better education, finding employment, finding life partners, give resilience at the time crisis.

Social relationship primarily depends on the nature and behaviour of the family members. It is found that collectiveness, interdependence and co-operation among family members help one to establish their social relationship (Chadda & Deb, 2013). Other important household related factor to influence social relationship is household economic status. The youth who belongs to an economically well-off family, are supposed to have better social relationship (Vonneillich et. al., 2011). Characteristics of peer groups and nature of mingling are yet another aspects to influence the social relationship of a youth. Among peers, youths learn to form relationships on their own and get chances to discuss their interest and problems (Macionis, Gerber, John & Linda, 2010). These help developing one's behavioural attitude, communication skills, acquaintance with new technology, influenceto some ideology and own manifestation (Palaniswamy & Ponnuswami, 2013).

There are various characteristics of a youth can be noted which help to establish social relationship. Some of those individual characteristics include level of education, income status, age, sex, mass media exposure, social awareness, freedom of mobility etc. Age has a non-linear relationship with social relationship. The level of social relationship increases with increase of age up to a certain age before it declines (Zhaoyang, et.al., 2018). Positive and satisfying social relationship is found to be more among older adults than younger adults due to work engagement and social interaction (Loung, Charles & Fingerma, 2011). Gender difference is found in playmate choice, relationship quality (Erwin, 1985) and perception of social support (Colarossi & Eccles, 2003; Frey & Rothlisberger, 1996). Educational attainment is a key determinant of a wide range of individual, social and economic outcomes and helps to develop social identity (Verhoeven, Poorthuis & Volman, 2019). It helps for successful transition to the labour market (OECD, 2005) through

acquiring knowledge and skills (Idris et al., 2012). Socioeconomic status is positively associated with social relationship, mainly determined by level of income (Turner & Marino, 1994; Krause & Borawski-Clark, 1995; Weyers, et al., 2008), varies across socio-economic groups (Krause, 2001). It is found stronger among higher socio-economic groups (Vonneilich, et al., 2011). Freedom of mobility of youths can help to explore the outer world and to gain knowledge on social surroundings at their own rhythm (Bjorklid & Nordstrom, 2004; Tonucci, 2005). It increases physical activities and develops coping ability with socio-economic and physical environment (Brown et al., 2008). On the other hand, restriction on youth's mobility decreases physical activities, hinders the spatial and social relation, and increases the fear of loneliness and weak sense of communication with family and community members (Alparone & Pacilli, 2012). Through community participation individuals make better choices leading to empowerment in decision making which yield real power (Johnson, 2012). Hence, youths contribute in bringing improvements in the rural infrastructure and promote empowerment opportunities among rural youth to meet better livelihoods opportunities (Kapur, 2019). Large number of youth and teenager use social media for education, information and interaction which are responsible for important change in behavioural attitude (Kavita, 2015). According to Sahu (2019), the main purposes of operating social media account were interaction with friends/relatives, communication, sharing of photos and sharing of views, while main purposes of watching television programmes were for knowledge, time pass and recreation. Communication of young people through social networking sites helps in cultural development, building self-identity, developing relationships and acquisition of social and technical skills (Bhardwaj, Avasti & Goundar, 2017).

## **CONSTITUTIONAL PROVISIONS**

Articles 41 and 42 under the Directive Principles of State Policy of Indian Constitution, envisage that state shall make effective provisions for securing its citizens with socio-economic betterment and just and humane conditions. Art. 41 says that the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, right to education and right to public assistance in cases of unemployment, old age, sickness and disablement, and in other such cases. Further, Art 42 says that the State shall make provision for securing just and humane conditions of work and for maternity relief.

The issue of ensuring such social relation that enhances better socio-economic and humane conditions falls under these provisions of the Indian Constitution. Notwithstanding the above described importance of social relationship and its association with various household, individual and community level characteristics, it could also be context specific. It may vary from one region to another or from one

place to other. As such the present study aims to understand the determinants of social relationship of rural youth from Balasore district of Odisha.

## **OBJECTIVES AND METHODOLOGY**

As discussed above, we intend to understand the determinants of social relationship among rural youth in backward areas, trace its actual situation and render policy suggestions. For achieving these objectives, Balashore, one of the most backward districts of Odisha, has been selected for the study. As such, the study is based on the primary data collected from three different panchayats of three selected blocks of Balasore District, Odisha. Information were collected by canvassing semi-structured interview schedule amongst youths (15-29 years). Total sample size was 300 (150 male & 150 female).

Out of 12 community development blocks of the district, three blocks such as Remuna, Balasoresadar and Khaira were selected randomly by applying lottery method. From each block, one panchayat was selected randomly and from each panchayat two villages, having highest concentration of population, were selected. Finally, 50 youths from each village (25 male and 25 female) were interviewed with the help of schedule.

## **VARIABLES, INDICATORS AND ANALYSIS**

**Variables:** In this study, index of social relationship of youths is used as dependent variable. This index has been computed by taking nine (9) indicators. The indicators are; (i) type of friends (only same sex friends or only opposite sex friends – 1, both sex friends-2), (ii) Frequency of interaction with friends/peer groups (rarely-1, sometimes-2, daily-3), (iii) Sharing of personal problems with opposite sex persons (yes-1, No-0), (iv) Perception of present social relationship (Stronger-1, Not stronger-0), (v) Personally know their MP/MLA/Other political persons (yes-1, no-0), (vi) Personally know academician or bureaucrat (yes-1, no-0), (vii) Personally know any influential person from other village or panchayat (yes-1, no-0), (viii) Visited other district or state (yes-1, no-0). The scores obtained from these aspects are added to have an index value of an individual. The index ranges from '0' to '14'. The summative score is converted to a 10 point scale.

Some individual indicators and household characteristics have been selected based on the availability of information to examine the determinants of social relation. These variables are age group (15-19 & 20-24), Sex (male & female), education (up to upper primary, high school, intermediate, graduation and above), income status (earning & not earning), community participation (yes & no). Index

of media exposure is computed by taking five indicators. The indicators are; (i) frequency of watching TV (never-0, rarely-1, sometimes-2, daily-3), (ii) frequency of reading news paper (never-0, rarely-1, sometimes-2, daily-3), (iii) frequency of listening to radio (never-0, rarely-1, sometimes-2, daily-3), (iv) type of mobile phone (normal phone-0, Smart phone-1), (v) use internet (yes-1, no-0). The scores are added to have an index value of an individual. The index ranges from '0' to '11'. The summative score is converted to a 10 point scale and categorised in to low, medium and high exposure groups. The index of social awareness is computed by taking five variables. These variables are; (i) Know about education promotion programmes (yes-1, no-0), (ii) Know about employment promotion programmes (yes-1, no-0), (iii) Know about health programmes (yes-1, no-0), (iv) Know about family planning programmes (yes-1, no-0), (v) Know about credit institutes (yes-1, no-0). The scores are added to have an index value of an individual. The index ranges from '0' to '5'. The summative score is converted to a 10 point scale and categorised in to low, medium and high awareness groups. The index of mobility is computed by taking seven variables. These variables are; (i) Allowed alone to go for study (yes-1, no-0), (ii) to market (yes-1, no-0), (iii) relative's home (yes-1, no-0), (iv) for medical (yes-1, no-0), (v) other village (yes-1, no-0), (vi) to religious places (yes-1, no-0), (vii) other purposes (yes-1, no-0). The scores are added to have an index value of an individual. The index ranges from '0' to '7'. The summative score is converted to a 10 point scale and categorised in to low, medium and high mobility groups. Further, selected variables associated to households characteristic include social group (general, OBC, SC, ST), Household economic status (APL or BPL), and level of household monthly income (up to 10000, 10000-20000, >20000).

**Analysis:** This study uses both bi-variate and multi-variate methods of analysis. Bi-variate analysis i.e. cross tabulation is used to find out the variation in the mean value of social relationship of individual and household characteristics. Following the bi-variate analysis, multivariate analysis (linear regression model) is used to predict the change in social relationship due to change in different selected variables.

## **SURVEY RESULTS**

Level of social relationship of youths varies by their age, sex, level of education, income status. It can be seen from the table 1 that elder youths have greater level of social relationship than that of younger group. Higher social relationship was also found among males, higher educated group and those who were earning. Result shows that there was a positive association for social relationship with age, level of education and income status of a youth.

<b>Table 1: Social relationship of youths (by age, sex, education, occupation and income)</b>	
<i>Categories of Youths</i>	<i>Mean Value of social relationship</i>
<b>Age</b>	
15-19	5.2704
20-24	6.8757
<b>Sex</b>	
Male	6.8905
Female	4.9667
<b>Education</b>	
Upto upper primary	3.5491
Highschool	5.4105
Intermediate	6.2447
Graduation and above	7.0446
<b>Income Status</b>	
Earning	6.7634
Not earning	5.7022
<b>N</b>	<b>300</b>

<b>Table-2: Social relationship among youths (by media exposure, awareness, mobility and community participation)</b>	
<i>Categories of youths</i>	<i>Mean Value of social relationship</i>
<b>Media exposure</b>	
Low	4.4096
Medium	6.3114
High	7.2780
<b>Awareness</b>	
Low	4.6111
Medium	6.5079
High	6.6435
<b>Mobility</b>	
Low	4.8007
Medium	5.6832
High	6.9498
<b>Community Participation</b>	
Yes	6.7787
No	5.0437
<b>N</b>	<b>300</b>

Level of social relationship also varies by social awareness, media exposure, community participation and mobility of youths. It is found from the table 2 that, youths with higher level of social awareness, media exposure, mobility and those who participate in the community programmes possessed higher value of social relationship.

<b>Table-3: Social relationship of youths (by household indicators)</b>	
<i>Categories of HH</i>	<i>Mean Value of social relationship</i>
<b>Caste/Category</b>	
General	6.5531
OBC	5.7256
SC	5.1714
ST	5.6190
<b>HH Status</b>	
APL	6.5220
BPL	5.4748
<b>Income of HH</b>	
Up to 10000	4.7379
10001-20000	6.3239
>20000	6.9852
<b>N</b>	<b>300</b>

Household variables also appeared as important to shape the level of social relationship of a youth. It can be seen that (Table 3), youths belonging to general caste/category, higher economic status and higher level of income had higher value of social relationship.

## **SOCIAL RELATIONSHIP AND FUTURE OF YOUTH**

It is not that social relationship is important in present life, much needed for future life especially at old age. According to Figure 1, youths mentioned that due to lack of social relationship they may not be able to choose suitable education, finding suitable employment opportunity, finding better life partner, old age security and others. For males social relationship is required for education and employment whereas for females social relationship primarily for marriage and old age security (Fig-1).

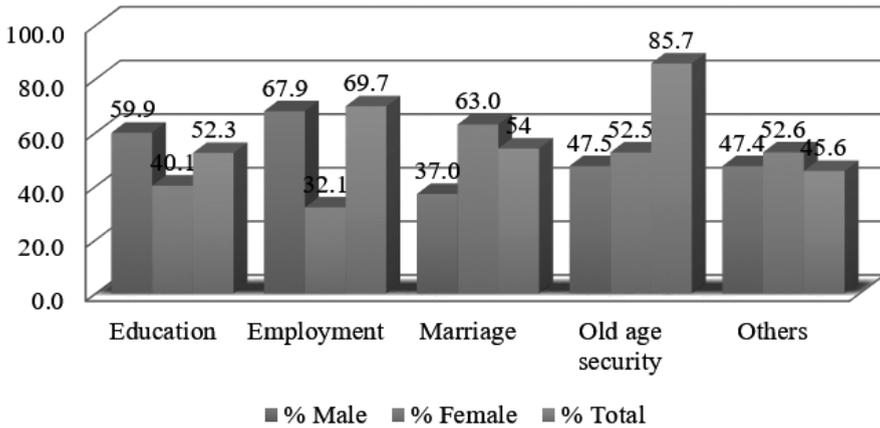


Figure 1: Expected future problems of youths due limited social relationship

## DISCUSSION

The study, aimed to identify various aspects of social relationship of a youth drawing data from a rural area in Balasore district, Odisha, enlists some variables associated with individual and household characteristics as mentioned above. Gender appears to have significant influence suggesting that gender differential which plays pivotal role for any welfare scheme in India. On the other hand low level of social relationship of youth may lead to problem of choosing proper education, suitable employment, finding better life partner and old age security etc.

Findings of the study are in tune with strand of earlier studies as far as determinants of social relation are concerned. It increases with the age of a youth (Zhaoyang, et.al. 2018; Loung, Charles &Fingerman, 2011), years of education (Idris et. al., 2012; Verhoeven, Poorthuis&Volman, 2019), and level of income of a household (Turner& Marino, 1994; Krause &Borawski-Clark, 1995; Weyers, et. al., 2008; Krause, 2001, Vonneilich, et. al., 2011).The social relationship is found to be stronger amongst youths those who get theexposure to mass mediaand social awareness (Kapur, 2019; Kavita, 2015; Sahu, 2019; Bharadwaj, Avasti & Goundar, 2017).

## GOVERNMENT INITIATIVES AND POLICIES

There is no specific and direct policy for youth and social relationship. As studies found that, social relationship is determined by various social and economic variables, the policies concerned with socio-economic conditions are taken into consideration. Over the time period government of India has taken initiatives to improve social relationship of youths through education and employment. The first

National Youth Policy (NYP) was formulated in 1988 and revised in 2003 to address the specific issues keeping in view of global scenario. The new policy focused on four core sector related to youths such as; Empowerment, Gender Justice, Inter-sectoral Approach and Information and Research Network. Key sectors of this policy were; education, training and employment, health, environment, sports and recreation, arts and culture, science and technology, civics and citizenship. The target group of this policy were; Rural and Tribal Youth, Out of school youth, adolescent, particularly female adolescents, youth with disabilities and youth under specially difficult circumstances like victims of trafficking, orphans and street children.

In 2014 government of India formulated new youth policy to address the unmet need of youths. To facilitate the implementation of this policy, the Ministry of Youth Affairs and Sports, United Nations Development Programme (UNDP), and United Nations Volunteers (UNV) have come together under the project 'Strengthening Nehru Yuva Kendra Sangathan (NYKS) and National Service Scheme (NSS)'. Among other objectives, this project also envisages the development of Action Plans on four key thematic areas of the NYP 2014 – Environment and Disaster Risk Reduction, Social Inclusion, Gender Justice and Equality, and Social Entrepreneurship.

Along with these two major policies, various education and employment programmes were implemented to increase the literacy, tackle the problems of school drop-out, providing technical education and training for employment and providing financial assistance for establishment of own business and small industrial setup.

Various initiatives by both government and non-government organization, literacy rate among youths has increased to a great extent but still far behind of the developed regions of the world. School drop-out is a problem still in rural areas especially among economically weaker sections. Another major problem is the quality of education which is limited to the students belonging to higher socio-economic strata whereas a larger section of youths living in both urban and rural areas still not getting quality education. Another important indicator of social relationship is economic of employment status. Despite of several policies, the unemployment rate of educated youth has increased to some extent. By the year 2020, youth unemployment was estimated nearly 35 percent. On the other hand the volume of youth unemployment has increased to a great extent and around 53 million people are jobless.

## **CONCLUSION**

It is therefore observed that while social relationship is important for acquiring good socio-economic status, it in turn depends on various socio-economic

characteristics of a youth. The social relationship and socio-economic conditions are interdependent. It does not mean only for present needs but very much required for old age security in terms of social economic and health realms. In this circumstance, a youth of higher socio-economic group is more likely to acquire better social relation for having better education, media exposure and social awareness. On the contrary, a youth belonging to poor family with lack of education, media exposure and social awareness lags behind to acquire social relation. Therefore, a youth of poor socio-economic background face double disadvantages - poor socio relation and poor socio-economic characteristics - to sail smooth transition from youth to adulthood. Following this on and given the importance of social relationship, we can suggest for government interventions to increase literacy, quality of education, technical education and training, focus of labour market educational policies, special focus to generate employment opportunities.

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## UNDERSTANDING THE CHANGING NOTIONS OF CENTRE-STATE FINANCIAL RELATIONS UNDER THE GST REGIME

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**Rinki Dahiya\* and Priya Dahiya\*\***

### ABSTRACT

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It was believed that India's growth is hampered by a complex array of state-by-state tax codes that hinder the ease of doing business across state borders and thereby hindrances in even economic growth. The passing of the 101 Constitutional Amendment Act, 2016 has paved the way for GST regime in India. GST is widely viewed as an innovation that will allow the authorities to create a more unified economy which will change the trajectory of growth. It was expected that the states that are not financially strong will get an opportunity to gain revenue. On the contrary, critics argue that it will hamper the Indian co-operative federalism as it leads the states to lose its control over financial autonomy and its implementation will be problematic for India's small businesses and, perhaps more importantly, undermine public trust in the GST. It has added new dimensions to Centre-state relations. It is against this background, the paper pertinent to analyze some of these pressures that have strained Centre-state relations in the past few decades and to find out what type of measures are needed to fundamentally altered the deep inequality in financial relations. The paper also highlights some of the important concerns that the new GST regime has raised and to examine how and to what extent GST could be a template for the future of cooperative federalism. It further goes to underline the perception of federalism of today.

**Keywords:** GST (Goods and Services Tax), Federalism, Constitution, Centre-State Relations, Tax Reform, India

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## INTRODUCTION

The goods and services tax (GST) is the indirect taxation system in India amalgamating nearly all the existing indirect taxes. It is single tax on goods and services, right from manufacturer to the consumer. It is tax on value addition and credits of inputs paid at each stage will be available in the later stage of value addition. The passing of hundred and one constitutional amendment act, 2016 has paved the way for GST regime in India. It enables the union to impose tax on the sales of goods which has earlier been in the domain of the states, similarly the states would now be able to impose tax on services which is until now was generally in the domain of the union government. In short, under GST regime the entire country will become one market as the tax rate for any particular commodity or service would be uniform across all the states and it will be an economic integration of India. India would become one uniform market across all the states with seamless transfer of goods and services.

In our Federal system both centre and state have the power to impose taxes and division of such power is give in the union and state list under 7<sup>th</sup> schedule of the Indian constitution which clearly demarcate it with almost no overlap between the respective domains. Almost all other indirect taxes—except custom duty collected by the central government, and duty on petroleum, electricity, and alcohol, levied by the state governments are not included under GST. Under GST, with the spirit of cooperative federalism both Centre and States have given up taxation powers and as a product several taxes are subsumed.

GST simplify the tax system and to relieve producers and suppliers from paying multiple indirect taxes. The final consumers would have to pay the entire tax amount at the combined rate, the Integrated Goods and Service Tax (IGST). Both the central and the state governments would levy GST on the same tax-base on all the transactions of commodities and services and there would be two rates, the Central Goods and Service Tax (CGST) and the State Goods and Service Tax (SGST) respectively, for an understanding of revenue sharing.

The notion of 'One Nation, One Tax', defined as one of the central feature of this new tax reform is the creation of the GST Council. Under the GST regime, the Centre & States will act on the recommendations of the GST Council. Generally GST Council will decide on important aspects and then it make recommendation on rates of GST, goods and services which may be subject to or exempt from GST, taxes, cesses and surcharges to be subsumed under the GST, special provisions with respect to northeastern states, Jammu and Kashmir, administrative architecture and compliance procedures and any other related matters. All decisions of GST council will have to be carried by a three-fourth majority of vote cast, where 2/3<sup>rd</sup> of voting power is with the States and 1/3<sup>rd</sup> is with the Centre.

## **UNDERSTANDING GST**

However, any reform has its own set of opportunities as well as benefits, on the other hand reforms also bring with them new set of concerns.

While some believes that passing of GST is a shining example of cooperative federalism in India where state and centre have ceded their power to tax and come up with a single tax system to realize the dream of one economic India with “one market” and has shown unity in diversity of Indian society. In this regard GST intends to achieve the following major goals: (a) Ease of doing business- it was believed that India’s growth is hampered by a complex array of state by state taxes that hinders the ease of doing business across different states borders. Until now the producers have been maintaining numerous warehouses across state to escape state entry taxes and CST levy. But with the innovation of GST, the tax rate for any particular commodity or services would be uniform across all the states and GST will further bring warehouse consolidation across the country, thus integrating whole economy into one national market. (b) Tax to GDP ratio- It is anticipated that in long run the ratio will improve or enhance both for state and centre under GST regime. It is an essential measure that helps to understand how much tax revenue is being collected by the government as compared to the overall size of the economy. A higher ratio permits more expansion in a government’s budget so that it can spend further without borrowing. Although even after many years of high growth, India’s tax-GDP ratio resumes to remain low. But with the implementation of GST it is expected to increase. (C) Reduce tax evasion- In earlier tax system, there are numerous cases where the government was unable to diagnose evasion and loss of tax revenue, which becomes a challenge for the department concerned to track the input claims against the liability of the seller. As a result, numerous cases of fraudulent claims, duplication of claims of input tax, claims that do not corresponds with tax liability declared by the sellers etc. such challenges were faced. But GST would bring in greater transparency; strengthen monitoring system and effective tax administration, thus making tax evasion difficult. As well as it beneficial for both tax payers and tax and tax administrator. GST as a modern tax system is to ensure effective and efficient tax administration. It will bring in greater transparency and strengthen monitoring thus making tax avoidance further difficult. And it is being beneficial for both tax payers and the tax administration and make for a simpler and more transparent tax system. (D) Removal of cascading effective- The GST helps to remove cascading effect in respect to centre and state indirect taxes. GST can be seen as a rational step for having an indirect taxation system that intended to capture only, the value addition in the goods and services at each step, rather than tax being levied at each stage for the purpose of further taxation. Hence, there is no question of payment of tax on the already paid tax amount on inputs, this is known as “cascading effect”. The elimination of these numerous taxes and the introduction of the single point GST will thus help to mitigate the cascading effect of taxation.

When we look at the broad picture of taxation in India, the last ten years data on the combined tax revenue of the central and the state governments in India is around 16.5% of the GDP which is one of the lowest in the world (Das:2017). In this context 60 years ago, the proportion of indirect tax was around 70% of the total tax revenue this shows that India was highly dependent on indirect tax (Taqvi et al: 2013). Yet, our dependence on indirect tax is still as high as 67% today which is share between centre and state.

## **INDIAN FEDERALISM: THE NATURE**

In a globalised or free-market economy, the endowments of states, available resource base and their comparative advantages all foster a spirit of competition. States not only compete among themselves and but also with the Centre for the benefits. Recently, promoting both cooperative and competitive federalism today has been an overarching theme of Indian government, generally two opposite forces seem to operate: One is cooperative federalism and other is two, competitive federalism. Cooperative federalism implies the Centre and states share a horizontal relationship, where they “cooperate” in the larger public interest and it is visualised as an important tool to enable states’ participation in the formulation and implementation of national policies (Singh:2015). Whereas competitive federalism, refer to the relationship between the Central and state governments (vertical) or between state governments (horizontal). The reasons for adopting a federal system in case of India are many like, the unity and defense of country in the face of the external and internal threat and communalism, the rise of nationalism, the need for speedy economic growth and development and above all the plurality of culture.

While the Constitution does not mention the term “federal” anywhere in the constitution, but it does provide a governance structure which is fundamentally federal in nature and assign separate governments in the states and at the Union. Further, it specifies and demarcates the powers, functions and jurisdictions of the two governments. It is to be noted that in accordance with the federal principles of government states derive their authority and power not from the central government but directly from the constitution itself. For this there are three lists namely, Union, State and concurrent list in the 7<sup>th</sup> schedule of the constitution. The residuary powers have been vested with the Union Government. The aim of Indian constitution is to preserve the national unity while also giving the power to maintain state governments. But it is true that the union has been granted larger powers as compared to the state governments, this is a question of degree and not of quality. The Indian federal system is often defined to be quasi-federal in nature, even though it has unique features which enable it to assume unitary features upon the time of need. In Indian democracy the financial powers and responsibilities, administrative and legislative are divided between the Centre and the states with

overlapping provisions in definite areas. Article 268 to 293 and Part XII of the Indian constitution provides detailed arrangements relating to the power of borrowing, distribution of tax and non tax revenue and provision for grants-in-aid between the Union and the states to discharge their respective responsibilities, while a great bulk of financial resources including import and export duties, corporate tax and income tax are controlled by the central government. It have the dominate power to controls all major sources including the control over the central bank besides the nationalized banks, foreign exchange, currency and money supply. The Constitution provides for a Finance Commission to assign the centrally collected revenue to the states. But over the years these extra-constitutional body such as Finance Commission has further strengthen the hands of the Central Government as an arbiter of fiscal resources. Thus, in the area of distribution of fiscal resources, Indian federalism is probably at its weakest. Therefore it has been criticized that, as far as financial arrangements are concerned, the Indian Constitution is a “carbon copy” of a colonial law, the Government of India Act of 1935 which incorporated the provisions for making the Centre financially strong and the States weak. The Constitution of India, 1950 also did not make any significant alteration of the Act of 1935. Similarly, GST also accelerates the reconfiguration of centre-state fiscal relations which are already underway.

## **GST REGIMES AND INDIAN FEDERALISM**

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There are claims and counter claims by the two levels of the Government regarding the magnitude of Central collected funds being transfers to the states. As the States governments have often complained that the resources allocated to them are inadequate to enable them to discharge their responsibilities which result in the widening gap between their own resources and needs. These trends indicate the increasing dependence of the states on the Centre for resources. Constitutional provisions, regarding taxation and borrowing powers of the Centre and the states, place the former in a commanding position and not only the major sources of tax revenue belong to the Centre, its borrowing (internal and external) powers are also unlimited (Dutta: 2016).

Many voices of opposition have been raised against GST that it is death-knell of Indian co-operative federalism. The introduction of GST is neither a necessary nor a sufficient condition for improvement in the tax compliance, if the degree of corruption decreases, the efficiency of tax administration improves and the tax information network expands, the compliance may improve even without the introduction of GST and if there is no improvement in these factors, the compliance may even deteriorate with the introduction of GST (Das: 2017).

Prior to the introduction of GST, the centre and state used to impose its taxes the jurisdiction of power was clear, but after GST the tax powers virtually cross each others .Both the centre and state have to agree on categories to be excluded, rates and on the recommendations of the GST Council. And one of the main objection is related to GST council is that all decisions of the GST Council will be made by three-fourth majority of the Votes Cast; the centre shall have one-third of the Votes Cast, and the States together shall have two-third of the Votes Cast. This effectively gives the union government veto power over a state's fiscal policies. Many critics of GST are apprehensive of this power of central government and foresee that in future the central government might have an upper hand in many deliberation of the GST council. But, on the other side the rationale for having uniform tax rates in order to harmonize the tax system is not very clear. Even if the tax rates are made uniform across states, the price of the same commodity would vary from place to place, rural to urban areas and from state to state. The price of any commodity depends not only on tax rates but also on the cost of production, on the demand, transportation, mark-up and on marketing etc. Thus, variation or revision in tax rates only explains a small fraction of the total price variation and even if multiple taxes are clubbed into one tax, one evasion would be equivalent to multiple evasions. So, the slogan of "one country, one market, one tax rate" may not necessarily hold even as it sounds catchy. The question that need to be answered here is whether the need for uniform tax rate is so important or pressing enough to priorities it over the autonomy of states?.

On the Question of States' Autonomy, we need to trade off between the fiscal autonomy of the state and making the tax rates uniform across the states. With the introduction of GST, even if the no individual state government is making any revenue loss but they also do not have the freedom to decide the tax rate autonomously for any commodities, as it is now decided centrally by the GST council. Although the states jointly have some say in the GST council, but no single state have the power or right to vary tax rate for any particular commodity. In this manner the states just become a mere tax collecting agents of their own taxes who get a commission depending on "efficiency" in tax collection and the size of their respective tax bases. Moreover, since a significantly large proportion of the state's own tax revenue collection comes from indirect taxes, given any vertical devolution by the central finance commission, the total expenditure of the state government as a proportion of respective gross state domestic product (GSDP) would also largely be decided centrally for any cap on the fiscal deficit to GSDP ratio of the states and this is again decided by the central government or by the Reserve Bank of India (RBI). In this manner if the states are not allowed to vary tax rates from state to state, then the fiscal autonomy of the states might be compromised forever. Besides center state relation GST also creates a larger impact on other different dimensions

such as in every day to day life it affect consumer also. Under GST the tax burden has been shifted from producers to the final consumers as it marks a shift from origin-based taxation system in India to destination-based taxation system.

Therefore, whether GST would bring net benefit or loss in the days to come is completely ambiguous. The policy recommendations that logically come out from the above discussion are that (a) For India to improve its abysmally low- tax to GDP ratio, more emphasis should be put on direct taxes for arresting inequality in the country from worsening it further. (b) Each individual state should be given power to set their own State Goods and Services Tax rates for different commodities in order to preserve the fiscal autonomy of the state government. (c) The government need to take conscious step to improve tax compliance as any tax reform like GST cannot automatically improve it or ensure it. So, if the government is able to improve it then obviously the GST rates need not to be too high as a result, the incentives of tax evasion are also likely to come down. (d) For enhancing growth and keeping inflation in check the government should take the required extra steps as imposition of the GST would not automatically help in attaining these objectives. (e) As far as question of state autonomy or federalism is concerned Indian constitution provide various provisions for cooperative federalism in financial areas even after all these efforts share of states in divisible taxes remains inadequate to meet their needs. Therefore there is a need to bring changes in the existing financial framework. In this regard many statutory institutions, extra-constitutional forces, Committees and Commissions were appointed by the Central and state Government like the Administrative Reforms Commission, the Sarkaria Commission and Rajmanner Committee to look to the problem of distribution of powers. And all these commission only play an advisory role in the fiscal matters for the purpose of distributing financial resources between centre and state but fails to provide consultative and dispute resolution mechanism which need to be strengthen for the same. And what happens when States deviate from the collective decisions? It is in this context that the role of the dispute resolution mechanism becomes even more crucial. (f) The question that needs to be address here is not about the feasibility of amending the constitution for enforcing GST, but the vital concern here is about the future of centre-state financial relations and the degree of inequality prevailing within our democracy. Hence, cost-benefit analysis must be done more seriously before undertaking such a big tax reform in the country. The GST should be designed more carefully from a more holistic point of view considering the Indian context, keeping all the possible trade-offs in mind.

Today far from being a case of cooperative federalism or even competitive federalism, where states and the centre compete to find different solutions to the same problems—what we have seems to be a case of “conflict federalism”. While the central government frequently stress on its commitment or obligation to

“cooperative federalism” its role in the destabilization. The Centre uses all kinds of blandishments to make the state governments fall in line; and the state governments are so exclusively concerned with whatever resources they can lay their hands on, that they have little time to ponder principles, especially the foundational principles, of the Indian State, among which federalism occupies a prominent place (Patnaik: 2016).

## **CONCLUSION**

With the advent of liberalism and neo-liberalism, the state has become a welfare and service state leading to nationalization of sentiments. All these led to a defacto concentration of powers in the center and this has greatly disturbed the federal balance. The Union-State relationship in a federation is a sensitive subject. There is always a possibility of conflict of jurisdiction and clash of wills between the center and the states even at the best of the times. The major problem revolves round the question of distribution of power and centralization versus decentralization.

Finance is the essential prerequisite of a government and the financial relations between the two governments sometimes leads to over centralization of power of the center, sometimes to demand for more autonomy of states and sometimes leading to the healthy relation between the center and states leading to cooperation and coordination between the two. The slow development and inequality among the states is largely due to the vertical and horizontal economic imbalance between them. Both these imbalances can be redressed through inter-governmental financial resource transfer or borrowing by deficit jurisdictions or a combination of the two. For this, India has made bold effort from time to time to deal with such complex issues involved in the allocation of resources.

In short, GST is a structural reform that has changed the entire taxation landscape in the country and the future destiny of GST depends on how well the Centre-State cooperate with each other.

## **Notes**

1. In India federal system is unique in the sense that the relationship between national and state government is determined not just by constitution rules, but also by a complex of historical, geographical, political, social, cultural and economic circumstances. Granville Austin described the Indian federalism as a "Co-operative federalism".
2. An American scholar, A.H. Birch, explains the concept of 'Co-operative federalism' in these words: "the practice of administrative co-operation between general and regional governments, the partial dependence of the regional governments, by the use of conditional grants, frequently promote developments in matters which are constitutionally assigned to the regions."
3. See Chakraborty, P., & Rao, P. K. (2010). Goods and services tax in India: An assessment of the base. *Economic and Political Weekly*, 45 (1), 49 - 54.

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## STRUCTURE AND FUNCTIONS OF LOCAL GOVERNANCE IN ANCIENT INDIA: A STUDY OF ITS RELEVANCE

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### Abstract

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Although the local self-governance has emerged as the key to prosperity, development and good governance in the late 20<sup>th</sup> Century, yet its history dates back to ancient India. It can be safely hypothesized that the panchayats or local governments in ancient India were the independent republics, autonomous and self-sufficient and better entities than that of the present local governance. In view of the characteristics and performance of the present panchayati system, it becomes an urgent imperative to trace and explore about Panchayats of ancient period which may be of much relevance today. With this view in mind the present paper intends to analyse the nature, functions and organizational structure of local governments in ancient India that provided a good model of self-governance.

**Keywords:** Local Self-governance, Organisation, Structure, Brahmana, Varnasystem, Little Republics, Village Headman, Sabha, Ancient India

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### INTRODUCTION

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Local governments are crucial for the governance of the country. Internationally, towards the end of 20<sup>th</sup> century and the beginning of 21<sup>st</sup> century, there has been a renewed interest in the idea of local governance as an important unit in the

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broad concept of good governance. Local governments gained significance in the new governance process as essential units for better administration and effective implementation of public policies. They provide a medium through which people can directly participate in the decision-making process.

History shows that, the idea of local governance had evolved gradually in the West. The local governance comprised of two units, one for the city and other for the village. The journey of local governance began with the villages in India, where as in the West it was the cities which made the first claim for the self-government. 'In medieval England and France, for example, the cities obtained grants from the kings, that wholly or substantially freed them from the jurisdiction of national field agents, in England the sheriffs, in France the bailiffs and seneschals' (Fesler, 1965,541). In many countries, local governments are the creations of either central or state governments and in some cases they were also the creations of executive order (Shah and Shah, 2006, 1). In case of modern India, the local governance began with Lord Rippon's Resolution of 1882 and travelled through from three tier Panchayati Raj Institutions as per recommendations of Balwant Mehta to new arrangements under 73rd Constitutional Amendment. These institutions were aimed at realisation of Gandhi's dream of Gram Swaraj or vibrant grassroots democracy and making them effective instrument of rural development. Despite serious efforts, both these goals are not achieved to the desired level. In view of the situation, the present paper attempts to trace and underline the nature, organisation and structure of such bodies in ancient India and assess its relevance to the present times.

## **EVOLUTION OF LOCAL GOVERNMENTS IN ANCIENT INDIA**

As observed by Bhatnagar (1932, 529) in the first nine *mandalas* of *Rigveda* there is no any direct or indirect reference to local government. He notes that *Gram* (village) was not a well-organised administrative unit in the early *Rigvedic* period, however, it was during the Brahmana period (1000 B.C. to 500 B.C.) that it was recognised as a distinct territorial administrative unit (Bhatnagar, 1932, 531-535). Tak (1973, .8) noted that the Ramayana and the Mahabharata had mentioned about two types of villages – Ghosh, which was small in size, and Gram which was large in size.

## **VILLAGE AS SELF-GOVERNING UNIT**

It is observed by the scholarship (Sharma, 1996; Tak, 1973; Mookerji, 1958; Altekar, 1934; Thapar, 1984; 2013), that the village communities in ancient India were little republics, which were independent of central control and were self-governing. They had their own political, economic and social structure. The social and economic

structure in ancient India was seen in the form of a pyramid, with the king at the apex, and village communities at the base (Thapar, 2013, 7-8). Various village officers were appointed to meet the needs of people. They occupy hereditary position and derive fixed remuneration or land in lieu of their service. They also maintained their own small army to protect themselves against the invaders. This brings us to the point of analysis that while the local governments are the creations of either state or central government in the contemporary India, the village administration of ancient India functioned as a little republic, independent of central control.

A reference of village administration has been noted in the Ramayana and Mahabharata. Tak (1973, 8) stated:

In the Sabha Parva of Mahabharata, Muni Narada puts a number of questions to Dharam-Raj Yudhishtir. One of the questions is, 'Do the brave and wise Panchas of your nation work for the collection of funds and other allied activities of Panchayat and thus do they add to the general happiness?'

The question raised by Muni Narada signifies the important position held by the Panchayat in the ancient period. The large empires in the ancient India relied on the local governments which were already in existence and were more reliable and suitable for the purpose of effective governance. In the absence of modern means of communication and facilities, and practical impossibility of governing the vast territory without being dependent on the local administrative machineries, local governance gained significant position in the ancient period.

