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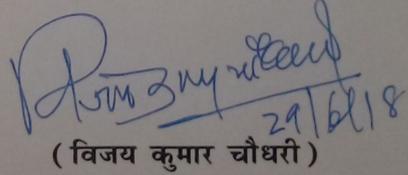


### संदेश

प्रसन्नता की बात है कि भारतीय लोक प्रशासन संस्थान बिहार रिजनल ब्रांच, पटना द्वारा पिछले 14-15 वर्षों से एक उच्च स्तरीय शोध पत्रिका बिहार जर्नल ऑफ पब्लिक एडमिनिस्ट्रेशन का अनवरत प्रकाशन किया जा रहा है ।

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29/6/18  
(विजय कुमार चौधरी)

# **From the Pen of the Chairman-cum-Chief Editor**

Dear Readers,

I have immense pleasure to present the latest issue (Vol. XV, No. 1, Jan-June, 2018) before you. The Indian Institute of Public Administration (IIPA), Bihar Regional Branch, Patna has been endeavouring tirelessly to bring the burning issues of Public Administration to the fore through the Journal. Regular publication of journal is a step forward towards the venture that too amidst financial exigencies and other difficulties. The Branch has been conscious of maintaining high order of the journal in order to make it useful for teachers, researchers, students, policy makers and administrators. Besides, we have made efforts to maintain its high standard so that it could be included in UGC approved list of journals and also for its wide circulation through Branch's website.

The present issue encompasses the burning issues in governance like Indian culture and polity, relevant ideas of Indian thinkers specially that of Swami Vivekanand and Dr. Ambedkar on the issues of governance, policy perspectives on combating corruption, skill development, environmental protection, Information technology, etc.

I express my thankfulness to the editorial team, anonymous referees, learned contributors and institutions of higher education who have rendered helping hands to our venture.

Er. Jugal Kishore Singh  
Chairman-cum-Chief Editor

## Editorial

The present issue of Bihar Journal of Public Administration (Vol. XV, No. 1, Jan-June, 2018) covers a wide range of issues of public administration like underlining the relevance of traditional Indian wisdom in the governance of present time, institutions of combating corruption, skill development, environmental protection, concerns for the tribes, use of latest information technology in implementation of policies and different issues related to governance and bureaucracy. All these issues have acquired significant place in the policy process aiming at the faster pace of development in India. Our thanks are due to both the contributors and the referees who have taken pain to review the articles/papers.

C Sheela Reddy has outlined Ambedkar's perspective of women's rights in the present day context. Saket Bihari has examined the use of geo-tagging in implementation of MNREGA in different Indian states, issues involved and bottlenecks therein. He finds its usefulness in assessing actual benefit transfer. Triranjana Raj has dealt the issues of making Indian governance transparent by tracing the proceedings of introduction of Lok Pal, as Indian Ombudsman. He finds that it is the bureaucratic strategies that lingered its inception. Jitendra Narain has ventured to underline the contribution of cultural elements in building of Indian nation. Rashmi Shekhar attempts an empirical examination of the skill development through information technology in universities of Bihar. She finds that despite high degree of enthusiasm among the learners, the goal is far from being achieved due to lack of comprehensive use of available ICT and related infrastructure in the institutions of universities in Bihar. Chandra Prakash traces the ideas of Swami Vivekanand in context of strengthening ethical values in governance and its relevance even today. Sanjay Kumar has traced the factors responsible for adverse working conditions of construction workers in Patna and finds that family conditions do also add to their miseries.

The 'Notes' section based on experiences of the high officials bear thought provoking views which attract the attention of administrative scientists. Hon'ble Speaker, Bihar Legislative Assembly Vijay Kumar Choudhary, in his impressionistic note has pin pointed the feasibility and practicality of conferring the status of legal person on the rivers. He suggests that though it satisfies the quest of environmental activists, yet it seems inadequate in achieving the goal of clean and continuous flow of rivers across the country. He suggests that much is needed to be done to substantiate the step. A veteran administrator retired from IAS (1978 batch) A V

Sinha, in his note, has suggested the creation of high power Tribal Development Authority for the well being of the tribes of Bihar.

The Hindi section of the journal contains the burning issues like environment, bureaucracy and good governance with rigorous treatment by the contributors. Shashi Pratap Shahi has examined the changes in nature of bureaucracy in context of good governance, specially through administrative reforms since the dawn of 21st century. He concludes that the recommendations were not implemented in their spirit and the bureaucracy has inadequately been revamped specially up to the requisites of good governance. Gandhiji Roy, a renowned teacher of Political Science, has traced the severity of the phenomenon of climate change and its impact in India, all in the theoretical garb of environmental politics.



Dr. R.K. Verma  
Editor

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English Section

अंग्रेजी प्रभाग

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# Women's Rights in India: Dr. Ambedkar's Perspective

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C. Sheela Reddy\*

Ours is a battle; not for wealth, nor for power, Ours is a battle; for freedom; for reclamation of human personality....

–Dr. B.R. Ambedkar

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## Abstract

Dr. Babasaheb Ambedkar, one of the greatest intellectuals and social reformers of modern India, stood throughout his life for the liberation of Indian women from the lifelong bondage and slavery of Hindu social institutions. By conceptualizing caste and gender inequality as inseparable constituents of Hindu social order, he laid the foundation for gradual transformation of Indian social consciousness and perception of gender justice in India. Dr. Ambedkar not only wrote extensively to counter the orthodox Hindu opinion against women but worked as an activist and social reformer at the grass roots level to organize and empower women of depressed classes to reclaim their social rights. The present paper is an attempt to bring out the analytical insights and thoughts of Dr. Ambedkar, adding value to his ideological basis of political, economic and social justice, to wards empowerment of the women in Indian Society.

**Keywords:** Graded System, Women's Rights, Gender Justice, Manusmriti, Hindu Code Bill.

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## INTRODUCTION

Dr. Babasaheb Ambedkar challenged the ideological foundation of graded system of caste hierarchy that denied equality, freedom and human dignity to women in Hindu Society. His life stands out as an example and a testimony to the ideal of

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\* Professor Reddy is the Chair Professor, Dr. Ambedkar Chair in Social Justice, Indian Institute of Public Administration, New Delhi.

securing human dignity to all. He is also an outstanding example of what Antonio Gramsci called an organic intellectual, one who represents and articulates the interests of entire social class. He championed the cause of women, not only of dalits, but of upper class, at a time when he himself was facing and experiencing discrimination and marginalization. A pioneer of social justice, Dr. Ambedkar tirelessly worked for the liberation of women, their rights and strongly advocated that everyone should be treated equally irrespective of caste, creed, gender and religion. The present paper is an attempt to bring out the analytical insights and thoughts of Dr. Ambedkar, adding value to his ideological basis of political, economic and social justice, towards empowerment of the women in Indian Society.

A multifaceted personality, intellectual revolutionary, and a champion of the downtrodden and underprivileged sections of Indian society, Dr. Ambedkar challenged the legitimacy of orthodox Hindu social order that upheld iniquitous gender relations in an institutionalized manner.<sup>1</sup> Since ancient times, women in India were ill treated and their societal positioning was never at par with men. Women were not even entitled to the basic rights and put to the lowest rung of humanity. Dr. Ambedkar consistently strived for economic liberation and social rights of women. He stressed the need to safeguard their dignity and respect modesty of the women folk.<sup>2</sup> He studied the Hindu Shastras and Smritis extensively to find out the root cause of degraded status of women in India.<sup>3</sup> He started many movements and raised his voice against the Hindu social order through his journals *Mook Nayak* (1920) and *Bahishkrit Bharat* (1927). The journals covered issues concerning gender equality, women education and problems related to depressed classes.