The description of the various functions of the village assembly of ancient India reveals that the village assembly enjoyed vast powers leaving very little space to the central government to interfere in the daily life of the people. Narada observed that central government could interfere in the administration of the local body, if their actions were contrary to one provided in the Vedas or caused waste of money or imply hostility to the king or led to accumulation of arms or their interest contradicted with the interest of the community (Mookerji, 1958, 246). The disputes between two villages were normally referred to the king. The commentary related to Narada explains the limitations on the powers of self-governing institutions, that although the local governments were self governing there were moral and religious limitations on its powers (Mookerji, 1958, 247). They were not supposed to act contrary to the interest of the central government.

## **ADMINISTRATIVE STRUCTURE**

The autonomous character of these local bodies was well-developed and supported with well-equipped administrative structures. The ancient Indian local governance gives a picture of a well-organised administrative structure which is much more advanced for its time. Village administration had certain common features, such as

village headman, accountant, village assembly and village council found in Northern and Southern parts of India but were called by different names. A description of village committees is also found in some of the works. The village was the smallest unit of local administration known as *grama* (Chopra et al., 1974, 71). A mention of popular assemblies and institutions like Sabha, Samiti and Vidatha is found in the Rig Veda (Bhattacharyya 1988, 32). A description of some of the important features of village administration is found in the Vedic literature, Arthshastra, Jataka stories and Buddhist writings (Mookerji, 1958; Tak, 1973; Altekar, 1934 and Sharma, 1996). Inscriptions always remained as an important source of information to learn about the village administration of ancient India.

### *Village Headman*

The post of village headman and accountant were usually hereditary (Yerankar, 2004, 87). The village headman was known by different names such as *gramika*, *gramani* or *gramapala* (Chopra et al., 1974, 71). He was an important officer of the village and was represented on the council of *Ratnins* in the Vedic period (Bhat, 1954, 54). The village headman in ancient India was appointed by villagers but in the later period the post became hereditary and other village officials were made subordinate to central authority (Tak, 1973, 8). The administrative machinery during Rig Vedic period functioned under a tribal chief called *rajan* (Sharma, 2005, 110). The headman in the Buddhist period was known as 'Bhojak' who was frequently consulted in the local affairs but was not allowed to violate the public opinion (Tak, 1973, 9) and appears like a village king in the *Jatakas* (Bhat, 1954, 54). He was called by different names in different parts of the country. He was known by the name *Gramika* or *Grameyaka* in Northern India, *Mununda* in the Eastern Deccan, *Gramukuta* or *Pattakila* in Maharashtra, *Gaundain* Karnataka and *Mahattaka* or *Mahantaka* in Uttar Pradesh (Altekar, 1934, 226). His authority was substantially limited by the assemblies like the *sabha* and *samiti*, which discharged judicial and political functions (Jha, 2007, 47).

He was the leader of village military and therefore it was believed that he may have belonged to the Kshatriya caste (Yerankar, 2004, 87-88). Being the leader of village militia, the defence of the village was regarded as one of the important functions of the village headman. In the absence of timely help from the central government at the time of emergency attacks, the village equipped itself to be self-reliant in the matters of defence. Village headman belonging to Kshatriya community also finds a reference in Altekar (1934, 226) who writes that village headman was usually a non-Brahman and as a leader of village military he may have belonged to the Kshatriya caste. He protected his tribe, cattle, waged wars and offered prayer to Gods on behalf of the tribe. (Sharma, 2005, 111)

The important duties of the village headman as mentioned by Altekar (1934, 227-228) were, the defence of village, being in-charge of village militia and collection of government revenue. These duties prove that village headman was the most influential person, indispensable to both people and government.

### *Village Accountant and Other Village Officers*

Yerankar (2004, 88-89) noted that the village accountant was responsible for maintaining the records of resolutions of village council and all the correspondence between district authorities and central government. The post of accountant was also hereditary and he in most cases enjoyed rent free land.

The important jobs assigned to the village accountant were 1) to keep record of rights and transfer of village land 2) to keep papers related to village dues and their fulfilments 3) to keep record of correspondence carried on with the district and central government and 4) to record the decision and resolution of village council (Yerankar, 2004, 88-97).

It was evident from the work of Mookerji (1958, 232) that village assembly was assisted by village secretariat consisting of persons responsible for maintenance of various land records, land transfers, revenue receipts and others. Accountants and arbitrators also frequently find a mention in the inscriptions. Mookerji (1958, 232) observes:

Accounts of land transfers and revenue receipts were kept by a special department called *Tinaikkalam*... The accountant of the office of rents, rates and taxes was called *Tinaikkanakkan*. Records of grants of land made tax free by donations were kept in a separate register called *varippottagam*. Cash accounts were posted in a separate book called the treasury book (*bandara-ppottagam*).

Yerankar (2004, 89) writes that, the Sukraniti makes a mention of four more officials - Sahasadhipati (magistrate), Bhagahara (revenue collector), Sulkagraha (toll collector) and Pratihara (the gatekeeper). There is a possibility that these officials have existed only in big villages while in smaller villages their functions were being performed by the village headman and the accountant (Yerankar, 2004, 89). A mention of one more official 'Gopalka' can be found in the Buddhist period whose main duty was to protect village cattle heads (Tak, 1972, 9). Thus, the ancient period witnessed a well-organised administrative structure at local level.

### *Village Assemblies*

A mention of popular assemblies and institutions like Sabha, Samiti (Bhatnagar, 1932; Mookerji, 1958; Sharma, 1996; Altekar, 1997; Yerankar, 2004), Vidhatha (Bhatnagar, 1932; Sharma, 1996) and Jana (Sharma, 1996; Misra, 1973) can be found in Rig Veda.

Sharma (1996, 116) pointed out that, a precise distinction between the structure and functions of Sabha and Samiti is difficult to make. The only difference being the judicial function, which was performed only by Sabha and not by the Samiti. Sabha, writes Bhattacharya (1988, 32), was an assembly for distribution of wealth for secular, religious and war purposes. A more detailed description of the composition and functions of the village assemblies of Tamil Nadu and their committees can be found in the Inscription of the Chola dynasty (900-1300 A.D.) (Yerankar, 2004, 91).

Mookerji (1958, 202-203) writes that, most of the villages in ancient India had primary village assembly called *Sabha*. The Sabha was the council of elder members of the tribe and it is also pointed out that perhaps women attended the meetings of Sabha (Jha, 2007, 47-48). A reference of Sabha as a place for discussion which women also attended during Rig Vedic period can also be found in the work of Bhattacharyya (1988, 32) and Sharma (1996, 106). Sharma (1996, 105-106) made a mention of Rig Vedic reference of women going to the Sabha and this practice of women attending Sabha stopped in the later Vedic period. The Sabha discussed over social, religious and political matters in its meetings (Altekar, 1997, 232). Sharma (1996, 107-109) pointed out that Sabha performed the political, administrative, religious and judicial functions.

Mookerji (1958, 202-203) in his work made a mention of organizational structure of local government with *Sabha* as assembly of the Brahmanas, and *Urur* was the assembly of the village inhabitants representing different castes, creeds and communities. This village assembly was known by different names in different parts of India: in Uttar Pradesh it was known as mahattamas, 'mahattarasin Maharashtra, mahajanans in Karnatak and perumakkalin Tamil country all mean the same thing, Great Men of the Village' (Yerankar, 2004, 89). The meetings of the assembly were held mostly in the public hall of the village. One of the duties of the village assembly as mentioned in the Smritis was the maintenance of village public hall (Mookerji, 1958, 197). Yerankar (2004, 89) mentions that, probably all the respectable households were the members of the assembly and were invited to the assembly by the beat of drum in Tamil country.

It is important to note that, the 'Sabha was the assembly of the Brahmanas in which other castes had no place' (Mookerji, 1958, 309). It is evident from the various inscriptions from Karnataka that the number of the Mahajanans (Great Men of the village) was very large, which varied from 200 to 500 and sometimes even 1000 (Yerankar, 2004, 89). The 'Sabha was the supreme governing body of the village, but the village was not, of course, inhabited by the Brahmanas alone, but by people of other castes as well' (Mookerji, 1958, 309). Thus population composition of the village was heterogeneous 'but governed by a homogeneous body' (Mookerji, 1958, 309).

Yerankar (2004, .91) also points out that, 'the Primary Assembly of the village was known as *ur* in the case of ordinary villages and *Sabha* in the case of *Agrahara* villages, mostly tenanted by learned Brahmanas'. Mookerji further elaborated on this aspect and stated that 'some of the *Smritis* refer to assemblies of Brahmanas but these were created by the king (*raja*) and not by the public bodies (*samuhakrta*)' (Mookerji, 1958,162). The most important qualifications for to get represented in the village assemblies were: knowledge of religious literature, possession of property and education (Mookerji, 1958, 201-202).

The village headman, as well as the village accountant, was guided by the village council. Bhattacharya (1988, 32) explains about *Samiti* or village council which had the responsibility for decisions on war and due to this, attending the council became important for the tribal chief. Village Council is a body consisting of village elders which guided the village headman and the accountant in carrying out day-to-day activities of the village. Bhatnagar (1932, 533), observes that, the *Samiti* was primarily religious gathering which later became a gathering of those who were well-versed in vedic philosophy and literature.

As observed by Sharma (2006, 109-113), in the early vedic period the *sabha* and *samiti* were very important institutions and were attended by the King, who could not ignore the support of *sabha* and *samiti*. In the later vedic times, they lost their significance as the power of king increased (Sharma, 2006, 185-191). The institution of *Vidatha* completely disappeared (Jha, 2007, 58) and women ceased to be a member of *sabha* (Sharma, 1996, 106). Thus, the later vedic times started showing the signs of exclusive nature of the institutions with respect to the representation of everyone in the society.

### *Temple*

Temple had significant place in the public, intellectual and spiritual life of the people (Mookerji, 1958, 209). It also served as a school of local administration. Due to the offerings made by people, temple property needed to be regulated –it required a separate bureaucratic set up, similar to the present day temple trusts or management that administer the property of the temple. In ancient India temple administered its work through its various committees and temple staff comprising of worshippers, accountants, *purohita* (priests), goldsmiths, dancing girls, painters, men who ring the bell, makers of garlands, watchmen, the blower of the conch and torch-bearers (Mookerji, 1958, 210). Thus, temples were an important part of local administration in ancient India whereas they are not a part of village local administration in contemporary India. Temples being a part of the local administration conveys the idea that in the ancient India there was no differentiation between religious and political life.

## Functions of the local governing institutions

The functions of local governments are broadly classified by Mookerji (1958,212) into two types: internal and external functions, depicting their relation with central authority and people, for whose well-being the village government was responsible.

### *Internal Functions*

**Security of life and property of the people:** It is evident from the earlier discussion that each village was also a military unit and it is the responsibility of the Chief of the village to protect the life and property of the people. Self-rule of the ancient period also involved self-defence. There were incidences of internal quarrels which were managed by the village assembly by penalizing the wrong doer. Resolutions were adopted by the assembly,

that the residents should not do anything against the interests of the village, temple and similar institutions; that, if they do so, they must suffer as *gramadrohins* (traitors against the village) do and not be allowed the privilege of touching Siva (Mookerji, 1958, 213)

The village also had adequate military to protect its people from internal or external attack.

**Civil Functions or grama-karya:** The village assembly administered its various functions through its different committees. It was in control of entire land of the village including the private land. The assembly exercises the right of pre-emption as it prohibits sale or transfer of land to outsiders (Mookerji, 1958, 229). The assembly had power to acquire new land for agriculture. It was responsible for the construction of road, tank and other public utility works. The village land which was commonly held by the assembly was distributed among the villagers for the payment of tax on the same. The assembly could also sell or transfer the land if so desired. The above powers held by the ancient Indian institutions with respect to control and management of the land shows that they were more autonomous and powerful. On the contrary, modern local self-governing institutions albeit being a part of democracy, are not in such position as to have effective control over their local resources.

### *External Functions*

Mookerji (1958, 234-237) listed functions such as collection of royal revenue, land survey and imposing penalties for arrears which are mainly related to revenue collection as the external functions of the village assembly.

**Revenue collection:** The assembly was responsible for collection and payment of royal revenue. Accounts of the village assembly were audited by the king (Mookerji, 1958, 235). The revenue was fixed after the land survey carried out by the king's

officers in co-operation with the assembly. In case of non-payment of royal dues, the land was confiscated and sold to recover the dues. Mookerji (1958, 249) also writes that, Kautilya's 'Arthashastra' makes a mention of collection of taxes as an important link between central and local government.

### **WELL-DEVELOPED COMMITTEE SYSTEM**

A well-developed committee system was an important feature of village administration of ancient India. The available evidences show that, the Panchayats in ancient India were much more advanced for their time. The administration of the village was carried out by five sub-committees of the sabha, where the members of these sub-committees worked in honorary capacity and held office for one year (Yerankar, 2004, 91-95; Altekar, 1997, 231-235). Altekar (1997, 231) further writes that, they can also be removed on the basis of proved misconduct. The membership of the sub-committees was rotated among all the qualified members, while the members once elected were eligible for re-election (Yerankar, 2004, 93; Altekar, 1997, 234). Altekar (1997, 232) pointed out that, the members appointed to these committees were between the age group of 35 to 70. Another important qualification as pointed out by Altekar (1997, 232) to be a member were, to be the owners of property and land, property qualification was relaxed for those who had special knowledge of Vedas, Smritis or bhashyas. This indicates that the membership of the committees was restricted to the propertied and one who had the knowledge of Vedas. This tradition goes against the spirit of modern democracy in the sense that, the very idea of political representation in modern democracies is not made on the basis of the criteria such as property and education. The other point to be noted here is about the exclusive nature of the educational system that was in practice in ancient India. Vedic education was restricted to only twice born varnas. Shudras were left out of this education system and were also deprived of property rights.

There was no uniformity of rules among various village sabhas over the qualification of the members of the committee. The rules evolved over a period of time. The age limit to become the member of the committees or the tenure of office as member of the committee varied from one village council to other. It is interesting to note from the work of Altekar (1997, 233) that each sabha had its own constitution and altered the same when the need was felt to do so. This conveys the idea about the ancient Indian constitutionalism that the procedure to make and unmake the provisions in the constitution was easy and facilitative to the governance.

Mookerji (1958, 167), in his work makes a mention of two inscriptions at Utteramallur of 10<sup>th</sup> century, which gives detailed description of various committees of village, their designations, methods of selection of members,

eligibility to be selected as members, disqualifications and conditions for the appointment of accountants. The names of the various committees were, Annual Committee, Garden Committee, Tank Committee, Gold Committee, a Committee for supervision of justice and Panca-vara Committee (committee of five) which supervised the work of the other five committees. It is very interesting to note that, for the purpose of selection of members to these various committees, the village was divided into wards or electoral units. Representatives were selected from the different wards on the basis of lot and there was no election or democratic element attached to it.

Mookerji (1958, 175) also brought out in his work the fact that to become the member of any of the committees of the village the person should fulfil certain qualifications. The criteria adopted do not stand the test of democracy, as the knowledge of Vedas (Mantra Brahmana), having a house of his own, taxpaying land were among the various qualifications required to contest for the posts. Thus, the persons who do not possess these qualities were excluded from contesting. The elite dominance over the administration of the village is clearly evident from this. The requirement of qualification can be considered as exclusive and discriminatory if the standards of modern democracy are taken into consideration. The governance becomes non-participatory in the sense that the others were not involved in the decision-making process.

The members of the committee were changed every year, allowing every qualified person in the village an opportunity to be a part of the village administration (Mookerji, 1958, 180-181). Further Mookerji (1958, 181) observes that, 'in the course of a time the general assembly of the village would be practically made up of these ex-administrators'. The number of committees of the village were not same everywhere. Their number differed from village to village. The committee members were expected to take active part in the deliberations of the committees and follow rules of debate strictly. The rules of the debate are depicted in the ninth century A. D. inscription discovered in Tinnevely, which prevents continuous obstructions to the proceedings of the assembly by the members by saying 'nay' which means no, to every proposal brought up before the assembly (Mookerji, 1958, 186). It also contains the further provisions which say that those who obstruct the proceedings of the assembly, will have to pay a fine of five *kasu* (money) on each item (Mookerji, 1958, 186). The above description indicates an importance given to a healthy discussion and the strict measures adopted to reduce the obstructions to the proceedings of the assembly. There were also references of meetings continued at night. Attending the meeting was regarded as essential to the members. Though the modern democratic electoral mechanism was absent in the assemblies, the spirit of modern democracy could be witnessed in the discussions and the kind of importance given to the strict rules for preventing obstructions.

In some village sabha(s) the members of the village sub-committees were selected on the basis of lot (Mookerji, 1958, 199). Members thus selected were given the responsibility of maintaining village garden and orchards, temple land and water facilities. There were also temple committees, land survey committees and other committees appointed as per the need and circumstances.

## **EARLY VEDIC PERIOD AS EGALITARIAN SOCIETY**

Early Vedic period had also exhibited many features of egalitarian society. We find the reference of existence of tribal communities (Misra, 1973; Sharma, 1996) or pastoral communities (Thapar, 1984) known by different names in the early vedic period. According to Sharma (1996, 87) the institution of Vidatha finds more reference in the Rig Veda as compared to Sabha and Samiti which gained prominence during the later Samhitas. Both are tribal assemblies based on egalitarian principle devoid of any class, caste and gender discrimination. The head of the tribal assembly in Vidatha, Agni (Chief Priest) was elected, who was also acted as the war chief as there was no distinction made between the priest and war chief during ancient period (Sharma, 1996, 94). There are no clear evidences to show that Vidatha was an assembly of rich class and Brahmanas. Sharma (1996, 102) states:

Indeed there is more proof of the rise of aristocratic elements in the case of *sabha* and *samitis*, particularly in that of the former, than in the case of *vidatha*. Hence, if one hypothesis can be built on negative evidence, we may suggest that the early *vidathawas* probably a typical institution of the period when the tribe had not broken into classes such as brahmanas and ksatriyas.

A significant difference between *Vidatha* and Sabha and Samiti was the presence and participation of women in the deliberations (Sharma, 1996, 88). Women enjoyed equal voice with men in *Vidatha*.

Sharma (1996, 90) opines that in the early stage of social development most institutions were tribal in nature. He writes:

A study of all the available references reveal that the *vidathawas* the earliest folk assembly of the Indo-Aryans attended by both men and women, performing all kinds of functions, economic, military, religious and social. It answered the needs of a primitive society which hardly knew division of labour or domination of man over woman, and which probably shared its subsistence in common (Sharma, 1996, 103-104).

Sharma (1996, 128), further mentions about another republican form of government Gana, which also combined the elements of the military, religious and social activities of primitive tribes. Gana was a tribal republic and it is believed that 'some tribes had no hereditary chief, but were governed directly by the tribal council' (Sharma, 1996, 128-29). Gana was also an armed organisation where every member of the tribe was part of Gana army. Sharma writes that, Gana was an

Indian institution which was unaffected by Aryan influence (Sharma 1996, 128), represented an egalitarian society devoid of varna distinction.

One can find the reference to Jana in the writings of Misra. Misra(1973, 3-4) writes that, 'the study of the Samhitas of the Rgveda and the Atharvaveda, the earlier Brahmanas and the Upanisads reveals to us the life and organisation of the various tribes termed as 'Janas'. Jana stands for group of tribes whose members descend from a common ancestor. It was a mobile community that later started leading a settled life called as Janapada. Jana held land in common and members of Jana lived in a state of complete freedom (Misra, 1973, 9).

For Thapar (1984, 23-24), the Rig Vedic society was essentially pastoral with cattle herding as the major activity. Cattle being the chief form of wealth, cattle raiding among the clans was common. Cattle raids were a form of acquiring wealth in which the successful leader used to become the Chief (Thapar, 1984, 26). The wealth thus acquired was distributed among the members of the clan but the leader and the priests used to retain large portion of the share. It was the responsibility of the leader of the clan to protect the cattle as well as the clan. In later periods, agriculture being the major activity (Thapar, 1984, 29) the clan took to a settled life and with this came a change in the administrative structure of the community. The Jana (tribe) which incorporated number of *vis* (clans) was bifurcated into *vis* and *rajanya*, the later constituting the ruling family and it was from this family the *raja* (king) was chosen (Thapar, 1984, 30). The bifurcation also indicates the division of the community into senior lineages of the *rajanya* and the junior lineages of *vis* (Thapar, 1984, 30).

Jana gradually evolved into Janapada which stands for citizens, whose period ranges roughly from the XV century B.C. to V century B.C. (Misra, 1973, 13-15).

The smaller unit of Janapada were presided over by the Gramanis. The Gramani according to the Vedic references belonged to the Vaisya Varna. The Pali canon, however, prescribes the career of a gramani open to a Kulaputta or the son of a Ksatriya of high birth. The position of the Gramani as mentioned in the Anguttara Nikaya was extremely dignified and stood next to the Senapati. (Misra, 1973, 163).

There was representation of all classes in the Janapada. The administrative unit of Janapada consisted in the form of group of villages of ten, twenty, hundred and thousand and every unit had an officer for administrative purposes (Misra, 1973, 164). The village also acted as the lowest court (Misra, 1973, 166).

## **EMERGENCE OF THE VARNA SYSTEM AND DECLINE OF DEMOCRATIC TRADITION**

With the development of agriculture, land became an important item of wealth. Though the community was divided into higher (*rajanya*) and lower (*vis*) status the

land was held in common and both the classes enjoyed equal status. As observed by Thapar (1984, 32) over a period of time this division led to further expansion into those who utilize the wealth and those who produce the wealth. Priestly class legitimised larger share of wealth through performance of religious rituals and also raised the status of the *rajanya*. The *rajanya* of the Rig Veda was gradually replaced by the *ksatriya* of the later Vedic period with a greater control over Jana and its territory and the *vis* (now came to me known as *viasya*) being reduced to subordination (Thapar, 1984, 32). The king ruled over all, excluding the Brahmanas, who had their own organization known as the *praised* (pressure group) to advice the king on different occasions (Bhattacharyya, 1988, 33).

With the emergence of Janapada there emerged two classes of the rulers and the ruled. It is during the later Vedic period that an attempt was made to distinguish between the Rajanya and the *vis* or the clan peasantry (Sharma, 1996, 172). A close alliance between the Brahmana and Kshatriya can be seen in the later Vedic period where Brahmanas played a crucial role in strengthening the power of the Kshatriya. Both in an alliance enjoyed positions of power. Attempts were made to establish Varna system with occupational division between the Brahmanas, Kshatriyas and the Vaishyas. 'Vaishya is ideologically reduced to the position of one who has to pay tribute, one who is meant for being devoured by others, and who is meant for being oppressed by others' (Sharma, 1996, 173). Sharma (1996, 175) further opines that, it was in the early Vedic age that the inter-tribal and intra-tribal conflicts gave rise to Sudra social category. The term '*Sudra/Shudra*' was mentioned for the first time in the Rig Veda in its tenth book' (Sharma, 2005, 113).

The references of sabha and samiti could also be traced back to the later Vedic period. On the question of who constituted the Sabha, Sharma (1996,105) mentions that it was a gathering of the Brahmanas and the elders and was convened for administrative purposes. With the development of class the original character of the Sabha was lost and only the Brahmanas became the members of Sabha while tribesmen could not participate in it. There is a Rig Vedic reference to woman participating in Sabha and were known as Sabhavati (Sharma 1996, 105). This practice of woman attending the Sabha stopped in the later Vedic period (Sharma, 1996, 106). According to Jha (2007, 58), with the emergence of territorial state the common people could not afford to travel the long distance to attend the meetings of the assemblies and only chiefs or wealthy could attend such meetings which gave an aristocratic character to the sabha and samiti.

## **CONCLUSION**

The examination of the organizational structure of the local administration of ancient India shows that on the one hand it had a well-developed organizational structure to support local self-governance but on the other, its nature of representation

remained restrictive and hereditary. The qualifications like possession of property and knowledge of Vedas excluded rest of the society to be part of the village assembly, council and committees.

These lacunas became source material for the thinkers like Ambedkar to question the thinking of Gandhi on the importance being given to local self-governing institutions at village level. Any governance edifice guided by mere political democracy without taking into account the social aspects cannot be the lasting solution for governance. Gandhi and others made effort to politically democratize the governing institutions at local level but did not give much thought to democratization of the society. Absence of the society being democratic in its treatment towards others has even led to non-practice of affirmative action in its true spirit. The political reservation introduced in self-governing institutions at local level has not been successful as it was expected to be realized. Therefore, a new thinking is desired to project the Indic idea of governance at local level as a new institutional mechanism to be followed in rest of the world. A combination of the philosophy of Gandhi and Ambedkar could be the hope for successful functioning of democracy in its wider sense at local level. The new peoples' movements that have come to the fore in India have been fighting state control over local resources/decisions/initiatives and are also trying to realize inclusive participation in local governance. 'Their thinking and activity is a combination of Gandhian and Ambedkarite philosophy which they are trying to realize at village level' (Desai, 2016, 17). Gandhi aspired for self-governance at village level and for Ambedkar this self-governance has to be inclusive to become successful in real democratic sense. Thus, with the help of modern Indian political ideas on governance one can learn and unlearn about governance in ancient India and with a desired revision in terms of social inclusion such governance can be theoretically projected as an ideal model of local governance.

## Notes

1. For understanding the evolution of local self-government in India from ancient to modern period read, Mallik, S.N. (1929). Local Self-Government in India. *The Annals of the American Academy of Political and Social Science* 145(Part 2),36-44 , <http://www.jstor.com/stable/1016884>
2. *Ratnins* were the members of the council.

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## DEMOCRATIC BACKSLIDING OF PUBLIC ADMINISTRATION IN AUTHORITARIAN REGIMES: A CROSS COUNTRY ANALYSIS

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**Ramarao Bonagani\***

### Abstract

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The democratic functioning of the administration is the cherished goal in the interest of the masses for every kind of political systems. But it is a dominant presumption that in authoritarian political regimes, public administration interfaces democratic backsliding. Thus, the present paper intends to analyse the democratic backsliding in authoritarian regimes in the world and its modus operendi in their politico-legal conduit. The present paper analyses the functioning of administration in terms of democratic norms in nine authoritarian and hybrid countries with the help of content analysis method by examining the contents of The Freedom House's annual report entitled 'Nations in Transit 2020'.

**Key words:** Democratic Backsliding, Administration, Authoritarian Regimes, Governance, Freedom House.

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### INTRODUCTION

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The normative features of democracy veer around equality, liberty and people's participation. Hence public administration is supposed to work in accordance with democratic norms and protect the opportunities and rights of citizens. In democratic systems the political sovereignty and power rest with the people. The modern democracies are established in much larger nation-states, making a representative form of government a necessity<sup>1</sup>. Due to a lack of consensus, most

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political scientists and policy makers use the minimalist definition of democracy as described in Robert A. Dahl's 1971 book on 'Polyarchy'. According to Dahl, operative part of democracy is a system of government in which citizens choose their political leaders during periodic free and fair elections, thereby giving those leaders the right to rule after the elections<sup>2</sup>. But the mostly agreed definition of democracy defined as the presence of fair and free elections, civil liberties, and a majoritarian decision making procedure<sup>3</sup>. Now the issue of stability of democratic rule in newly emerged democracies becomes significant which seems to rest on, among other things, continuous socio economic development<sup>4</sup>.

### **DEMOCRATIC BACKSLIDING: CONCEPTUAL CONSIDERATIONS**

The democratic backsliding can be considered as autocratization and de-democratization in the quality of democracy. Its features are promissory coups, executive aggrandizement and strategic electoral manipulation and harassment of people.<sup>5</sup> The contemporary forms of backsliding are vexing the governance, legitimizing undemocratic functioning of authorities and institutions but in the garb of democracy. The current mix of backsliding is more easily reversible than the past mix and successor dictatorships are shorter-lived and less authoritarian<sup>6</sup>.

Over the past few decades, the erosion of the liberal democratic order and the rise of authoritarian powers under the garb of democracy have taken place. Institutional failure to address pressing societal concerns, increasing polarization and growing inequality have fueled uncertainty as well as anger. The major democracies mismanagement of the COVID-19 pandemic has provided an additional fodder to those interested in exploiting disillusionment with the traditional champions of democratic governance. In this period of change and discontent, antidemocratic leaders in the region from Central Europe to Central Asia have started to redefine norms and renegotiate the boundaries of acceptable behavior. A contestation that began with Russian 'sovereign democracy' under Putin in the mid-2000s and Hungary's Viktor Orban's "illiberal democracy" have expanded the forms of governance that are definitely not democratic.<sup>7</sup> In fact, many newly emerged democratic countries are moving towards authoritarian regimes in Central Europe and Central Asia. The implications of authoritarianism have negatively affected the public administration, so far democratic functioning is concerned. Thus the present paper intends to analyse the democratic backsliding of public administration in authoritarian regimes.

### **Parameters of Democratic Public Administration**

The Freedom House of Washington DC, USA has measured the level of democratic governance in 29 countries located in Central Europe and Central Asia in its

Annual Report<sup>8</sup> entitled 'Nations in Transit 2020'. The parameters of being a democratic governance incorporate the norms like independence, effectiveness, and accountability of the legislative and executive branches governments. In turn, the assessment is based on assessing the characteristics of governance - both at national and local levels, electoral process, popular participation in the political process, activeness of civil society, independence of media, independence of judiciary in terms of protection of minority's rights, rule of law and compliance with judicial decisions and state of corruption.<sup>9</sup> The countries not possessing these characteristics are considered to have democratic backsliding in its public administration. On the basis of these parameters, the report scales democratic administration from 0 to 100. Out of the studied 29 countries, 19 countries scored below 50 marks during the assessment. These countries have passed under democratic deficit and authoritarian governance. As such, we have sampled the nine countries having most poor scores and high degree of authoritarian governance.<sup>10</sup> The rating of the assessed countries is twofold namely, 'consolidated authoritarian', 'transitional or hybrid'. A hybrid regime is a mixed type of political regime that is a result of an incomplete transition from an authoritarian regime to a democratic one. The hybrid regimes combine autocratic features with democratic ones and can simultaneously hold political repressions and regular elections.<sup>11</sup>

## **DEMOCRATIC BACKSLIDING OF ADMINISTRATION VIS-A-VIS AUTHORITARIAN REGIMES**

Let us discuss the features of public administration in the selected nine countries individually:

### **Albania**

Albania has a record of competitive elections, though political parties are highly polarized and often organized around leading personalities. The religious freedom and freedom of assembly are generally respected. The corruption and organized crime remain serious problems despite recent government efforts to address them and the strong nexus among elites of business, politics and media. As per the Freedom House's annual study of political rights and civil liberties worldwide, Albania is rated 'Partly Free'.<sup>12</sup> *The democracy score of the country was 47.02 out of 100 and 3.82 out of 7 scale and its status is transitional or hybrid regime.*<sup>13</sup> Recurring political crises reared up once as a result of the 2008 constitutional amendments that provided the powerful executive and party leaders, decaying integrity of political representation, and a weakened Parliament. During the year, Albania witnessed emergence of institutional conflicts and the revelation that the current system of checks and balances is ineffective in preventing them<sup>14</sup>.

The country's score of democracy in crucial administrative echelons has been found low or declining over the year. This will be evident from the fact that the score in National Democratic Governance was 3.25/7.00, 4.25/7.00 in electoral Process, 4.50/7.00 in local governance, 3.25/7.00 in Judicial framework and Independence, 2.75/7.00 in corruption, and 3.75/7.00 in independence of media, however, scores were comparatively a bit higher in Civil Society(5.00/7.00).<sup>15</sup> Interestingly, the scores declined in 2020 viz. national democratic governance declined from 3.50 in 2019 to 3.25 in 2020, similarly the decline was marked in electoral process from 4.50 to 4.25. The reasons behind decline were a) series of crises affecting Albania's governing institutions, including the *en bloc* resignation of the parliamentary opposition, an impeachment procedure against the president and clashes between the courts and the parliament and b) stalled electoral reform and political conflict around snap local elections that led to a lack of meaningful choice. As a result, Albania's democracy score declined from 3.89 to 3.82<sup>16</sup>

## Armenia

Armenia is in the midst of a significant transition following mass antigovernment protests and elections in 2018 that forced out an entrenched political elite. The new government has pledged to deal with long-standing problems including systemic corruption, opaque policymaking, a flawed electoral system, and weak rule of law. As per the report, in terms of political rights and civil liberties Armenia was rated Partly Free *in the World 2021*<sup>17</sup>. However, the democracy percentage of Armenia country was 33.33 out of 100 scale. The democracy score was 3.00 out of 7 scale and its status is semi- consolidated authoritarian regime. The last year's democracy percentage and status was 32/100 and it was a semi- consolidated authoritarian regime<sup>18</sup>. The year 2019 was the first in which Armenia's post-revolutionary authorities had full power to implement institutional changes. The Velvet Revolution of 2018, which saw street protests end the decades-long rule of the Republican Party (HHK), culminated in snap parliamentary elections with the revolutionary political forces winning an overwhelming mandate. The elections were exceptionally free as well as fair and notably, the results were not contested in court. The two state branches such as an executive and the legislative are now controlled by the ruling 'My Step Alliance'. The authorities at present are suspicious that security forces such as the National Security Service and the judiciary remain loyal to the former regime. Therefore, establishing an unshakable foothold in all state branches remains their priority<sup>19</sup>.

Let us look into the crucial administration and governance of the country. The situation reveals that it scored lower points in almost all areas such as National Democratic Governance (2.50/7.00), Electoral Process (3.25/7.00), Civil Society (4.50/7.00), Independence of Media (3.00/7.00), Local Democratic

Governance (2.25/ 7.00), Judicial framework and Independence (2.50 /7.00) and Corruption(3.00/7.00).<sup>20</sup> However, some slightly improved democracy score was marked in 2020, say For examples 1)Electoral process rating improved from 3.00 to 3.25 in electoral process which were held without systematic interference from the ruling party and from 2.75 to 3.00 in corruption rating due to the prosecution of high level corruption cases, the creation of a corruption prevention commission and the authorities' commitment to establishing an independent anticorruption body in 2021.<sup>21</sup>

## Azerbaijan

The democracy score of Azerbaijan was 2.38 out of 100 scale. In 7 scale, it was as low as 1.14. This country's total score was very low depicting its status as consolidated authoritarian regime.<sup>22</sup> Authoritarianism remained firmly entrenched in Azerbaijan in 2019. A series of reforms were highly touted by the government and generated guarded optimism among the opposition, but so far these have done nothing to address the country's fundamental institutional problems. Nevertheless, some small but noteworthy gains occurred in the political and civic realms, namely, the increased participation of activists from outside the traditional opposition parties<sup>23</sup>.

This county's scores in democratic governance and administration were as follows - National Democratic Governance (1.00/7.00), Electoral Process (1.25/7.00), Civil Society (1.25/7.00), Independence of Media (1.00/7.00), Local Democratic Governance (1.50/7.00), Judicial framework and Independence (1.00/7.00), Corruption(1.00/7.00).<sup>24</sup> The improvement in following year (2020) was meager, viz. from 1.00 to 1.25 in Electoral Process rating due to incremental improvements in the participation of opposition candidates in local elections and from 1.00 to 1.25 in Civil Society rating due to increased activism surrounding women's rights issues, including unsanctioned protests against domestic violence. As a result, Azerbaijan's Democracy Score improved from 1.07 to 1.14<sup>25</sup>.

It interesting to mark that Azerbaijan's authoritarian regime remains heavily concentrated in the hands of Ilham Aliyev, who has served as President since 2003 and his extended family and the formal political opposition has been weakened by years of persecution. The authorities have carried out an extensive crackdown on civil liberties in recent years, leaving little room for independent expression or activism. Azerbaijan is rated not free in *Freedom in the World 2020*.<sup>26</sup> Azerbaijan authorities detain at least 20 peaceful activists on International Women's Day at Baku<sup>27</sup> and political opposition leader Tofiq Yagublu sentenced to four years and three months in prison on politically motivated charges and *dozens of other citizens arrested on politically motivated charges*<sup>28</sup>.

## Belarus

Belarus witnessed the elections openly orchestrated and civil liberties tightly restricted. After permitting limited displays of dissent as part of a drive to pursue better relations with the European Union (EU) and the United States, the government has more recently sought to increase control of the public sphere through restrictions on journalists, online media, and demonstrations. In an apparent attempt to mute criticism of the country's rights record, penalties for dissent have increasingly taken the form of fines in order to avoid media coverage. The report rated Belarus as 'Not Free' 2021. The country was also rated Not Free in *Freedom on the Net*<sup>29</sup>. The democracy score was 1.39 out of 7 scale. This country's total score was 7/100 and was marked as highly centralised and consolidated authoritarian regime.<sup>30</sup> The President Aliaksandr Lukashenka completed 25 years in office in 2019 and still continues. The president and his administration exercise unchallenged power in the country with no meaningful legislative or judicial checks. The year did not see any significant changes in the regime's functioning or in the country's political climate. However, the president did announce plans to revise the constitution with a view to increase the role of the National Assembly (parliament) and the government. These intentions had not resulted in any decisions by year's end<sup>31</sup>.

The democratic scores of the country, depicting democratic backsliding of administration, were 1.25/7.00 in National Democratic Governance, 1.25/7.00 in Electoral Process, 1.75/7.00 in Civil Society, 1.00/7.00 in Independence of Media, 1.25/7.00 in Local Democratic Governance, 1.00/7.00 in Judicial framework and Independence and 2.00/7.00 in Corruption.<sup>32</sup>

## Bosnia and Herzegovina

This country is a highly decentralized parliamentary republic whose complex constitutional regime is embedded in the Dayton Peace Agreement, which ended the 1992–95 Bosnian War. The political affairs are characterized by severe partisan gridlock among nationalist leaders from the country's Bosniak, Serb, and Croat communities. The corruption remains a serious problem.<sup>33</sup> The democracy score of the country was 38.69 in 100 scale and 3.32 in 7 scale and its status is of Transitional or Hybrid Regime. However, the year 2019 was marked by yet another period of post-electoral political stalemate. Citizens were exposed almost daily to ethno nationalist-populist rhetoric, feeding fears of another potential conflict down the road. In practice, this rhetoric served only to paper over the cracks in an increasingly impoverished and overburdened society, with politicians showing little to no interest in developing plans to resolve the country's most pressing issues.<sup>34</sup> The administrative and governance situations are also less conducive to democratic governance evident from the fact that it scored 2.00/7.00 in National Democratic

Governance, 3.00/7.00 in Local Democratic Governance , 4.50/7.00 in Electoral Process, 3.25/7.00 in Independence of Media, 3.00/7.00 in Judicial framework and Independence and 3.00/7.00 in Corruption and 4.50/7.00 in Civil Society,<sup>35</sup>.

## Georgia

Georgia holds regular and competitive elections and its democratic trajectory showed signs of improvement during the period surrounding a change in government in 2012–13. However, progress has stagnated in recent years. Oligarchic actors hold outsized influence over policy and political choices, and the rule of law continues to be stymied by political interests. Georgia was rated only ‘Partly Free’ in *Freedom in the Report*. But a positive sign was reflected in the internet freedom report that Georgia is rated ‘Free in *Freedom on the Net*<sup>36</sup>.

The democracy score of Georgia was 37.50/100 in 100 scale and 3.25/7 in seven scale and was placed in the category of Transitional or Hybrid Regime. Over the past several years, Georgia has failed to consolidate its democratic structures as the key challenges have remained untouched or even intensified. Polarization and radicalization of politics and the media space have become a neo normal. Citizens have grown increasingly frustrated with the government’s policies but, as of yet, have not found political shelter with the country’s opposition parties, who remain weak and unconsolidated. The biggest blow to Georgia’s democratic development in 2019 was the violent dispersal of the antigovernment protests in June<sup>37</sup>.

This county’s democracy scores were 2.50/7.00 in National Democratic Governance, 3.25/7.00 Electoral Process, 4.25/7.00 in Civil Society, 3.75/7.00 in Independence of Media, 2.75/7.00 in Local Democratic Governance, 2.75/7.00 in Judicial framework and Independence, and 3.50/7.00 in Corruption. Also that these scores declined in the country in 2020, for example, Judicial Framework and Independence rating declined from 3.00 to 2.75 to reflect the contentious appointment process of new Supreme Court judges and the disproportionate use of force by police to shun the June 2019 protests. As a result, Georgia’s overall democracy score<sup>38</sup> declined from 3.29 to 3.25.

## Hungary

After taking power in 2010 elections, Prime Minister Viktor Orbán’s Alliance of Young Democrats–Hungarian Civic Union (Fidesz) party pushed through constitutional and legal changes that have allowed it to consolidate control over the country’s independent institutions. More recently, the Fidesz-led government has moved to institute policies that hamper the operations of opposition groups, journalists, universities and nongovernmental organizations (NGOs) whose

perspectives. As per the report on political rights and civil liberties worldwide, Hungary was rated 'Partly Free' in 2020. But it is good that in the same report it was better in internet freedom and rated as Free in *Freedom on the Net*.<sup>39</sup> However, the democracy percentage of Hungary was 49.40 in 100 scale and 3.96 in 7 scale. Its status was Transitional or Hybrid Regime. The last year's democracy percentage and status was 51/100 and it was a Semi-Consolidated Democracy<sup>40</sup>. Over the last decade, the right-wing alliance of Fidesz and Christian Democratic People's Party (KDNP), which won a two-thirds parliamentary majority in 2010, 2014, and 2018, has gradually undermined the rule of law in Hungary and established tight control over the country's independent institutions. After adopting a new constitution, the ruling coalition fundamentally changed the electoral laws and system of campaign financing; it has also captured the public media and taken control over large segments of private media through an extensive network of government-friendly oligarchs. These developments facilitated extraordinary advantage over the opposition. Consequently, Hungary today can no longer be regarded as a democracy but belongs to the growing group of hybrid regimes, sitting in the "gray zone" between democracies and pure autocracies<sup>41</sup>.

In the areas of governance and administration, country's scores are as follows - National Democratic Governance (3.25/7.00), Electoral Process (4.25/7.00), Civil Society(4.50/7.00), Independent Media (3.25/7.00), Local Democratic Governance (4.75/7.00), Judicial framework and Independence (4.75/7.00) and Corruption (3.00/7.00)<sup>42</sup>. Not only this it witnessed decline in the following year, say 1) Electoral Process rating declined from 4.50 to 4.25 to reflect the institutional advantages enjoyed by the ruling party in local elections, including unequal access to state resources, politicization of state institutions, systemic abuse of state funds, and highly biased and partisan coverage by state media, 2) Local Democratic Governance rating declined from 5.00 to 4.75 due to increasing centralization on the ground and pre election threats that opposition-led municipalities might lose funding and 3) Corruption rating declined from 3.25 to 3.00 to reflect several new cases of high-profile graft and the fact that high-level corruption, unless politically inconvenient was unchecked<sup>43</sup>.

## **Kazakhstan**

The President Nursultan Nazarbayev has been ruling Kazakhstan since 1991. The parliamentary and presidential elections are neither free nor fair and all major parties exhibit political loyalty to the president. The authorities have consistently marginalized or imprisoned genuine opposition figures. The dominant media outlets are either in state hands or owned by government-friendly businessmen. Freedoms of speech and assembly remain restricted, and corruption is endemic. As such, Kazakhstan was rated 'Not Free' and also 'Not Free' in terms on internet

freedom.<sup>44</sup> *The Kazakhstani government has suspended several human rights organizations over their funding sources, resulting decline in their campaign.*<sup>45</sup> *The democracy score of the country was 5.36 in scale 100 and 1.32 in scale 7 and was rated as Consolidated Authoritarian Regime.*<sup>46</sup> Nazarbayev maintains his grip on power as Leader of the Nation, as well as leader of the ruling Nur Otan party and lifelong chairman of the Security Council, which endows him with continued and sweeping control of the country's major decision-making processes.<sup>47</sup>

The scenario of democratic governance and administration in the country is depicted in the scores of the following areas - National Democratic Governance(1.25/7.00), Electoral Process (1.25/7.00), Civil Society (1.50/7.00), Independence of Media(1.25/7.00), Local Democratic Governance (1.50/7.00), Judicial framework and Independence (1.25/7.00) and Corruption (1.25/7.00).<sup>48</sup> However, some trivial improvement was marked in following year (2020) viz. from 1.25 to 1.50 in Civil Society rating resulting into the emergence of a new diverse class of civic activists, and the absence of police intervention at a number of protests not formally approved by the state. As a result, Kazakhstan's Democracy Score had improved very marginally from 1.29 to 1.32<sup>49</sup>.

## **Kosovo**

Kosovo holds credible and relatively well-administered elections, but its institutions remain weak and rampant corruption has given rise to deep public distrust in the government. Journalists face serious pressure and risk being attacked in connection with their reporting. The rule of law is inhibited by executive interference in the judiciary. As per FHA study of political rights and civil liberties, Kosovo was rated Partly Free in *Freedom*.<sup>50</sup> The democracy score was 3.18/7 and its status was Transitional or Hybrid Regime.<sup>51</sup> Kosovo had a convulsive year in 2019, characterized by a fragile, dysfunctional, and weak coalition government; abuse of public finances; scandalous decisions by leaders; and a significant expansion in the size of the Haradinaj administration. There were some improvements in electoral processes and civil society, while reform processes in general stalled due to a lack of political will. Weaknesses in the overall functioning of the Assembly continued, including interruptions and delays in legislative activity due to the body's highly polarized political context<sup>52</sup>.

The governance and administrative ratings in the different areas were as follows - National Democratic Governance (2.75/7.00), Electoral Process (3.50/7.00), Civil Society (4.50/7.00), Independent Media (3.25/7.00), Local Democratic Governance (3.50/7.00), Judicial framework and Independence (2.50/7.00) and Corruption (2.25/7.00).<sup>53</sup> However, some democracy Score improvement took place in 2020. For examples,1)National Democratic Governance rating improved from 2.50 to 2.75 due to the concession of power by the ruling government to an opposition-led

coalition following snap parliamentary elections resulting from the preceding resignation of the Prime Minister and 2) Independent Media rating improved from 3.00 to 3.25 to reflect a positive trend towards pluralism in the sector with growth in the diversity of outlets, as well as increased donor funding of independent media outlets with the aim of enhancing media literacy and countering misinformation.<sup>54</sup>

## SUMMING UP

The Freedom House's 2021 edition of *Nations in Transit* report finds that a total of 18 countries suffered decline in their democracy scores; only 6 countries improved in scores, while 5 countries experienced no change. The Democracy Scores and Democracy Percentage of the 9 countries under our review revealed that all of them scored below 50 percent. This clearly depicted that the democratic functioning of administrative institutions has deteriorated in countries under consolidated authoritarian or hybrid authoritarian regimes. Democratic backsliding of administration was clearly visible in the authoritarian regimes, The incumbent leaders and ruling parties in such regimes corrupted governance, promoted antidemocratic practices and encroached the civil liberties as well as voices of opposition. In fact, authoritarian regimes weakened good governance and countries' prosperity.

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# PARTICIPATION FOR RURAL DEVELOPMENT: A STUDY OF PANCHAYATI RAJ WITH SPECIAL REFERENCE TO BIHAR

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**Iha Rashmi Verma\***

## **Abstract**

Panchayat Raj is not new for India, its history dates back to ancient periods. But it became significant in late twentieth century when people's participation emerged as the key to success of rural development, particularly in developing countries. India experimented people's participation for rural development through various institutional arrangements right from Community Development Programme (1952) to the present Panchayati Raj Institutions - PRIs (under the 73<sup>rd</sup> Constitutional Amendment, 1992) which have been made participatory in structural and functional terms. In the light of the structural changes, it becomes pertinent to measure the nature of participatory functioning of panchayat bodies in facilitating the pace of rural development vis-à-vis vibrant local bureaucracy. As such, the present paper attempts to examine the participation of representatives in various panchayat bodies in terms of nature and affectivity and the behaviour of local bureaucracy in implementation of rural development programmes. Prima facie, on the basis of secondary data, it may be found that the participation of panchayat representatives is more symbolic than self-assertive and substantial. Further, there is scope of overriding role of local bureaucracy, resulting into slow pace of rural development.

**Key Words:** PRIs, Participation, Rural Development, Bureaucracy, Schemes, Bihar

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## **INTRODUCTION**

India is mainly a society dominated by rural population evident from the fact that three fourths of its population resides in villages as compared to more than eighty

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per cent in Bihar. The leaders had the gigantic task of achieving the goal of rural development even before independence. Several proposals were placed right from 'land reforms' to creation of 'decentralized local self-governments' for achieving the goal. But the establishment of panchayati raj was not taken up seriously and it was placed in less effective chapter of Directive Principles of State Policy of the Constitution (Article 40). So far Bihar and some other states are concerned; Bihar introduced Gram Panchayat in 1947 itself. The PRIs had two basic objectives – first to realize the Gandhian dream of 'Gram Swaraj' and second, to make these institutions an effective tool of rural development. But the then Indian Government introduced Community Development Programme (CDP) for development through participation in 1952 instead of strengthening PRIs. The idea of three tier PRIs was evolved after recommendations of Balwant Rai Mehta Committee formed to review the CDP. Again, it was found that state leaders were reluctant to part with their powers to PRIs, as such, these institutions remained ineffective. The proper devolution of functions and finances were not done by the states. In Bihar the Gram Panchayats were superseded and elections were lingered for decades together. Various Committees were constituted to suggest measures to strengthen the PRIs including Ashok Mehta Committee (1978), G V K Rao Committee (1985) and L M Singhvi Committee (1986) which pleaded for more finances and constitutional status to the PRIs. Finally, on the basis of reports and nationwide debate during 1986-89, Rajiv Gandhi Government brought 64<sup>th</sup> Constitutional Amendment Bill 1989, containing the provisions of proper finances and constitutional status to PRIs but it could not be passed (Mishra: 1991). Finally, in 1992 the 73<sup>rd</sup> Amendment Bill was passed with strong, representative and participatory bodies at all the three tiers. Perhaps the new arrangements were so done that both the above mention goals would be fulfilled.

Almost three decades have passed but the pace of rural development remained arrested, not up to the desired level in India in general and in Bihar in particular. The major parameters of rural development are – inclusive economic growth, development of human resources and adequate livelihood opportunities. Though the UN multidimensional poverty report, for the period from 2004-05 to 2015-16, has shown positive sign for India and Bihar, yet India falls behind many developing countries and Bihar finds place far behind Indian average. It has been found that people of India earn very low amounts relative to other BRICS economies, not to compare with developed economies. The UNDP's human development indicators reveal that the top 20 nations have an average gross national per-capita income of \$51,787 whereas India's current gross per-capita national income amounts to merely \$6,353. This indicates that national per capita income is the key to prosperity. Thus it has been argued that India should first focus on economic growth before it begins with redistribution of resources (Mishra: 2019). The nations that value prosperity tend to have healthier and more educated citizens. A report on UN Sustainable

Development Goals reveals that the people living below poverty line (BPL) in India is around 29.8 percent whereas Bihar has nearly 40 per cent BPL population (WNTA: 2017). Besides, in terms of rural infrastructure related to agriculture, health and education services, Bihar lags behind most of the Indian states. The demographic features of Bihar are also discouraging (Ghosh et al: 2018). The per capita income of the state was more than 60 percent to the national per capita income in 1991, which fell to 35 percent in 2004. The physical and social infrastructure was inadequate in any standard. Credit-deposit-ratio was at the lowest point of only 20.7 percent. Though the Government of Bihar, from 2005 onwards, took massive initiatives for 'development with justice'. Women are focused for empowerment, socially and financially. Agriculture sectors were given support through a road map, industrial sectors were attracted through the implementation of new Industrial Policy in 2011 and then in 2016. The much-needed infrastructure, both social and physical, has been created in a massive manner (Kumari et al: 2020). But the rural economy of Bihar could not be substantially improved till date evident from lower per capita income and consumption than that of India. Against India's per capita income amounting to Rs. 1,25,408 in 2019, Bihar has Rs. 43000 (ToI:2020). The situation has been further worsened in the Covid-19 pandemic conditions.

## **RESEARCH QUESTIONS AND OBJECTIVE**

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The above situation invites our attention to the questions like - Even after the constitutional provisions and institutional restructuring, have these PRIs evolved truly participatory? Have these institutions positive impact on pace of rural development in India in general and in Bihar in particular? Whether bureaucracy has upper hand in implementation of rural development programmes? Where are the faults?

As such, major objective of the present paper is to examine the nature of participatory functioning of PRIs in the context of rural development and relationship with local bureaucracy.

## **METHODOLOGY**

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It was quite unaffordable to conduct survey at micro level, thus, the present paper bases heavily on secondary sources of data collection; consisting of books, Journals, newspapers, governmental and non-governmental reports etc.

## **CONCEPTUAL CONSIDERATIONS**

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Our present attempt involves a few concepts like rural development, democratic decentralization, participation and bureaucracy. The author's perception of these concepts here needs to be explained in brief. According to British Dictionary,

decentralization is the transfer of control of an activity or organization to several local offices or authorities rather than one single one. However, the term democratic decentralization, in brief, can be referred to devolution of powers, functions and finances to the democratically local self-governments to enable them to take decisions at the point of action. Gandhian 'gram swaraj' refers to the greater autonomy to villages and making them economically and politically self-reliant (Mishra: 2012). The term rural development (RD) has vast connotations with varied dimensions. It means an overall development of rural areas in social, economic, political and cultural spheres so that people could lead a quality life. According to the World Bank the rural development should focus on holistic pro poor development through rich returns of land and labour in farm and non-farm activities as well as greater participation of stakeholders in design and implementation of development projects. Its main objective is to 'Reaching the Rural Poor' (FAO: 2002). Robert Chambers has also conceived rural development as meeting the needs and fulfilling the desires of rural poor (Chambers:). The term People's participation generally denotes the people's political participation but here we are concerned with participation in the development process. There are four areas of people's participation in development projects namely, a) identification and formulation of the projects b) implementation of the projects c) monitoring and evaluation of the project and d) sharing fruits of the projects (Mishra: 1991). The structure of PRIs has so been made that there is ample scope of participation by the people and panchayat representatives in the development process. Now it has to be seen - how far are they participative and how does bureaucracy render helping hands to them? Bureaucracy can be defined as system of administration where government policies and programmes are implemented by officials and expertise. In case of rural development, the bureaucracy from district to gram panchayat levels is involved; termed here as local bureaucracy.

## **DEVELOPMENT POLICIES AND SCHEMES**

Rural development schemes for rural areas cannot be properly implemented without involving the PRIs. The rural development is mainly concerned with eradication of rural poverty. Prior to 1990s, there were two categories of launched schemes – first, employment generative schemes (NRLEGP, JRY, RLEGP etc.) and second, asset endowment schemes (IRDP, TRYSEM, Cattles, Grants for self-employment etc.). Both these categories of schemes were either inadequate or poorly implemented. But with the passage of time there were paradigmatic shifts in policies. As the agriculture is the mainstay of Bihar's economy, land and agriculture acquired place in the policies. As agriculture provides employment to a limited extent, the livelihood schemes and employment guarantee schemes (like MNREGA) became significant for the policy. With the growing need of e-governance, the introduction of ICT

(information and communication technology) at micro level became imminent, resulting into introduction of e-panchayats (Verma&Kumari: 2010). Besides, the creation of rural infrastructure found significant place in the RD policies in Bihar. Both the centrally sponsored and state sponsored schemes are launched. Thirty six districts were covered under Backward Region Grant Fund in 2010. In the same year, the policy of capacity building was implemented through *Saksher Bharat Karyakram*. Among the state sponsored schemes, *Mukhyamantri Gramyodaya* scheme, creation of panchayat infrastructure, Bihar Gram Swaraj Yojana Society etc., were important (GoB: 2011). In fast few years, the Government of Bihar has launched '*sat nishchaya*' (seven resolutions) as below – road connectivity under PMGSY (*PradhanMantri Gram Sadak Yojana*), power connectivity, drinking water for rural households, provision of toilet, employment, establishment institution of technical education (medical and engineering) and reservation for women upto 35 per cent in government jobs. The poor implementation of the above mentioned schemes has come to light in the evaluation studies and audit reports (Roy et al: nd, GoI: 2012, CAG: 2016).

In 2018, the People's Plan Campaign (PPC) was conceived to institutionalise the GPDP. Sabki Yojana Sabka Vikas (PPC-I), from October 2 to December 31, 2018, was meant for planning at the gram sabha level, through a convergence between Panchayati Raj Institutions (PRIs) and line departments. The second PPC (PPC-II) was initiated on October 2, 2019, which aims to prepare GPDP for all the panchayat by 2020-21. The preparatory activities include a central portal, appointment of nodal officers at the state, district and block levels, deputation of frontline workers, the establishment of a dedicated Project Monitoring Unit, and organising special gram sabhas. Also, it lays down the roles and responsibilities of ministries, departments, and facilitators, stipulates timelines, arranges effective communication system, and helps in environment creation.

## **STRUCTURE OF PRIS: SCOPE OF PARTICIPATION**

Even after enactment of Bihar Panchayati Raj Act 1993, elections could not be held before 2001 due to litigations in superior courts. The first elections for PRIs under new arrangements were held in 2001. The new generation of panchayat representatives was in rudimentary stage with weak level of participation, however, it improved gradually. In 2006, the new Government led by Nitish Kumar replaced the 1993 Act by a new Panchayat Act of 2006 with certain changes, important among them were increasing the reservation of seats for women upto 50 per cent at all tiers in all categories and emphasis on Gram Sabhas (Verma: 2009). The devolution of functions to PRIs was done by twenty departments of Bihar Government under the new Act 2006. The structure of PRIs under the provisions of 73<sup>rd</sup> Constitutional Amendment ensures inclusive representation of all the social divisions at all the

three tiers (Sukumar et al: 2019). It is to be noted that 'bottom up planning' was introduced with the introduction of new PRIs and that begins with 'Gram Sabha' (GS) consisted of all adults of the locality. There are provisions of proposing schemes of development by GS with subject specific committees like health, education and sanitation. The proposals are to be considered and consolidated at Gram Panchayat level where all ward members participate in the decision making. The development plans of Gram Panchayats are sent to Panchayat Samiti, the middle rung body of directly elected representatives where all the proposals from different gram panchayats are consolidated for forwarding it to Zila Parishad again consisting of directly elected representatives. The Zila Parishad considers and consolidates the development proposals received from Panchayat Samitis.

The provision of setting up a District Planning Committees (consisting of general bureaucrats and technocrats) in all states and UTs has been made in order to consolidate the plans prepared by the panchayats and municipalities into the draft development plans for the district. DPCs have also to oversee matters of common interest between the panchayats and the municipalities including planning, sharing of physical and natural resources, the integrated development of infrastructure, environmental conservation, and assessment of the extent and type of available resources, both financial and otherwise. DPCs are mandated to consult such institutions and organizations as may be specified in undertaking their activities.

Thus, the provisions of structure and functions are such that create scope and opportunities of greater level of participation in the decision making process through the stages like formulation, implementation, evaluation and enjoying the benefits of development projects.

## **INVOLVEMENT OF BUREAUCRACY**

The implementation of any policy is not possible without the involvement of bureaucracy as such it should work in tandem with the elected executives. The steel frame bureaucracy derives power from the constitution and as such it is accountable to rules and procedures. In this situation, sometimes they are at loggerheads with the representatives on the issues of expenditure and keeping the accounts, so far the PRIs are concerned. However, local bureaucracy is the backbone of implementation of rural development schemes which is divided into two – generalist and specialist. These bureaucrats have great role to play in this regard to provide adequate feedback to the political decision makers as well as in implementation of the policies. All the three tiers of PRIs have been provided with local bureaucracy for secretarial assistance and operation of funds. To begin with Zila Parishad (ZP), all the officials of development related departments at district level work for ZP who are deputed with ZP and Deputy Development Commissioner

(DDC) functions as the Executive Officer. At intermediary level, either the Circle Officer (CO) or Block Development Officer (BDO) of the concerned block function as the Executive Officer of PanchayatSamiti (PS) and other development related officials are deputed with the PS. Gram Panchayats are provided with a village level functionary, generally, 'Karmchari' (in IV grade) as Panchayat Secretary.

It has been found that the local bureaucrats and elected panchayat representatives are generally in confrontation with each other. It has also been found that there is paucity of government officials to work with the PRIs. It has been seen that one karmchari is entrusted to function as Panchayat Secretary of more than two three GPs. At upper levels also, the officials are overloaded with their departmental responsibilities. Panchayats are basically run as agencies of the state government, implementing rigid schemes through officers nominally posted at that level who owe allegiance to higher official channels than to the elected representatives. The elected representatives are scoffed at, ignored, or treated with hostility, particularly if they are outspoken. They are universally condemned as being transactional and corrupt. They are not at the table when crucial policy decisions are taken on how panchayati raj should be reformed. They have a vested interest in mystifying governance simply to protect their monopoly (Business Standard).

## **DISCUSSION AND ASSESSMENT**

In the State of Bihar, the GPs prepare multiple plans concerning different departments and as per their needs. There is no practice of preparing holistic plans. So far the functioning of GSs is concerned; Bihar lacks it completely evident from the fact that there was no meeting of GS and no participants in Bihar as compared to neighboring states like 2095 in Jharkhand, 211788 in UP, 402845 in West Bengal and 95052 in Odisha as per figures on official website (<https://gdpd.nic.in/summaryAnalysisReport.html?>). The report on GSs' meetings presented by MoS Ram Kripal Yadav in Lok Sabha also reveals the same figures.

The study conducted by Drishtee Foundation in three states including Bihar finds that Panchayat members do not take self-initiatives on generating development programmes, nor are they aware on the village development process and local resource mobilization, taxation etc. The needs of villagers are not assessed for development initiatives, it is as per GP head or as pressured by the dominant castes or local forces. It infers that despite adequate participatory structure, the participatory processes are not adhered to as required. The meeting agenda is hardly discussed and passed from the gram sabha by a handful of dominant people in GPs in connivance with the concerned officials. So far participation of weaker sections like women, SC, ST etc. is concerned, the study reveals that these weaker sections play symbolic roles mostly in proxy. There is scanty participation

by the PR representatives in monitoring and evaluation of development projects, resulting into poor feedback and strengthening the upper hand of bureaucracy. The PR representatives are not properly trained for the purpose. The comparative analysis reveals that Bihar is the most backward state of the threestates studied. The weak leadership cause delay in funding process, lack of understanding of roles and responsibilities of the elected representatives, overindulging officials, excessive political interference, negligible participation of women are the main issues which needs immediate attention (GoI: 2008).

The poor level of participation has adverse impact on the pace of development. Again another finds that whatever the participation took place, was not worth. The level and quality of participation varies with one social division (caste and castes groups) to another (Sukumar et al: 2019). It has been found that in addition to education, economic status, leadership ability etc. caste functions as enabling and disabling factor on performance of the elected representatives of panchayat bodies (Ibid).

Nupur Tiwari in her study argues that there are many impediments and barriers to the functioning of panchayati raj institutions as a successful element of participatory planning and decision-making underlines the challenges of participation for development. A continuing challenge is to energize participation in gram sabhas. There is scepticism about the concept of people getting together to solve their problems. Secondly, lack of community spirit and motivation to common good among the people is most striking challenge. Thirdly, social auditing is a close corollary of successful gram sabha functioning. Practices in social auditing have now gone far ahead of the pilot stage. The experience of implementing the National Rural Employment Guarantee Act (NREGA) indicates that if society and particularly beneficiary groups keep a strict vigil on implementation, leakages can be virtually eliminated. A study conducted in Kulhadia of Bhojpur district of Bihar, by Jeffery Witsoe has found that there is antagonistic relationship between recent democratic mobilization and development-oriented governance in India. Witsoe looks at the history of colonialism in India and its role in both shaping modern caste identities and linking locally powerful caste groups to state institutions, which has effectively created a postcolonial patronage state. He then looks at the rise of lower-caste politics in one of India's poorest and most populous states, Bihar, showing how this increase in democratic participation has radically threatened the patronage state by systematically weakening its institutions and disrupting its development projects (Witsoe: 2013).

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# DECIPHERING DIGITAL EDUCATION IN INDIA DURING AND BEYOND PANDEMIC: A SYSTEMS ANALYSIS

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**Jaya Kritika Ojha\***

## ABSTRACT

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The impact of lockdown during Covid-19 pandemic was experienced in almost all walks of life, of which it had enormous impact on education. Educational institutions in India were closed for months together but the country moved on to the digital platforms for teaching and learning. At the same time some issues related to digital education ecosystem cropped up viz. the access and ownership of digital devices, the internet facility, training and capacity building of teachers and facilitators, the learning content, its curation, the evaluation systems like exams, marking pattern, and the grants and funds availability to strengthen online education. Besides, rich-poor divide, rural-urban divide in terms of access to online education were noticed. As such, the present paper aims at analyzing the digital education ecosystem in India by using systems approach framework, viz. the e-learning infrastructure, stakeholders, processes, costs, policies; find out the bottlenecks, challenges and issues related to digital teaching-learning; and discuss possible reforms

**Keyword:** Digital, Education, Pandemic, Systems, Challenges, Learning Ecosystem

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## INTRODUCTION

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The impact of COVID-19 lockdown has been realised by every sector in the country. Amongst all, the education sector has been affected enormously and has witnessed

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significant change in the exercised medium of instruction and learning. Jandrić (2020), reports that due to unexpected situations, pandemic etc., the affected countries had to move to digital learning platforms quickly to seek alternative to traditional approaches of learning.

With technological and digital advancements especially in the field of ICT, it is simpler and effective to adopt online platforms to transact with each other and learn. Singh and Thurman (2019) define the online learning as a “learning experience in synchronous or asynchronous environments using different devices (e.g. mobile phones, laptops) with internet access.” The students and teacher interaction is convenient and the learners can connect from anywhere in the world. To ensure uninterrupted learning, the educational institutions have also trained the trainers on the use of ICT in providing continuous learning support to the students. The state and central governments in India have also supported the use of digital technology at scale and will continue to invest more in building the digital infrastructure for future learning landscapes.

Though being an old concept, the idea and practice of technology-based learning has seen a significant spike in the post-COVID times and has also contributed to the overall cost effectiveness. The ICT interventions also hold the potential to increase the inclusivity in education by drafting customized learning curriculum and medium of instruction to reach even the remotely located learners, those with special needs, cultural minorities, and many other unreached sections of learners.

While the post-COVID scenario proves that digital education is a great alternative to ensure continuous learning, there are some issues those need to be considered such as access to digital devices, internet availability, the learning level appropriate digital content development based on the curriculum, its curation, the capacity building and digital skill development of teachers and learning facilitators, continuous evaluations, online exams, grading, and the grants or funds requirement to make the digital learning ecosystem robust. The biggest issue being the prevalent digital divide in India which is a key player in the entire digital learning model. It is evident in research that only 15% rural households and 25% urban households in India have internet connectivity and access. Therefore, poor, and marginal communities in India can hardly afford to be part of the digital education ecosystem.

For the students who have the privilege to attend online lectures, the issue of effective teaching methodology and governance comes into the picture. In a study by Xudong and Jing (2020) on the long-term vision of online learning, they point out that the online learners need skills and appropriate capabilities to carry a self-directed and self-motivated learning process and the teachers or learning

facilitators need professional development to learn more digital skills. By carefully analyzing the strengths and weaknesses of digital education, the major challenge for academic institutions is finding the new digital technology for better online learning, and using it appropriately; also the challenge lies in rethinking education via digital medium to help learners and teachers who seek support for digital literacy (Dhawan, 2020).

## **Objectives**

The study intends to understand the current digital education ecosystem in India viz. the e-learning infrastructure, stakeholders, processes, costs, policies; to unravel the bottlenecks, challenges and issues related to digital teaching-learning and; to discuss possible reforms to make digital education effective to enhance accessibility and outreach, improve quality of education and to create a robust digital learning ecosystem.

## **METHODOLOGY**

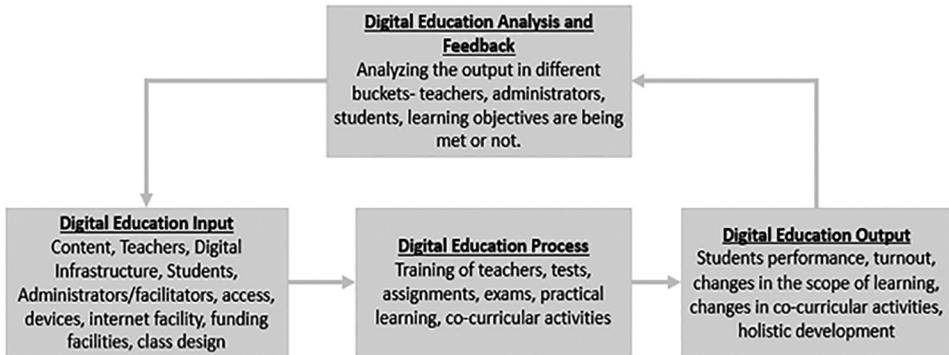
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In order to understand the digital education ecosystem in India and its challenges, the systematic review and analysis of the data from authentic secondary sources was done. The major data sources include-The Annual Status of Education Report (ASER) 2020, India Report-Digital Education-Government of India 2020, National Digital Communications Policy 2018, United Nation's Report-Education during COVID-19 and beyond 2020, Myths of Online Education-an Azim Premji University Report 2020 and Oxfam Status Report 2020.

The data extracted from the sources mentioned above were analysed using Systems Approach framework. The focused areas which we analysed are the digital education ecosystem in India such as the e-learning infrastructure, stakeholders, processes, costs, policies; the bottlenecks, challenges and issues related to digital teaching-learning; and the possible reforms to make the digital education effective and to enhance accessibility-outreach and improve quality of education to create a robust digital learning ecosystem.

## **The Digital Education Systems Approach Framework**

The Digital Education-Systems Approach Framework is being used to understand and decipher the issues and bottlenecks in the digital learning environment in India. The categorisation of processes and activities of digital learning is represented in figure 1.



**Figure 1: The Digital Education Systems Framework**

*Source:* Adapted from Systems Approach to Educational Technology (n.d.)

## **THE DIGITAL EDUCATION ECOSYSTEM IN INDIA**

The following sections decode the existing ecosystem of digital education in India:

### **Digital Education Input**

A report by the United Nations (2020) on the educational scenario during and beyond COVID-19 rightly points out during pandemic when the schools and higher education institutions were closed, the countries all over the world moved towards the ICT and digital learning to ensure the continuity of learning. To make learning opportunities available to the students in India, the government of India has also undertaken several initiatives to assist teachers and students in their education aspirations. The first step being the design and implementation of the DIKSHA app (Digital Infrastructure for Knowledge Sharing), an application for students and teachers to learn online. DIKSHA platform can be accessed through a mobile based application and via web-portal (India Report-Digital Education, GoI, 2020). The portal provides access to several courses and curriculum linked with digital content. The content also has QR codes. There are various courses on the same platform for teachers too to enhance their knowledge through online courses (MHRD, 2020). Apart from the especially designed platform, the government of India has also been engaged in introducing many innovations in the use of ICT for making education accessible to all. The courses were also designed to be broadcasted through local TV channels, radio, dedicated TV channels were promoted for the differently abled learners, e-textbooks, National repository of e-content and leveraging social media for different purposes were also important initiatives which took place to promote education digitally.

## **Digital Education Processes**

While there are many initiatives ongoing on the enhancement and wide coverage of digital infrastructure for online education, there are a lot fewer steps being taken to educate the educators on how to conduct online learning sessions and how they can leverage ICT for maximum effectiveness. On learning and teaching online during COVID-19, Jinyoung Kim (2020) states that there is a need to first identify online learning platforms and make the educators get hands-on experience of these platforms before the full-fledged beginning of the online learning sessions for students. The implementation should include a two-way communication where the students' feedback on the online classes is taken into account and the teachers then reflect on the learnings of the students with this mode of learning. The teachers and the administration cannot overlook the need of bringing interactive learning sessions in the digital learning curriculum as the students tend to be more attentive during activities and discussions. The educational institutions have brought in different mechanisms to evaluate and assess the effectiveness of online learning and are still in the process of making the digital learning ecosystem more robust and effective.

## **Digital Education Output**

As the nation shifted towards digital mode of education, new outcomes have emerged with passing times. A study by the Azim Premji University, reveals some downsides of digital education. The report states that around 80 percent of teachers have reflected on the difficulty in connecting online with students on emotional level as the online medium of teaching has limitations and the interpersonal communication may hinder; also, it may affect the learning outcomes and students' overall performance in longer span. It is evident by the inability of students to submit satisfactory assignments and engage in discussions during the online session. Besides, Myths of Online Education (2020) report mentions that the 70 percent parents have responded about dissatisfaction regarding ineffectiveness of online classes and low level of learning retention in their children. The performance evaluation criteria of educational institutions stand obsolete when it comes to those students who faced difficulties in accessing digital education. According to a study conducted by Oxfam India, 82 percent parents face major issues to support their wards in getting good internet connection, dedicated digital devices and in accessing continuous digital education. (Vyas, 2020).