### **CONDITION OF WOMEN: PRE-MANU AND POST-MANU PERIOD**

Dr. Ambedkar did an in-depth historical study of the position of women in ancient India. He published an article titled, 'The Rise and Fall of the Hindu Women', in the May and June issue of *Maha Bodhi* journal of Calcutta in 1952. In the article, he stated that it was Manu who was responsible for the downfall of status of Hindu women. He said that, in pre-Manu days, women played a considerable role in statecraft and occupied high position in the intellectual and social life of the country. Women were even entitled to Upanayan, which is clear from the Atharva Veda, where a girl is eligible for marriage having finished her Brahmacharya. It is clear from the Shrauta Sutras that women were able to repeat the Mantras of the Vedas and were taught to read the Vedas. Panini's '*Ashtadhyay*' bears testimony to the fact that women attended Gurukul (college) and studied the various shakhas (Sections) of the Vedas and became experts. Patanjali's '*Maha Bhashya*' shows that women were teachers and taught Vedas to girl students. The stories of women entering into public discussions with men on most abstruse subjects of religion, philosophy

and metaphysics are available in good quantity. The stories of public disputation between Janaka and Sulabha, between Yajnavalkya and Gargi, between Yajnavalkya and Mairei and between Sankaracharya and Vidyadhari show that women in pre-Manu's time could rise to the highest pinnacle of learning.<sup>4</sup>

Dr. Ambedkar in his essay titled, '*The Woman and the Counter Revolution*' stated that in the days of Kautilya, women gave consent for their marriage, though there was no law as to the age of consent. Unlike Manu, Kautilya's idea was monogamy. A man could marry more than one woman only under certain conditions. In Kautilya's time, women could claim divorce on the grounds of mutual enmity and hatred. Moreover, if the husband was of a bad character, wife could abandon him. Indeed, there was no ban on widow remarriage. There were several provisions in Kautilya's Arthashastra relating to wife's endowment and maintenance and a wife could bring action in a court of law against her husband for assault and defamation. In pre-Manu days, a woman was free and equal partner of man.<sup>5</sup> Dr. Ambedkar argued that Manu was responsible for the downfall of the position of women in the society. Manu in his *Manusmriti* propounded a theory of perpetual slavery for women. With the passage of time, the social status of women was undermined and several restrictions were imposed on them. Women were treated as bonded labourers and men treated them as objects of pleasure. They were expected to show complete obedience to men.

Dr. Ambedkar quoted some of the laws of Manu regarding women, who believed that women are not to be free under any circumstances. They must be kept day and night in dependence by the males of their families. A man could abandon his wife and could even sell her. Wife was a subject to corporal punishment and husband had the right to beat her. The killing of women was a minor offence. Moreover, a wife was reduced to the level of a slave in the matter of property. According to Manu, a wife and slave have no right to property. Under the laws of Manu, women had no right to study the Vedas. A woman should not perform the daily sacrifices prescribed by the Vedas.<sup>6</sup> Dr. Ambedkar had a view that in the declining days of Vedic regime, women belonging to lower castes like Shudras occupied a very low position in society and their status degraded day by day.

## **GENDER EQUALITY AND SOCIAL REFORM MOVEMENTS**

Dr. Ambedkar realized that the status of women was related to the system of organized exploitation of the Hindu social order and Hindu Dharma which does not recognize the individual as a centre of social purpose. The status of women was primarily based on Class or Verna and not on individual.<sup>7</sup> Dr. Ambedkar in his first seminal work, *Castes in India: Their Mechanism, Genesis and Development* (1916), described the cruel treatment meted out to women. Being influenced by the liberal democracy and pragmatic education of the West, he started the reformation of the

Indian society by raising his voice for the liberation of women. He always involved women in his struggles and strived to give them frontline positions. As a researcher, Dr. Ambedkar extensively studied the situation of women in all religions and laid focus on the denial of rights to women. He highlighted the social evils concerning women in Hindu religion as well as in Muslim society. He stated that purdah system on a Muslim woman deprives her of moral and mental nourishment.

### **Mahad Satyagraha, 1927**

On December 25, 1927, at a Conference of Depressed Classes held at Mahad, Dr. Ambedkar burnt the Manusmriti to protest against the discrimination of women and untouchables. In the Mahad Satyagraha, many women accompanied him in the historic march to Chawdar Tank at Mahad to assert the untouchables' right to drink water from the public tank. Dr. Ambedkar remarked that the movement symbolized the spirit of strength, solidarity, liberty, equality, fraternity, justice and humanism. He demanded to reshape the Hindu Code governing the life of common people. At the end of Conference, Dr. Ambedkar also addressed a meeting of about three thousand women of the depressed classes and urged them to dress well and live a clean life. He said, 'Do not feed your spouse and sons if they are drunk. Send your children to school. Education is necessary for females as it is for males. If you know how to read and write, there would be much progress. As you are, so your children will be. Many of women present here do not get even square meal every day. They have to content themselves with ordinary Roti and Chatni. Still they never care about their honour, dignity and self respect'.<sup>8</sup> Dr. Ambedkar made every effort wherever possible to raise the moral and social consciousness of women.

### **Kalaram Temple Entry Satyagraha, 1928**

In January 1928, a womens' association was formed in Mumbai with Ramabai, Dr. Ambedkar's wife, as its president. In the Kalaram Temple Entry Satyagraha at Nasik in 1930, around five hundred women participated and many of them were arrested along with men and ill-treated in jails. Women also organized *Samata Sainik Dal* to express their solidarity with men in jails. The encouragement of Dr. Ambedkar to empower women to speak boldly was evident when Radhabai Vadale addressed a press conference in 1931. She said 'It is better to die hundred times than live a life full of humiliation. We will sacrifice our lives but we will win our rights.' Dr. Ambedkar believed in the strength of women and their role in the process of social reform.

### **Women's Conference Nagpur, 1942**

While addressing the Women's Conference in Nagpur, 1942, under the presidency of Mrs. Sulochanabai Dongre in which around 25,000 women attended. Dr.

Ambedkar said, 'I am a great believer of women's organization. I have great faith and conviction in the power and strength of women. In the eradication of social evils, women have rendered great services'. Dr. Ambedkar advised women to get married only when they are financially capable. They should stand by their husband as a friend and as an equal and refuse to be his slave. He reminded them that having too many children is a crime. The paternal duty lies in giving each child a better start. He concluded his address, 'I am sure if you follow this advice, you will bring honour and glory to yourselves'.

### **Maternity Benefit Bill**

Dr. Ambedkar strongly supported the Maternity Benefit Bill for women labourers. In his speech at the Depressed Classes Women's Conference held at Nagpur on July 20, 1942, he said: 'It is in the interest of the nation that the mother ought to get a certain amount of rest during the pre-natal and post-natal periods'.<sup>9</sup> In his view, the progress of a community has to be measured by the degree of progress women achieve.<sup>10</sup> He advised women to be clean and be free from all vices. He further added that they must instill ambition in them and remove all inferiority complexes from them.<sup>11</sup> Dr. Ambedkar believed that sacramental marriage is polygamy for man and perpetual slavery for the woman because under no circumstances within that system women would get liberty from their husbands, howsoever bad and undesirable persons they may be.<sup>12</sup>

The Parliament recently passed the Maternity Benefit (Amendment) Bill, 2016. The Bill seeks to amend the Maternity Benefit Act, 1961 to provide for the following:

- (i) Maternity leave available to the working women to be increased from 12 weeks to 26 weeks for the first two children.
- (ii) Maternity leave for children beyond the first two will continue to be 12 weeks.
- (iii) Maternity leave of 12 weeks to be available to mothers adopting a child below the age of three months as well as to the "commissioning mothers". The commissioning mother has been defined as biological mother who uses her egg to create an embryo planted in any other woman.
- (iv) Every establishment with more than 50 employees to provide for crèche facilities for working mothers and such mothers will be permitted to make four visits during working hours to look after and feed the child in the crèche.
- (v) The employer may permit a woman to work from home if it is possible to do so.
- (vi) Every establishment will be required to make these benefits available to the women from the time of her appointment.<sup>13</sup>

Dr. Ambedkar was always empathetic in his approach towards women. The credit for initiating efforts to provide maternity benefit to women goes to Dr. Ambedkar.