The scenario of government schools has to be analyzed separately as schools are not just used to facilitate the learning but also take care of the nutritional needs of school children. The mid-day meal programme has partially stopped post-COVID and as the Oxfam report by Vyas (2020) suggests that 35 percent of school

going children are not getting mid-day nutritious meals despite of government orders. Different factors contribute to the overall learning outcomes of the students in government and private schools, which have to be addressed systematically to achieve the larger goal of holistic development of the student through digital learning.

### **Digital Education Analysis and Feedback**

Following the systems perspective, the output of the digital education system can be categorised into different buckets and analyzed in tandem to bring forward inclusive policies on the evolving digital education ecosystem in India. Beginning the analysis from the students' perspective, the study findings by the Azim Premji University's survey (2020) notes that around 60 percent of children cannot access online learning opportunities. For those who can attend the online classes, the question of learning outcomes, engagement, time management, mental and physical stress comes into the picture. The study (Myths of Online Education, 2020) also mentions the results of the survey conducted with the educators brought forward concerns on assessment and on online teaching methodology. 90% of the teachers, surveyed in the report, mentioned that there was no meaningful assessment being conducted to gauge student's learning during the online classes. The lack of knowledge of implementation of online platforms have also reduced the performance of the teachers and in-turn has serious implications for the student's learning outcomes.

As the country is slowly moving towards the opening of schools for students of all age-groups, there is a fear of hygiene and safety which the educational institutions have to address urgently apart from working on the digital education infrastructure and policies. With hybrid models being introduced in education institutions, the burden on the administration is going to only increase and an integrated systems approach can help in strengthening the education system.

### **THE BOTTLENECKS, CHALLENGES AND ISSUES RELATED TO DIGITAL TEACHING-LEARNING**

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The major bottlenecks, challenges and issues related to implementation of digital education are as follows:

#### **Lack of IT Infrastructure and the Digital Divide**

Nielsen (2019) and Internet and Mobile Association of India (IAMAI) reports the states having less than 50% internet penetration includes Rajasthan, Madhya Pradesh, Chhattisgarh, Odisha, West Bengal, Uttar Pradesh and Uttarakhand. IAMAI (2019) also notes that the state level education institutions do not have sufficient

IT infrastructure in place to conduct the classroom sessions digitally. ASER (2020) report finds that 24.3 percent of the children had no access to smartphone and that is why they could not receive digital learning material from the school. It is noted that 75 percent of interaction from schools to students happens over WhatsApp. Also, the report indicates that “the digital divide is prominent and the families that do not have access to computers or smartphones are at a clear disadvantage.”

### **Limitation in Access to the Internet and Attending Online Classes**

It is reported in various studies that people living in rural areas and those belonging to lower income groups and are from marginal communities have limited and poor access to internet connectivity. The ASER (2020) states that that only one-third of the 60000 school students who were surveyed in India had access to online learning and only 11 percent had access to live online classes. These students are enrolled in both private and government schools in India. 21.5 percent were using videos or recorded classes. Estimating the government school children separately, only 8.1% of enrolled students were using online classes across the nation.

### **Content Limitations and Language Constraints for Rural Learners**

According to the 2011 Census, 68.84% of the population lives in the rural spaces and urban centres have 31.16% of the population. Considering the fact that India is a language diverse country and majority people in villages study in vernacular languages. The digital content is usually in English and Hindi, making the students from vernacular mediums struggle. Pegu (2014) states the necessity to develop e-content in the regional languages of India. The issue of standardization of content might be difficult and time taking.

### **Gender Gaps in Access to Digital Education**

It is reported through various platforms that girl students remain vulnerable when it comes to access to digital education. The Mobile Gender Gap Report (2020) mentions that out of the total population, only 21 percent of women in India use mobile internet in comparison to 42 percent of men. Centre for Catalysing Change (2020) reports that adolescent boys in India have more access to digital gadgets and devices like smartphones, 3G/4G internet connection etc. It leads to an understanding that lack of access to technology could force girl learners to have restricted or constraint digital learning.

### **The Parents in Digital Ecosystem**

Based on ASER data, it is estimated that 11 percent of parents got a new smartphone during the pandemic to support their children's education. But the substantial

increase in access to digital education could not be recorded which shows the negative relationship between the increased users of smartphones and access to digital education. Also having one smartphone per household (having 2-3 learners per family) is not sufficient, as far as digital learning is concerned. Parents who are not educated in English medium find it challenging to help their children with digital learning.

### **Teachers in Digital Education**

According to the ASER report (2020), in the rural areas in India, half of the teachers surveyed did not receive any form of digital training to impart online education. 68.8 percent in urban areas received perfunctory training based on brief instructions. The group who received training, 32.2 percent among them had comparatively detailed online sessions; 7.5 percent of them completed an online course and 4.4 percent teachers had undergone training on initial processes of online teaching.

### **POSSIBLE REFORMS IN DIGITAL EDUCATION**

Amidst many challenges, there are possibilities and opportunities for reforms to make digital education effective, to enhance accessibility and outreach, improve quality of education and to create a robust digital learning ecosystem.

### **Increase in Enrollment, Decrease in Dropout Rate, Inclusion, and Quality Education**

It has been established by the available reports and studies that digital education has resulted in increased enrollment of students at all levels. Digital education opens an opportunity to increase student enrollment in schools and colleges. There has been a decrease in the dropout rate of learners. Digital education provides a good chance to retain more students, decrease the dropout rate by reinforcing on providing quality education to learners yet the education departments in states have to work on improving digital infrastructure. They have to continuously review and update the e-content. ASER (2020) report analyses that the learners having smartphones enrolled in schools in 2018 were 36.5 percent, which rose to 61.8 percent in 2020. Families too aspire to acquire the digital device for their children's learning. However, with only one device in their possession, many families still struggle to divide on device usage among children. Digital education also provides the possibilities to the educational institutes in both rural and urban areas to ensure the students inclusion to enhance innovative practices of learning and maintaining quality education.

## **The Content Accessibility and Cost Effectiveness**

There is a requirement to make quality e-content available in regional languages and communicate it to the learners in a cost-effective manner. The technology can also help in addressing the issue of information asymmetry that persists in rural and suburban areas and because of which people many times do not know the opportunities and options that exist for them. In some states the e-content digital banks are being promoted from where students can freely access their required course content.

## **Digital Tablets With Pre-Loaded E-Contents, Setting up of Village Level Kiosks, Digital Libraries and Monitoring System**

The digital tablets with pre-loaded e-contents can be made available to rural learners where internet facility is not very strong. School management committees can play major roles in instructing the facilitators to form digital peer groups where they can support each other in sharing knowledge. Senior students can support junior students and parents or elders can play an effective role in monitoring digital learning systems. Also, there is a need to set-up village level kiosks and digital libraries which would be equipped with digital learning technology with high-speed internet connectivity.

## **Teacher Training in Handling Digital Platforms**

Teachers or learning facilitators need to be trained on how to handle the digital tools, various learning platforms and how to manage the digital teaching- learning process. They also need to learn how to curate the content as per the requirements of learners. The mechanism of providing incentives and constant motivation should be built in the process of capacity building of teachers and facilitators.

## **THE WAY FORWARD**

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The digital education system is changing the global education scenario rapidly and it will certainly help in improving India's education system by providing better access to education, better learning and greater equity. Digital education and education in blended mode would be the reality of the future. We need to have digital reforms and institutional arrangements to promote digital learning in the country. Based on the analysis it can be suggested to equip the country better digitally and address the existing gaps in the system like lack of IT infrastructure, the issue of digital divide, limitation in internet access and difficulties in attending online classes, content limitations and language barriers in understanding the e-content by rural learners, gender gaps in access to digital education, quality teaching, etc.

Digital education systems can be made robust and effective by bridging the digital divide, better internet connectivity by providing special learning internet packs for students and teachers, and inculcating the value system of learning in digital mode. The digital platforms can address the issues of quality education, provide equal opportunities to learners, without any gender or regional biases. It would also help in better dealing with the contextual adversities.

The pandemic has made us realise in a very subtle way that there is always a silver lining behind the darkest of clouds. There are bright beacon rays shining out of the horizon and we have to open our eyes to look at the promises coming along with the bright rays.

## Endnotes

1. “This is an annual survey that aims to provide reliable estimates of children’s enrolment and basic learning levels for each district and state in India. It is the largest citizen-led survey in India. It is also the only annual source of information on learning outcomes available in India. ASER is a household-based rather than school-based survey. In each rural district, 30 villages are sampled. In each village, 20 randomly selected households are surveyed. This process generates a total of 600 households per district, or about 3,00,000 households for the country as a whole.” ASER (2020) ([www.asercentre.org](http://www.asercentre.org))
2. This GoI document contains descriptions of interventions related to e-learning undertaken by states/UTs through various digital modes from across India, the descriptions of all activities, programs and interventions under each state/UT.

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# EFFECTS OF DIVORCE ON CHILDREN: A REVIEW OF SOCIO-ECONOMIC, LEGAL AND POLICY ASPECTS

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**Vani Bhushan\***

## Abstract

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The phenomenon of divorce has adverse impact of society and family in which the children are the worst sufferers. They are victims of parental conflict, financial instability and economic hardship, deficits in parenting time and attention, and the loss of a relationship with the non residential parent. Although state has no definite policy for the protection of the rights and interests of the children of divorced couple, yet there are laws that come to their rescue. As such the purpose of the present study is to investigate the causes of divorce and its negatives impacts on the children of the divorcees. It further intends to examine the legal provisions available for protection of the interest of such children. This analysis suggests that strategies that seek to mitigate the harmful effects of divorce on children should focus on making of appropriate public policies for ensuring them with state protection.

**Keywords:** Divorce, Children, Adverse impacts, Public policy, Family Laws, India

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## INTRODUCTION

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This paper evaluates the traumatic experience of the children of divorced parents and politico legal provisions for the protection of the rights of such children. Moreover, emphasis will be laid on the main issue of this research, that is, impact of divorce on children. Finally, it is examined how and why separation occurs and the possible solutions to combat this issue at the home. A major impact of divorce is on

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the parent-child relationship. The quantity and quality of contact between children and non-custodial parents usually fathers-tend to decrease and the relationship with the custodial parent-usually the mother shows signs of tension (Furstenberg and Nord: 1985). Further, divorce raises the needs of definitive articulation of child rights in the present context and how they must be represented in a divorce proceedings.

Divorce is an extremely disturbing experience for all children depending upon the age or maturity level (Kelly and Wallerstein: 1977). In the present context, when the family in India is understood as the first line of defence, in an event of divorce, family serves as a source of stability (Desai: 1995). In light of this let us now observe the experience of children in the family while going through their parents' divorce.

### **STATE, LAW, PUBLIC POLICY AND FAMILY**

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India, as said before, does not have any systematic coherent family policy, but the government has always been sensitive to the problems concerning family formation and dissolution, rights of women and children, the practice of child marriages, dowry, domestic violence and so forth. This is apparent from various legislations enacted, amended and implemented by the Government of India as well as the state governments as and when necessitated. They are together called family laws. Family law is that area of law which deals with family-related issues and domestic relations including the nature of marriage, civil unions, and domestic partnerships; issues arising during marriage, including spousal abuse, dowry, legitimacy, adoption, surrogacy, child abuse, and child abduction, the termination of the relationship and ancillary matters including divorce, annulment, property settlements, alimony and parental responsibility orders. The following legislations are an important part of the Indian family laws: Hindu Widows Remarriage Act, 1856 and 1956; The Converts' Marriage Dissolution Act, 1866; The Indian Christian Marriage Act, 1872; The Kazis Act, 1880; The Anand Marriage Act, 1909; The Child Marriage Restraint Act, 1929 and 1978; The Parsi Marriage and Divorce Act, 1936; The Foreign Marriage Act, 1969; The Hindu Women's Right to Property Act, 1937; The Special Marriage Act, 1954; The Hindu Marriage and Divorce Act, 1955; The Hindu Succession Act, 1956; The Hindu Minority and Guardianship Act, 1956; The Hindu Adoptions and Maintenance Act, 1956; The Suppression of Immoral Traffic in Women and Girls Act, 1956, 1978 and 1886; The Dowry Prohibition Act, 1961 and 1986; The Muslim Women (Protection of Rights on Divorce) Act, 1986; The Child Labour Prohibition and Regulation Act, 1986; and The Domestic Violence Act, 2005. In addition to these, most states of the Indian Union have got their own family laws more or less on the line of these legislations, considering the significance of local practices and the system of belief. It may, however, be recorded here that though most of these laws have been framed to shield the interests of women, yet in varying degrees the

personal laws of different religions subvert women's right to equality guaranteed under the Constitution of India. In the above legislation or family law or policy of the governments to protect the interests of children after disruption of family has been covered. An effort is made to explain as to how the government has time to time responded to various problems that have been encountered by family in India, except protection of interests of children after disruption of family.

## **CHILD'S BEHAVIOUR ASSOCIATED WITH DIVORCE**

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Divorce is inarguably intensely distressing for children. Outside the realm of family, because of the stigmatization of divorce, the child faces a tough time attempting to be accepted by a conservative society. In socioeconomic attainments, children who experience their parents' divorce have lower educational prospects than children from intact homes (Beller and Sheila: 1998). Within the family, the obvious effects are on the physiological behaviour of the child. There are also children who are left in a guilty conscious in the post-divorce period especially if they are a frequent witness to the parent's feuds (Watson 1969). They are left thinking what is that they did to cause the divorce. Moreover, in older age groups the assumption of hyper-maturity is also common as children often assume the tasks of adults to stabilise the custodial parent's household (Kalter: 1977). There is also a reciprocal dependency relationship between the child and the single parent which is in 90 percent of the cases the mother. This principally relates to a closer relationship between the parent and the child more as peers, both struggling to keep the family going. A lack of generational boundaries means a less hierarchical family and less authoritative generational distinctions. This is understood to inadequately socialise children or place them in a disadvantageous position when they find themselves in hierarchical organisations (Nock: 1988).

## **FINANCIAL CONSIDERATIONS**

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Money or lack of it poses a problem in post-divorce households. To begin with, about thirty-five percent of the children of divorced parents live in poverty (NAESP: 1980). Child support payments and financial assistance when not paid put much pressure on the custodial parent (Leighton: 1996). On the other hand, wealth increases access to positive opportunities and decreases the likelihood of negative traumas, such as transportation difficulties, serious illness without adequate medical care (Acock and Kiercolt:1989).

## **STEP FAMILIES**

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Step-families often prove to be very complicated as children find it difficult to adjust with the step-parent and the extended step-family. Initially the child may prove to

be obstinate in adjusting but it is possible for the new family to become a strong family unit (White:1992). The new family must take things very slowly, especially the spouses, to help the child cope up with his/her life just like themselves.

Children learn how to relate to others by watching their parents relate to each other. Divorce gives them an unconscious notion of not trusting their mates (Amato and Booth:1996). Divorce also significantly increases the chances of young people leaving their homes due to friction with a parent, increases the chances of premarital cohabitation, and also the odds of premarital pregnancies or fatherhood (Borgatta: 2000).

### **CHILD RIGHTS VIS-À-VIS PARENTAL RIGHTS**

The concept of rights presents special difficulty because of the conflicting interests and rights of the parents and child (Keiter: 1982). Parents are seen as protectors of their children's interests but their interests may differ vastly from those of their children (Oslen: 1985). Parental right to raise children is fundamental even though not expressly mentioned in the Constitution (Shernow: 1998). This traditional approach that favours parental rather than children's rights led the State to affirm the inherent *parens patriae* jurisdiction of the State to protect the best interests of the child(Dickens: 1981).

When divorcing parents have agreed on a common course of action, there is little reason to believe that the judge is in a position to make a better decision. The parents are far more familiar with their children than any Court could hope to become (Mnookin: 1979). While it is possible that some parents would trade off reduced custody or visitation privileges for higher support payments or even a fit parent to not want custody at all, it is not clear how the Courts by forcing such a parent to take unwanted custody would be in the best interests of the child. Hence, only unusual custodial arrangements which pose imminent harm to the child should justify intervention (Folberg and Graham:1979).

### **FACTORS ASCERTAINING THE 'BEST INTEREST' OF CHILD**

The law cannot prevent all damage to the child's interests caused by divorce, since it cannot compel harmonious human relationship. It can, however, provide a means for reducing the damage by ensuring that the child's interests are not neglected in divorce custody proceedings. While there has been no formal enunciation of factors ascertaining best interest, the Courts look at the following decisive factors:

- Child's age, gender, mental and physical maturity and also of parents;
- Relationship and emotional ties between the parent and the child;

- Parent's ability to provide the child-food, shelter, clothing, medical care, education; and
- Child's established living pattern-school, home, community.

It has been argued, however, that the child's interests are protected by the Court as *parens patriae*. However, within the 'rigors of adversary proceedings', without separate representation for the child, the Court may neglect important interests of the child in both the outcome and the process of the proceeding (Mnookin: 1975).

It is therefore important that a child be represented by a guardian ad litem whose central responsibility is to assist the Court to determine the best interest of the children (Oster: 1965). It is only to ensure that the child's interests receive priority in the midst of other competing interests because the judge who is restricted to the courtroom cannot on his own obtain the facts pertaining particularly to the child's viewpoint.

When applying the 'best interest' standard in contested custody proceedings, Courts must consider the question of how much weight to be given to the child's own custodial preference. In practice, however the broad discretion given to the Courts often means that the child's preferences may be ignored (Bersoff: 1976). Some Scholars have argued that the children in a divorce custody proceeding be given an absolute or presumptive choice of custodial parent.

Issues of custody and guardianship under the Hindu law are governed by the Hindu Minority and Guardianship Act, 1956. Section 6(a) of the Act defines 'natural guardian' in the case of a boy or an unmarried girl as the father, and after him, the mother. Also, it must be noted that the father who is the natural guardian would not 'ipso facto' becomes the custodian of the child.

Studies however show that eighty-five to ninety percent of children of divorce couples are placed in their mothers' custody. However, the Courts now often extensively delve upon the question of custody of children looking into matters like mental health, financial status etc. of both the parents and the interests of the child rather than moving on a priori notion. Therefore, facts of each case should be a matter of anxious consideration for the Courts as to where the welfare of the child lies.

## **MOHAMMEDAN LAW**

Under Muslim law, the father is the sole guardian of the child but, the mother has the primary right to custody. According to the Shia School, the mother's right to custody of the child terminates when the boy reaches the age of two and in the Hanafi School, this right is extended till the age of seven. Both the Schools agree that mother has the right to the custody of a minor girl till she attains puberty. In addition to these classical conditions some flexibility is also accorded in the light

of Guardians and Wards Act, 1890 and the Courts are pro-active in their custodial arrangements by applying the criteria of best interests of child.

## **OTHER STATUTORY PROVISIONS**

The Law on child custody was codified as early as 1890 in the form of the Guardians and Wards Act which consolidates and amends the law relating to guardians and wards. The Guardians and Wards Act, 1890 is a secular Act and guardianship in communities other than Hindu and Muslims is governed by the Guardians and Wards Act, 1890 which clearly lays down that the father's right is primary. Under Guardians and Wards Act, 1890 'guardian' is defined which is similar to what is in the Hindu Minority and Guardianship Act, 1956.

The Divorce Act, 2000 provides law of custodial arrangements for children among Christians. In case of Parsis, Section 43 of the Parsi Marriage and Divorce Act, 1936 makes provision for the custody of children.

## **MAINTENANCE FOR OFF-SPRINGS OF DIVORCEES**

Financial problems can be far more catastrophic than the emotional turmoil the child faces. Studies show that only half of all Court-Ordered child support is paid affecting the child's daily care, schooling etc.

Maintenance under the Hindu law is provided in the Hindu Adoptions and Maintenance Act, 1956 wherein under Section 20, it is obligatory upon the parents to maintain their minor children. In case of Mohammedan law, the maintenance for the children of divorcees is basically to be taken care of by the father regardless of the custodial arrangement. It is stipulated in the Muslim Women (Protection of Rights on Divorce) Act, 1986 in Section 3(b). Under the Divorce Act, 2000 applicable to Christians, Section 43 deals with Courts' power to make provisions for the minor child's maintenance. Usually the Courts grant maintenance for children while deciding the issue of maintenance to wives in divorce cases. Divorce after 1970 has become a dominant institution in the American society (Borgatta Rhonda: 2000) and rights of children have been more broadly defined especially in situation of marital disruptions. Most States in America have stressed that parents should be encouraged to arrive at custody decisions privately (Buehler and Jean:1995). This conflicts with the parental authority in making decisions for their child's welfare.

Even in England, the defences of "parental authority" or of 'family privacy' are no longer justified for State intervention. The Children Act, 1989 in England addresses the core issue of the rights of a child in divorce proceedings. In India, there has been no comprehensive legislation dealing with rights of child in this context.

It is also important to note that one of the reasons of the high divorce rates in the west is due to the destigmatization attached to the families. Attitudes toward divorce in the west have become more accepting over a period of time, even when children are involved (Arland:1985). However, in India the process of divorce is still stigmatised, and in a way society creates a negative stereotype of the children of divorcees.

Furthermore, while in India the 'best interest of child' criteria is obscure and is left into the hands of judiciary to enumerate upon the parameters, in 1970 American National Conference on Uniform State Laws adopted the Uniform Marriage and Divorce Act which laid down the yardsticks to ascertain the best interest of the child. In the absence of such enumeration the judiciary is left unguided in India.

The primary duty is on the parents to constantly interact with the child and let him/her know the separation in the family. This will basically maintain their trust in the parents. Interaction further depends upon the age of the child. For toddlers, school goes sharing general information is appropriate while with adolescents there must be greater details shared as to what exactly are the reason for the divorce etc (Weitzman: 1986).

Secondly, the most important factor for children's well being is to not let them be privy to the ongoing conflicts. This must not be confused with interaction; it is necessary for the child to know only through the parents. Further, keeping in touch with the non-custodial parent and a regular communication is beneficial for the child's growth.

Moreover, minimum numbers of transitions after the divorce are beneficial for the children. Keeping them in the same school, home or neighbourhood always helps the children relate to some stability without having undergone another set of changes for even simple changes are experienced as losses. Associating with relatives, going out in the neighbourhood, seeing friends for weekends all can help gather support from various sources. Socialising can help children overcome the divorce stigma and this will make it look simpler.

## **CONCLUSION**

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The analytical efforts made aforesaid conclude on the point that the child's psychological balance is deeply affected through the marital disruption and adjustment for changes is affected by the way parents continue positive relationships with their children. Apart from the developmental considerations due to family disruption, there are certain rights which need to be looked into from a distinct standpoint to cater to special situations the children are found in during the time of their parents' divorce. The researcher also reiterates the need for enumerating

the parameters to determine the best interests of the child rather than leaving the judiciary with absolute powers to determine the child's welfare. From a legal standpoint, the researcher suggests that a single law governing child rights in divorce cases and also matters pertaining to custody and maintenance must come into place for an enhanced framework protecting the child's future.

To ensure that the child receives a stable and nurturing environment after the divorce of the parents, some scholars have opined that if a parent fails to promote the child's interest at some threshold level of adequacy, a form of intervention, ranging from counselling to obtaining fine from the parent as well as loss of parental rights to the child, may be legitimate. In fact, in view of problems of various kinds and possible challenges of future there is a need of Comprehensive Family Policy in each state of India to conduct policy analysis, promote intergenerational solidarity, facilitate strategic leadership involvement and influence public opinion.

## Notes

1. Diekmann Andreas and Kurt Schmidheiny, THE INTERGENERATIONAL TRANSMISSION OF DIVORCE, <http://paa2004.princeton.edu/download.asp?submissionId=40951>.
2. The *parens patriae* doctrine, which developed in the seventeenth century, allowed the Chancery Court to assume child-protective functions and later to deny custody to an unfit father; Foster and Freed, CHILD CUSTODY (pt. I), 39 *New York Law Review*, 423-24 (1964).
3. Virtually all states provide, either by statute or by judicial decision that the preference of a child should be a factor in the determination of his best interests if s/he is competent to make a reasonable choice. See Speca, (1977-78) THE ROLE OF THE CHILD IN SELECTING HIS OR HER CUSTODIAN IN DIVORCE CASES, 27 *Drake Law Review* 437, 441-43 .
4. Some scholars argue that there is a general sphere of decision making autonomy for competent minors which, because "a custody decision affects the very essence of what determines a child's future life." See Levy, THE RIGHTS OF PARENTS, 1976 *B.Y.U. Law Review*.693,706.
5. Provided that the custody of a minor who has not completed the age of five years shall ordinarily be with the mother.
6. Though there has been a storming controversy over the interpretation of the phrase 'and after him' in the said Section, it has now been settled that the phrase necessarily means 'in the absence of' See *Githa Hariharan v. Reserve Bank of India* (1999) 2 SCC 228.
7. *Samuel Stephen Richard v. Stella Richard* AIR 1955 Madras 451. Not only this, but both Hindu Marriage Act, 1955 and the Special Marriage Act, 1954 stipulate that the child's view is regarded while making an arrangement when the child is above 12 years of age and that maintenance and education of children should be consistent with their wishes wherever possible.
8. *Y. Varalakshmi v. Kanta Durga Prasad* (1989) 1 DMC 379.
9. *Thrity Hoshie Dolikuka v. Hoshiam Shavaksha Dolikuka* AIR 1982 SC 1276.
10. The Muslim Women (Protection of Rights on Divorce) Act, 1986. The Act also stipulates that the divorced wife is entitled to any outstanding dower, any property given her before or during marriage, and maintenance for children in her custody born before or after the finalisation of the divorce.

11. Section 4(2) of the Guardians and Wards Act, 1890 defines a guardian to be person having the care of the person of a minor or of his property or of both his person and property.
12. Previous Indian Divorce Act, 1869 was amended in 2000.
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## CONSTITUTIONAL REFORMS ACT 2005 OF UK: A COMPARISON WITH PROCEDURE OF APPOINTMENT OF JUDGES IN INDIA

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### Abstract

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Appointment of Judges has been key to establishment of Rule of Law in modern states. The authority to appoint judges in Britain, vested earlier with the King on advice of Council of Ministers, has now been transferred to the Independent Commission established by Constitutional Reforms Act, 2005. In India, the provisions and procedures of appointment of judges of superior courts almost followed the British pattern in which the President appoints the judges of superior courts on advice of Prime Minister who does so on the recommendation of Chief Justice of India in consultation of four senior judges, popularly known as Collegium system. The system has been practiced for decades on certain accepted legal maxims but the Supreme Court Advocates on Records Association questioned it on the ground that the term 'consultation' has been interpreted as 'concurrence' of the Collegium. The present paper intends to study the applicability of legal maxims to various provisions of 2005 Act of UK, the constitution of India and makes a comparative study of how violation of the legal maxims took place.

**Keywords:** Appointment of Judges, Procedure, UK, India, Constitution, Collegium,

### INTRODUCTION

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The proponents of democracy also formulated ideas regarding the laws, making and enforcing them, their boundary and so on. An evolution of modern laws system in England took place long back since Magna Carta of 1215 A.D. Since then

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a formal Parliament started functioning which was representing Lords and Barons Bourgeoise from various cities by 1265 A.D. which has evolved over centuries culminating into House of Commons and Lords. Conception that people have the power was cemented by the fact when in 1911, Commons passed Parliament Act, 1911 and the same was amended by an Act of 1949, curtailing the powers of House of Lords. This lays down the foundation that the authority from whom the power is derived, the other authorities shall always be functioning below that body and can never exercise powers which curtail or diminish the powers of the body or an act from which it has been created. The creation of an authority and appointment of incumbents are based on certain legal maxims which are universally applicable. Before we go to comparative examination of the procedure of appointment of judges of superior courts in UK and India, let us have perception of legal maxims.

### **LEGAL MXIMS**

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The established legal maxims and guides that confer power on a body are - DerivativaPotestas Non Potest Esse Major Primitiva (Power which is derived cannot be greater than that from which is derived) and similarly Qui Non HabetPotestatem Alie Nandi, HabetNecessitatemRetinendi (He who has not the power of alienating is under the necessity of retaining). It means that till the source of power does not give away its own power, no such body can prevail over it. Viz. in our case if Parliament doesn't give away its power and vest Supreme Court with powers to declare its Acts unconstitutional, the said powers cannot be exercised by it.

These maxims clarify that an authority formed by an act shall have to work accordingly and, in the manner, prescribed by the said Act which led to its formation as if it goes against the said manner prescribed in an Act, the same shall be illegal and against the law, if the said procedure is violated. Similarly, Indian Constitution enunciates clearly the offices formed such as President, Parliament, Council of Ministers, Supreme Court, High Courts, Public Service Commission, Election Commission, CAG and so conferred power on these offices. As such not a body or authority can interpret the constitution in a manner which will subvert the original intent or can never replace the constitutional text by affixing different meanings to words in the constitution which they generally mean by a judgment as this shall go against the Legal maxim as discussed above which states that Power which is derived cannot be greater than the source from which it is derived.

### **ExpressioUnius Est Exclusio Alterius (Express mention of one thing excludes the another)**

The term clearly states that when something is expressly mentioned in one sense, no other meaning can be attributed to the same. The Latin maxims have been

established over a course of centuries for the very reason of their acceptance and applicability to the laws and procedures, in methods of interpretations of numerous laws and words enunciated in statutes. In this way an organ of government cannot go beyond the work assigned to it by the law or constitution. Similarly when constitution enshrines the responsibility on a specific office, it clearly demarcates that other offices shall be debarred from doing that duty unless the same power stands allocated to them vide a constitutional amendment. Even the superior courts cannot subvert the constitutional text vide a judgment, even if the whole Court decides the issue unanimously as they cannot interpret the constitutional text against the meaning which it is intended for.

***Derivativa Potestas Non Potest Esse Major Primitiva (Power which is derived cannot be greater than that from which is derived)***

In the case of *US v Cruikshank*, it was held that the authority of various offices and Institutions so created by Constitution are defined and limited and the same which has been vested in one body cannot go against the mandate of the Constitution and exercise powers granted to another. As discussed hereinabove, it has been clearly mentioned that the powers vested in the Supreme Court are immense and has the final say over what the Constitution is but the same is subjected to restrictions meaning the same cannot be interpreted in a sense, not meant by the Constitutional framers or the very meaning gets subverted so much so that the whole process is reversed. If a Constitution clearly demarks the procedure, the same cannot be interpreted in a manner which is not intended by the framers.

*Qui Non Habet Potestatem Alie Nandi, Habet Necessitatem Retinendi (He who has not the power of alienating is under the necessity of retaining).*

The afore mentioned legal maxim clearly states that one who has been Constitutionally mandated to carry the responsibilities and duties cannot delegate them to any other body or authority unless a constitutional amendment is made, thus he is bound to retain and carry on with the duties, this conclusively ascertains the position of the President that he cannot either willingly transfer the duties he has been mandated to carry out. No power granted to a body can be greater than the source from which it is derived. and in the present context, the said source is the Constitution and all functionaries have to act according to the mandate of the constitution and the one who knowingly or unknowingly act against the said process, are acting in violation of the principles laid down in the Constitution.

If the Court may through a Judgment deems fit and delivers a Judgment that the cases of Supreme shall be heard by a Committee of 5 or 11 people especially appointed by Judges themselves, it shall be unconstitutional and ultra vires as it

goes against the constitution as the work which has specifically been attributed to the courts is to be an arbiter of disputes and the said function can never be delegated and if it is, then the same shall be ultra vires as a Court or an authority can never replace a Constitutional text with a Judgment or a law or an executive order, unless the same is amended through a constitutional amendment. Similarly, if a function which has been necessitated to be carried by an authority under the Constitution, the same can never be transferred or taken over by anyone, even vide a judgment delivered by Supreme Court cannot do it as the Courts are bound by Constitution and should function within the four corners and can never interpret the said text against the intention of the framers of the Constitution.

### **CONSTITUTIONAL REFORMS ACT 2005 (UK) AND APPOINTMENT OF JUDGES**

Parliament of United Kingdom passed constitutional reforms act in 2005 whereby Supreme Court of United Kingdom was set up and the appellate jurisdiction of the House of Lords was abolished, providing for appointment of Judges through an Independent Commission and also with regards to appointment of members to the commissions. The said act aimed to provide for the setting up of Judicial Appointments Commission (Section 61 and Schedule 12 of the Act) and the Supreme Court Selection Commission (Section 27 and Schedule 8 of the Act) and so on where the provisions have been clearly laid down as to who shall be members of the commissions and what procedure shall be followed. This Act has changed the way the Appellate powers of the House of Lords were exercised whereby the Judicial powers were merged with the Legislative Body in a manner going against the Separation of power principle proposed by Montesquieu.

The Act uphold each and every maxim in its entirety discussed above such as *ExpressioUnius Est ExclusioAlterius* (Express mention of one thing excludes the another), *DerivativaPotestas Non Potest Esse Major Primitiva* (Power which is derived cannot be greater than that from which is derived) and *Qui Non HabetPotestatem Alie Nandi, HabetNecessitatemRetinendi* (He who has not the power of alienating is under the necessity of retaining). The said act clearly mentions that who has the power to appoint Judges and how the said duties are to be carried and excludes any or all interference of any other body, thereby stating that consultation in Section 27 of the Act means consultation and shall never mean concurrence. If the said term stands interpreted meaning concurrence the whole act shall result incoherent and will mean something which it wasn't intended to mean. Secondly, the power derived by the Supreme Court is by the coming of the reform act into existence and thus the Parliament is the one which has set up the Supreme Court and can never hold any part of the Constitutional reform act ultra vires or may assign different

meaning to the terms mentioned in the act then they were intended to be. Thirdly, the powers specifically granted to the Judges when consulted by commission under the said reforms act, 2005 with regards to appointment and selection of judges are advisory in nature and can never be binding on the commission itself or the Lord Chancellor who has to work as per the mandates of the Act itself.

Supreme Court Selection Commission (Schedule 8 of the Act) mandates that it shall consist of President and Deputy President of the Supreme Court of U.K. and one member each of the National Judicial Appointments Commission, the Judicial Appointments Board for Scotland and the Northern Ireland Appointments Commission (Rule 1 Schedule 8). They shall consider a person, 1 at a time for an appointment to a vacancy in Supreme Court and they must consult (a) such of the senior judges as are not members of the commission and are not willing to be considered for selection, (b) the Lord Chancellor, (c) the First Minister in Scotland, (d) the Assembly first Secretary in Wales and (e) the Secretary of state for Northern Ireland. The said consultation is an integral part of the selection process but the said consultation can never result into advice being binding on the commission.

The said selection once made by the Commission is submitted in a manner of Report to the Lord Chancellor who may notify the selection or reject the recommendation made or may send it to the commission for reconsideration of the selection recommended where after if the reconsideration is done twice at Initial stage and after reconsideration recommended, the name recommended to the Lord Chancellor is forwarded by him to the prime Minister leaving the person out of the race who was recommended by Lord Chancellor earlier.

## **APPOINTMENT OF JUDGES IN INDIA**

Article 124 (2) clearly enunciates that *“Every Judge of the Supreme Court shall be appointed by the President by warrant under his hand and seal after consultation with such of the Judges of the Supreme Court and of the High Courts in the States as the President may deem necessary for the purpose and shall hold office until he attains the age of sixty five years: Provided that in the case of appointment of a Judge other than the chief Justice, the chief Justice of India shall always be consulted.”* The article clearly mandates that who shall appoint and how the appointment shall be made. Not just the procedure but also the authority to appoint has been clearly mentioned and is not directory in nature but mandatory. In the case of an appointment of judges of High Court, the President shall consult the Chief Justice of India, the Governor of the respective state and the Chief Justice of the High Court to which an appointment of a judge is being made. Supreme Court in its judgement in the case of SCAOR interpreted the procedure for appointment of Judges to Supreme

Court and High Court, the CJI's opinion holds precedence over the opinion of all other constitutional functionaries. They established a Collegium system under the real of 'consultation' and it somehow has drawn power from all other functionaries and has vested those powers in the CJI and 4 other Supreme Court Judges whose opinion shall prevail.

If we keep in mind the above legal maxims, the said Judgment not only violated the constituted text but also set up a new mechanism for appointment of constitutional functionaries by replacing the appointment process mandated in the constitution by formation of a Collegium system amounting to replacement of constitutional text through a judgment which goes against several legal maxims. If the Constitution clearly assigns the power of appointment of a Prime Minister to the President, the Courts cannot interpret it in a manner which will take away the powers exclusively granted to the president and vest them in any other body, be it Vice President or a Council elected by Supreme Court Judges or a Collegium of Chief Ministers or Governors. When the Constitution directs that President shall appoint in consultation with the Chief Justice, it means that consultation is a part and parcel of the procedure and is not binding in nature. No one shall be a Judge in his own cause and the meaning of word 'consultation' stands subverted to 'Concurrence' which can never be an original intent of the framers.

## **CONCLUSION**

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The whole gamut of the above discussion leads us to the conclusion that no authority is sacrosanct or above the Constitution or the highest law of the land and is bound by it. In UK, the supremacy of House Commons over other organs is established and the laws made by it cannot be declared unconstitutional. But in case of India, all other authorities emanate, be it President, Council of Ministers, Governors, Lok Sabha, Rajya Sabha, High Court or Supreme Court or its Chief Justices, they all work under the Constitution and in manner as they are constitutionally obligated to and their exercise of powers in breach of it shall be ultra vires. If an authority does not transfer its powers vide a constitutional amendment, then the said procedure as mandated has to be followed in true and toto and no Judgment or Executive Order or a decree can make the changes desired by opinion of any number of constitutional functionaries unless the same is done according to the mandates as laid in the constitution. Thus, the Constitutional text wherever prescribes a power to be exercised by an authority as per Constitution, the same has to be complied and cannot be transferred from one to another authority and neither can it be taken away by another at its own behest. In this way, the procedure (collegium system) adopted for appointment of judges of superior courts is questionable on the ground of legal maxims.

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## LAW MAKING IN INDIA AND U K: A COMPARATIVE STUDY OF PARLIAMENTARY DEBATES (A CASE OF INDUSTRIAL DESIGN ACT)

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**Vandana Singh\***

### **Abstract**

Britain has been the source of parliamentary system in the world, so in India. It took almost six centuries to evolve the present parliamentary debate system. In turn, the healthy and learned parliamentary debates are the pre-requisite of sound law making. These debates even help the judiciary to interpret the intricacies and spirit of the laws. But in recent past, the quality of parliamentary debate has deteriorated. It has been observed that irregular proceedings and haphazard passing of laws has overshadowed the healthy law making process. Thus the present paper intends to compare and underline the nature of debates held in UK and India. Making of Industrial Design Act 2000, passed in Indian Parliament, has been taken as a case for examination.

**Keywords:** Law-making, Parliamentary-debate, United Kingdom, India,

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### **THE BACKDROP**

In the United Kingdom, the laws are brought to discussion in the Parliament after approval of the Cabinet. It becomes essential to understand the agenda undertaken by government through the debates. It has been argued that the debates carry value for electoral prospects of the party in power. For instance, the general elections illustrate the government agenda. Ministers actively participate in campaigning process and focus is made on the concerned formulation of new policy into law by articulating about it to their colleagues in the government. It is pertinent here to

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throw light on how proposals are converted into the Bill. Parliamentary Counsel comprises of well experienced and highly specialized lawyers which work together in enacting the principles set behind the proposal into legislation in a well-defined and detailed manner. All the Bills, which the government wants to introduce in the parliament session, are mentioned in the speech of the King/Queen, as the case may be. Later the bills are introduced in Parliament by the treasury bench. A Bill is introduced in either in any of the House - House of Lords or House of Commons. But the bills related to taxation is introduced only in House of Commons. The passing of a bill in Parliament goes through the First reading, Second reading, Committee stage, Report stage and Third reading in both the Houses.

### **PARLIAMENTARY DEBATES FOR PASSING A BILL IN UK**

Let us discuss the procedure of passing a bill in both the Houses. The First reading takes place at any time in the parliament during sessions. The member of House of Lords in charge of the Bill reads out the long title, which focuses on the content of the Bill. Before printing the Bill is formally introduced. It comprises of two parts one will be drafting a Bill and another is introducing a Bill. In the Second reading an opportunity is given to the members of Lords to have a debate on the main principles as well as the purpose of the Bill. It gives an opportunity to highlight the specific areas, which require amendment for future growth. Then the other interested members are given opportunity to ventilate their views on the bill. In addition, it indulges those members who wish to give their suggestions for changes later onwards. After second reading, a bill is referred to Standing Committee or some other Committee of the House where the Committee discusses it clause wise for a week or even longer as per requirement. It issues after the threadbare discussions Marshaled List of proposed amendments, if any. Then at the end Committee finalises its report by incorporating all the agreed amendments in the Bill at this stage. The Bill is reprinted for its placement in HL for third reading. Then the House discusses the Bill and amendments in it. If any amendment is done it will be reprinted as well as the new changes will be added and the Bill will be further carried to third reading where final as well as last effort is made to amend the Bill in the House of Lords. After the House of Lords approves the Bill, it is sent for first reading in House of Commons. In case a normal Bill is introduced in House of Commons, the same procedures are followed and sent to House of Lords.

From this, we can understand that when a Bill starts from Lords then it goes to House of Commons for its First reading. The Bill is reprinted in Commons with the amendments made in Lords. On contrary, if the Bill begins in House of Commons then it will be given back after Third reading that takes place in Lords, which is meant for considering the amendments taken place in Lords. In a situation where no amendments are made in Lords then it is sent for Royal Assent by the monarch.

Normally the same process is followed as that in House of Lords. In Commons, in First reading, a short title of the Bill is read out and the Bill is published as it happened in Commons. In Commons, it is an opportunity are given to the MPs to debate on the basic principle concerning the Bill. The Second reading takes place after two weekends from First reading in Commons. Further, the opposition spokesperson will express their opinion on the said Bill. The debate with continues with the views of opposition parties as well as MPs giving their views. In Second reading the Commons will decide through debate if the Bill should be considered for Second reading through the voting process. In case there is no debate there can be Second reading if MPs agree with the progress made in the Bill. When the Second reading ends in Commons it will go for Committee stage where clauses as well as any amendments, which are proposed, will be debated at this stage.

As the committee stage in Common illustrates a detailed examination of the Bill although it starts within few weeks of Second reading. The Bill is generally referred to Public Bill Committee of the Commons. The Committee endeavours to take expert opinion even from outside parliament viz. constitutional experts, pressure groups etc. The chairman of the committee selects the amendments for discussion and the only member of the committee will vote at this stage. The amendments, which are proposed by MPs, will be published on regular basis and will be reprinted in the marshaled list as it happens in Lords. In some circumstance minority of Bills are considered by the committee of whole house where every MP can participate. However, Consolidated Fund Bill is not referred to Committee stage. After Committee stage in Commons after amendment, the Bill will be reprinted. The amended Bill is opened for debate as well as amendments are proposed. In the Report stage MPs get the opportunity to further amend and there is no time limit fixed for Committee stage. In this MPs may discuss and give their vote if there is a long lengthy or complex Bill and it will take some more days to settle down. Next, in the Third reading, it will be open for debate after Report stage in House of Commons. In Third reading, last chance will be given to decide the content of the Bill. This stage usually takes place after Report stage on the same day and will be considered as an item of business. In the situation, if the Bill begins in Commons then it will move to the House of Lords for First reading. If the amendment is being decided by Commons then the Lords will consider it, which can be followed by approving, or disapproving the amendment or proposal can be given alternatively. In a situation where House of Lords disagree with any Commons amendment or any proposal made as an alternative then it will be sent back to Commons.

After consideration of amendment is done then agreed Bill will be ready for Royal Assent. When the Bill receives Royal Assent it will be considered as Act of Parliament. In rare circumstances, if the Houses do not reach an agreement then the Bill falls. Even if only certain conditions are agreed then Commons can use

the Parliament Act so that it can pass that Bill without the consent of the House of Lords.

The Bill, passed by both the Houses, will be sent for Royal Assent. After royal assent the Speaker of House of Commons or the Lord Commissioner of House of Lords as case may be, will announce about the royal assent. After Royal Assent, the legislation can come into effect. In this way, we can say that laws are formed and now it is the duty of the appropriate government to put it into implementation properly in reality.

### **PARLIAMENTARY DEBATES FOR BILLS IN INDIA**

As we know, parliamentary debates are regulated by well set Rules of Parliamentary Procedures and these procedures are framed under certain principles, such as keeping the debates disciplined, confined to subject matter, noble norms of communication, manners of parliamentarians etc. The bills are discussed in houses according to rules and these principles Generally there are three types of Bills namely, money bill, financial bill and ordinary bill. All these types of bills have to be passed by three readings but there are certain special procedural provisions for money and financial bills.

Debates on an ordinary bill with the first reading of the bill after introduced by the ministers. Needless to mention that government do a lot of exercises for framing it and later obtains approval of the cabinet. There is a provision of 'Private Member Bill' also which requires one month's notice period approved by the speaker or the chairman of the Rajya Sabha as the case may be. The first reading of the bill passes through presentation of main objectives, necessity and ideology of the bill. which is a formal affair. Generally no debate takes place at this stage. At the next stage, debates are held on the provisions of the bill. After the debates are over the bill meets any of the following four results - a) Bill is accepted, b) sent to select committee for threadbare examination c) sent to joint select committee d) made public for public opinion. In India in recent past it generally happens that bills are passed without proper discussion on the basis of numerical strength of the ruling side.

#### **Committee Stage:**

In case it is referred to a select committee (formed by the presiding officer of the House), the bill is discussed threadbare and clause by clause by the members of the Committee under the leadership of the Chairman of the Committee. The Committee may come to conclusion for suggest amendments or changes in the bill. The original bill along with the report of the Select committee is finally circulated among the members of the house for clause by clause debate and deliberations in

the Second Reading. It is most critical stage of passing a bill. After the bill is passed by a majority, then it is further submitted for the Third Reading. No debate takes place here rather basic principles and objectives of the bill are clarified and also no bill is rejected at this stage. Finally, the bill is referred to other House. The other House may either accept the bill or suggest amendments. reject the bill. After the passage of the Bill from both the houses, it is sent for presidential assent. In case President returns the bill for reconsideration. Now it is liberty of the parliament to revise the bill or not to revise. The bills are sent again for his assent. here the President uses pocket veto to hold back his consent.

### **PARLIAMENTARY DEBATES: PRESENT STATUS**

The gradual deterioration in parliamentary debates has been marked in terms of duration and quality of the debates. It will be evident from the fact that 19.58 percent of the total time was lost due to adjournments in the 14<sup>th</sup> Lok Sabha, 41.6 per cent in the 15<sup>th</sup> Lok Sabha and about 16 per cent in the 16<sup>th</sup> Lok Sabha (up to the 10th session). The then President- Pranab Mukherjee had suggested the members to better the quality of their debates in legislatures and said, "India cannot remain a role model to the world simply because of the size of its electorate". Now, parliamentary legislation is often criticized for being hastily drafted and being rushed through Parliament in an *ad hoc* and haphazard manner. One of the examples of haste legislation making in India is drafting of Industrial Design Act, 2000 which repealed the previous Designs Act 1911. It is in force since May 11, 2001. When India had signed WTO-TRIPS (Trade Related Aspects of Intellectual Property) in the year 1995, it became mandatory for India to amend its existing Intellectual Property Laws, to be in compliance with provisions of WTO-TRIPS. Committees were set up to examine the Patent and Trademark laws but at that time hardly any importance was given by the government for enactment of Industrial Design Act. The Industrial Design Bill was not debated properly in the floor of Parliament and the politicians failed to understand the importance of the Law due to which many loopholes are left in the present law. On the contrary, the Parliament of UK has debated each and every provisions of their Industrial Design laws keeping in mind essential need for skill base development, need of industries etc. In India, still after two decades of the enactment of the Act, people are reap the benefit of Industrial Designs in both national and international market. To develop the culture of debate before law making it is required that meeting of the parliament shall be regularized properly because that will give more time for thoughtful discussion over the laws to be passed. The utilisation of parliamentary hours can be judged by the following figures - Between the 1950s and the 1960s, the Lok Sabha used to meet for an average of 120 days in a year. In comparison, in the last 10 years, the parliament has met for an average of 70 days a year. The figures may be drastically disappointing if

the period of corona pandemic is counted. If we count in value terms, each minute of running Parliamentary sessions costs Rs. 2.5 lakh.

When compared with the British House of Commons, they have met for an average of 150 days a year over the last 15 years, while the U.S. House of Representatives has met for about 140 days in the same period. Without Parliament meeting often, it will be derelict in its duty to hold the executive to accountable. Lesser number of sittings indicates that Parliament was able to transact less business. To address this, the National Commission to Review the Working of the Constitution has recommended that Lok Sabha should have a minimum of 120 sittings per annum, whereas Rajya Sabha should have 100 sittings.

### **JUDICIAL OPINION ON DEBATES IN INDIA**

The Supreme Court in various cases referred to Constituent Assembly Debates for interpretation of Constitution. Of late, the Supreme Court in *S.R. Chaudhuri v State of Punjab and others*, has mentioned that it is established that Constituent Assembly debates may be accepted as an aid to interpret a Constitutional provision because it is the task of the Court to find out the intention of the framers of the Constitution. But as far as debates in Parliament are concerned, a difference is made between speeches of the mover of the Bill and speeches of other Members. With respect to the speeches made by the Members of the Parliament at the time of consideration of a Bill, it has been decided by the court that they are not admissible as extrinsic aids to the interpretation of the statutory provision. However, speeches made by the mover of the Bill or Minister may be referred to for the purpose of finding out the object intended to be achieved by the Bill. J. S. Verma, J. made extensive reference to the speech of the then Law Minister A.K. Sen for construing the word 'his' occurring in subsection (3) of section 123 of the Representation of People Act 1951.

Similarly, Supreme Court in *P.V. Narsimha Rao v State*, in accordance with the view taken in *Pepper v Hart* has said: "It would thus be seen that as per the decisions of this Court, the statement of the Minister who had moved the Bill in Parliament can be looked at to ascertain mischief sought to be remedied by the legislation and the object and purpose for which the legislation is enacted. The statement of the Minister who had moved the Bill in Parliament is not taken into account for the purpose of interpreting the provision of the enactment." . The Supreme Court in *Sushila Rani v CIT and another*, referred to the speech of the Minister to find out the object of 'Kar Vivad Samadhan Scheme 1998'.

The whole gamut of discussion above boils down to the conclusion that the debates and discussion are a very important part of the law making process and they should be done with proper method. The debates of Constitutional Assembly

helps us many a times in understanding the object and purpose of the parliamentary debates, so far the law making is concerned. Though the intention of constitutional framers was that there will be great debates in parliament before passing of any law but it is not so. Many a times the laws are passed in haste. It is high time that type of condition should be improvised. It further follows, consequent upon juxtaposing Indian and the United Kingdom, that there is an impending need to ensure parliamentary accountability *qua* the aspect of regular meetings. It has been observed generally and specifically in the Designs Act, 2000 that if the parliament is not meeting regularly and passing laws with impetuosity, there are increased chances of having a law that falls short of meeting the purpose with which it is enacted and also it becomes more likely to be challenged in our already overburdened courts of law. Apart from this, the settled principle, as per which, only the speech of the mover/ minister in-charge of the bill is taken into account, it will not be justified as it carries the views of the government only. The arguments, views and amendments of the members other than that of the governmental version can only lead us to the appropriate law making. It is also relevant to point out that the collective wisdom of the parliament should be used as an extrinsic aid for the interpretation of any statute because after all the members vote as per their understanding of the law.

We cannot lose sight of the fact that Government is selected for a limited term by the people at large, but the laws remain forever or longer. Running of parliament also has huge costs of exchequer attached to it. Thus, it becomes imperative that healthy and regular debates take place in the temple of democracy i.e. the parliament and sound statutes are passed or amended after healthy debates. As the Parliament is the repository of the sovereign will of the people, so its successful functioning is a joint responsibility of both the government and the Opposition.

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## ARRESTING CORRUPTION IN INDIAN ADMINISTRATION: AN EXAMINATION OF LAW TO PUNISH BRIBE GIVERS

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**Babu. G**

### Abstract

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Bribing is the major indicator of corruption in administration and it involves both the giver and taker. Evolving in a verity of ways and means, it is a key impediment in the realization of good governance in developing countries like India. Combating corruption has become a hard nut to crack, as it persists in an environment conducive to it. It also causes wastage of public resources. Several legal and administrative measures have been taken to arrest the corrupt practices, since independence. But the implementation of the anti corruption policies has been weak as well as leaned towards punishing the bribe takers (officials). Bribe givers had been treated mildly and hardly punished. Recently, the present Union Government has laid emphasis on punishing the bribe givers through Prevention of Corruption (Amendment) Act 2018. The situation attracts the attention of the students of Indian administration to examine the law in the context of punishing bribe givers. Towards that end the present paper intends to examine the law to punish bribe giver with a precise deliberation over the background of existing anti-corruption laws and challenges for the heuristic purpose.

**Key Words:** Corruption, Bribe, Anti-Corruption Measures, Law, India.

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### INTRODUCTION

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Corruption has been proved to be an impediment in the arena of governance and development in India. Further, the issue of corruption is a multivariate and multi-dimensional (Shekhawat, 2005), hence visible and mounting in all most all levels

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- Central, State and Local levels - of government and administration (Chakraborty, 2011) in India. As a matter of fact, the role and responsibility of both public and private sectors are increasing rapidly day by day in order to meet the needs and demands of the people. In this vicinity the transactions between the public servants, private establishments and people as a whole is tremendous. Hence, these transactions pave way for the corrupt practices through which many secure their vested interests explicitly who are directly involved in these transactions. Over and above corruption seems to be institutionalised in India (Patel, 2011). Yet this is a general notion as to how corruption begins and transverses in the Indian context, more so in the other developing countries with variation of the corruption scale. Unfortunately, there are no exact corruption figures available till today (Agrawal, 2007). An array of literature on the subject depict that corruption exists at all levels of governments despite the strict laws in existence. Beniwal (2012) considers it under the conceptual garb of social pathology. The conceptual considerations by the scholarship on the subject encompass the corruption related ideas, definitions, types, theories and criticisms but they overlap in their intellectual construction and use. Understanding conception of corruption in the Indian context is a challenging exercise. The available literature on the subject encompass the idea of corruption, its historical account, types, reasons and motives, comparisons between the levels of corruption in various sectors, consequences and about the laws that deal with it considerably under the academic ambit of public administration (Tummala, 2002, Hatti et al, 2010). In short, the issue of corruption is a two-way process between the bribe taker and the bribe giver yet only the bribe taker was punished in India until 2018. Hence, this paves way for a fresh deliberation over the emerging trend of punishing the bribe giver. Evidently, there were no direct laws that could punish the bribe giver in India until 2018. The saga of bribe giver and bribe taker needs further elaboration for the heuristic purpose. Corruption, as an immoral and unethical practice, is as old as governance itself and there are numerous definitions to explain what the term corruption means. Here, our focus is on more about the law to punish the bribe giver with precise description about bribe giver and bribe taker within the ambit of corruption. In a generic sense, a bribe giver is the one who offers money or any other sort of gift or favour to the bribe taker for the fulfillment of certain personal interests or gains. Similarly, a bribe taker is the one who accepts the money or any sort of gift or favour offered by the bribe giver which is an absolute misuse of his/her public office for their private gains. To put it into perspective, on the demand of the bribe taker the bribe giver offers him the bribe with no choice left in order to get his work done. When we look at the bribe giver and bribe taker it rolls into two angles that need to be comprehended. Firstly, not all the bribe givers volunteer to give the bribe with their free will rather they are compelled by the bribe takers. Secondly, the bribe giver voluntarily offers bribe to the bribe taker in order to get their favour which may be fraudulent under the law.

In these two cases the first bribe giver is considered genuine and the second bribe giver is fraudulent.

Here, It is required to decode the motives and ways in which the bribe giver and bribe taker come under the same umbrella of corruption. Ironically, studies on corruption tend to point out that corruption in developing countries is rampant (Olken & Pande, 2012) and prevailing. Towards that end, in the modern world, countries have adopted umpteen numbers of strategies to curb the peril of corruption including India. In other words, there are abundant laws available to punish the bribe taker. Apparently, until recently there was no direct law to punish the bribe giver, it is only recently an amendment has been brought to punish the bribe giver under the Prevention of Corruption (Amendment) Act, 2018. Hence, the present paper looks into the elements and significance of law to punish bribe givers in India and challenges in the implementation of this law.

## **RECAP OF THE LAWS TO PUNISH BRIBE TAKER**

The major anti-corruption or anti-bribery laws in India can be classified into two phases such as pre-independence phase and post-independence phase. During the pre-independence phase, the legislation to deal with the corrupt or the bribe takers was pinned under the Sections 161 to 165 'A', Chapter IX of the Indian Penal Code (IPC), 1860. These sections of the law considers bribe taking as an act of a public servant receiving gratification for an official act (161) to favour somebody, taking gratification, by corrupt or illegal means, in order to influence a public servant (162) or for exercise of personal influence with public servant (163). Punishment for abetment by public servant of offences is defined in section 162 or 163 (164) as receiving valuable thing, without consideration, from the person concerned in proceeding or business transacted by such public servant (165) and punishment for abetment of offences defined in section 161 or section 165 (165A). These legislations remained in practice to punish the corrupt or the bribe takers until it was amended in 1988. With the enactment of Prevention of Corruption Act (PCA) in 1988, the provisions under the IPC 1860 to punish corrupt public servant or bribe taker was repealed.

In the post-independence period, the Government of India enacted Prevention of Corruption Act (PCA), 1947 as a predecessor of Criminal Law (Amendment) Ordinance 1944, to curb the corruption in India. Apart from the legislations to curb corruption, the Government of India vehemently established bodies like Comptroller and Auditor General (CAG), 1950, Central Vigilance Commission (1964), Directorate General of Income Tax Investigation, Central Bureau of Investigation to investigate corruption related offenses and an office of Lokpal to encompass high officials under its ambit. Similarly, states in India too set up Lokayukta or Ombudsmen agencies to tackle the corruption peril. However, a

comprehensive law to deal with corruption issues, the Government of India enacted Prevention of Corruption Act (PCA), in 1988. This a landmark law that superseded all the existing legislations on corruption issues more particularly against the public servants under IPC 1860 and Prevention of Corruption Act, 1947. Evidently, POCA of 1988 was amended time and again in order to accommodate the new aspects surrounding the corruption law in India. Other landmark laws that were enacted to deal with corruption in India (directly or indirectly) include All India Services Act, 1951, Income Tax Act, 1961, Central Civil Services (Conduct) Rules 1964, All India Services (Conduct) Rules, 1968, Benami Transactions (Prohibition) Act, 1988, Information Technology Act, 2000, Competition Act, 2002, Prevention of Money Laundering Act (PMLA), 2002, Central Vigilance Commission Act, 2003, Foreign Contribution Regulation Act (FCRA), 2010, Whistle-Blowers Protection Act, 2011, Lokpal and Lokayuktas Act, 2013, Companies Act, 2013 and Whistle Blowers Act, 2014, Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015, Fugitive Economic Offenders Act (FEOA), 2018, Companies (Amendment) Act, 2020 etc. India is also party to the United Nations Convention Against Corruption (UNCAC) (Nishith Desai Associates, 2016) and other international conventions and agreements in relation to the curtailment of corruption or corruption laws.

It is pertinent to mention some of the offenses and prosecution mechanisms under the PCA of 1988 in order to highlight the significance of the Act. Towards that end, the PCA of 1988 intends to prosecute and penalise the public servants who are guilty of corruption or bribery and it categorically states that, taking and giving of 'undue advantage' to 'public servants' is a punishable offence. Specifically, the offenses such as public servants accepting any undue advantage with the intention of, or as a reward for, improperly or dishonestly performing or causing performance of a public duty; public servants obtaining any undue advantage without (or for inadequate) consideration from a person concerned in proceedings or business transacted either by the public servant or by any of the public servant's superiors; criminal misconduct by a public servant (which included possession of disproportionate assets); and commission of any subsequent offence after being convicted previously under the PCA are the crucial offenses under the ambit of the PCA of 1988 which are applicable to the public servants and other government agencies and relevant even today. Moreover, PCA of 1988 among all other legislations and bodies considered to be the fundamental law to deal with corruption offenses in India.

Ironically, there is no uniformity of penalties; hence each offence has its own unique penalty. The persons who volunteer to report the compulsion of bribery within 7 days of the act of bribery to the enforcement authorities are given immunity as per the PCA, 1988. The significant factor here to note is that all these legislations

and bodies and agencies mentioned above including the landmark POCA, 1988, hugely emphasise on bribe taker and only partially they deal with bribe givers. So, with this specific background of the existing laws to punish the bribe taker the following deliberation will highlight the focal area of this article i.e. the law to punish the bribe givers followed by a discussion over the some of the possible and generic challenges in its implementation.

## **NEW LAW TO PUNISH BRIBE GIVER**

The PCA of 1988 was amended by the Parliament in 2018 in order to expand its scope and to accommodate various other corruption offenses (Times of India, 2018). The amended PCA of 1988 is called as the Prevention of Corruption (Amendment) Act, 2018. The Prevention of Corruption (Amendment) Act, 2018 among all others aspects is the first legislation that directly deals with the bribe givers in India. As mentioned earlier, there are numerous legislations or laws to prosecute and punish the public servant who is guilty of taking bribe. However, there is dearth of legislations to punish the bribe givers directly. Hence, the Prevention of Corruption (Amendment) Act, 2018 is vital in the context of prosecution and penalizing the bribe giver. The prominent changes that were made in the PCA (Amendment) of 2018 concerning the bribe givers fall under the Section 8 of the PCA (Amendment) Act. Hence, the amendment Act states that, any person who gives or promises to give an undue advantage to another person or persons, with intention—(i) to induce a public servant to perform improperly a public duty; or (ii) to reward such public servant for the improper performance of public duty; shall be punishable with imprisonment for a term which may extend to 7 years or with fine or with both: Provided that the provisions of this section shall not apply where a person is compelled to give such undue advantage. The new law calls bribe an 'undue advantage' that means, any gratification other than the legal remuneration (The Gazette India, 2018).

Under the new law, the bribe giver if found guilty will be imprisoned for 3 years and it can be extendable up to 7 years. In addition, the repeat offenders will be subjected to at least 5 years of imprisonment and it can be extendable up to 10 years with fine. Along with imprisonment and fine towards the offences committed under the Act, it empowers the enforcement authorities to seize the unlawful properties of the guilty public servants within the ambit of Prevention of Money Laundering Act. Moreover, the law to punish the bribe givers categorically provides for the provision of speedy investigation and trial of the case and it should be completed within 2 years or extendable maximum 4 years. Evidently, on the face of it the provision of the Act to punish the bribe giver is crystal clear. It emulates fear in the mind of wrong doers or the bribe givers and at the same time it protects and boosts the morale and confidence among the honest public servants. As stated earlier, in

order to achieve their personal motives, the bribe givers voluntarily offer bribe to the public servants. Therefore, this legislation would be highly significant in the context of curbing corruption in India by targeting the bribe givers. This legislation can be viewed as a ray of hope to tackle corruption from the bribe givers side. As the PCA of 1988, that targeted the bribe takers, has also not shown promise in curbing corruption, the new law may also not adequately effective (Raju, 2010).

## **CHALLENGES**

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At the outset, largely the bribe takers and bribe givers have mutual understanding and cooperation, hence it is highly challenging to initiate investigation and to get these wrong doers prosecuted. The implementation of the new law that makes provisions to punish the bribe givers may interface the challenges like, weak political will, lack of people's participation, lack of awareness among the people about the new law, lack of culture of resistance in civil society, lack of impartial media cooperation and lengthy judicial trials. It is evident from the facts that the offenders largely escaped the punishment due to the strong political and bureaucratic backing. Some of the studies and surveys have found that the politicians regarded as corrupt (Jenkins, 2014). In other words, the lack of political will and commitment jeopardize the implementation of the anti-corruption laws. Panchu (2012) argues that it was reluctance of politicians that led to lingering the passage of Lokpal Bill. There is slackness on the part of the people also who either do not go to legal course or if file cases, do not pursue it.

Civil society had least been active for forcing introduction of Lokpal till Anna Hazare led 'India Against Corruption' movement intensified in 2011-12. On the other hand, people are less aware of the anti-corruption laws more so about the significance of the new law that punishes the bribe givers. Media (print, electronic and social media) in India has been playing a hit and run role in so far as, the anti-corruption laws in India are concerned. They highly focus on political trends between the ruling and oppositions parties and pay less heed to the menace of corruption. The media provided little space for the new law of 2019, as result people were deprived of knowledge of the provisions of the law. Finally, due to lengthy judicial process, the culprits evade punishment for longer periods and get time to destroy evidences.

Therefore, there is a need for strong political will (Chene, 2019) towards the implementation of this new law. People should involve in reporting and aiding the enforcement authorities so that this law culminates in achieving positive results. Civil society's role becomes significant in making the law effective. The governments should also propagate and disseminate the aspects of the law and raise awareness among the people. Here the responsibility of media to educate people about the

law without political prejudices becomes significant. The executive branch of the government should facilitate the judiciary for speedy trial of corruption cases and prosecution of the offenders.

## **CONCLUSION**

The menace of corruption persists in all the levels of government resulting into vitiating governance. So it becomes an urgent imperative to strengthen the anti-corruption agencies and facilitate judiciary to implement the new law effectively and bring the bribe givers to book. The Prevention of Corruption (Amendment) Act, 2018 among all others aspects is the first legislation that directly deals with the bribe givers in India. However, this new law faces certain generic challenges in the form of mutual understanding and secret deals between the bribe takers and bribe givers, lack of political will and reluctance on the part of bureaucracy as well as the civil society, partial role of media and lengthy judicial process. Let us hope for the best.

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## An Impressionistic Note on HUMANISTIC APPROACH TO DEVELOPMENT: WITH SPECIAL REFERENCE TO SPIRITUAL TECHNOLOGY OF JAINISM

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**K K Naulakha\***

### Abstract

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The humankind is facing some severe problems, that may lead to its virtual extinction globally. One of them is the growth approach, lopsided to capitalistic and materialistic theories of development. The consequences are clearly observed in increasing poverty and hunger on one hand, and gross environmental and ecological imbalance on the other. The scientists all over the world unanimously declared that it is a great threat to existence of all living beings. In spite of unprecedented attainments of modern science and innovative technology, several aspects of human life have undergone tremendous deterioration which they (science & technology) have failed to inhibit and alleviate. On the other hand, the scientific spiritual technology has been proved to pave the way for their mitigation, and hence, reconciliation of spiritual technology with modern technology seems to be need of the hour. Spiritual Technology is the practical application of the scientific knowledge and spiritual wisdom available in the ancient scriptures to bring about the ultimate transformation of the human mind so that we can lead holistic lives. With dominant assumption in mind, the present paper endeavours to underline the necessity of adopting Jainism's spiritual technology for holistic development of mankind.

**Keywords:** Jainism, Spiritual-technology, Development, Economic, Humanistic.

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## **INTRODUCTION**

With the emergence of globalised society, we are interacting with people of varied ideas & ideals, cultures & traditions, religions & moral norms etc. in turn, there arises an increasing need for global ethics of mutuality and interdependence and inter-cultural dialogue for new set of appropriate interpersonal relationships. Infatuation has no regard for any wrong or right. Where there is attachment to possessiveness, there can neither be penance, nor control over the senses, nor any of the prescribed rules<sup>01</sup>.

Although the economic problems differ between various geographies, lifestyles, environment, earning capabilities, control systems, political goals and a long list of other causes, yet in the present context such economic problems are broadly discussed in context of four major fields of life: Individual - Greed instigates inequality that leads to violence, pollution, wasteful consumerism, culture of affluence, criminal mind-set etc., Social - Greed causes disparity, exploitation, class-wars, atrocities, child labour, etc., National - Terrorism, politics based on violence, bribe-culture, monopolistic expansion etc. and Global - The wars, economic sovereignty, cross-border rebellion, drug trafficking etc. Autocratic nations seek to manipulate, undermine and try to break up multilateral organisations and world bodies (such as WHO and Interpol) without regard to the international system based on shared values of peace, prosperity and economic freedom on democratic values<sup>02</sup>.

Nations are facing many issues threatening human species as a whole, such as energy, water shortages, environment degradation, healthcare challenges, corruption and terrorism. Peace is eluding individuals, societies and nations and this is not only impeding their progress, but also causing restlessness of minds, giving rise to further concerns, inequalities, fear, hatred, extremism and terrorism globally<sup>03</sup>.

The science and technology, despite being much useful for human life, turns into curse. In other words, science and technology are believed to be the main culprit in creation of disastrous climate change, environmental pollution, deterioration of human values, widening of ditch between the rich and the poor and so on and so forth. Hence the moment has come when spiritual technology needs to be brought in the forefront, of course after undertaking thorough scientific research to validate its efficacy.

## **NEED OF PRADIGM SHIFT IN APPROACH TO DEVELOPMENT**

A recent report released by the UN Environment Programme and the World Meteorological Organisation (WMO) presents a positive signal to the global community. Referring to the projected rates, the report says the northern hemisphere and mid-latitude ozone is scheduled to heal completely by the 2030s followed by southern hemisphere in the 2050s and polar regions by 2060<sup>04</sup>. The

recent reports of UNDP clearly show the hollowness of the modern development in terms of deterioration in values. The wanton use of scientific technology made by the human beings through its indiscriminative application, such dangerous products are being manufactured that would cause harm to humankind to the extent that within a jiffy, the whole world could collapse like a pack of cards.

The darker side of technology can be understood in the words of Peter Townsend, "Science harms humans because it creates technologies that are always weaponised. Technological progress comes with a dark side where good ideas and intentions produce undesirable results. Extreme downsides include atomic and biological weapons. The many and various unexpected outcomes of technology span humorous to bizarre, to situations that threaten human survival. Development can be positive for some, but negative and isolating for others"<sup>05</sup>.

In the above conditions, it is an urgent imperative to prescribe a new model of economic development wherein the man will be positioned at the nucleus while all material acquisitions will be at its periphery. This will address the present economic problems as well as to get rid of the curses of modern science and technology. Such a model would definitely play the role of paradigm shift in modern economic thoughts which would result in bringing about a breakthrough in the greed-and-violence based materialistic economics and subsequently prove itself to be a boon to humankind, ending all the hazards, once and for all, cropping up in the way of sustainable development. It is beastlier streak in human being that obscures the human faculty of wisdom and discretion, and thus forces man to misuse, rather abuse, the outcomes of technologies. Herein lies the significance of spiritual technology which can not only subjugate the animal instincts but also train the human brain to exercise its powers of neo cortex to overcome the effects of harmful secretions.

In the light of maladies of reckless dependence of human life on technology, Jainism's approach seems to be able to mitigate the adverse effects of modern material development on economy and human life. The critical areas of human life concentrates on the issues like - Sustainable development ( in the context of environment and ecosystem), Widening chasm between the rich and the poor, Dominance of beastlier human psyche, and Approaches to development, especially economic. In all these areas, the Jainism's ideologies and approaches may be compatible with the humanistic needs. In this way, the spiritual principles together with the spiritual technology should be applied so that the present day scenario could be purged off of its harmful character, thus making it innocuous, but at the same time, the wholesome parameters of development could be kept intact. If, however, the Jain model of spiritual technology is meticulously administered and properly implemented, there is not an iota of skepticism that the above mentioned goal of attainment of healthy ozone layer would be attained much earlier than 2060, let alone the other salutary attainments.

## **JAINISM: THE WAY TO ATTAIN PEACE**

The correlation between exercising self-control in the context of behavioural psychology and that prescribed in the Jain canonical literatures makes it clear that the result of attaining success in enhancing and enriching the faculty of self-control, which is in-built in human brain, not only would benefit people at large in terms of overall growth but also in terms of holistic and humanistic lifestyle. In the Jaina canonical text *Uttaradhyayana*<sup>06</sup>, it is said that all the physical sufferings and mental agonies of all living beings including the celestial beings, generate out of lust; those who conquer lust, become free from all maladies.

In one of the studies and research conducted in the field of economic sciences, which was awarded the Nobel prize for the year 2018 to William D. Nordhaus of Yale University, New Haven, USA and Paul M. Romer of NYU Stern School of Business, New York, USA, both the Laureates have integrated climate change into long-run macroeconomic analysis and shown how long term sustained and sustainable economic growth could be created. In their findings, they deal with interactions between the society and the nature. Whereas Nordhaus<sup>07</sup> developed an “Integrated Assessment Model”, Romer<sup>08</sup> presented an innovative idea called “Endogenous Growth Theory”.

Although in the Nordhaus’ model, creation of new technology has been employed in the context of climate change, yet there is a common point between his model and the model based on Jain Lifestyle - technological innovations are prescribed in both the above models. In Jainism, spiritual technology has been developed for bringing about neurological modifications in order to overcome the bestial urges and instincts.