## **Constitutional Provisions and Gender Justice**

Dr. Babasaheb Ambedkar tirelessly fought with the aim of providing equal status to women along with men by incorporating several provisions in the Constitution of India. The Constitution guarantees political equality along with social, educational and economic justice to women. The Preamble of the Constitution guarantees justice, i.e. social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and opportunity; and fraternity assuring the dignity of every individual and unity and integrity of nation without any discrimination based on caste, creed or sex. Moreover, the Fundamental Rights and the Directive Principles of the Constitution also ensure gender equality without any bias.<sup>14</sup>

Dr. Ambedkar made a pioneering contribution in introducing Articles 14, 15, 16, 39, 42 in the Indian Constitution that guarantee protection to women:

**Article 14-** equal rights and opportunities in political, economic and social spheres.

**Article 15-** prohibits discrimination on the ground of sex.

**Article 15 (3)-** enables affirmative discrimination in favour of women.

**Article 16-** provides for equality of opportunity in matters of public employment.

**Article 23-** prohibits trafficking in human beings and forced labour.

**Article 39-** equal means of livelihood and equal pay for equal work.

**Article 42-** just and humane conditions of work and maternity relief.

**Article 46-** The State to promote with special care, the educational and economic interests of the weaker section of the people and to protect them from social injustice and all forms of exploitation.

**Article 47-** The state to raise the level of nutrition and the standard of living of its people and the improvement of public health and so on.

**Article 51(A) (c) -** Fundamental duties to renounce practices, derogatory to the dignity of women.

**Article 243D (3), 243T (3) and 243R (4) -** which provide for allocation of seats in the Panchayati Raj System became part of the Constitution in due course.<sup>15</sup>

Thus, Babasaheb Ambedkar had a firm opinion that political rights (i.e. adult franchise) for women cannot ensure proper gender justice. Political rights along with socio-cultural, educational and economic justice alone can guarantee self-respect, dignity and equal status for women in the social order.

## **HINDU CODE BILL**

The Hindu Code Bill had its origin in a legislation which took effect in the year 1937 in the form of the Women's Rights to Property Act. In the year 1941, Government

of India set up a Committee under the Chairmanship of Shri B.N. Rao to resolve difficulties and to suggest remedies. The Committee collected different views and drafted the Hindu Code.<sup>16</sup> By August 1944, it had published a draft Code and its main provisions were that both daughters as well as sons have a share of inheritance upon the deaths of their parents, widows were granted absolute estate, monogamy was a rule of law and divorce was allowed under certain circumstances. The Code was introduced in the legislature in April 1947, but the political circumstances i.e. Independence and Partition did not allow for discussion of the text. In 1948, Jawaharlal Nehru entrusted the drafting of the new Code to a Sub-Committee of the Assembly and nominated Dr. Ambedkar as its head.<sup>17</sup> Dr. Ambedkar, Chairman of the Drafting Committee of the Indian Constitution, introduced the Hindu Code Bill in Parliament on April 11, 1947, which evoked mixed response. The sole purpose was to change the basic framework under law, i.e. giving Hindus a uniform law, regulating their social and religious life and ensuring women, the right to divorce and right to property. The Hindu law was not uniform for all Hindus and as such codification was the only solution. Dr. Ambedkar argued that the present system of Hindu law was inconsistent with the provisions of the Constitution. The law was against the spirit of Article 15, which states that the State shall not discriminate against any citizen on the grounds of birth. Dr. Ambedkar, therefore, wanted to reform the Hindu society, by remaining in Hindu fold.<sup>18</sup>

In the Constituent Assembly, while speaking on the Hindu Code Bill, he urged the members to have a common code which could do away with the rules of Hindu Law which are scattered in innumerable decisions of the High Courts and of the Privy Council, mostly in seven different matters, i.e.

- (1) it seeks to codify the law relating to the rights of property of a deceased, both female and male;
- (2) it prescribes a somewhat altered form of the order of succession among the different heirs to the property of a deceased dying intestate;
- (3) law of maintenance;
- (4) marriage;
- (5) divorce;
- (6) adaptation and,
- (7) minority and guardianship.<sup>19</sup>

Dr. Ambedkar held the view that the purpose of the Hindu Code Bill was to codify and modify certain branches of the Hindu Law. He emphasised that the same set of laws should govern the Hindu social and religious life. The Hindu Code was a correct step towards a Uniform Civil Code. The laws should be easily understandable and be applied to the entire society irrespective of religious barriers. Dr. Ambedkar further clarified that the modifications proposed were based on the Hindu Shastras and Smritis.<sup>20</sup>

Dr. Ambedkar argued that, “We have waited for long number of years to see whether Hindu society would, as a result of absorption of the doctrines preached by the great men who have been born in this country or great men born outside the country, change its social structure. Whatever else may Hindu society adopt; it will never give up its social structure for the enslavement of the Shudras and the enslavement of women. It is for this reason that law must now come out to their rescue in order that society may move on.”<sup>21</sup>

The Preamble of the Constitution speaks of liberty, equality and fraternity. It is therefore imperative to examine every social institution that exists in the country and see how far it satisfies the principles laid down in the Constitution.<sup>22</sup> In 1951, in a heated debate over Hindu law reform in newly independent India, B.R. Ambedkar, as law minister, urged his fellow legislators to reform Hindu marriage law in a way that was congruent with the goals of liberty and equality. He argued that “If you mean to give liberty-and you cannot deny that liberty in view of the fact that you have placed it in your Constitution and praised the Constitution which guarantees liberty and equality to every citizen, then you cannot allow this institution [of marriage] to stand as it is.”<sup>23</sup>

Dr. Ambedkar argued that the Hindu Code Bill was the greatest social reform measure ever undertaken by the legislature in this country. No law passed by the Indian legislature in the past or likely to be passed in the future can be compared to it in point of its significance. He held that, to leave inequality between class and class, sex and sex, untouched and to go on passing legislations relating to economic problems is to make a farce of our Constitution and is like building a palace on dung heap.<sup>24</sup>

In spite of the best efforts, Dr. Ambedkar could not succeed in putting the Hindu Code Bill on the Statute Book. His efforts to codify and liberalise the Hindu Social Laws were derailed by the protagonists of orthodoxy. The Bill met with stiff opposition both inside and outside the Parliament. Dr. Shyama Prasad Mukherjee remarked that the Bill would shatter the magnificent structure of Hindu culture. Sardar Bhopenda Singh Mann termed the Bill a conversion law. Majority in Congress Parliamentary Party were against the measure except few women members who described the Bill as a testament of their faith in the Constitution. While Jawaharlal Nehru, the Prime Minister, supported the measure, Dr. Rajendra Prasad, the President of India, opposed the reform. In the face of growing opposition, Prime Minister Nehru lost the grip and decided to drop the Bill. So the Bill was dropped on 22 September, 1951. With utter disappointment, Dr. Ambedkar remarked, “It was killed and buried, unwept and unsung after four clauses were passed<sup>25</sup>.” Finally, he resigned from the Nehru cabinet on the 27 September, 1951. He held that lack of moral courage and strength of character of women in India had come in the way of the Hindu Code Bill.