## **SPIRITUAL TECHNOLOGY**

Jainism is essentially a Spiritual Philosophy (rather *Darshana*) as well as a Spiritual Technology, in which the ultimate base is ‘*Atma*’ which is generally translated as Soul. Although Jainism, in its metaphysical view, accepts the real existence of both matter and soul, yet the ultimate emphasis is on attainment of emancipation of soul, and hence, both of them enjoy the same ontological status, making it entirely free from any contamination with material particles, especially, the *karmic* particles, which are responsible for the transmigrations of the soul in the cycle of births and deaths from time beginningless. *The Oxford Dictionary of Philosophy* reveals that the term ‘Spirit’ in the word Spirituality connotes breath, life, soul, mind<sup>09</sup>. Further it clarifies that one’s own spirit means a soul or mind or Ego<sup>10</sup>.

Spiritual Technology comprises of the practice and application of non-violence, self-discipline, meditational techniques, yoga and contemplation, auto-suggestion-based therapeutic thinking, austerities & penances, abstinence from addiction-evils, voluntary giving up of material comforts<sup>11</sup> etc.

The spiritual principles of universal friendliness, compassion, altruism, self-contentment (in spite of economic prosperity), charity, social service, renunciation, abstinence, peaceful coexistence etc. prescribed in Jainism are equally beneficial both in terms of spiritual good as well as social good. The application of spiritual technology to all aspects of human society would, thus, furnish the panacea of all the diseases or disorders created by environmental abuses globally.

Is it not ironical that on one hand, we are boasting of unprecedented advancement we have made in the field of science and technology, whereas on the other hand, degradation of human society goes on increasing by leaps and bounds.

### **HUMANISTIC ECONOMY: THE NEED OF THE HOUR**

The human consciousness is most capable of finding solutions to all eventualities. The concept of spiritual technology is loaded with antibodies to not only treat the global problems and create a new world order on the foundation of inner peace, equality and harmony in human lives but as a result provide a new model of economic development wherein the man will be positioned at the nucleus while all material acquisitions will be at its periphery. The failed modern theories of economics will then be taken over by the alternate, more vibrant concept of Relative Economics which is rooted on the Jaina philosophies of non-violence and non-possessiveness.<sup>12</sup>

Acharya Mahapragya by inspiring people to pledge themselves to observe small basic vows enjoining them to refrain from inessential violence, war, ostentation, religious intolerance, injury to green trees, environmental pollution, dishonesty and deception in business, intoxicants and drugs in order to create a sustainable world. He is of the view that the root of the problem lies in our lifestyle propelled by competitive modern economics totally devoid of ethical values. It is making people self-centered, greedy, insensitive and violent.<sup>13</sup>

Mahavira (the 24<sup>th</sup> Jaina Tirthankara) was not an economist in true sense of the word. However, Mahapragya developed the principles from former's utterances on renunciation and self-restraint. Mahavira had laid down the standards governing desires and prescribed the limits of consumption. Mahavira's economics is based on the acceptance of both materialism and spiritualism. Modern economics has set a goal that man must become wealthy anyhow; in contrast to the economics of Mahavira that man should live his life peacefully and happily. Devoid of peace, one cannot get happiness. Happiness comes through peace.<sup>14</sup> This Humanistic Economics would prove itself to be a divine boon to the entire humankind, overcoming the apparently invincible bestial instinct of greed present in the human brain.

The prime need of the hour is to discipline the human mind through spiritual technology in order to check further deterioration and save the humanity from myriad of global issues, threatening the very existence of humankind.

## CONCLUSION

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It can be concluded that the basic logical principles enshrined in the spiritualistic and ethical doctrines of the Jaina scriptures are not only relevant in the present scenario but also they possess the key to the major burning problems of human life. Especially, they will contribute to enhance the global efforts which are undertaken for the environmental preservations. Moreover, they furnish us with spiritual technology, consistent with modern scientific concepts. Jaina philosophy has potential for a sustainable future where scientists will discover a new horizon of benevolent energy that cannot be negatively weaponised, since it can be utilized as a spiritual source of powerful technique for ultimate transmutation of human consciousness full of “*Satyam, Shivam, Sundaram*”.

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## An Impressionistic Note on MAKING DELIVERY OF PUBLIC SERVICES EFFECTIVE AND EFFICIENT

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**Mohinder Singh\***

### **INTRODUCTION**

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Delivery of effective and efficient public services is not only desirable but is the constitutional obligation of the state. Some of the major areas of delivery of services are: health, education, transport, public distribution etc. The present attempt intends to throw light on the areas of deficiencies in delivery of public services to its people and suggest some measures for improvement in the situation.

The public services are responsible for providing necessary public goods and services to the citizens efficiently, effectively and non-discriminatory. Efficiency and effectiveness are interrelated. The scholarship on the subject has defined efficiency as the maximum achievements of the set goals with the available resources. Noted administrative thinker Simon opined that efficiency simply means to take the shortest path, the cheapest means, toward the attainment of maximum values with limited means; and the ratio between inputs and output. Some other takes efficiency as 'the extent to which the government produces a given output with least possible use of resources'. In other words, it is the quality of being able to do a task successfully, without wasting resources, time and energy. Further effectiveness is the actual success in the extent of achieving the goals by an organisation or the government agency. In turn, effectiveness depends on appropriate organizational structure, environment, technology and the people.

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## **CONSTITUTIONAL PROVISIONS**

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The Constitution makes India a welfare state in which the state strives to promote the welfare of the people by securing and protecting as effectively as possible a social order in which justice- social, economic and political shall be in all the institutions of national life (Art. 38). Article 14 of our constitution gives right to equality and Article 15 prohibits any discrimination on the basis of religion, race, caste, sex, place of birth etc. Article 15(4) enables the state to make special provision for the advancement of socially and educationally backward classes like Scheduled Castes and Scheduled Tribes. For which positive discrimination (reservation) may be done. As regards the social security and other benefits, Article 41 provides: "The state shall within the limits of economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of under-served want." Article 46 directs the state to promote with special cases the education and economic interest of the weaker sections of the people, and, in particular of the Scheduled Castes and Scheduled Tribes, and to protect them from social injustice and exploitation. To raise the standard of living and improve public health, Article 47 imposes a duty upon the state to raise the level of nutrition and standard of living of its people and bring improvement in public health. All these reflect that delivery services to the people is obligation of the state.

It is not that the governments have not taken steps. Several programmes and schemes have been introduced since the advent of planning in India so as to put the constitutional provision into practice. Care has been taken of the vulnerable handicapped and other weaker sections through preventive, curative and rehabilitative services. But it has been observed that the anti-poverty programmes could not prove their effectiveness in arresting the problem of unemployment and poverty. These efforts could not achieved the success at desired level, particularly the efficient and effective delivery of quality goods and services to the citizens.

## **WEAKNESSES IN SERVICE DELIVERY**

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The citizen's right to life (Article 21) can only be assured if the state ensures proper health services and nutritional requirements. National Food Security Act 2013 ensures the nutritional requirements to the needy people as a matter of right. But it is a matter of grave concern that the public services have not been up to mark. The state has not even ensured the minimum requirement of safe drinking water to all even after 75 years of attaining independence. According to a WHO study, India has been placed in 112<sup>th</sup> position among 191 countries of the world in terms of assuring health services. Not only this, the major problems of health services include neglect of rural masses evident from the fact that merely 31.5% of hospitals and 16% hospital beds are situated in rural areas having more than 70 percent of

population. Besides, the deprived sections of our society like SC/ST/women are the worst sufferers.

Moreover, there is shortage of strength of medical staff (doctors, nurses and other paramedical staff) and advanced medical infrastructure in the rural areas. Besides, there is reluctance on the part of doctors to serve in rural areas. It will be evident from the fact that as per Rural Health Statistics 2019-20, there was a shortfall of 6.8 percent of allopathic doctors at PHCs, out of the total requirement at all India level. The shortfall of surgeons was the order of 78.9 percent whereas it was 69.7 percent of obstetricians and gynaecologists, 78.2 percent of physicians and paediatricians each. However, the overall shortfall was 76.1 percent in case of specialists at the CHCs as compared to the requirement for the existing CHCs. As many as 56,581 positions of doctors and the other health staff were allowed to remain vacant in rural areas (Purkayastha: 2022). Further, the main weaknesses of urban sanitation observed include lack of awareness, low priority, poor infrastructure, overlapping, inadequate funds, confinement to better off families and ignoring of urban poor dwellers, lack of responsiveness and poor quality of services. All these indicate towards lack of systematic attempt to identify poor people, determine their needs, address them and enable them cross the poverty line; inadequate allocation of resources; lack of committed support to an individual or a household for getting minimum level of subsistence; interference at various levels; lack of right targeting ; lack of monitoring; nexus among politicians, officials and contractors; and bankers struggle to achieve their goal of supplying credit to the poor as offered by the government.

Ensuring food and nutrition to all has also been not satisfactory. Several studies and news reporting reveal that the public distribution system (PDS), has inadequately been successful to ensure food security, particularly to the poor. The leakage of PDS food grains could not be checked despite several measures, resulted into the wastage of public resources. Besides, there are the maladies in procurement, transportation, storage, quality and distribution of the food stuff under the PDS.

The delivery of education services are also in dilapidated conditions. The government schools have lost their credentials owing to wide gap between the prescribed and actual practices caused by poor infrastructure, under staffing, low standard of learning outcome, insufficient finances, absence of effective planning to ensure proper education and so on so forth.

## **SUGGESTIONS**

The above conditions irk a student of public administration to render suggestions for improvement in ensuring effective and efficient service delivery in a country like India. Important of them are as below:

- There is need of appropriate policies for service delivery that are in congruence with the ground level requirements, adequate infrastructure and adequate strength of personnel for implementation..
- There should be coordination among all the involved governmental agencies and regular monitoring by superiors as well as performance audit by community, which should be effectively involved.
- Introduce professional approach in the implementing agency like rigorous recourse to job descriptions by furnishing ready catalogues of the duties of various positions in fixing responsibility for acts of omission and commission on the part of the incumbents.
- Field agencies should be created to bring public services within an easy reach of the localities, citizen-centric, increased interaction with the members of public and local the bureaucracy must foster greater sensitivity to the needs of the local communities (Sharma:2004). For this it is to be kept in mind that the 'Centre of Decision' should be closer to 'Centre of Action'
- The services of NGOs, civil societies and social activists can be obtained.
- Provision of sufficient funds for the effective implementation of schemes, services and programmes and provision of social audit as it is in the case of PRIs.
- Right to Service Acts passed by the states to deliver services to the citizens within time limits should be strictly implemented and punitive provisions should be made against those who are derelict.
- This is high time to introduce e-governance in delivery of services which will not only ensure transparency but reduce corruption, redtapism, discriminatory behaviour and give voice to the clientele of the deprived sections. There should be sound MIS in the organisation
- Single window system should be introduced everywhere because it reduces cost and delays in providing effective services efficiently.
- Last but not the least, public service providers at the ground level should be held responsible and made accountable for misusing public resources and taking wrong decisions or actions that adversely affect the people.

Let us hope for the best.

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## NEO LIBERALISM, CASTE AND GENDER IN RURAL BIHAR: AN ANALYSIS BASED ON WEB SERIES *NIRMAL PATHAK KI WAPSI*

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**Anchit Pandey\***

### Abstract

It is a dominant assumption that the socio-political and gender issues have gripped the rural society, especially in Bihar that tell upon the interests and well being of weaker sections. This has been reflected in a recent OTT webseries entitled, *Nirmal Pathak ki Ghar Wapsi*. Set in a village in Bihar, the series has recently drawn a lot of attention for addressing the socio-political and gender issues prevalent in the contemporary rural society in India, especially in Bihar. The present attempt intends to analyze the discussion offered by the web series on the contemporary socio-political and cultural problems of rural Indian society pertaining to caste and gender. It further attempts to understand the credibility of proposed reformist approaches within neoliberal societies. It also underlines the paradoxes inherent in such approaches and their ideological construct in the garb of psychodynamics and gender discourse.

**Keywords:** Neoliberal Reformism, Gender, Socio-political issues, Web Series, Rural, Bihar

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### INTRODUCTION

The OTT (over the top) platforms in India are in full bloom promising to deliver new content that makes more sense and is 'standard art' to the masses. With easy accessibility to and much deeper reach (due to availability of internet and mobile phones) than any other previous mass medium, the impact of the content accessed

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by the masses remains majorly unanalyzed and demands a detailed investigation to understand the ideological impact of this 'new' phenomenon that has gripped the population. Not only does this 'new' content claim to be artistically superior, but it also boasts of being an agent of change that forces the public to question the normative setting of gender, caste etc. Here we attempt to look at the content they deliver by majorly focusing on one of the recently released web series, *Nirmal Pathak ki Ghar Wapsi* to understand the credibility of the above mentioned claims and to understand the extent to which there is a possibility of fulfilment of such claims. This ultimately becomes an attempt to understand the larger question of the idea of reformism in neoliberal setups and their inherent paradoxes in contemporary times delving into the prospects of real socio-political change. George Monbiot (2021) tries to underline some of the paradoxes of neoliberal societies, "Neoliberalism sees competition as the defining characteristic of human relations. It redefines citizens as consumers, whose democratic choices are best exercised by buying and selling, a process that rewards merit and punishes inefficiency. It maintains that "the market" delivers benefits that could never be achieved by planning.

It is apparent that the problem of such a system is that it puts the accountability of an individual's failures on the individual and while it advocates for freedom and choice, those become increasingly limited. He further says, "The words used by neoliberalism often conceal more than they elucidate. "The market" sounds like a natural system that might bear upon us equally, like gravity or atmospheric pressure. But it is fraught with power relations. What "the market wants" tends to mean what corporations and their bosses want. "Investment", as Sayer notes, means two quite different things. One is the funding of productive and socially useful activities, the other is the purchase of existing assets to milk them for rent, interest, dividends and capital gains. Using the same word for different activities "camouflages the sources of wealth", leading us to confuse wealth extraction with wealth creation (Ibid).

## **ESSENCE OF THE STORY**

The OTT play *Nirmal Pathak ki GharWapsi* reflects the power relations in this context and draws a bigger picture in order to understand the ideological impact on the facilitation and consolidation of the neoliberal ideals. The Internet Movie Database (IMDB) offers a one-sentence synopsis of the web series saying, "*Nirmal Pathak Ki GharWapsi*' is a story of a young man who is on a journey to find his roots". The first season comprises five episodes and is set in a village near Buxar in Bihar. The Times of India review of the series begins by quoting Roy T. Bennett's saying "Change begins the moment you get the courage and step outside your comfort zone; change begins at the end of your comfort zone" and hails the series as one that "exposes the underbelly of rural India, including casteism, sexism, patriarchy, and illiteracy, to name a few". As the review points out, the series involves themes like

casteism, sexism, patriarchy, illiteracy etc., and it is the treatment of these themes that require a deep investigation to understand the end to which these solutions seem plausible and affect any real material change. The series also draws a natural comparison with the 2004 film, *Swadesh*, which follows a similar line as far as the broad elements of the story are concerned – a prodigal son returns to a village in search of his governess, whom he considers as his mother and wants to take to America. He is also acclimatized to the conditions of the village, gets disturbed by the material conditions of the village and decides to bring about ‘change’ that is expressed through his efforts to bring electricity to the village by developing a project that is run and maintained by the villagers under the able guidance of the returned scientist Mohan Bhargav who till that point has not decided to stay in the village forever and wants to return to his NASA job. Though he has journeyed far, he has never considered the village as his true home and there has always been a sense of otherization that is always defined in relation to the self-image of Mohan Bhargav, against his perception of his self.

Analysing the web series for understanding the politics, at least two relevant similarities are found firstly, the presence of a mother figure in the centre – Kaveri Amma in *Swadesh* and Nirmal’s mother in *Nirmal Pathak ki GharWapasi*, and secondly, the comparison between the two ‘prodigal sons’ who return for purposes different than being agents of ‘change’, gives rise to a few very relevant questions - What is the credibility of the ‘change’ that they propose to bring about and what is the meaning of such change? What are the various contexts in which such a definition of change can be situated? What conclusions can be drawn concerning the general political setup that is responsible for the origin of the discourse that the series offers? The similarities continue as both Mohan and Nirmal in their attempt to solve the problems of their mother figures come face to face with social issues like casteism, gender biases, poverty and socio-political rigidities. The political structure and the power-center seems to be unable to serve the interests of all. The stories poses the heroes to get rid of the maladies. but Slavoj Zizek feels that Chaotic rage gets diluted or turns into a Rightist populism; rebellion succeeds but loses steam and gets compromised in multiple ways. This is why rage occurs not only at the beginning but also at the end, the outcome of failed emancipatory project. (Zizek 10).

The rage and dissatisfaction that the protagonist feels in both the film and the web series find only one passage. It can be deduced that the opposition between rightist populism and liberal tolerance/ reformism is a false one and they both become two sides of the same coin. Nirmal Pathak, who is infuriated by the material conditions, is enraged but ultimately conforms to the same institutions (Family and social position in the village) that he has set out to destroy.

## **CASTE AND GENDER: DOMINATING FACTORS**

Coming to the mother figures, who as it is proposed, are the central figures in both the cases - can the journey and the treatment of their characters be termed as a real subversion that challenge the existing social structure affecting real change? At Nirmal's house is the mother who was left behind as she had denied leaving the family that she had married into (as it is later revealed by her). It can be argued that the series glorifies this conformism to the oppressive patriarchal system thereby treating Nirmal's mother, not as a woman but imparting to her a god-like status – a woman not as a woman and a human but either as a commodity or as a god-like unattainable ideal that leads by example to reassert the patriarchal system.

Is Nirmal Pathak, the mother's character and her decisions are always devoid of choice and her 'self' is constantly produced by firstly the family (and the father) she conforms to and then by Nirmal Pathak who wants her to accept the decisions. The culmination of the trauma Santoshi suffers from because of the oppressive system she has lived in for years can be seen in the later episodes where she starts sleepwalking indicating that such is her conditioning within the house that she is psychologically unable to openly mourn.

Eventually, Nirmal's fascinating drive towards saving his mother and taking her away without bothering about the existing conditions in the village can also be connected to an incomplete oedipal separation and becomes a suitable instance to expose his intention of never actually yearning for a true revolution. Another point to consider is Nirmal's dissatisfaction with the neglected treatment that the mother gets because her husband has left her and she is without a man. It is reiterated multiple times in the series that Nirmal is unable to accept the inequalities and oppression in the village including the predicament of his mother because he is his father's blood. He is also constantly mentioned as a writer and as a revolutionary who could not bear the atrocious oppressive system in the village and left. It can be argued that Nirmal's return is the superimposition of the father-figure guided by the purpose of the 'possession of the mother'. The son seems to work to carry out the promise he made to his father, but he is reduced to the desire for the mother who by conforming to the family reestablishes the institution of family and the patriarchal system.

Nirmal Pathak has planned to be in the village only for four days and the series shows him trying to fight every social evil in sight. Commenting on this, Rohan Naahar writes in the Indian Express, "But domestic disputes take a backseat when, inevitably, the show turns into some kind of discount Swades and attempts to solve every social ill within sight. "*Yeh ladai aap logon ki hai, meri nahi hai,*" a weepy Nirmal tells an elderly lower-caste man in the village, reminding him that he will be around only for four days." Rohan Naahar's further comment on this issue is enough to understand the lack of credibility in Nirmal Pathak's effort, "But what this

brief example of ingrained classism suggests is that the show's woke-mindedness is not only inorganically infused in the storytelling, but worse, it's performative." This comment not only highlights the major limitations of a seemingly-progressive web series but also makes an opening to delve into an inspection of the historical processes in operation here.

To add to it, the presence of the books of Nirmal Verma also indicate a particularly liberal ideological leaning becoming perhaps the best metaphor for the ideology that the series is trying to propagate. The demands of Nirmal Pathak are reformist demands rooted in liberal grounds and this is something that requires further probing. For example, when Nirmal is threatened to be thrown out of the house by his uncle for raising a voice against the marginalized community in his village, he loudly asserts that he is not his father. This paradoxically completes his journey of 'becoming his father' and the return becomes complete. It is in this moment that indicates the actual "*ghar-wapsi*" whose major struggle is not the annihilation of the prevailing caste and class structure but the possession of the property of his father that is his birthright as per the patriarchal normative. It can be argued that this transition establishes Nirmal Pathak as the true heir and hero of the oppressive pro-capitalist neoliberal system where the promise of reforms can be equated with revolution with ease. It is interesting to note that the plight of Kanhaiya Kumar and Hardik Patel in contemporary Indian Politics can be interpreted in a similar manner. As far as Nirmal Pathak is concerned, the promise of being different ultimately falls prey to fetishized hegemonical demands giving an opportunity to look at the paradoxes that riddle the neoliberal world.

## **CAPITALISM-SUPPORTED NEO LIBERALISM**

It seems too obvious that capitalism-supported neoliberal discourse that aims to appease the guilt/sin complex (that is the most visible identifier of the oppressive society produced by capitalism) of the hegemonical dominant, is in operations here making the oppressed class be conditioned at the same time into accepting its own oppression by providing it with this fetishized breathing space that makes them feel that they are doing something to bring about vital change. A constant sameness governs the relationship to the past as well. What is new about the phase of mass culture compared with the late liberal stage is the exclusion of the new. The machine rotates on the same spot. While determining consumption it excludes the untried as a risk. Yet for this very reason there is never-ending talk of ideas, novelty, and surprise, of what is taken for granted but has never existed. Tempo and dynamics serve this trend. Nothing remains as of old; everything has to run incessantly, to keep moving. For only the universal triumph of the rhythm of mechanical production and reproduction promises that nothing changes, and nothing unsuitable will appear. (Adorno & Horkheimer "The Culture Industry: Enlightenment as Mass Deception")

## THE EPILOGUE

Therefore, both the series and the film ultimately become ordinary commodities of neoliberal bourgeois culture leading towards a pseudo-reformist, a pro-capitalist approach that appeases the masses and reestablishes institutional oppression and its various sub-hegemonies instead of actually posing any threat to the oppression of the dominant. In the same essay, Adorno and Horkheimer conclude that “The culture industry perpetually cheats its consumers of what it perpetually promises. The promissory note which, with its plots and staging, it draws on pleasure is endlessly prolonged; the promise, which is actually all the spectacle consists of, is illusory: all it actually confirms is that the real point will never be reached, that the diner must be satisfied with the menu. In front of the appetite stimulated by all those brilliant names and images there is finally set no more than a commendation of the depressing everyday world it sought to escape. The web series under analysis here works on the same principle and convinces the people of their own oppression by delivering the opposite of what it promises – revolution and emancipation from all labour. Its promise of reforms and the betterment of the material conditions of the characters remains paradoxical, abstract and illusory. The character of a society that subconsciously celebrates such projects should be further analyzed.

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## BOOK REVIEW

### INDIAN PRIME MINISTERS: NEHRU TO MODI

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**Shefali Roy\***

**Kumar, Shashi Bhushan (ed), Indian Prime Ministers: Nehru to Modi,** Ankur Book Distributors, New Delhi, 2022, pp. xviii+ 470, priced Rs.1495/- ISBN: 9789393247124 (Hardcover).

To review a book is a daunting task more so, if it is a brain child of your learned Guru. It gives an enriching and fulfilling experience. Late Professor L.N. Sharma was the progenitor of this book, a scholar of a first rank and a keen researcher. Before the completion of the book unfortunately he met with an accident and succumbed to the injuries. His cherished dream is realised by his ardent pupil Dr. Shashi Bhushan Kumar, who took enough pain to compile the articles and do the meticulous editing. The title of the book 'Indian Prime Ministers: Nehru to Modi' is self-explanatory. Many works have been done on Indian Prime Ministers, but this book gives the holistic picture of Indian Priministerial system.

Indian Political system is known as a Parliamentary system, but in actual practice is a Priministerial system where PM becomes the linchpin of administration and legislations, and also lifeline of the Cabinet. He exercises considerable influence on the destiny of the country. So it is important to know his actual position in Indian democracy, which depends on the personality of the holder of the office. How and what he derives from his position.

India has seen fourteen Prime Ministers from the first PM Jawaharlal Nehru to Narendra Damodar Das Modi. All the PMs had different style of functioning which has been depicted in this book which makes this book very engrossing. Scholarly articles of Professor James Manor, Professor L.N. Sharma, Professor M.P.

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Singh, Professor Rumki Basu and others unveils many events and situations which became instrumental in the making of the Prime Ministers.

Seventeen contributors with their keen insights and analytical skills have generously made this book a must read book. Five articles of Late Professor L.N. Sharma discussed at length, the basic traits of Prime Ministers from anglicised first PM of free India to Charismatic Modi Ji through personified simplicity of Shastri Ji; decisive authoritative leadership of Indira Gandhi, weak headship of Morarji Desai, calm and learned Manmohan Singh. While doing so, the book also highlights the decay of the parliamentary institutions, falling prey to the whims and fancies of PMs, to the dismay of 'we' the People of India. Some of the articles talked of the strategic foreign policy of Nehru Ji with his innovative NAM amidst Cold War. Other articles present elaborate descriptions of the rise of Mrs Indira Gandhi as a symbol of feminism in India. New trajectory of sharing political power have been propounded by some contributors. Choudhary Charan Singh's personality has also been assessed, in addition to non-political acumen of Rajiv Gandhi who eventually turned into a visionary leader. Article on V.P. Singh as a caste messiah creates a horn of dilemma for readers who will have to struggle to make a choice. Chandrashekhra as a witty socialist along with his rigidity has also been depicted with twist and turn by one of the contributors. The poetic Atal Bihari Vajpayee Ji's personality has been profoundly sketched in one of the articles glorifying the image of India in global map. The intense views of Dr. Shashi Bhushan Kumar, the editor of the book makes Narasimha Rao as one of the most celebrated Prime Ministers of India by introducing economic reforms owing to globalisation.

Although an article on Deve Gowda presents less treatment, yet it speaks in volumes about him. I.K. Gujral is fondly remembered in one of the chapters and due recognition is also given to Manmohan Singh as silent performer of Indian polity. The nuances of competitive vs. cooperative federalism by M.P. Singh makes the book more accomplished. Coming to last but not the least the 'Modi'fication of Indian polity in a new framework of nationalism has been critically analysed. Truth and post truth of contemporary era has been narrated. It can be safely asserted that this book is a good reader for researchers, students, scholars and common citizens of India.

Although, there is an intellectual thread based on leadership phenomenon runs through the entire discourse, yet some opinionated articles, to the some extent, have reduced the objectivity of the book. Even then such compendium helps readers to comprehend the intricacies of governance and develop critical thinking in order to relive history. Finally, I must say that it is worth preserving despite highly priced. It will not be out of place to mention that there is another interesting book on the subject entitled, '**The Promise of India: How Prime Ministers Nehru to Modi Shaped the Nation**' (2019), by Jamini Bhagwati, which is complimentary to the book under review and can be an additional interesting reading on Indian Prime Ministers.



## बिहार में वर्तमान कृषि नीति - चुनौतियाँ एवं संभावनाएँ

चन्दन कुमार\*

### सार संक्षेप

कृषि बिहार की आर्थिक व्यवस्था की रीढ़ है। खासकर झारखण्ड के अलग होने के बाद बिहार की आर्थिक स्वास्थ्य मुख्य रूप से कृषि पर ही आधारित है। दूसरी महत्वपूर्ण सकारात्मक बात यह है कि राज्य में तीन संसाधन – भूमि, जल, एवं श्रम – प्रचुर मात्रा में हैं। भारतीय औसत लगभग सत्तर प्रतिशत की तुलना में बिहार में लगभग 90 प्रतिशत जनसंख्या कृषि पर आश्रित है। परन्तु विडम्बना यह है कि उपजाऊ मिट्टी के बावजूद राज्य सकल उत्पाद में कृषि क्षेत्र का योगदान असंतोषजनक है। हरित क्रांति का भी पर्याप्त प्रभाव बिहार में नहीं देखा गया। ऐसे में बिहार के लिए समुचित कृषि नीति का महत्व और भी बढ़ जाता है। बिहार सरकार द्वारा 2008 में नई कृषि की नई नीति बनाई गई, जिसे 'कृषि रोडमैप' कहा गया। इस नीति का मुख्य उद्देश्य किसानों की आमदनी में बढ़ोत्तरी करना है। प्रस्तुत आलेख में बिहार की कृषि नीति के विभिन्न पक्षों का आकलन, कृषि में महिलाओं की स्थिति का आकलन, इसके कार्यान्वयन में आने वाली चुनौतियों को चिन्हित करना, तथा सुधार के उपाय सुझाने का प्रयास किया गया है।

**विषय सूचक शब्द:** कृषि रोड मैप, भूमि, किसान, सिंचाई, फसल, प्राकृतिक संसाधन, बिहार

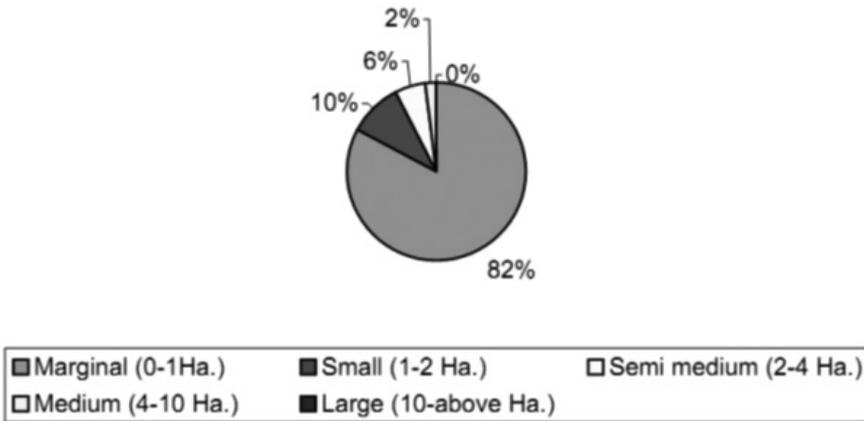
### पृष्ठ भूमि

बिहार प्रचीन काल से ही कृषि प्रधान क्षेत्र रहा है। वर्तमान समय में भी बिहार की अर्थव्यवस्था कमोवेश कृषि पर ही निर्भर है। परन्तु उपजाऊ भूमि, जल एवं श्रम संसाधन की पर्याप्त उपलब्धता के बावजूद बिहार के सकल घरेलू उत्पाद में कृषि क्षेत्र की

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हिस्सेदारी में 990 से 2008 तक लगातार गिरावट दर्ज की गई थी। इस गिरावट के कारणों में अर्थशास्त्रियों द्वारा जोतों (औसत जोत एक हेक्टेयर से भी कम जो निम्न रेखा चित्र द्वारा स्पष्ट है) की आर्थिक भायाबिलिटी का कम होना, उन्नत खेती के तरीकों, कृषि निवेश एवं फसल चक्र का अभाव, सुनिश्चित सिंचाई व्यवस्था का अभाव तथा ऊपर से सुखाड़ एवं बाढ़ की बारम्बारता का बढ़ना भी बताया गया है। इसके अतिरिक्त कृषि उत्पादों का भण्डारन, परिवहन एवं विपणन का समृद्ध नहीं होना एवं कृषि उत्पादों का प्राथमिक कृषि सहकारी समिति (PACS) द्वारा समय एवं सरकारी मूल्य पर खरीद नहीं करना भी किसानों की आय में बाधक रहे हैं। फलस्वरूप लोगों का कृषि से पलायन भी हो रहा है। कृषि से गुजारा नहीं होने के कारण पुरुष (किसान) गैर-कृषि कार्यों को अपना रहे हैं।

### बिहार में कृषि जोतों का औसत लैंड हॉल्डिंग साइज



स्रोत: Agricultural Census Division, (2015-16). Ministry of Agriculture, New Delhi  
 नोट: बिहार में औसत भू-धारिता 0.75 हेक्टेयर है, जो राष्ट्रीय औसत 1.57 से कम है। लघु और सीमांत कृषक की संख्या 91 प्रतिशत से अधिक है। माध्यम वर्गीय किसान लगभग 8 प्रतिशत है।

बिहार के ग्रामीण अर्थव्यवस्था का नींव कृषि में खेती के अलावा, मत्स्य पालन, बागवानी और पशुपालन भी शामिल है।<sup>1</sup> बिहार में भूमि उपयोगिता में कुल भूमि 234 लाख एकड़ में शुद्ध फसल क्षेत्र 140.475 लाख एकड़ है।<sup>2</sup> राज्य का कुल भौगोलिक क्षेत्र 93.60 लाख हेक्टेयर है, जिसमें से लगभग 56.00 लाख हेक्टेयर में खेती की जाती है। राज्य में कृषि विकास के लिए आवश्यक प्राकृतिक संसाधनों की प्रचुरता है। जिसके

सही इस्तेमाल से कृषि के उत्पादन में बढ़ोतरी हासिल की जा सकती है। बिहार में प्रमुख नदियाँ – गंगा, गंडक, कोसी, बागमती, महानंदा, सोन आदि के कारण जल की उपलब्धता संतोषजनक है। बिहार में मिट्टी की गुणवत्ता खेती के लिए बहुत उपयोगी है। जो फसलों की अच्छी पैदावार में सहायक है। बिहार में धान, गेहूँ की अच्छी पैदावार होती है। परन्तु इस क्षेत्र में मिट्टी की गुणवत्ता और जलस्तर दिन-प्रतिदिन कम होता जा रहा है। बिहार के किसान मुख्य रूप से कुछ स्टेपुल अनाजों के उत्पादन तक ही सीमित रहते हैं, लाभकारी कृषि के तरीके नहीं अपनाते। इसके अतिरिक्त यहाँ पर जनसंख्या का घनत्व भी अधिक है, जैसे प्रति वर्ग कि.मी. में 1102 प्रति वर्ग कि.मी. लोग रहते हैं, जो राष्ट्रीय औसत के 382 से बहुत ज्यादा है।<sup>3</sup> इसके चलते कृषि पर भार भी ज्यादा है।

इन्हीं परिस्थितियों के आलोक में प्रस्तुत आलेख बिहार में 2008 से अपनाई गई कृषि नीति का आकलन किया गया है तथा कृषि नीति में निहित संभावनाओं एवं चुनौतियों को चिन्हित किया गया है।

### बिहार की कृषि नीति

वर्ष 2000 ई. में बिहार से झारखण्ड के अलग हो जाने के बाद से बिहार की अर्थव्यवस्था कृषि पर निर्भर हो गई। बिहार की राज्य सकल घरेलू उत्पाद में कृषि का योगदान वर्ष 2000-01 ई. में 29 प्रतिशत से बढ़कर वर्ष 2002-03 ई. में 33 प्रतिशत हो गया।<sup>13</sup> जिसके कारण बिहार में खाद एवं पोषण सुरक्षा को सुनिश्चित करते हुए, कृषि के विकास में न्याय के साथ प्रगति लाने के लिए श्रृंखलाबद्ध कार्य योजना तैयार की गई है। बिहार सरकार ने वर्ष 2006 ई. में नई कृषि नीति का निर्माण किया, जिसमें जलवायु स्थिति के हिसाब से कृषि क्षेत्र में वृद्धि लाने की प्रयास की गई। इसके लिए बिहार का कृषि के दृष्टिकोण से जलवायु, वर्षा, मृदा, फसल की प्राथमिकताओं, कृषि निवेश की उपलब्धता आदि के आधार पर सर्वेक्षण कर कृषि प्रक्षेत्रों को चिन्हित किया गया। उसी के आधार पर कृषि रोडमैप को तैयार किया गया। सर्वेक्षण के आधार पर कृषि हेतु तीन प्रक्षेत्र चिन्हित किए गए, जो निम्न ग्राफ में स्पष्ट है।

### बिहरी के कृषि जलवायु क्षेत्रों का विवरण

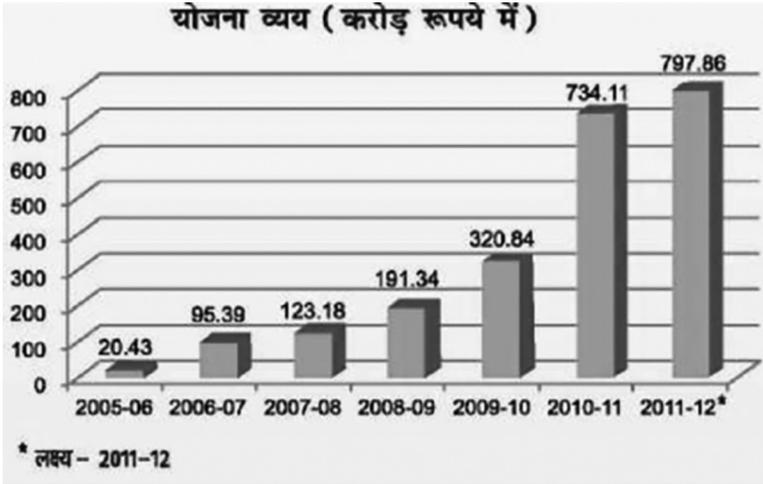
विवरण	क्षेत्र-I	क्षेत्र-II	क्षेत्र-III (A, B)
जिला	पश्चिमी चम्पारण, पूर्वी चम्पारण, सीवान, सारण, सीतामढ़ी, मुजफ्फरपुर, शिवहर, वैशाली, मधुबनी, गोपालगंज, बेगूसराय	खगड़िया, पूर्णियाँ, कटिहार, सहरसा, मधेपुरा, अररिया, किशनगंज, सुपौल	रोहतास, भोजपुर, बक्सर, भुआ, अरवल, पटना, नालंदा, नवादा, शेखपुरा, जहानाबाद, औरंगाबाद, गया, मुंगेर, भागलपुर, बाँका, जमुई, लखीसराय