However, the Hindu Code Bill was later split into four Bills, and the same were put on the Statute Book by Parliament. The Hindu Marriage Act, 1955; the Hindu Succession Act, 1956; the Hindu Minority and Guardianship Act, 1956; and the Hindu Adoption and Maintenance Act, 1956 are the four enactments which incorporate the ideas and principles of the Hindu Code Bill formulated by Dr. Ambedkar.<sup>26</sup>

## **CONCLUSION**

Dr. Babasaheb Ambedkar, one of the greatest intellectuals and social reformers of modern India, stood throughout his life for the liberation of Indian women from the lifelong bondage and slavery of Hindu social institutions. By conceptualising caste and gender inequality as inseparable constituents of Hindu social order, he laid the foundation for gradual transformation of Indian social consciousness and perception of gender justice in India. Dr. B.R. Ambedkar not only wrote extensively to counter the orthodox Hindu opinion against women but worked as an activist and social reformer at the grass roots level to organize and empower women of depressed classes to reclaim their social rights such as right to drink water from their source and right to enter temple that were traditionally denied to them by the caste Hindus. Dr. Ambedkar encouraged large number of women to come out publicly to retrieve their social rights and self-respect. Undeniably, Dr. Ambedkar's ideas and philosophy are of great relevance to present Indian society in order to achieve social justice and for the establishment of true democracy.

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# Implications of Geotagging in MGNREGS Assets

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**Saket Bihari\***

## Abstract

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The 'Geotagging' of the MGNREGA assets seem to have reached a considerable level, putting in one crore assets in the public domain by scaling the number up. Approximately 30 lakh assets are annually created with a variety of works mostly emanating from water harvesting structures, plantations, rural infrastructures, flood control measures, individual holdings for sustainable livelihood and community infrastructure etc. By implications, geotagged assets are significant in numbers, and their registration on the web creates issues in benefit-transfer, such as work not in congruence with perceived demands, delay in disbursements, sub-standard quality of assets and corruption oriented operations. Besides, the slow pace of work, inadequate human resource base, under- utilisation of created assets, socio-economic distress, perceived satisfaction of wagers, etc., are the broader issues involved in the process. It can primarily be concluded that the 'Geotagging' turns out to be an underscoring technology. Thus, it is high time to step out measures to fix the issues.

**Keywords:** Geo-tagging, MNREGS-Assets, Gram-sabha, Wagers, Benefit-transfer.

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## **ABOUT THE PORTAL (GEOMNREGA )**

The Central Government introduced an online 'Geotagging' for MGNREGA created assets on September 1, 2016, to cover from 2016-17, 2015-16, 2014-15, and backward, till 2006-07.<sup>1</sup> The MoRD has launched the 'GeoMGNREGA' as a useful GIS tool in association with National Remote Sensing Centre (NRSC), Indian Space Research Organisation (ISRO) and National Informatics Centre (NIC)<sup>2</sup> to carry out the exercise. It employs Global Imaging System (GIS) application based on

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internet technology, enhancing the level of awareness about the completed works with improved transparency and accountability by putting up information in the public domain. However, its efficacy is least noticed and most recognised as an impediment to addressing the quality parts of the created assets. Pending payments of the material costs are practical problems in the completion of MGNREGA assets vis-a-vis uncompleted and ongoing works. If wages and material payments were paid timely, the assets creation works under MGNREGA would have had a more positive influence on the socio-economic conditions of the people.

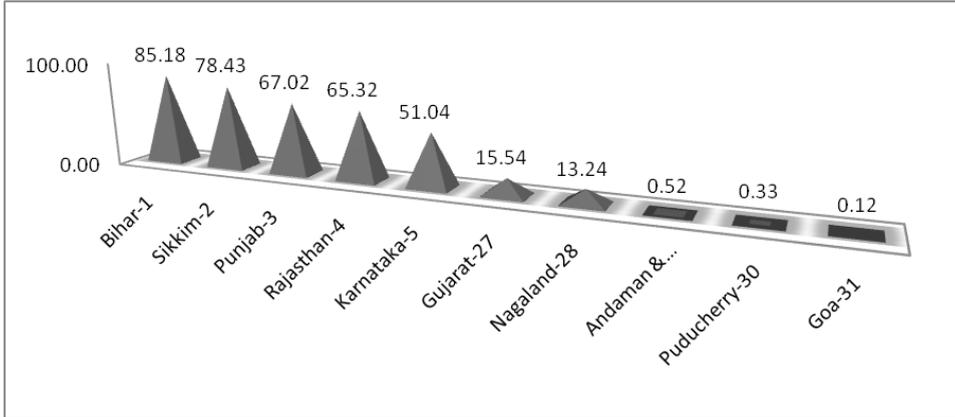
The application of 'Geotagging' through GeoMGNREGA was launched to be completed in two stages, viz., wave-I for each of the Gram Panchayats (GPs) in 28 states, and wave-II incorporating the remaining GPs. The works were targeted to be 'geo-tagged' within one month of work completion w.e.f. March 1, 2017.<sup>3</sup> The functionaries see it as a step forward achievement towards proactive disclosure of assets created under the scheme to surmount improved level of showcasing. It also boosts the acceptance of e-governance strategy; as it contains the detail of the assets created through the programme with a wealth of pertaining information.

The 'Geotagging' provides useful information about the actual completion of work status. 'The information in 'Geotagging' is recorded in two sections, namely 'Asset Information' and 'Work Details'. The assets information includes eight elements, viz., asset name, asset description, asset Id, asset creation date, work type, individual beneficiary, the scheme used, and increasing the cost of assets'. The work details, contains eleven items, such as work completion rates, assets location, year of completion, work code, work name, work financial year, work start date, work person days, expenditure unskilled, expenditure material/skilled and other funds.<sup>4</sup> If section wise information is recorded and put in place, the instrument will result to be a comprehensive e-tool, designed to document the details of created assets. In the past, the application of 'Geotagging' has a proven track record in the area of housing and development.\* Inspired by its application, Geotagging has been applied to capture assets created under MGNREGA. Poorly filled-in details with GeoMGNREGA are used to focus on the participation rate by States, Districts, Blocks and Gram Panchayats. In a hurry, the rolled out GeoMGNREGA is used to assess the accuracy of the assets, even drawing the roadmap of fixing a set of the improved wealth of information. It is assumed that the integration of only quality photo with an accuracy of 'geo-tag' can improve the matrix of planning and monitoring.

## **PERFORMANCE OF THE SCHEME**

Side by side, a considerable number of created assets (63 per cent of the total states/UTs) concerning 'Geotagging' is under completion. Even in the case of completed assets, geo-tagged assets are silent on many prescribed parameters. However, the

reasons behind the incomplete works are mostly related to balance payments on material costs, wages and admin.



**Figure 1:** Top and bottom five states/UTs in order of 'Geotagging'.<sup>5</sup>

(Source: GeoMGNREGA, MoRD)

The above figure represents the percentage of 'Geotagging' achieved for completed assets in each of the five best and under performing states/UTs. In this context, Bihar (85.18%), Sikkim (78.43%), Punjab (67.02%), Rajasthan (65.32%) and Karnataka (51.04%) have outperformed Gujarat (15.54%), Nagaland (13.24%), Andaman & Nicobar (0.52%), Puducherry (0.33%) and Goa (0.12%). The average 'geo-tagged' works at the national level are 37.49%. Above the national average, there are 14 states/UTs, and the remaining are placed at below the average. It is calculated to be 45% of the states/UTs have achieved 'Geo-tagging' above the national average, whereas 55% are yet to surpass the national average. The enormity and intensity of involved human resource in 'Geotagging' do not get properly accounted for executing the assets creation works in the light of laid down provisions. This is causing problems in beneficiaries' life by not getting work engagement at their need hours. The unavailability of a required number of workdays and poorly created assets together create a reason for their disappointments. This issue also influences the work completion rate as a result of that wagers in distress migrate to places where they find the possibility of having perennial sources of livelihood. This has been found in the case of Bihar while conducting a study on "Perception of Users, quality and durability of Assets created under MGNREGA". This may hold true for other states, as well.

## **GEO-MGNREGA AND IMPLICIT ISSUES**

The Ministry of Rural Development, Government of India for effective implementation of MGNREGA has increasingly started focusing on 'Geotagging' of created assets through the application of Geo-MGNREGA. The procedure of

performance appraisal for the states/UTs concerning 'Geotagging' involves active human resource base. At the same time, the mechanism is adversely affected by the weakness of primary enablers expressed as unavailability of computers, poor internet connectivity, interrupted electricity and unskilled computer operators etc. Periodic technical glitches in the MIS and Geo-MGNREGA also affect the implementation of the programme across the country in many ways. Though Geo-MGNREGA can be updated and synchronised with the snapped picture and filled-in information through Android mobile phone, internet connectivity with interrupted speed is an issue with the operational mechanism.

As per the existing norms of 'Geotagging', if the work has fully been completed with financial disbursements, the specific assets can be 'geo-tagged', no payment in whatsoever form be released after that. Thus, the process of 'Geotagging' is seen as the monster by the material suppliers because once they miss out on payments, they have to suffer. In the case of Bihar, the contractors have to suffer the most amongst the other sufferers. This impinges upon developing a nexus between contractors and MGNREGA functionaries resulting from the poor quality of asset creations.

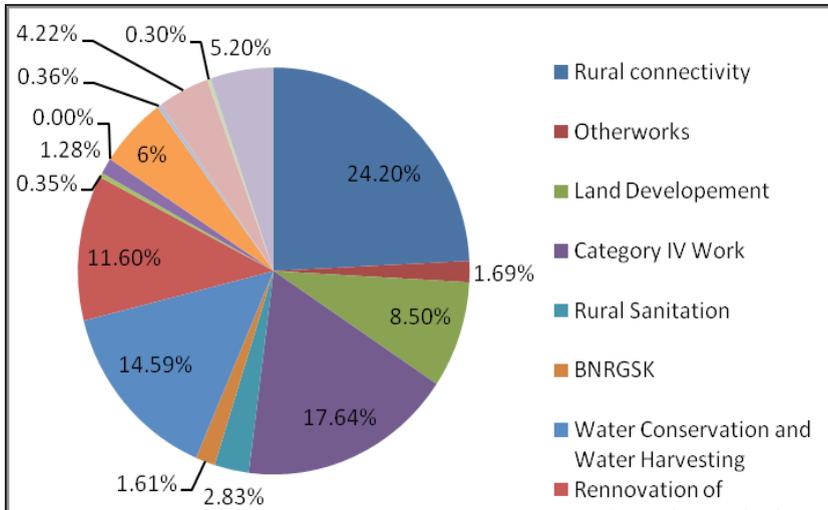
### **GEO-MGNREGA AND RESOURCE BASE**

Having put up the created assets on Geo-MGNREGA, the functionaries start vouching for effective implementation of the programme by available online data. Interestingly, the human resource deployed in seeding information by the indicators of geotagging is generally obliged with ad-hoc entitlements. The ad-hoc staff members consider 'Geotagging' as an added task. Thus, the staff members are hard-pressed to complete 'Geotagging' works. The one, who becomes instrumental in speedy execution, is crowned as a blue-eyed baby. When the number of created assets' completion status is looked into, the figures reflect a downturn shape on numerical values. Higher level officials at the supply side intend to showcase a better performance ratio over the preceding years through geotagging. However, the periodic particularism in task completion is considered by the dedicated staff as dismissing other important works. The fact that financial record keeping process as one of the important tasks lag behind at the cost of geo-tagging works. Consequently, the required numbers of work plans get regressed due to uncompleted 'Geotagging' and a great deal of welfare centric programmes turn out to be blurred and inefficacious.

### **GEO-MGNREGA AND ASSETS**

Since 2016, the Central Government has started imposing state wise targets for the creation of specific assets under the 'Focused Areas Work'.<sup>6</sup> The data available on MIS concerning category wise expenditure on asset creation works for the FY

2016-17 reflects that maximum financial outlays has incurred in carrying out works related to rural connectivity (24.20%) of the total spending. Moreover, the focus has not shifted to the completion of assets at a faster pace, particularly the community assets.<sup>7</sup> The pie chart given below represents the category wise expenditure on different works in the FY 2016-17.



**Figure 2:** Category wise Expenditure on Works,<sup>8</sup> FY 2016-17.

(Source: MGNREGA MIS data, 2016-17<sup>9</sup>).

This underestimates the original spirit of the Act which entrusts Gram Panchayats, to prepare the task-list for the MGNREGA works after obtaining the recommendations of the Gram Sabha and Ward Sabha. The instructions on the charter of jobs to be carried out keeps the operational framework away from accommodating innovations in the implementations. The speedy delivery on asset completion leaves many items improperly integrated at various levels. The hotchpotch becomes obvious ignoring the necessary framework of the act, thereby depriving systemic requirements.

If Bihar's experience is anything to go by, many workers are in need of employment even beyond the prescribed 100 guaranteed work days. This nags on giving a concentrated focus to work initiatives. The unsatisfactory number of asset creation works and downturn in work completion rates are good examples supporting this view. Though 'Geotagging' of MGNREGA assets involve capturing the geographical coordinates and photographs of the assets by publishing, the time spent on 'Geotagging' assets are usually at the cost of more important tasks, such as opening scheme on time, providing technical assistance to works, ensuring timely payment of wages and many more.

## **SOCIO-ECONOMIC DISTRESS AND GEO-MGNREGA**

Even if the implementation of MGNREGA is increasingly becoming more and more dependent on technology, the MIS operations in MGNREGA works get stuck due to many formalities. When the demand for MGNREGA works soars in, following the accepted norms, it takes time, and only those who have some degree of existing resource base can access and get benefitted. In the absence of a network, with limited resources, migration turns out to be a panacea. In our study area, many cases seem to have been expressed for pendency in wage payments. This also emanates from insufficient human resource base and their exclusive engagement with 'Geotagging'. Thus, an ineffective 'Geotagging' operation adversely factors on MGNREGA operations which negatively influence the socio-economic conditions of the people in the catchment areas.<sup>10</sup> Furthermore, the migration epidemic due to an insufficient number of works and unavailable person days result in difficult socio-economic conditions and flushes them out under distress migration. Surprisingly, the payment dues for the FY 2016-17, skilled wage, material costs and admin expenditures were accounted for 1.29%, 2.61% and 0.26%, respectively of the total due payments as of September 28, 2017.<sup>11</sup> Though this percentage does not appear to be very significant, it reflects that more interventions need to be in place addressing the issues of delayed payments.

## **PERCEIVED SATISFACTION BY WAGERS**

The existence of 'Geotagging' has embedded implications for the wagers. The wagers get their dues against carried out work days, before putting the final image in GeoMGNREGA. The fact that very less number of respondents have expressed positive response on the stipulated days of work engagements. In this context, 'Geotagging' helps to inform the person days for other wagers to be motivated. By accessing geo-tagged assets, the stakeholders of supply and demand sides would easily get to know the work details. Bihar's experience shows structurally fixed lot looking for employment opportunities to work under MGNREGA. It has been noticed; there is hardly an expansion of work days which could have brought about positive changes in the socio-economic conditions of the wagers. However, there are a few cases where MGNREGA wagers have inspired others to join the works. Most of the workers were found affiliation with MGNREGA works in line with client-patron relations. Therefore, the study on perceived satisfaction informs that the associated workers get jobs, and the larger lot remained excluded from getting employment. It speaks volume on other latent issues. For example, to be an MGNREGA wager is to be aware of 'inside discipline' of being a wage earner under the scheme. The geotag mechanism runs with a shortfall in work domain expansion due to involved formalities of seeding its indicator-based information that turns out to be delayed payment to other outsourced agencies supplying raw

materials. Thus, geotagging seems to have become an impediment rather than a facilitator in both employment generation and work days creation. The table given below shows the number of assets 'geo-tagged' in with assets' Id in the top and bottom five states/UTs of India as of March 30, 2017.