बिहार में हर चार में से तीन व्यक्ति कृषि से जुड़े हैं। इस स्थिति में बिहार में कृषि रोडमैप मात्र कृषि नहीं, बल्कि इस राज्य के आम जन-जीवन से जुड़ा है। इस कार्यक्रम को तैयार करने का मुख्य उद्देश्य बिहार के गाँवों में बसने वाले अधिकांश भूखे नागरिकों को आय के साधन मुहैया कराना है। इस प्रकार इस रोडमैप के केंद्र में किसान हैं न कि सिर्फ खेत। जिससे किसानों और ग्रामीण अर्थव्यवस्था को मजबूती प्रदान किया जा सके। कृषि नीति या रोडमैप को दो कालखण्डों में बनाया गया। पहला काल खण्ड 2008 से 2012 तथा दूसरा 2012 से 2017। इस नीति में खाद्य सुरक्षा, किसानों की आमदनी बढ़ाना, फसलों का उत्पादन बढ़ाना, जलवायु संरक्षण का लक्ष्य रखा गया। मृदा जाँच हेतु 534 प्रखण्डों में प्रयोगशालाओं की स्थापना की गई है।<sup>4</sup> जिससे किसानों के खेतों तक मिट्टी जाँच के लिए पहुँचा जा सके। बीज जाँच प्रयोगशाला की स्थापना, मुख्यमंत्री बागवानी मिशन, किसान आयोग की स्थापना और भू-सुधार आयोग की स्थापना किया गया। जिसका मुख्य उद्देश्य कृषि आय में वृद्धि लाना है। कृषि रोडमैप वर्ष 2008 ई. में तैयार किया गया। इस रोडमैप का लक्ष्य गाँवों में व्याप्त गरीबी एवं कुपोषण को कम करने के साथ-साथ ग्रामीण मजदूरों के पलायन को कम करना था। कृषि के अन्य क्षेत्रों, जैसे – फल एवं सब्जी और पशुपालन के क्षेत्र में भी उत्पादन को बढ़ाना था। राष्ट्रीय खाद्य सुरक्षा के संबंध में डॉ. एम.एस. स्वामीनाथन के राष्ट्रीय किसान आयोग के प्रतिवेदन में यह उजागर किया था कि “यदि हम इस क्षेत्र (पूर्वी) को कृषि विकास के क्षेत्र में अग्रणी के रूप में विकसित नहीं करेंगे, तो देश को 40 वर्षों के बाद पुनः एक बार विदेशों से खाद्यान्न आयात करने की दयनीय स्थिति में लौटना पड़ेगा।”<sup>5</sup>

### **कृषि रोडमैप के पंचमुखी उद्देश्य**

1. कृषकों, विशेषतः छोटी जोत को कृषकों की आय में बढ़ोत्तरी लाकर इसको लाभकारी स्तर तक ले जाना सुनिश्चित करना है।
2. उत्पादकता के साथ-साथ लाभप्रद खेती को बढ़ाकर खाद्य सुरक्षा सुनिश्चित करना है।
3. उत्पादकता के साथ-साथ ग्रामीण क्षेत्रों के जीवन स्तर को ऊँचा उठाकर पोषण सुरक्षा को सुनिश्चित करना है।
4. कृषि को नई चेतना प्रदान कर इसे लाभदायक नियोजन सृजित करना तथा गाँवों से पलायन को रोकना है।
5. कृषि विकास की नीतियों को मानवीय एवं महिलाओं की भागीदारी को ध्यान में रखकर तैयार करना है। इसका लक्ष्य यह था कि राज्य में प्रमुख अनाजों की उत्पादन को बढ़ाना जिसके माध्यम से राष्ट्रीय औसत के आँकड़ों को प्राप्त किया जा सके। जिसके लिए वर्ष 2005-12 के प्रथम कृषि रोडमैप 5 साल में कृषि योजनाओं पर 40 गुणा

व्यय की वृद्धि हुई। वर्ष 2005-06 में 20.43 करोड़ रुपया, वर्ष 2011-12 में 797.86 करोड़ रुपया हो गया।<sup>6</sup>



स्रोत: कृषि रोडमैप (2012-2017) कृषि बिहार सरकार

जिसके फलस्वरूप पहले कृषि रोडमैप की सफलता के रूप में बिहार को चावल की सबसे ज्यादा उत्पादन के लिए (81 लाख मिलियन टन, 2011-12) कृषि क्रमण पुरस्कार मिला। इस प्रकार से राज्य के सकल घरेलू उत्पाद में कृषि क्षेत्र के योगदान से वृद्धि हुई है।<sup>7</sup> परन्तु प्रथम कृषि रोडमैप में उत्पादकता के निर्धारित पैमाने को प्राप्त नहीं किया जा सका। खरीफ 2009 एवं 2010 में लगातार सूखा होने के बावजूद फसल उत्पादन उच्च स्तर पर स्थिर रहा, जो कृषि क्षेत्र की मजबूती का संकेत है। वर्ष 2004-05 में खाद्यान्न उत्पादन 79.00 लाख मिलियन टन के न्यूनतम स्तर पर पहुँच गया था।<sup>8</sup>

### **कृषि रोडमैप-1, 2 (2012-2022)**

बिहार में भूमिगत जल कृषि का मुख्य आधार है। बिहार को दूसरी हरित क्रांति के लक्ष्यों को प्राप्त करने का केंद्र रखा गया है। राष्ट्रीय किसान आयोग ने यह इंगित किया है कि देश में खाद्य सुरक्षा को प्राप्त करने के लिए पूर्वी भारत में हरित क्रांति लाना पड़ेगा। इसके लिए बिहार सरकार ने कृषि रोडमैप-1, 2 (2012-2022) को योजनाबद्ध तरीके से लागू किया है। जिसका मुख्य उद्देश्य राज्य की जनसंख्या हेतु खाद्य और पोषण सुरक्षा कायम करना, किसानों की आमदनी बढ़ाना, विस्थापन को कम करने के लिए कृषि में लाभदायक रोजगार उपलब्ध करना, प्राकृतिक संसाधनों का संरक्षण तथा सतत उपयोग, कृषि विकास का समावेशी मानवीय आधार तथा महिलाओं की व्यापक भागीदारी और प्रत्येक भारतीय के थाल में बिहार का एक उत्पाद, रखा

गया है।<sup>9</sup> जिसके माध्यम से प्रकृति संसाधनों के साथ-साथ कृषि के उत्पादन प्रणाली में स्थिरता कायम किया जा सके। इसमें कृषि के साथ पशुपालन और मत्स्य पालन को भी शामिल किया गया है। बिहार में पशुपालन राज्य अर्थव्यवस्था का मुख्य क्षेत्र है। यह गरीबी उन्मूलन, ग्रामीण अर्थव्यवस्था के विकास और ग्रामीण बेरोजगारी को कम करने की अवसर प्रदान करता है। कृषि पर 5 साल में 1.5 लाख करोड़ खर्च करने का लक्ष्य रखा गया। बिहार में सिंचाई की समस्या को दूर करने के लिए सरकार 12वीं पंचवर्षीय योजना (2012-17) में मार्च 2017 तक 101.09 लाख हेक्टेयर भूमि संचित करने का लक्ष्य रखा है।<sup>10</sup> बिहार सरकार किसानों को नलकूप से सिंचाई के लिए डीजल अनुदान देती है। वर्तमान में सरकार द्वारा हर खेत पानी पहुँचाने का लक्ष्य रखा गया है।

कृषि में आधुनिक यंत्रों के इस्तेमाल से समय से खेतों की जुताई, उत्पादन में बढ़ोत्तरी और अनाजों का कम नुकसान किए बिना कृषि उत्पाद के गुणवत्ता को प्राप्त कर सकते हैं।<sup>11</sup> बिहार सरकार के कृषि रोडमैप-2 में कृषि यंत्रों को ज्यादा से ज्यादा कृषि कार्य में शामिल करने का लक्ष्य रखा गया है। जिससे जमीन का ज्यादा उपयोग और कृषि में कम लागत के साथ, कृषि कार्यों में मजदूरों की संकट कम किया जा सके। किसानों को कृषि यंत्र सरकार अनुदान पर दे रही है। जिसके माध्यम से युवा किसानों को कृषि की ओर आकर्षित किया जा सके। जिससे बिहार की कृषि में उत्पादन के साथ-साथ रोजगार में भी बढ़ोत्तरी संभव हो।

### **बिहार में कृषि के समक्ष चुनौतियाँ**

बिहार में कृषि योग्य पर्याप्त प्राकृतिक संसाधन उपलब्ध है। सरकार निरंतर बजट में बढ़ोत्तरी करती जा रही है। 2001-06 में 200 करोड़ था, वही 12वीं पंचवर्षीय योजना में कृषि रोडमैप के लिए 3757.12 करोड़ सरकार ने आवंटित किया है।<sup>12</sup> परन्तु वर्तमान समय बिहार के कृषि में ज्यादा चुनौती और कम अवसर दिखाई दे रहा है।

इससे उबरने के लिए कृषि क्षेत्र हेतु बनाए गए नीतियों में बदलाव की जरूरत है। जैसे कृषि में निवेश, कृषि में शोध को बढ़ावा देना, शोध को प्रयोग के साथ जोड़ना, किसानों को बाजार से जोड़ने की जरूरत और संस्थाओं को मजबूती और संरचनाओं को बढ़ाना पड़ेगा।<sup>23</sup> बिहार के कृषि में चुनौतियाँ प्रणाली में भी है। जिसके कारण उत्पादन से आमदनी कम होता है, जो किसानों की गरीबी कम करने में असफल साबित हो रहा है। राज्य के पास बीज गुणवत्ता को बढ़ाने के लिए कोई कारगर नीति नहीं है। जिसके कारण अच्छे किस्म के बीजों को कृषि में शामिल नहीं किया जाता है। किसान जो अपने माध्यम से बीजों का भंडारण करते हैं। उसी का बोआई के समय ज्यादा इस्तेमाल करते हैं। क्योंकि बाजार में जो बीज मिलाता है, बहुत महंगा होता है, जिसको किसान खरीदने में असमर्थ होते हैं। बिहार में कृषि की अर्थव्यवस्था बाढ़ और सूखे दोनों से प्रभावित होता है। सरकार के द्वारा सिंचाई की उत्तम प्रबंध नहीं

है। बहुत कम किसान डीजल अनुदान का लाभ उठा पाते हैं। किसानों को समय पर अनुदान की राशि जो बहुत कम होता है, नहीं मिलता है। कृषि वैज्ञानिक अपने शोध को ज्यादातर अनुसंधान केन्द्रों पर ही करते हैं, जिसके कारण किसानों के परिवेश एवं क्षेत्र के हिसाब से शोध नहीं हो पाता है। पंचायत स्तर पर कृषि सलाहकार की पहुँच किसानों तक बहुत कम है, कृषि के बारे में बहुत कम सुझाव दे पाते हैं। जिसके कारण किसान, सरकार द्वारा चलाए गए योजनाओं से वंचित रह जाते हैं। किसान कॉल सेन्टर के माध्यम से किसानों को मौसम की जानकारी और अन्य कृषि संबंधी जानकारी सही तरीके से उपलब्ध नहीं हो पाता है। बिहार में मिट्टी जाँच की सुविधा अभी तक किसानों तक नहीं पहुँच पाई है। जिसके कारण किसान अपने अनुभव के हिसाब से खेतों में खाद का इस्तेमाल करते हैं। जिससे किसानों को सही लाभ नहीं मिल पाता है। कृषि में निवेश हेतु किसान गैर-कृषिगत कार्यों के आमदनी पर निर्भर होते हैं। क्योंकि कृषि से आमदनी का कोई भरोसा नहीं होता है। जिसके कारण ज्यादातर किसान सिर्फ अपने जरूरत के हिसाब से ही उत्पादन कर रहे हैं। जिसके कारण राज्य में जिस प्रकार से सकल घरेलू उत्पाद में कृषि की भागीदारी कम होता जा रहा है। इससे स्पष्ट हो रहा है कि यह कृषि के सकारात्मक भविष्य को सुनिश्चित नहीं कर रहा है। जिससे भविष्य में कृषि संकट और लोगों की कृषि की ओर रुझान में कमी आएगी।

### **बढ़ता गैर-कृषि-कार्य: एक चुनौती**

रोजगार मानव के जीवनयापन का मुख्य साधन है। रोजगार का स्वरूप कृषिगत या गैर-कृषिगत हो सकता है। जो मानव के अच्छी आमदनी को निर्धारित करने में सक्षम हो सके। इस संदर्भ में बिहार में कृषि से ज्यादा लोगों को रोजगार मिलता है। जो उनके जीविका का मुख्य साधन है। परन्तु कृषि में समस्याओं के कारण किसानों को खेती से बहुत कम आमदनी हो रहा है। जो कृषि के कार्यबल में गिरावट का कारण बनता जा रहा है। जो कृषि क्षेत्र में वर्ष 1993-94 ई. में 80.5 प्रतिशत कार्यबल शामिल था, वह घटकर वर्ष 2004-05 ई. में 75.4 प्रतिशत हो गया। कृषिगत कार्यबल में बिहार की ग्रामीण जनसंख्या निरंतर कम होती जा रही है। जिसके कारण गैर-कृषि कार्यों में बढ़ोतरी हुआ है। गैर-कृषि कार्य के रूप में संरचनात्मक विकास (सड़क और भवन निर्माण) के कार्यों में ज्यादा बढ़ोतरी हुआ है। उसके बाद परिवहन, संचार, व्यापार, होटल जैसे गैर-कृषि कार्यों में लोगों की भागीदारी बढ़ी है। कृषि का वार्षिक विकास दर 0.58 प्रतिशत रहा है। वही गैर-कृषि कार्यों में सेवा क्षेत्र का वार्षिक विकास दर 5.65 प्रतिशत और तृतीय क्षेत्रों का वार्षिक विकास दर 2.35 प्रतिशत हुआ है।<sup>13</sup> इस प्रकार बिहार में कृषि से किसान गैर-कृषि कार्यों की ओर अग्रसर हो रहे हैं।

कृषि कार्यबल में निरंतर कमी का कारण विस्थापन भी है। बिहार के किसान या कृषि मजदूर कृषि कार्यों को नहीं करना चाहते हैं। जिसके कारण बिहार से विस्थापन

का दर साल दर साल बढ़ता चला गया है। वर्ष 1999 ई. से लेकर वर्ष 2011 ई. तक बिहार में 17 प्रतिशत लोग घरेलू स्तर से विस्थापित हुए हैं।<sup>14</sup> इससे यह स्पष्ट होता है कि ये विस्थापन बिहार के कृषि को प्रभावित किया है और गैर-कृषिगत क्षेत्रों को मजबूत किया है। जिससे बिहार के किसानों की आमदनी में बढ़ोतरी हुआ है। ग्रामीण अर्थव्यवस्था में गैर-कृषिगत क्षेत्रों में रोजगार के बढ़ जाने से आमदनी में भी बढ़ोतरी हुई है। ग्रामीण क्षेत्रों में गैर-कृषिगत आमदनी में बढ़ोतरी वर्ष 1999 ई. से वर्ष 2011 ई. तक निम्न प्रकार था।

Distribution of income sources by households with and without migrants				
	1999		2011	
	Households without Migrants	Households with Migrants	Households without Migrants	Households with Migrants
Net income from agriculture and allied activities	37.7	20.9	20.6	11.0
Net income from lives stock	10.9	7.3	9.4	6.7
Casual labour in agriculture	14.4	9.3	4.0	3.5
Attached labour in agriculture	3.5	0.8	0.5	0.6
Self-employment in non-agriculture	11.4	5.1	16.6	8.2
Wage employment in non-agriculture	11.1	3.5	30.2	13.7
Government transfers and casual labour in government programmes	-	-	6.5	6.7
Remittances	0.0	45.3	0.0	43.4
Income from other sources	11.0	7.9	12.2	6.2
Total	100.	100.0	100.0	100.0

Source: IHD, Bihar Households survey, 1999 and 2011

### बिहार की कृषि में महिलाओं पर विमर्श

कृषि एक मौसमी कार्य है, जिसमें श्रम की जरूरत मौसम के हिसाब से होता है। कृषि में यह निश्चित नहीं होता है कि पैदावार अच्छा ही होगा। जिसके कारण पुरुष शहर की ओर पलायन करते हैं। जिससे कृषि में महिलाओं की भागीदारी बढ़ती जा रही है। महिलाएं 14 से 16 घंटे कृषि और अन्य घरेलू कार्यों को मिलाकर कार्य करती है।<sup>15</sup> महिलाएं कृषि से जुड़े कार्य, जैसे – सोहनी, रोपनी, दवनी, कटनी, आदि कार्यों में कार्यरत रहती है।

संसाधनों तक पहुँच के अभाव में कृषि में पिछड़ापन होता जा रहा है। जिसमें कौशल और तकनीकी जानकारी का अभाव भी शामिल है। जिसके कारण पुरुष, कृषि कार्य से विमुख होते जा रहे हैं और महिलाएं कृषि कार्य में संलग्न होती जा रही है।

महिलाओं का पशुपालन (दूध उत्पादन) में ज्यादा भूमिका है। बिहार के संदर्भ में देखें तो आज के समय में पुरुष ज्यादा समय गैर-कृषि कार्य में देता है। महिलाओं के पास जमीन का मालिकाना हक कम है। परन्तु इनका कृषि में भूमिका ज्यादा है। कृषि में हुए महिलाकरण, से महिलाओं के हित में खेती और कृषिगत ऋण नीतियों के संदर्भ में विशेष ध्यान देने की जरूरत है। महिलाओं को भावनात्मक तरीके से समझने के बावजूद कार्यात्मक तरीके से समझने की जरूरत है। तभी महिलाओं की कृषि में भूमिका से कृषि को और मजबूती प्रदान किया जा सकता है।

### निष्कर्ष

बिहार में कृषि बिहार के लोगों की मुख्य आजीविका है। कृषि कार्य में बिहार की सबसे ज्यादा जनसंख्या अभी भी संलग्न है। परन्तु बिहार की अर्थव्यवस्था में कृषि की भागीदारी कम होती जा रही है। कृषि कार्य में किसानों का कार्यबल कम होता जा रहा है। जो कृषि क्षेत्र में नकारात्मक प्रभाव दर्शाता है। बिहार को चार जलवायु क्षेत्रों में बाटा गया है। सरकार को प्रत्येक क्षेत्रों के हिसाब से कृषिगत नीतियों का निर्माण करना चाहिए। जिससे किसानों की आमदनी और कृषि उत्पादन में बढ़ोतरी होगा। बिहार सरकार ने वर्ष 2008 ई. के बाद जिस प्रकार से कृषिगत नीतियों का निर्माण किया है उससे कृषि में उत्पादन बढ़ा है। परन्तु ये उत्पादन कुछ अनाजों तक ही सीमित रह गया है।

पैक्स (PACS) में अनाजों को बेचने की बेहतर सुविधा नहीं है, जिसके कारण किसानों को बिचौलियों को अपना अनाज कम दाम पर बेचना पड़ता है। जो कृषि के लागत से कम आमदनी होता है। सरकार के कृषिगत योजनाओं का क्रियान्वयन सही तरीके से नहीं हो रहा है। जिसके कारण किसानों को उसका लाभ नहीं मिल पाता है। योजना का लाभ वही उठा पाते हैं, जो खेती कम और कृषि पदाधिकारी और सरकारी कार्यालयों का चक्कर ज्यादा लगाते हैं। सरकारी संस्थाओं का पहुँच किसान तक नहीं है। मध्यम वर्गीय किसानों के पास जमीन होने के बावजूद भी वे कृषि में निवेश नहीं करना चाहते हैं। क्योंकि कृषि कार्य के लिए मजदूरों की ज्यादा जरूरत होती है। आज गाँवों की स्थिति इस प्रकार हो गई है कि गाँव में जो जितना ज्यादा मजदूरी देगा पहले मजदूर उसके खेतों में कम करेगा। बिहार के किसानों के पास बेहतर और बड़े आधुनिक कृषि तकनीक नहीं है। अगर उपलब्ध भी है, तो महंगा होने के कारण किसान खरीद नहीं पाते हैं।

जिसके कारण किसान कृषि कार्य को छोड़कर गैर-कृषि कार्य को अपना रहे हैं। पुरुषों की कृषि में भागीदारी कम होने के कारण महिलाओं की कृषि में भागीदारी बढ़ गई है। ग्रामीण स्तर पर वे खेती के बदले छोटे व्यवसाय करने में ज्यादा रुचि रखते हैं। गाँव के हर घर का युवा कृषि कार्य में शामिल नहीं होना चाहते हैं। इसका प्रमाण

ग्रामीण क्षेत्रों से शहर की ओर हो रही विस्थापन है। ग्रामीण स्तर पर संरचनात्मक विकास, जैसे – भवन निर्माण, सड़क आदि जैसे गैर-कृषि कार्य को ग्रामीण मजदूर ज्यादा प्राथमिकता देते हैं। सरकार द्वारा राशन वितरण करने से कृषि मजदूरों को अनाज उपलब्ध हो जाता है। एवं गैर-कृषि से आए आमदनी से उनका जीवनयापन सही तरीके से चल जा रहा है। जिसके कारण वे कृषि कार्य को नहीं करना चाहते हैं। जो बिहार के कृषि में निरंतर पिछड़ापन का कारण बनता जा रहा है। सरकार निरंतर कृषिगत योजनाओं के माध्यम से कृषि में व्याप्त समस्याओं को दूर करने का प्रयास कर रही है। जिससे कृषि कार्यबल में बढ़ोतरी हो सके। और कृषि भविष्य में किसानों के लिए एक लाभकारी व्यवसाय बने।

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# तालिबान शासित अफगानिस्तान के प्रति भारत के कूटनीतिक विकल्प

शीला कुमारी\*

## सार संक्षेप

विगत कुछ वर्षों में मोदी के नेतृत्व की सरकार ने अफगानिस्तान में निवेश बढ़ाया था, जिसमें प्रमुख चाबहार बंदरगाह, सड़क, सलमा बांध, अफगानी संसद भवन का निर्माण आदि प्रमुख हैं। परन्तु अफगानिस्तान की हाल ही में बदली राजनीतिक परिस्थितियों, तालिबानी शासन के काबिज होने एवं तालिबानी शासन को पाकिस्तान और चीन द्वारा सहयोग के फलस्वरूप अफगानिस्तान के प्रति भारतीय कूटनीति पर पुनर्विचार आवश्यक हो जाता है। ऐसे में कुछ प्रश्न उठ खड़े होते हैं – जहाँ हमारा राष्ट्रीय स्वार्थ दाँव पर लगा है, वहाँ भारतीय कूटनीति का रास्ता क्या होना चाहिए? भारत-अफगानिस्तान के सदियों पुराने संबंधों को कैसे बचाया जा सकता है? भारत-अफगानिस्तान सामरिक भागीदारी समझौता (2011) का अब क्या हख्र होगा? तालिबानी शासन में पाकिस्तान और चीन के बढ़ते प्रभाव से भारत कैसे निपटेगा? प्रस्तुत आलेख में अफगानिस्तान में तालिबानी शासन के आने के बाद चीन और पाकिस्तान की गतिविधियों का विश्लेषण करते हुए भारतीय कूटनीति के विकल्पों को चिन्हित करने का प्रयास किया गया है।

**विषय सूचक शब्द:** अफगानिस्तान, तालिबान, अमेरिका, चीन-पाकिस्तान तत्व, भारत की कूटनीति

## पृष्ठभूमि

महाभारत काल से ही भारत अफगानिस्तान के गहरे संबंधों के प्रमाण मिलते हैं। धृतराष्ट्र की पत्नी गंधारी और संस्कृत के व्याकरणाचार्य पाणिनी भी यहीं के थे।<sup>1</sup> अफगानिस्तान की मूल जाति पख्तून है, जिसे पठान कहा जाता है। वैदिक काल में भी इसका उल्लेख है। ऋग्वेद के चौथे खंड के 44वें श्लोक में भी पख्तूनों का वर्णन 'पक्त्याकय' नाम से मिलता है। अफगानिस्तान में आर्यों के कबीले आबाद थे और वे वैदिक धर्म के हिमायती

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थे। बौद्ध धर्म के प्रचार के बाद अफगानिस्तान बौद्धों का गढ़ बन गया।<sup>2</sup> आर्य काल में यह क्षेत्र अखंड भारत का हिस्सा था। अफगानिस्तान को आर्याना, आर्यानुम्र बीजू, पख्तिया, खुरासान, पशतूनखाह और रोह आदि नामों से पुकारा जाता था जिसमें गंधार, कंबोज, कुंभा, वर्णु, सुवास्तु आदि क्षेत्र थे। 6वीं सदी तक यह एक हिन्दू और बौद्ध बहुल क्षेत्र था। यहाँ के अलग-अलग क्षेत्रों में हिंदू राजा राज करते थे। उनकी जाति कुछ भी रही हो, लेकिन वे सभी आर्यवंशी थे। परन्तु इस्लाम धर्मावलम्बियों, पहले इस्लामिक मुजाहिदीन और अब तालिबान ने अफगान के अतीत की इस धरोहर को नष्ट कर दिया है। 26 मई 1739 को दिल्ली के बादशाह मुहम्मद शाह अकबर ने ईरान के नादिरशाह से संधि कर उसे अफगानिस्तान सौंप दिया था। 18 अगस्त 1919 को ब्रिटिश शासन से अफगानिस्तान को आजादी मिली और 1919 से 1978 तक वहाँ अफगान लोगों का शासन था। 1978 से 1989 तक वहाँ सोवियत संघ की सेना का शासन था। वहाँ से सोवियत सेनाएँ 15 फरवरी 1989 को लौट गईं। सोवियत सैनिकों की वापसी से वहाँ शक्तिशून्यता उत्पन्न हो गई और सत्ता संघर्ष तेज हो गया। परिणामस्वरूप, गृहयुद्ध की स्थिति भयावह होती गई। पुनः 2021-2022 के दौरान अफगानिस्तान पर तालिबानी हुकूमत स्थापित होने के बाद अफगानिस्तान में अराजकता का दौर है और वह भीषण मानवीय संकट से गुजर रहा है।

### **तालिबानी शासन की विकटताएँ**

हालात यह है कि वहाँ कैदी जेल चला रहे हैं और घर चलाने के लिए लोग अपने घर के जरूरी सामान बेचने तक को मजबूर हैं।<sup>4</sup> संयुक्त राष्ट्र ने चेतावनी दी है कि 97 प्रतिशत से अधिक अफगान आबादी आगामी दो वर्षों में गरीबी रेखा से नीचे जा सकती है।<sup>5</sup> अभी 50 प्रतिशत आबादी गरीबी रेखा से नीचे है। संयुक्त राष्ट्र का अनुमान है कि वहाँ 3 में से 1 अफगान भुखमरी का सामना कर रहा है। दूसरी ओर अफगानी नागरिक तालिबानियों का अत्याचार सहने के लिए मजबूर हो गए। उन्होंने महिलाओं को भी लक्षित कर अत्याचार किए। कंधार पर कब्जे के बाद जब तालिबानी लड़ाके अजीज बैंक में गए, तब उन्होंने वहाँ काम कर रही 9 महिलाओं को घर जाने का आदेश दिया तथा एलान किया कि उनके पति या परिवार के पुरुष वहाँ काम कर सकते हैं।<sup>6</sup> उल्लेखनीय है कि तालिबान अफगानिस्तान में 1996 से 2001 तक लागू शरिया कानून की पुनरावृत्ति कर रहा है, जिससे महिलाओं के लिए लगातार मुसीबत खड़ी हो रही है। काबुल के कार्यवाहक मेयर हमदुल्ला नामोनी ने फरमान जारी किया है कि जो भी महिलाएँ शहर के विभागों में काम कर रही थीं, वे घर में ही रहें। उन्हें काम पर लौटने की जरूरत नहीं है। उल्लेखनीय है कि काबुल की नगरपालिका में काम कर रही तीन हजार कर्मचारियों में से एक तिहाई संख्या महिलाओं की थी।<sup>7</sup> अफगानिस्तान में कब्जे के बाद से ही तालिबान लगातार वहाँ मानवाधिकार का खुलेआम उल्लंघन कर रहा है। अफगानिस्तान स्वतंत्र मानवाधिकार आयोग का कहना है कि तालिबान ने

उसके कार्यालयों को 15 अगस्त से ही अपने कब्जे में कर उसके काम में हस्तक्षेप कर रहा है।<sup>9</sup> वास्तव में तालिबान एक ऐसी विचारधारा है, जो इस्लाम के नाम पर संपूर्ण आधुनिक सभ्यता को नकारती है और उसके विनाश का लक्ष्य रखती है। अफगानिस्तान में उनकी फिर से वापसी उस विचारधारा की विजय है, जो संपूर्ण मानवता के लिए खतरा है। तालिबान सरकार के गठन और उनकी गतिविधियों से ही प्रतीत होता है कि पुराने तालिबान और मौजूदा तालिबान में कोई अंतर नहीं है। तालिबान ने समावेशी सरकार की उम्मीदों को भी ना उम्मीद किया। 33 सदस्यीय अंतरिम सरकार में न तो कोई अल्पसंख्यक समुदाय का प्रतिनिधि है और न ही किसी महिला को इसका हिस्सा बनाया गया है। तालिबान की अभी तक की गतिविधियाँ बताती हैं कि उसकी कट्टर सोच में किंचित परिवर्तन नहीं आया है। उसने पंजशीर में जिस प्रकार बल प्रयोग किया और पाकिस्तान की मदद लिया, इससे स्पष्ट है कि वह हिंसा के बल पर ही समस्त अफगान भूमि को अपने आधिपत्य में लेना चाहता है।<sup>10</sup>

उल्लेखनीय है कि अंतरिम सरकार में अधिकांश चेहरे दुर्दांत आतंकी हैं, जो संयुक्त राष्ट्र से लेकर अमेरिकी खुफिया एजेंसियों की वांछित सूचियों में शामिल रहे हैं और उन पर करोड़ों का इनाम रहा है। तालिबान तर्क दे रहा है कि यह सिर्फ अंतरिम सरकार है, जो दुनिया को बरगलाने की उसकी तिकड़म है। असल में तालिबान जल्द से जल्द अंतरराष्ट्रीय समुदाय की स्वीकार्यता चाहता है। यदि एक बार ऐसी मान्यता मिल जाए तो तमाम देशों और अंतरराष्ट्रीय अभिकरणों से मिलने वाली मदद पर लगी रोक हटने का रास्ता खुल जाएगा और उसकी गाड़ी दौड़ने लगेगी। हालाँकि फिलहाल चीन और पाकिस्तान को छोड़कर कोई अन्य देश तालिबान की मान्यता देने की जल्दीबाजी नहीं दिखा रहे हैं और रूस भी संभलकर कदम चलते हुए भू-राजनीतिक समीकरणों का नए सिरे से आकलन कर रहा है।<sup>10</sup> तालिबान पाकिस्तान का फ्रंट है, जिसके माध्यम से वह न सिर्फ अफगानिस्तान पर अपना वर्चस्व बनाए रखता था, बल्कि मध्य एशिया में भी प्रभाव विस्तार का मनसूबा रखता है। काबुल पर तालिबानी शासन स्थापित होने के बाद चीन ने पाकिस्तान के माध्यम से तालिबान नेताओं से संपर्क किया और दोहा स्थित राजनीतिक ब्यूरो के प्रमुख मुल्लाह अब्दुल गनी बरादर के नेतृत्व में तालिबान प्रतिनिधिमंडल को बिजिंग बुलाकर बातचीत की। स्पष्ट है कि चीन और पाकिस्तान के वहाँ प्रभावी होने का अर्थ भारत के हितों पर सीधा कुठाराघात है।<sup>11</sup> अफगानिस्तान में तालिबानी हुकूमत के बाद दिनोंदिन बिगड़ रहे हालात पर 9 सितंबर 2021 को संपन्न ब्रिक्स शिखर सम्मेलन द्वारा जारी घोषणा पत्र में चिंता व्यक्त की गई और सभी पक्षों से कहा गया कि वे जल्द-से-जल्द हिंसा का मार्ग छोड़कर हालात का समाधान शांतिपूर्ण तरीकों से करें। घोषणा-पत्र में वहाँ की महिलाओं, बच्चों और अल्पसंख्यकों के अधिकारों की भी रक्षा करने की बात कही गई।

## पाकिस्तान एवं चीन तत्व

भारत पर अफगानिस्तान में हुए बदलाव का तात्कालिक प्रभाव प्रत्यक्ष नहीं, है, जो समस्या है वह पाकिस्तान, चीन या दोनों के तालिबानी अफगानिस्तान पर वर्चस्व का होना है। भारत का मुख्य हित राष्ट्रीय सुरक्षा, दक्षिण एशिया क्षेत्र में राजनीतिक वर्चस्व और आंतरिक स्थिरता की रक्षा में है। अफगानिस्तान के लोगों में स्थिरता लाने के लिए एक क्षेत्रीय शक्ति के रूप में जिम्मेवारी निभाना है। जब इस प्रतिमान में देखा जाता है तो तालिबान के प्रभुत्व वाले अफगानिस्तान में भारत ने अस्थाई रूप से प्रत्यक्ष प्रभाव खो दिया है। यह आशंका है कि तालिबान लड़ाके काश्मीर में अपनी कुदृष्टि डाल सकते हैं। चूँकि इस खतरे की आशंका है, इसलिए भारत को पाकिस्तान और चीन द्वारा कुछ भी करने का प्रयास करने से रोकने के लिए उचित कदम उठाने चाहिए। तालिबानी शासन के बाद हालात को देखते हुए यह लगभग निश्चित है कि अफगानिस्तान अस्थिर रहेगा, चाहे वह शुद्ध तालिबान सरकार हो या सभी अफगान गुटों या हित समूहों के साथ समावेशी प्रतीत हो। इन परिस्थितियों में भारत को सोच-समझकर सही दिशा में पहल करना है। उल्लेखनीय है कि 1990 के दशक में पाकिस्तान द्वारा मुजाहिद्दीन को जम्मू कश्मीर में भेजा गया था। उस समय की तुलना में आज भारत किसी भी आतंकी हमले से निपटने के लिए बेहतर प्रशिक्षित और संघटित है। आर्थिक रूप से भी भारत दिवालिया पाकिस्तान से बेहतर है।

भारतीय कूटनीति की दिशा तय करने के पूर्व गंभीरता से सोच-विचार करना चाहिए। भारत, चीन, पाकिस्तान, अफगानिस्तान चतुर्भुज का गुरुत्वाकर्षण केंद्र गिलगित-बाल्टिस्तान है। यह भारत का क्षेत्र है, जिस पर पाकिस्तान का अवैध कब्जा है। इसे वापस पाने के लिए औपचारिक रूप से राजनीतिक प्रक्रिया प्रारंभ करने की आवश्यकता है। तिब्बत और ताईवान जैसे मुद्दों पर भारत को राजनीतिक संकेत देने की आवश्यकता है, क्योंकि चीन राजनीतिक संकेतों को पाकिस्तान से बेहतर समझता है। पाकिस्तान का पंख कतरने का समय आ गया है। भारत को अंतरराष्ट्रीय कूटनीति में इस पर ध्यान देने की आवश्यकता है।<sup>12</sup> भारतीय विदेश नीति परिषद के अध्यक्ष वेदप्रताप वैदिक ने भी लिखा है – “अफगान के ज्यादातर लोगों को तालिबानी जीवन-पद्धति पसंद नहीं है। इसलिए सरकार के अस्थिर होने की आशंका है। ऐसे में भारत को तैयार रहना होगा। यदि तालिबान काबुल में जम गए और चीन व पाक के इशारे पर शासन चलाते हैं, तो भारत को दूसरे विकल्प के लिए भी तैयार रहना चाहिए। भारत को अपने भरोसे अपनी नीति बनानी होगी।<sup>13</sup>”