**Table:** Geotagging against Assets Id Generated<sup>12</sup>

| Top Five States/UTs |           |  | Bottom Five States/UTs |  |
|---------------------|-----------|--|------------------------|--|
| S. No.              | State     | % Assets Geotagged against Assets ID Generated | State                  | % Assets Geotagged against Assets ID Generated |
| 1.                  | Bihar     | 88.54  | Goa                    | 0.79   |
| 2.                  | Punjab    | 79.19  | Puducherry             | 2.34   |
| 3.                  | Sikkim    | 77.21  | Andaman & Nicobar      | 13.89  |
| 4.                  | Rajasthan | 74.26  | Gujarat                | 36.51  |
| 5.                  | Tripura   | 73.53  | Nagaland               | 39.47  |

In fact, the geotagged assets completed are silent on so many fronts. The above table mentions the total works completed against works geotagged. This has further been converted in percentage to make the information specific to the states, arranging them by performance order on Geotagging achieved as of April 30, 2017. Bihar has scored the highest (88.54%) comparing to other successively performing states. The 'Geotagging' in Nagaland is at the bottom most. Our experience of Bihar shows a correlation between insufficient numbers of work completion and number of assets 'Geotagged'.

### **NEED FOR EFFECTIVE USE OF 'GEOTAGGING'**

The 'Geotagging' operated through 'Bhuvan-GeoMGNREGA'<sup>13</sup> using 'Bhuvan platform' which was developed by NRSC and primarily used as a powerful tool in monitoring housing projects in some of the mission implementing states, such as Andhra Pradesh, Karnataka and Kerala. The best practices derived from this sphere intended to find similar results in the effective implementation of assets mapping under MGNREGS. However, the slow pace of work; works carried out not necessarily in line with perceived demands, delay in disbursements, sub-standard quality of assets and corruptions oriented operations (partly at the level of suppliers and demanders) turn 'Geotagging' to be an underscoring technology. In fact, when an asset is 'Geotagged', from their own, its destiny is left to the community alone. If it is used, fine. If it is not used, no one is there to ensure that the assets to be converted into usable and durable assets. Moreover, the online repository of the geotag database informs that it is beyond the reach of those for whom it matters the most - the beneficiaries. Little has been done to enable the beneficiaries to use such

information. Also, there exists a lack of the availability of user-friendly manuals on using 'geo-tag' on Android applications for pulling out information, such as schemes sanctions dates in the Gram Sabha, details about the work, the status of wage payments and active helpline to enable people to access the 'geo-tagged' information without access to the internet. Enabling the beneficiaries to these prerequisite facilities could be some of the measures in the right direction that would go a long way in helping people to get transparency, accountability and usefulness. The fact that technological advancement can be appreciated provided it caters to the people in improved and informed ways. 'Geotagging' does enable people to access on the information but it is restricted to specific sections by embedded exclusive resource base. It does not democratically disseminate the information collected amongst the one, for whom it matters. The fact that technological advancement in this realm should augment the asset creation works under MGNREGA and not the other way round. If it is other way round, its focus would get blurred on the real objectives and only cater to people with vested interests. Therefore, any technological advancement should be facilitator to information accuracy to harness optimum benefits.

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# Unfinished Fight for Transparent India: Indian Ombudsman ‘Lokpal’

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Triranjan Raj\*

## Abstract

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The year 2011 is remembered in India as the year of the campaign against corruption and for the Jan Lokpal Bill. The campaign began in January 2011 in the backdrop of the publicity that accompanied the several mega-scams that surfaced in 2010, notably those relating to the Commonwealth Games and the telecom spectrum allocations. That forced the UPA government to constitute a joint drafting committee for a Lokpal bill. The civil society representatives in the committee proposed a bill called the Jan Lokpal bill. The basic principles on which the bill was drafted were culled from the United Nations Convention against Corruption, which required all countries to put in place anti-corruption investigative agencies that would be independent of the executive government and would have the jurisdiction to investigate all public servants for corruption. In the background of the Jan Lokpal movement The Lokpal and Lokayukta Bill was passed by the parliament on 18 December, 2013 which finally became an act after receiving assent from the president on January 1, 2014, and came into force from January 16, 2014. But even after its passage, was not established the body called the ‘Lokpal.’ The bureaucratic strategy of delay followed by the government shows the reluctance and lack of sincerity on the part of government to constitute Lokpal which is essential to curb corruption which is proving to be the greatest menace to our democracy and development.

**Keywords:** Lokpal, Ombudsman, Corruption, Good Governance, Democracy.

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India's effort to have an anti-graft ombudsman in the form of a Lokpal institution may have caught national attention only now, but Indian parliament has made eight attempts since 1968 to pass a Lokpal bill, a different version each time, and all in

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vain. It is worth recalling that the bill was first brought before the fourth Lok Sabha in 1968 and passed in 1969. However, the house was dissolved, resulting in the first death of a bill towards Lokpal. The legislation was revived in 1971, 1977, 1985, 1989, 1996, 1998, and 2001, but could never survive. Prime Minister Manmohan Singh said the Congress-led United Progressive Alliance (UPA) government would lose no time in enacting the bill. It finally took a mass mobilization by Anna Hazare and his associates in April 2011 to get the government to work on the Lokpal bill and getting it passed through parliament.

Social movements are understood as organized collective efforts working towards achieving change. All social movements strive to identify what is wrong with the present and what needs to be done in the future. One of the most recent social movements witnessed in India was the campaign 'India against Corruption', spearheaded by a group of social activists led by an octogenarian Gandhian – Anna Hazare. Anna Hazare, a follower of Gandhian principles, opted for fasting unto death and demanded the enactment of the long pending Jan Lokpal Bill (Anti-Corruption Law). The movement is considered to be a milestone in the constitutional history of India, forcing the government to accept civil society's demand to have a say in drafting the stringent anti-corruption law, the Lokpal Bill.

Interestingly, the movement also successfully galvanized mass support and enticed the media to highlight the topic. It is only because media's role that today corruption is looked upon as a major social issue in India, after remaining invisible for decades since Independence. One remarkable trend that it has exhibited is the shift in the nature of the social movements in India from being predominantly rural to including urban citizens in the recent times. The major combatants of the Anna campaign are educated and urbane. Hence, this movement as well as similar citizen's protests, with the educated and conscious youth at their centre demanding accountability and governance reforms has enough potential to make democracy more inclusive and participatory. The Lokpal and Lokayukta Act has not been operationalised since its notification in January 2014 and the government even after several amendments has not been able to constitute the body called Lokpal.

Recently, a petition has also been filed in the Supreme Court seeking directions to the Centre to set up expeditiously an autonomous Lokpal in spirit of the Lokpal and Lokayukta Act, 2013. The plea also seeks to provide adequate budget, infrastructure and manpower, essential for the Lokpal's effective functioning. The petitioner also sought simultaneous directions to all the states to establish independent Lokayukta with all the requisite facilities. The Lokpal and Lokayukta Act, 2013, received assent from the president on January 1, 2014, and came into force from January 16, 2014, but the executive has not established the body to be called the 'Lokpal' in spirit of Section 3 of the Act. Though, it is essential to curb corruption, but on the contrary it is the greatest menace to our democracy and development. The petitioner also

mentioned state governments deliberate attempt to weaken the Lokayukta by not providing adequate infrastructure, sufficient budget and workforce.

## **INSTITUTION OF OMBUDSMAN**

The word “ombudsman” is of Swedish origin, meaning a representative or agent of the people, or group of people. The world’s first parliamentary ombudsman was appointed by the Swedish Parliament in 1809.<sup>1</sup> The functions of the institution were to supervise the courts and other public authorities, to deal with complaints from citizens, and to prosecute officials and government ministers who behaved unlawfully. The ombudsman’s concept is based on the idea that citizen should be entitled to complain against the ruler and their complaint should be independently investigated. Ombudsman presents an attractive alternative to the courts. Not only do they overcome the procedural difficulties with litigation but they also provide them remedies which are quick effective and inexpensive.<sup>2</sup> There are two main models or ideal types of ombudsmen systems, first one is Redress Type and the other one is Control Type. The primary function of redress ombudsman is to offer and facilitate alternative dispute resolution. The control ombudsman’s primary function is general supervision of state authorities, rather than resolution of disputes.<sup>3</sup>

## **CONCEPTUAL DEVELOPMENT**

In the 1950s, there was considerable discussion in many countries outside Scandinavia about establishing a process to examine things undertaken by governmental administration. This was to be along side and beyond the formal means of redress available through the courts or Parliament, or a free Press. The welfare state models in many countries had produced very large government bureaucracies. There was concern in many quarters that a simple independent means of redress needed to be provided for the individual citizen. The matter was neatly put in the following way by Professor D.C. Rowat in an article suggesting an Ombudsman Institution in Canada “It is quite possible nowadays for a citizen’s right to be accidentally crushed by the vast juggernaut of the government’s administrative machine. In this age of the welfare estate, thousands of administrative decisions are made each year by governments or their agencies, many of them by junior law officials; and if some of these decisions are arbitrary or unjustified, there is no easy way for the ordinary citizen to gain redress.”<sup>4</sup> It was simply no longer possible to say that every person adversely affected in an unfair manner by action of a governmental official, would have the resources or means to engage a lawyer. Court procedures could be both lengthy and expensive. The right of a person to consult their individual Parliamentary representative, write to the newspaper, organise a petition or raise a deputation to see a Government Official or Minister, may have been no more effective.

Ombudsman is an institution through which countries have attempted to reduce or eliminate administrative inefficiencies, government corruption and human right violation by government officials. A well functional ombudsman is one of the various public sector mechanisms that can contribute to the strengthening of democratic governance. It is very difficult for an ombudsman to operate with any success in a state that does not have some form of democratic governance. If the state is a functional democracy, its qualitative aspect will influence the ability of the ombudsmen to exercise its function effectively. In a democratic state ombudsman can lead to the improvement in the accountability of the administrative branch of the government to the members of the public.<sup>5</sup>

Democracy and the rule of law profoundly affect and shape the broader political and institutional context in which the ombudsman institution functions and which condition its capacity to serve citizens and to enhance their ability better to enjoy their rights. Rule of law describes a condition in which all members of society live under the law, and where no one is outside or above the law. Under the rule of law, every person is subject to ordinary law and not to extraordinary or exceptional arrangements. In order to check arbitrary exercise of power by authorities, the democratic countries need to develop institutions like ombudsman.

Broadly speaking, there are two different variants of democracy based on the way the system ensures accountability. To be accountable means to have the duty to provide an account: that is, to explain and justify one's actions in terms of appropriate criteria and in sufficient detail. The criteria and level of detail that are required depend on the context. The concept of accountability also includes liability to some form of sanction, if the performance revealed by the account is considered unsatisfactory. The sanction may be legal or, in a broad sense, political. In a democracy, public criticism can be a significant form of sanction. In the first variant of democracy, the natural concomitant of the idea that the winners of an election can legitimately claim a plenary right to exercise power on behalf of the sovereign people is that government is accountable only to the sovereign people at the moment of periodic elections. The sanction attached to such accountability is that, if electors deem a government's performance unsatisfactory, they can vote it out of office. Other forms of accountability are excluded as potentially limiting and constraining the sovereign people, as represented by those whom they have elected. Modern democracies have also developed other institutions of continuous or horizontal accountability to scrutinize the actions of public authorities, call them to account and provide information, analysis and redress. To give a few examples, there are: public auditors, information commissioners, ethics and standards committees, electoral commissions, data protectors and, last but not least, ombudsmen.

The ombudsman can be characterized as both the horizontal and a vertical accountability mechanism. While examining the administrative aspect of

governance, public accountability is identified as one of the indicators of its legitimacy.<sup>6</sup> Stephen Owen defines public accountability in the context of administrative governance as “government officials must be accountable to the public for the fair, honest and open exercise of statutory discretions. This requires due process in administrative decision-making, which provides the interested public with access to information, protection of privacy, notice of decisions that will significantly affect them, opportunities for hearing and reasoned decisions from public officials. Public accountability for the protection of these rights is provided through ombudsman offices, human rights commission, freedom of information and privacy commissioners, anti-corruption and conflict of interest commissioners.”<sup>7</sup>

Stephen Owen states that an effective democratic state relies on legislative, administrative and judicial governance institutions which incorporate substantial public participation.<sup>8</sup> He states that “legitimacy of any particular governance function will be measured by its effectiveness in engaging, representing, serving and protecting the public in a meaningful and effective way.”<sup>9</sup> A well functional ombudsman can serve as an important element of administrative governance by enhancing accountability of government.

There are two ways through which accountability can be secured in the functioning of government bodies, one is vertical accountability and the other one is horizontal accountability.<sup>10</sup> Vertical accountability is imposed on government by voters through periodic free and fair elections. Horizontal accountability can be defined as “the capacity of state institutions to check abuses by other public agencies and branches of government.”<sup>11</sup> These oversight institutions or watchdog agencies include courts of all kinds, electoral commissions, state auditors, anti-corruption agencies, conflict of interest commissioners, ombudsman and human right commissioners.<sup>12</sup> The ombudsman improves legal, constitutional and administrative horizontal accountability of government by impartially investigating the conduct of public administration. Ombudsman can supply legal, administrative and financial horizontal accountability with their focus on misuse of public funds, frauds, conflict of interests, etc.<sup>13</sup>

The ombudsman institution can be examined from the perspective of the level of accountability provided by self-regulatory state institutions. Scheduler states that the concept of political accountability is composed of ‘answerability’ and ‘enforcement’ elements.<sup>14</sup> Answerability is defined as the power given to an institution to ask accountable actors to give information on decisions and to explain the facts and the reasons upon which these decisions were based, whereas the enforcement element of accountability is composed of punishment or other negative sanctions for inappropriate behavior.<sup>15</sup> An important aspect of such continuous accountability of public authorities’ is the implication that it provides

citizens with multiple opportunities and structures through which to hold public authorities accountable on a continuous basis. Indeed, it is important to point out that citizenship encompasses a dynamic component transcending legal rights and duties and involving engagement with public authorities to exercise rights, including accountability rights, and to fulfill obligations.

Ombudsman and other national human rights institutions are referred to by the UNDP and UN human right bodies as mechanism that contribute to building good governance in a state. Many organizations and states support the establishment of the ombudsman as part of their good governance and human rights programme. The role of ombudsman in building good governance is now being heavily recognized by most of the states which is evident from the fact that this institution should be adopted and made part of the Indian constitution.<sup>16</sup>

### **OMBUDSMAN CAN CONTRIBUTE TO GOOD GOVERNANCE**

Ombudsman in a state can also promote good governance. In the context of public administration, public participation, transparency of public administration, the accountability of the public authorities to the public and justice or fairness is essential components of good governance. Classical ombudsman helps build governance in public administration by working to improve all of its core elements: public participation in governance, transparency of public administration, the accountability of public authorities to the people and fairness in administration.<sup>17</sup>

*Public participation* involves the public seeking their views for inputs, proposed government actions and feedback on already taken government actions. Effective participation in governance requires access to information, the courts, government institutions and the existence of agencies where members of the public can submit complaints about government and have them addressed.<sup>18</sup> Ombudsman institutions are mechanisms which enable members of the public to participate in the regulation of the conduct of public administration by lodging complaints that lead to impartial investigation of faulty administration, allegations of human right violations and financial impropriety.<sup>19</sup>

*Transparency* in the context of public administration includes: transparency and understandability of the processes in which public bodies make decisions, provisions of reasons for the decisions and public availability of the information on which these decisions are based. Transparency of government conduct can be heightened through formal objective scrutiny on complaints by ombudsman. The ombudsman can also investigate, on the basis of a complaint or own motion, complaints of lack of transparency in public administration and can even make recommendations for changes in law and practice to increase transparency.<sup>20</sup>