उल्लेखनीय है कि चीन ने इस आतंकी संगठन से दोस्ताना रिश्ते बनाने की इच्छा जताई है। तालिबानी आतंकियों द्वारा एकाएक अफगान सरकार को अपदस्थ किए जाने के बाद चीन के विदेश मंत्रालय की प्रवक्ता हुआ चुनरिंग ने अपने सरकार के पहले आधिकारिक बयान में कहा कि वह उम्मीद करते हैं कि तालिबान अफगान

नागरिकों और विदेशी राजनयिकों की सुरक्षा की पूरी जिम्मेवारी लेगा। एक तरफ जहाँ भारत-अमेरिका समेत अनेक देश अपने राजनयिकों को अफगानिस्तान से सुरक्षित निकालने में जुटे थे, वहाँ काबुल में चीनी दूतावास अपने राजदूत और कुछ कर्मियों के साथ निरंतर काम करता रहा। अब वैश्विक स्तर पर और विशेष तौर से भारत के लिए चिंता इस बात को लेकर बढ़ गई है कि अफगानिस्तान में नया तालिबानी शासन चीन की आर्थिक कठपुतली बनने की राह पर है।<sup>14</sup> अगस्त 2021 के प्रारंभ में ही चीन ने स्पष्ट कर दिया था कि वह तालिबान को अफगानिस्तान के वैध शासक की मान्यता देगा। चीन की नजर में अफगानिस्तान वह देश है, जिससे खनिज निकालकर वह अपनी उद्योगों को तेजी से दौड़ा सकता है। पूरे एशिया को जोड़ने वाला उसका महत्वाकांक्षी बेल्ट एंड रोड परियोजना भी अफगानिस्तान से गुजरता है। पाकिस्तान के साथ नया तालिबान निश्चित तौर पर हमारे चारों ओर की गई चीनी घेराबंदी का हिस्सा बन जाएगा और फिर चीन उसका इस्तेमाल हमारे खिलाफ करेगा।

ऐसे में भारत को अफगानिस्तान पर तालिबानी हुकूमत से उत्पन्न व्यापक भू-राजनीतिक परिस्थिति पर भी नजर रखनी होगी। अमेरिका अब ईराक और अफगानिस्तान से जा चुका है और पाकिस्तान चीन के खेमे में चला गया है। अमेरिका को एशिया में एक मजबूत लोकतांत्रिक सहयोगी की आवश्यकता होगी, जिसकी कमी को भारत ही पूरा कर सकता है। कोविड-19 से प्रभावित यूरोपीय देशों को एक नए व्यापारिक साझेदार की खोज है। चीन की परियोजनाओं से अफ्रीकी देशों का मोह भंग हो चुका है, क्योंकि उनके कारण वे भारी कर्ज में डूब गए हैं। अब इन देशों की बड़े निवेशकों की नजर आर्थिक और राजनीतिक केंद्र के रूप में भारत पर टिकी है। ऐसे में भारत को बड़े सावधानी से कदम बढ़ाने होंगे।

### **अफगानिस्तान के प्रति भारतीय कूटनीतिक विकल्प**

भारत और अफगानिस्तान के बीच संबंध ऐतिहासिक और सांस्कृतिक संपर्कों पर आधारित है। अफगानिस्तान पिछले 2000 वर्षों से अधिक समय से एक महत्वपूर्ण व्यापार एवं शिल्प केंद्र रहा है, जो भारत के साथ फारस, मध्य एशिया की सभ्यताओं को जोड़ता है। अफगानिस्तान की युवा पीढ़ी का भारत के साथ पढ़ने-पढ़ाने का संबंध रहा है। उल्लेखनीय है कि भारत-अफगानिस्तान सामरिक भागीदारी समझौता (2011) के तहत अफगानिस्तान में निवेश संवर्द्धन तथा अफगानी उत्पादों के भारत में शुल्क मुक्त आयात के लिए मार्ग प्रशस्त हुआ था और दोनों देशों का सालाना द्विपक्षीय व्यापार अब 1 अरब डॉलर का हो गया था। वहाँ के हेरात प्रांत में 42 मेगावाट क्षमता के सलमा बाँध और 9 करोड़ डॉलर की लागत से काबुल में भारत द्वारा संसद भवन का निर्माण किया गया था, जिसका उद्घाटन 2015 में स्वयं नरेंद्र मोदी ने किया था। इसके साथ ही काबुल स्थित ऐतिहासिक स्टोर पैलेस का नवीकरण भारत के सहयोग से किया गया है, जिसका उद्घाटन अगस्त 2016 में नरेंद्र मोदी और अफगानिस्तान

के तत्कालीन राष्ट्रपति अशरफ गनी ने किया था। 15 करोड़ डॉलर की लागत से अफगानिस्तान ईरान सीमा के निकट जरांग से डेलाराम को जोड़ने के लिए 218 किलोमीटर के राजमार्ग का निर्माण भारत के सीमा सड़क संगठन द्वारा किया गया है। इस राजमार्ग के जरिए चाबहार बंदरगाह से ईरान के रास्ते अफगानिस्तान पहुँचने का मार्ग भारत ने विकसित किया है। इसके साथ ही, अफगानिस्तान में विद्युत एवं संचार क्षेत्र के विकास के लिए बघलान प्रांत की राजधानी पुल-ए-खुमरी में एक 220 केवी डीसी ट्रांसमिशन लाइन की स्थापना भारत द्वारा की गई है, जिसके जरिए काबुल को विद्युत की आपूर्ति होती है। परिवहन के क्षेत्र में भारत ने अफगानिस्तान को 400 बसें और 200 मिनी बसें उपहार में दी है। इनके अतिरिक्त, स्थानीय निकायों के लिए 105 यूटिलिटी हीकल्स, अफगानी सेना के लिए 285 सैन्य गाड़ियाँ व सरकारी अस्पतालों के लिए 10 एम्बुलेंस गाड़ियाँ भारत ने अफगानिस्तान को उपहार में दी है। काबुल में बच्चों की चिकित्सा के लिए इंदिरा गाँधी इंस्टीट्यूट फॉर चाइल्ड हैल्थ की स्थापना भारत के सहयोग से की गई है।

अफगानिस्तान में तालिबान के आने के बाद दोनों देशों के व्यापारिक संबंधों पर निश्चित रूप से होने वाले प्रभाव के साथ-साथ भारत विरोधी पाक गतिविधियों में और अधिक वृद्धि की आशंका से अब अफगानिस्तान में अपने हितों को सुरक्षित रखना भारत के सामने बड़ी चुनौती है।<sup>15</sup> तालिबानी हुकूमत के बाद वहाँ भारत की आर्थिक सहायता पर विराम लग जाने से स्थिति भयावह हो गई है। विदेश मंत्रालय के सूत्रों के अनुसार अफगानिस्तान में अनिश्चय की स्थिति है और ऐसे में वहाँ निर्माणाधीन परियोजनाओं के लिए कोई सहायता लेने वाला ही नहीं है।<sup>16</sup> भारत ने अलग-अलग समय में अफगानिस्तान को 21,000 करोड़ रुपए आर्थिक विकास मदद देने का वादा किया था, जो तालिबानी शासन के बाद अब खटाई में पड़ गई है। इसके अलावा, भारत ने 3,450 करोड़ रुपए की परियोजनाएँ पूरी कर अफगानिस्तान को सौंपी हैं जो पाकिस्तान के इशारे पर तालिबान के निशाने पर आ सकती हैं। भारत अफगानिस्तान के 34 प्रांतों में 13 बड़ी परियोजनाओं पर काम कर रहा था, जो 510 करोड़ की हैं। अब इन सभी पर ब्रेक लग गया है। काबुल के लोगों का सबसे बड़ा नुकसान शहतूत बाँध परियोजना थमने से होने वाला है। इस पर भारत 700 करोड़ रुपए से अधिक खर्च करने जा रहा था। बाँध से काबुल की जनता को निरंतर पानी की आपूर्ति सुनिश्चित होनी थी। भारत ने सामुदायिक विकास के कार्यक्रमों के लिए 1,400 करोड़ रुपए की अलग से सहायता देने की घोषणा की थी।<sup>17</sup> ऐसे स्थिति में अफगानिस्तान के संबंध में भारत की भावी भूमिका को लेकर संशय की स्थिति बनी हुई है। वेदप्रताप वैदिक ने अपने आलेख में तालिबान से भारत को बातचीत करने की सलाह दी है।<sup>18</sup> उल्लेखनीय है कि तालिबान की आधिकारिक प्रवक्ता ने कहा कि कश्मीर भारत का आंतरिक मामला है। तालिबान को उससे लेना देना नहीं है। उन्होंने अफगान में किए गए भारत के निर्माण कार्यों की सराहना की है। वे भारत से व्यापार बढ़ाना चाहते हैं। भारत द्वारा

बनाए जा रहे ईरान के चाबहार बंदरगाह को वे अफगान के लिए उपयोगी बता रहे हैं। वे तुर्कमेनिस्तान से शुरू होकर अफगानिस्तान और पाकिस्तान से गुजरकर भारत आनेवाली 'तापी' गैस-पाइपलाइन का स्वागत कर रहे हैं। उन्होंने भारत को दक्षिण एशिया का सबसे महत्त्वपूर्ण देश कहकर उससे अच्छे संबंध बनाने की घोषणा की है।

## निष्कर्ष

उपरोक्त परिस्थितियों में भारत को तालिबान के साथ कूटनीतिक माध्यम को शीघ्र मजबूत करना होगा। यह बात सही है कि वह भारत विरोधी है और पाकिस्तान और चीन की सह पर हमेशा भारत विरोधी गतिविधियों में रहेगा, लेकिन अभी तालिबान के साथ बातचीत और कूटनीतिक संबंध रखने में ही बुद्धिमानी है। यदि हम अतीत में झांके तो पाएँगे कि तालिबान अराजक और अनुशासनहीन आतंकी संगठन रहा है, जिसके अंदर कई खेमा है। अबतक वे एकजुट थे, क्योंकि उन सभी का दुश्मन अमेरिका था। आज जब अमेरिका वहाँ से जा चुका है, तब तालिबानी मुजाहिदीनों के पुरानी और नई पीढ़ी के बीच टकराव होना निश्चित है और ऐसे किसी भी कलह और टकराव का लाभ उठाने के लिए भारत को काबुल में मौजूद रहना आवश्यक है। अफगानिस्तान में विकास की परियोजनाओं में भारत ने अबतक 22,000 करोड़ रुपए का निवेश कर अफगानियों के लिए कारोबार और तकनीकी सहयोग के रास्ते खोले हैं। भारत को संपर्क के इन माध्यमों को बनाए रखते हुए नए तालिबान को नया आर्थिक साझेदार बनाने का प्रयास करना होगा। पूरी आशंका है कि तालिबान, पाकिस्तान और चीन के हिसाब से अपनी रीति-नीति तय करेगा। पाकिस्तान और चीन अफगानिस्तान में भारतीय हितों को नुकसान पहुँचाने का काम कर सकते हैं। भारत को जितना सतर्क अफगान के नए शासन से रहना होगा, उतना ही सतर्क पाकिस्तान और चीनी रवैये को लेकर भी। चूँकि लश्कर और जैश जैसे पाकिस्तानी आतंकी गुटों का तालिबान से साँठगाँठ है, इसलिए भारत को यह देखना होगा कि उसकी सुरक्षा के लिए कोई खतरा न उत्पन्न हो जाए। भारत को कश्मीर में होने वाले घुसपैठ को रोकने के लिए नए सिरे से सक्रिय रहना होगा।

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# शिक्षा नीति 2020 एवं आत्मनिर्भर भारत - एक टिप्पणी

सुकान्तिका वत्स\*

## सार संक्षेप

यह निर्विवाद तथ्य है कि शिक्षा किसी भी राष्ट्र के विकास की कुंजी होती है। राष्ट्र की समृद्धि के लिए शिक्षा का समावेशी एवं सार्वभौमिक होना आवश्यक है। इसके व्यापक विस्तार के लिए यह आवश्यक है कि शिक्षा का माध्यम मातृभाषा होनी चाहिए। आमजन की पहुँच गुणवत्तापूर्ण एवं उपादेयता में सक्षम शिक्षा सुनिश्चित की जानी चाहिए। इससे सामाजिक न्याय, समानता, सांस्कृतिक दृढ़ता और राष्ट्रीय एकीकरण जैसे मूल्यों की स्थापना होती है। सही शिक्षा नीति से नई पीढ़ी सक्षम, कुशल एवं उत्तम नागरिक का निर्माण होता है और देश आत्मनिर्भर बन सकता है। इन्हीं वैचारिक पृष्ठभूमि में प्रस्तुत आलेख राष्ट्रीय आत्मनिर्भरता के संदर्भ में शिक्षा नीति 2020 की समीक्षा करता है। इसी क्रम में प्रचीन भारतीय शिक्षा नीति को भी रेखांकित करता है।

**विषय सूचक शब्द:** शिक्षा नीति 2020, सूचना प्रौद्योगिकी, आत्मनिर्भरता, उच्च शिक्षा, मातृभाषा, भारत

## भारतीय शिक्षा प्रणाली: पृष्ठभूमि

प्राचीन कालीन शिक्षा प्रणाली अत्यंत समृद्ध थी, उदाहरणार्थ, नालन्दा, तक्षशिला एवं अनेक गुरुकुल विश्व प्रसिद्ध शिक्षण संस्थान थे, जहाँ विदेशों से छात्र शिक्षा ग्रहण करने आते थे। परन्तु विदेशी आक्रमणकारियों ने इनको नष्ट कर दिया। मध्यकालीन शिक्षा व्यवस्था सुव्यवस्थित नहीं था। अंग्रेजी शासन काल में कुछ शिक्षण संस्थाएं खोली गईं पर वे समावेशी नहीं थी और न ही उनका उद्देश्य शिक्षा का सार्वभौमिकरण करना था। उदाहरणार्थ 1781 में कलकत्ता में मदरसा तथा 1792 में बनारस संस्कृत कॉलेज की स्थापना की गई। बाद में लार्ड मेकॉले ने भारत में अंग्रेजी शिक्षा व्यवस्था लागू करने का प्रयास किया। उसने 1835 में ऐसी शिक्षा व्यवस्था लागू की, जिसमें भारतीय छात्रों

\* सुकान्तिका वत्स, शोध छात्रा, राजनीति शास्त्र विभाग, दीनदयाल उपाध्याय गोरखपुर विश्वविद्यालय, गोरखपुर

को अंग्रेजी की शिक्षा दी जा सके ताकि वे अंग्रेजी शासन में लिपिकीय कार्य करने में सक्षम हो जाएं। इतना ही नहीं उसने पश्चिमी धारणाओं, विश्वासों एवं मान्यताओं को पाठ्यक्रम में शामिल किया। कालान्तर में ऐसा हुआ कि भारतीयों में गुलाम मानसिकता घर करती जा रही थी। बीसवीं सदी के पूर्वार्द्ध में महात्मा गाँधी, जाकिर हुसैन जैसे लोगों ने यह महसूस किया कि भारतीय शिक्षा में स्वदेशी तत्वों एवं कौशल का होना जरूरी है। 1937 के वर्धा सम्मेलन में एक शिक्षा व्यवस्था का खाका बना लिया जिसे हम बुनियादी शिक्षा के नाम से जानते हैं। यद्यपि उस समय तक अनेक शिक्षण संस्थान, यथा – कॉलेज/विश्वविद्यालय भारत में चल रहे थे, जो मेकॉले की शिक्षा योजना पर आधारित थे।

स्वातंत्र्योत्तर भारत में भी एक शिक्षा सुधारों के प्रयास किए गए। तत्कालीन प्रसिद्ध शिक्षाशास्त्री डॉ. राधाकृष्णन की अध्यक्षता में 1948 में एक आयोग की स्थापना की गई, जिसमें स्वदेशी एवं कौशलयुक्त शिक्षण की बात की गई। परन्तु स्वतंत्र भारत की सरकार ने बुनियादी शिक्षा पर विशेष बल नहीं दिया। 1956 में उच्च शिक्षा को बढ़ावा देने हेतु विश्वविद्यालय अनुदान आयोग की स्थापना की गई। परन्तु सुदृढ़ शिक्षा व्यवस्था का विकास नहीं हो पाया। 1964 में कोठारी आयोग का गठन किया गया, जिसने प्रत्येक स्तर की शिक्षा के लिए मानक तैयार किए तथा उच्च शिक्षा को शोधोन्मुखी बनाने की अनुशंसा की। परिणामस्वरूप ही 1968 में 'राष्ट्रीय शिक्षा नीति' अस्तित्व में आ सकी। इसके अंतर्गत शिक्षा के सर्वोत्करण पर बल देने के साथ इसके वित्तीय पक्ष पर भी व्यवस्थाएं की गईं। इस नीति में विभाजित सामाजिक संरचना में अभिवंचित वर्गों के लिए भी स्थान रखा गया। लगभग बीस वर्षों के बाद 1986 में व्यापक रूप से नई राष्ट्रीय शिक्षा नीति बनी, जिसमें नारी शिक्षा, एवं व्यस्क शिक्षा पर बल दिया गया ताकि सबों को शिक्षित किया जा सके। वर्ष 1992 में स्थापित यशपाल समिति ने भी शिक्षा व्यवस्था में परिवर्तन पर जोर दिया। इसी दिशा में आगे बढ़ते हुए 1990 में आचार्य राममूर्ति की अध्यक्षता में आयोग का गठन किया गया, जिसमें महिलाओं एवं अभिवंचित वर्गों के शिक्षा पर विशेष अधिभार दिया गया और कॉमन स्कूल शिक्षा व्यवस्था की अनुशंसा की गई। परन्तु राजनीतिक परिवर्तनों के कारण इन अनुशंसाओं पर नीतियां नहीं बनीं। इस बीच शिक्षा व्यवस्था में अनेक प्रयोग किए गए, परन्तु परिणाम 'ढाक के तीन पात' ही रहा। 2005 में सैम पित्रोदा की अध्यक्षता में आयोग बना, जिसने 'ज्ञान' शब्द पर अधिक बल दिया जो सूचना प्रौद्योगिकी से संदर्भित है। परन्तु विडंबना यह रही कि सत्ता परिवर्तन के साथ पिछली अनुशंसाओं पर मिट्टी डाला जाता रहा। हाल ही में भारत सरकार ने एक नई शिक्षा नीति 2020 को मंजूरी प्रदान की है।

अब प्रश्न है कि इस नई राष्ट्रीय शिक्षा नीति की क्या आवश्यकता थी? इसकी कौन सी नई विशेषताएं हैं? इसके क्या दूरगामी प्रभाव होंगे? क्या विकसित देशों की शिक्षा

नीतियों में क्या खासियत रही है? आदि। इन्हीं प्रश्नों के आलोक में प्रस्तुत आलेख शिक्षा नीति 2020 का आकलन करने का प्रयास करता है।

यहाँ एक झलक शिक्षा की दिशा में विकसित दूसरे देशों की शिक्षा नीतियों की खास बातों पर प्रकाश डालना आवश्यक प्रतीत होता है। सिंगापुर एक छोटा देश होते हुए भी विश्व रैंकिंग में अपना स्थान रखता है।

सिंगापुर की शिक्षा नीति में शिक्षा की गुणवत्ता एवं व्यापकता पर बल है। वर्ष 2004 में सिंगापुर की सरकार ने आवश्यक शिक्षा अधिनियम के तहत ये घोषित किया कि यदि माता-पिता अपने बच्चों का स्कूल में नामांकन नहीं करवाते, तो इसे अपराध की श्रेणी में रखा जाएगा। वहीं अमेरिकी शिक्षा व्यवस्था में शिक्ष के प्रबंधन में विकेन्द्रीकरण पर बल दिया गया है। वहाँ शिक्षा की प्राथमिक जिम्मेदारी राज्य सरकार तथा स्थानीय सरकारों की है। शिक्षकों की शिक्षण क्षमता को विकसित करने हेतु समय-समय पर उनके लिए कुछ अलग कार्यशालाएं भी आयोजित की जाती हैं। वहीं फिनलैण्ड में विद्यार्थी-केन्द्रित पठन-पाठन एवं शिक्षकों की स्वायत्ता पर ध्यान दिया गया है। चीन आज शिक्षा एवं वैज्ञानिक शोध के क्षेत्र में पूरे विश्व में काफी आगे है।

2017 के चीनी शिक्षा सुधारों का मुख्य उद्देश्य विश्वस्तरीय विश्वविद्यालयों की स्थापना करना है। उच्च शिक्षा संस्थानों को अधिक स्वायत्ता देना, कैम्पस सुरक्षा तथा जोखिम प्रबंधन, चिकित्सा शिक्षा में परिवर्तन आदि यहाँ की शिक्षा व्यवस्था की मुख्य विशेषताएं हैं।

## राष्ट्रीय शिक्षा नीति 2020

वर्तमान भूमंडलीकरण के दौर में विश्वपटल पर तीव्रगामी परिवर्तन परिलक्षित हो रहे हैं, जिसके साथ चलने के लिए भारत को शिक्षा पर विशेष ध्यान देना होगा। भारतीय संविधान में शिक्षा को मौलिक अधिकारों में स्थान दिया गया है। साथ ही नीति निर्देशक तत्वों में भी शिक्षा पर बल देने की बात की गई है। आज हमें ऐसी शिक्षा की जरूरत है, जो छात्रों में अपने कौशल का विकास करे, विषयों के प्रति गहरी समझ को विकसित करे, अपने सांस्कृतिक मूल्यों को पहचाने तथा उनके चरित्र निर्माण में सहायक हो। वर्तमान शिक्षा नीति इन्हीं उद्देश्यों के लिए निर्मित की गई है।

पूर्व की शिक्षा नीतियों में 'शिक्षा तक पहुँच' का मुद्दा प्रमुख रहा है। परन्तु वर्तमान शिक्षा नीति का मसौदा पूर्व इसरो प्रमुख डॉ. के. कस्तूरीरंगन की अध्यक्षता वाली समिति ने तैयार किया है। इसमें शिक्षा के प्रारंभिक स्तर पर ही बच्चे के मस्तिष्क में मौलिकता का समावेश करना तथा आरंभिक स्तर पर मातृभाषा में शिक्षा की व्यवस्था करना ताकि शिक्षार्थी अपनी जड़ों से जुड़ाव रखे। राष्ट्रीय शिक्षा नीति 2020 कुछ मूलभूत सिद्धान्त निम्न प्रकार है—बुनियादी साक्षरता तथा संख्या ज्ञान को प्राथमिकता देना ताकि कक्षा 3 तक साक्षरता और संख्या ज्ञान जैसी क्षमताओं को विकसित करना।

- अवधारणात्मक समझ पर अधिक बल ताकि रटंत पद्धति और केवल पुस्तकीय ज्ञान तक सीमित न रहा जाए।
- नैतिकता, मानवीय और संवैधानिक मूल्यों के प्रति आदर का भाव विकसित करना, सार्वजनिक संपत्ति के प्रति सम्मान की भावना, दूसरों के लिए सम्मान एवं शिष्टाचार की भावना का विकास करना।
- भारतीयता की जड़ों और गौरवमयी संस्कृति के साथ जुड़ाव रखना एवं आधुनिक ज्ञान प्रणालियों को भी सम्मिलित करना।
- शोध पर अधिक बल देना ताकि नए ज्ञान का सृजन व वैश्विक परिस्थितियों के अनुरूप सक्षम रहा जा सके।
- शिक्षकों में गुणवत्ता एवं रुझान बनाए रखने के लिए उनकी भर्ती की उचित व्यवस्था तथा उनका निरंतर ज्ञानवर्धन हेतु कार्यशालाएं एवं संगोष्ठियां आयोजित करना।
- स्कूली शिक्षा से लेकर उच्च शिक्षा तक पाठ्यक्रम में तालमेल स्थापित करना ताकि कहीं भी भटकाव की स्थिति पैदा न हो।

उपरोक्त सिद्धांतों से स्पष्ट हो जाता है कि राष्ट्रीय शिक्षा नीति 2020 एक ऐसे शिक्षार्थी के विकास पर केंद्रित है, जो कौशल विकास के साथ-साथ मानवीयता के पक्ष का भी पोषण करती है। शिक्षा नीति का मुख्य आमुख भारतीय मूल्यों को बरकरार रखते हुए शिक्षा की व्यवस्था करना है जिससे भारत को एक ज्ञान महाशक्ति के रूप में परिणत किया जा सके।

**स्कूल स्तरीय शिक्षा:** पुरानी शिक्षा नीतियों से 'बस्ते के बोझ' बढ़ता गया है न कि मौलिकता व व्यक्तित्व विकास पर। परन्तु वर्तमान राष्ट्रीय शिक्षा नीति 2020 में परिवर्तन लाकर 5+3+3+4 की एक नई व्यवस्था की गई है। इस पैटर्न के अंतर्गत 3-8 वर्ष की आयु में फाउंडेशन स्टेज, 8-11 वर्ष में प्रिपेटरी, 11-14 वर्ष तक माध्यमिक व 14-18 वर्ष तक सेकंडरी तक बाँटा गया है। यह विदित है कि बच्चों के मस्तिष्क का 85 प्रतिशत विकास 6 वर्ष की अवस्था से पूर्व ही हो जाता है, इसलिए वर्तमान शिक्षा प्रणाली में इस आयु तक विशेष फोकस किया गया है। इसका उद्देश्य पाठ्यक्रम को कम करना तथा आलोचनात्मक समझ को विकसित करना है। वर्तमान समय में जहाँ पर प्रत्येक विषय आलोचनात्मक विश्लेषण पर आधारित है, ऐसे में नई शिक्षा नीति इस कमी को पूरा करने की दिशा में एक सकारात्मक कदम माना जा सकता है। इस नीति में अर्ली चाइल्ड केयर एंड एजुकेशन के साथ पाठ्यक्रम और शैक्षणिक संरचना को शामिल किया गया है। नई शिक्षा नीति की अहम बात प्री-प्राइमरी से लेकर कम से कम पाँचवीं कक्षा तक मातृभाषा में शिक्षा की व्यवस्था है। ऐसा इसलिए क्योंकि अपनी मातृभाषा से बच्चे का जुड़ाव स्वाभाविक है और मातृभाषा में पठन सामग्री को समझना सरल है, बजाए किसी विदेशी भाषा के। चीन का उदाहरण हमारे सामने है जिसने मातृभाषा शिक्षा के बल पर ही वर्चस्व स्थापित किया है। हालांकि शिक्षा नीति में

मातृभाषा के अतिरिक्त एक विदेशी भाषा को सीखने का भी प्रावधान है। इस नीति में इस बात पर विशेष बल दिया गया है कि कोई भी बालक या बालिका अपनी जन्मजात परिस्थितियों के कारण पढ़ने के अवसर से वंचित न रहे तथा ड्रापआउट की समस्या से निजात मिले। ये सभी विश्लेषण राष्ट्रीय नमूना सर्वेक्षण के अंतर्गत सामने आए हैं। राष्ट्रीय शिक्षा नीति में इसी कमी को दूर करते हुए 2030 तक सौ प्रतिशत सकल नामांकन अनुपात प्राप्त करने का लक्ष्य रखा गया है।

उच्च शिक्षा में बदलाव: उच्च शिक्षा में भी परिवर्तन अनिवार्य है, क्योंकि वर्तमान सूचना प्रौद्योगिकी के क्षेत्र में उच्च शिक्षा अत्यन्त महत्वपूर्ण हो जाता है। समग्र विकास हेतु यह आवश्यक है कि पूर्व-विद्यालय से उच्च शिक्षा स्तर तक सीखने के प्रत्येक चरण में कौशल विकास और मूल्यों का एक निर्धारित मानदंड स्थापित किया जाए। वर्तमान उच्च शिक्षा के अंतर्गत विषयों का कठोर विभाजन किया गया है। इसमें शिक्षक भी सीमित संख्या में उपलब्धता, शोध को एक गंभीर विषय के तौरपर न लेना, नियामक प्रणाली का अप्रभावी होना, शिक्षा रोजगारोन्मुख न होना, कुछ ऐसे विश्वविद्यालयों का होना जिनका लक्ष्य केवल अर्थोपार्जन तक सीमित है, आदि कमियों से जूझ रही है।

विश्वविद्यालय रैंकिंग 2020 के अनुसार उच्चतम 500 विश्वविद्यालयों में भारत के केवल छह विश्वविद्यालयों ने जगह बनाई है। अगर भारत को ज्ञान शक्ति के रूप में उभर कर सामने आना है, तो विश्व में अपने विश्वविद्यालयों की रैंकिंग को सुधारना होगा। राष्ट्रीय शिक्षा नीति 2020 के अंतर्गत उच्च शिक्षा संस्थानों को बड़े और बहु-विषयक विश्वविद्यालयों, कॉलेजों और नॉलेज केन्द्रों के रूप में स्थानांतरित करना है। यह लक्ष्य रखा गया है कि 2040 तक सभी वर्तमान उच्च शिक्षा संस्थाओं का उद्देश्य अपने आपको बहु-विषयक संस्थानों के रूप में स्थापित करना होगा। अभी भी भारत में बहुत से राज्य ऐसे हैं, जहाँ विद्यार्थियों को उच्च शिक्षा प्राप्ति हेतु दूर स्थान तक जाना पड़ता है, लेकिन शिक्षा नीति में यह लक्ष्य रखा गया है कि 2030 तक प्रत्येक जिले में या उसके समीप कम से कम एक बहु-विषयक उच्चशिक्षा संस्थान स्थापित होगा। उच्च शिक्षा में सकल नामांकन 2035 तक 50 प्रतिशत करने का लक्ष्य है।

शिक्षा व्यवस्था की एक अन्य विशेषता विभिन्न स्तरों पर एंट्री और एक्जिट की व्यवस्था है। 12वीं कक्षा के बाद कॉलेज स्तर पर चार विकल्प मौजूद रहेंगे, जिसे चार वर्ष के बैचलर कोर्स में पहला वर्ष पूरा करने पर सर्टिफिकेट, दो वर्ष पर एडवांस डिप्लोमा, तीन वर्ष पूरा करने पर बैचलर डिग्री तथा चार वर्ष पर रिसर्च के साथ बैचलर डिग्री कोर्स पूरा कर सकते हैं। ऐसे में विद्यार्थी के पास एक साथ कई विकल्प मौजूद रहेंगे और हर स्तर पर यदि वह शिक्षा को बीच में छोड़ता है, तो कम से कम एक सर्टिफिकेट उसके पास रहेगा। शिक्षा नीति सभी शैक्षणिक विषयों में देश भर में अनुसंधान और नवाचार को उत्प्रेरित और सक्रिय बनाने पर जोर देती है। राष्ट्रीय अनुसंधान फाउंडेशन की स्थापना पर बल दिया गया है। सबसे महत्वपूर्ण बात “भारतीय उच्चतर शिक्षा आयोग” को सभी शैक्षणिक संस्थानों के लिए एक छतरी के रूप में

स्थापित किया जाएगा। वर्तमान में हर शिक्षा के लिए एक अलग संस्थान स्थापित है जिससे कार्य में जटिलता और पेचिदगियां आ जाती है, एक संस्थान की स्थापना के साथ इस जटिलता को समाप्त कर दिया जाएगा।

अगर हम कुछ देशों के साथ भारत के शिक्षा में सकल घरेलू उत्पाद के खर्च की तुलना करें, तो स्पष्ट होता है कि वर्ष 2019 में जहाँ भारत का खर्च शिक्षा पर इसके सकल घरेलू उत्पाद का 3.1 प्रतिशत था, जो 2020 में 4.6 प्रतिशत हो गया है तथा चीन में वर्ष 2018 में यह 5 प्रतिशत के समीप था। वर्ष 2017 में अमेरिका में से खर्च 6.1 प्रतिशत, ब्रिटेन में 6.3 प्रतिशत रहा, जबकि सबसे अधिक नार्वे में 6.6 प्रतिशत रहा। इसलिए राष्ट्रीय शिक्षा नीति 2020 में इसे 6 प्रतिशत करने पर बल दिया गया है।

व्यावसायिक शिक्षा के अंतर्गत यह लक्ष्य रखा गया है कि वर्ष 2025 तक 50 प्रतिशत विद्यार्थियों को व्यावसायिक शिक्षा का अनुभव प्रदान किया जाएगा। 'नेशनल कमेटी फॉर द इंटीग्रेशन ऑफ वोकेशनल एजुकेशन' का गठन किया जाएगा। इस व्यवस्था की आवश्यकता इसलिए महसूस की गई, क्योंकि व्यावसायिक शिक्षा को यदि मजबूती प्रदान की गई, तो विद्यार्थी को शिक्षा पूरी करने के बाद इस बात के बारे में नहीं सोचना पड़ेगा कि रोजगार के लिए उसके पास क्या विकल्प मौजूद है।

### **राष्ट्रीय शिक्षा नीति 2020 और आत्मनिर्भर भारत**

राष्ट्रीय शिक्षा नीति 2020 को यदि आत्मनिर्भरता का उपकरण माना जाए, तो कहा जा सकता है कि इसमें आत्मनिर्भर भारत का सपना साकार करने की पूरी क्षमता है। इस नीति में समग्रता का परिचय देते हुए कौशल विकास, मातृभाषा में शिक्षा पर बल, लोकविद्या का सृजन के पाठ्यक्रम पर बल देकर आत्मनिर्भरता का उपकरण बनाया गया है। अगर हम प्राचीन काल पर दृष्टि डालें, तो पाएंगे कि प्राचीन काल में अपनी मातृभाषा संस्कृत में शिक्षा के कारण ही नालंदा, तक्षशिला जैसे विश्वविख्यात विश्वविद्यालय विद्यमान थे तथा चाणक्य, वराहमिहिर जैसे चिंतक भी हुए। ऐसे में भारत को विदेशों की ओर न देखते हुए स्वयं की क्षमताओं को विकसित करने पर बल देना चाहिए। राष्ट्रीय शिक्षा नीति में भारतीय भाषाओं पर जोर दिया गया है, पाँचवीं तक की शिक्षा मातृभाषा में होगी यानी अपनी भाषाओं में दक्षता अर्थात् आत्मनिर्भरता की ओर प्रथम पग। ये कहना गलत नहीं होगा कि अगर इस स्तर तक मातृभाषा में शिक्षा हो तो बच्चा उसे समझेगा न कि रटेगा। 100 प्रतिशत सकल नामांकन अनुपात का लक्ष्य सभी को शिक्षा के दायरे में लाना है।

इस राष्ट्रीय शिक्षा नीति में वंचित वर्गों के लिए महत्वपूर्ण प्रावधान किए गए हैं ताकि कोई भी शिक्षा से वंचित न रह सके। राष्ट्रीय शिक्षा नीति के अंतर्गत शिक्षकों के प्रशिक्षण की भी एक नई व्यवस्था है, जिसमें नेशनल प्रोफेशनल स्टैंडर्ड फॉर टीचर, जिससे कि शिक्षकों की भर्ती को तीव्र किया जा सके। इसके अलावा विषय चयन में

लोचता को महत्व दिया गया है। अंतर विषयी शिक्षा जिसमें विज्ञान का छात्र कला विषय पढ़ सकेगा तथा कला का छात्र विज्ञान का विषय अपनी रुचि के अनुसार पढ़ सकेगा। इस प्रकार राष्ट्रीय शिक्षा नीति 2020 सही मायने में आत्मनिर्भर भारत के सपने को साकार करने के लिए ही है।

### **निष्कर्ष**

वर्तमान विश्व में ज्ञानमूलक समाज के निर्माण से ही अपना अस्तित्व बनाए रखा जा सकता है। विश्व के सभी प्रगतिशील देश अधिक से अधिक ज्ञान में निवेश कर रहे हैं। ऐसी आशा की जा सकती है कि इस नीति पर चलकर भारत 'विश्वज्ञानगुरु' की विरासत को पुनः स्थापित करने में सफल हो सकेगा। साथ ही 21वीं सदी की चुनौतियों का सामना कर सकेगा। राष्ट्रीय शिक्षा नीति के अंतर्गत न केवल स्कूली स्तर पर गहन परिवर्तन परिलक्षित होते हैं, अपितु उच्च शिक्षा में भी मूलभूत परिवर्तनों पर बल दिया गया है। मातृभाषा में शिक्षा से सबको शिक्षा का लक्ष्य प्राप्त किया जा सकेगा। भारतीय विश्वविद्यालयों की वैश्विक प्रतिस्पर्धा, सूची में सम्मिलित करना, रोजगारोन्मुख व्यावसायिक शिक्षा आदि शिक्षा नीति की मुख्य विशेषताओं में से है। जिससे हम आत्मनिर्भरता के लक्ष्य को प्राप्त कर सकते हैं।

# Glimpses of Activities of IIPA, Bihar Regional Branch



Release of the last issue of BIPA  
by DG, IIPA, New Delhi

**Dr R K Verma**

*Editor*

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