**Accountability** can be defined as “answerability for the performance of an office, a charge, or a duty. It is not an entirely legal concept. It refers to the standards of conduct of ethical, institutional and legal nature.”<sup>21</sup> Accountability involves establishing appropriate lines or forms of accountability between the government and the public, which can include access to information, transparency in decision-making and rules of due process/procedural fairness such as notice of proceedings, holding hearings and communicating decisions along with reasons on which these decisions are based to the citizens. Accountability of administration can be improved through the institution of ombudsman as the same has the power to investigate into complaints of any wrongdoing or can scrutinize the behavior of administration according to the standard of law.<sup>22</sup>

**Fairness** is composed of substantive and procedural elements. Substantive fairness requires fairness of results whereas procedural fairness requires that the processes of representation, decision-making and enforcement in an institution which are clearly specified, non-discretionary and internally consistent. Fairness of government in both its procedural and substantive aspect is enhanced by the ombudsman. An ombudsman is expressly mandated to investigate broad areas of administrative legality and injustice to improve procedural fairness in administration. The ombudsman can also be considered as a mechanism to improve procedural human rights by providing an avenue for members of the public to complain about illegality and unfairness in public administration. Ombudsman can build both procedural and substantive fairness by making recommendations for changes in law and policy.<sup>23</sup>

## **THE CONTRIBUTION OF THE OMBUDSMAN TO THE QUALITY OF DEMOCRACY**

The institution of the ombudsman can help improve the quality of democracy both directly, through promoting accountability and active citizenship, and indirectly by reinforcing the rule of law and thus the balance between equality and liberty constitutes as a salient feature of the pluralist variant of democracy. Its capacity to do so depends on being demonstrably impartial and non-partisan in carrying out its functions. This is the rationale for the independence of the ombudsman, which, in constitutional systems where parliamentary scrutiny of the Executive is well-developed, is often secured by a privileged relationship with the legislature.<sup>24</sup> Like a court, an ombudsman not only considers the individual case but also asks how similar cases should be treated by public authorities in the future. One of the characteristics of the ombudsman institution is that it can carry out the task of establishing guidelines for future conduct not only on a reactive, case-by-case basis, but also in a proactive way. For example, the ombudsman may produce checklists of good administrative practices, publish codes of good administrative behavior

and take initiatives to tackle systemic and channelised maladministration. While for the courts, the major realm of activity and concern is to ensure adherence to legality on the part of state and citizens, for the ombudsman the equivalent realm is the promotion of good administration and the avoidance of maladministration.

The citizen's right to a judicial remedy against the public administration is, of course, fundamental to the rule of law. However, there is lately increasing recognition, not least by judges, that court proceedings are not always the most appropriate way to resolve disputes between citizens and public administration. Broadly, there are two reasons for this. In some cases, the non-judicial remedy of the ombudsman can provide a cheaper and quicker alternative than court proceedings. In cases where the complainant would otherwise have taken to court, use of the alternative non-judicial remedy helps to avoid an overload of the court system and consequent delays. Moreover, since the ombudsman's services are free at the point of use, complainants who could not afford to bring judicial proceedings may nonetheless obtain an effective remedy, thus widening access to justice.<sup>25</sup>

### **THE LOKPAL AND LOKAYUKTA BILL 2013**

Lokpal is the Indian version of Ombudsman. In India, the institution was given legal status after Anna Hazare movement. In 2013, Lokpal and Lokayukta Bill was passed by the parliament. The Lokpal bill 2013 referred as "The Lokpal and Lokayukta Bill 2013" is an anti-corruption law which provide for the establishment of the institution of Lokpal to inquire into the cases of corruption against public functionaries. It aims to prevent and control corruption through the setting up of an independent body at the central level, called the Lokpal that would receive complaints relating to corruption against most categories of public servants. The Lokpal is supposed to complete the inquiry in a time-bound manner with the assistance of special courts. The act also makes it incumbent on each state to pass within a year, a law for setting up a body, Lokayukta similar to that of Lokpal at the state level.<sup>26</sup>

### **Evolution**

In 1963, L.M. Singhvi talked of setting 'parliamentary commission, to inquire cases of corruption in administration. In 1966, administrative Reform Commission recommended the establishment of Lokpal. Based on the report of ARC in 1968, the Lokpal and was placed in 4th Lok Sabha. 1971, 1977, 1985, 1989, 1996, 1998, 2001, 2011, 2013. It was only in 2013 that the bill was passed and got president assent on 1 January 2014 after which it became an act. The term "Lokpal" was coined by Dr. L.M. Singhvi in 1963. The concept of a constitutional ombudsman was first proposed in parliament by the Law Minister Ashoke Kumar Sen in the

early 1960s. The first Jan Lokpal Bill was proposed by Shanti Bhushan in 1968 and passed in the 4th Lok Sabha in 1969, but did not pass through the Rajya Sabha. 27 Subsequently, 'Lokpal Bills' were introduced in 1971, 1977, 1985, again by Ashoke Kumar Sen, while serving as a Law Minister in the Rajiv Gandhi cabinet, and again in 1989, 1996, 1998, 2001, 2005 and in 2008. Yet, they were never passed. A Forty five years after its first introduction, the Lokpal Bill is finally enacted in India on 18 December 2013. The Lokpal Bill provides for the filing, with the ombudsman, of complaints of corruption against the prime minister, other ministers, and MPs.

The Administrative Reforms Commission (ARC) recommended the enacting of the Office of a Lokpal, convinced that such an institution is justified, not only for removing the sense of injustice from the minds of citizens, but also to instill public confidence in the efficiency of the administrative machinery. Following this, the Lokpal Bill was, for the first time, presented during the fourth Lok Sabha in 1968, and was passed there in 1969. However, while it was pending in the Rajya Sabha, the Lok Sabha was dissolved, and thus the bill was not passed. The bill was revived several times in subsequent years, including in 2011. Each time, after the bill was introduced to the House, it was referred to a committee for improvements, to a joint committee of parliament, or to the departmental standing committee of the Home Ministry. Before the government could take a final stand on the issue, the house was dissolved again. The basic idea of a Lokpal is borrowed from the Office of the Ombudsman, which has the Administrative Reforms Committee of a Lokpal at the Centre, and Lokayukta(s) in the states. Anna Hazare fought to get this bill passed and it did get passed on 18 December 2013.<sup>28</sup> Lokpal and Lokayukta Bill 2013 is a step to ensure clean and responsive government. This Act came in the background of India signing UN Declaration against corruption in May 2011. After signing this declaration it was obligatory on the part of all signatory countries to have an anti-corruption institution like Lokpal in place.<sup>29</sup>

## **COVERAGE**

Any board, commission or authorities, fully or partially financed by the government created by an act of parliament are covered under it.<sup>30</sup>

## **COMPOSITION**

The Lokpal shall consist of one Chairperson and eight members. The chairperson of Lokpal can be one who is or has been a Chief Justice of India or has been a judge of the Supreme Court or an eminent person. The total members of Lokpal should not exceed eight out of which fifty percent shall be judicial members. In this act, there is also a provision for representation of SC, ST, OBC, minorities and women. The act states that fifty percent of the members of Lokpal shall be from amongst the SC, ST, OBC, minorities and women.<sup>31</sup>

## **QUALIFICATION OF JUDICIAL MEMBERS**

A person shall be eligible for appointment as a judicial member if he is or has been a judge of the Supreme Court or is or has been a chief justice of High Court.<sup>32</sup>

### **Qualification of Non-judicial Members**

For person to be appointed as a non-judicial member, he should be a person of impeccable integrity and outstanding ability having special knowledge and expertise of not less than twenty-five years in a matter relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.<sup>33</sup>

## **DISQUALIFICATION**

The Chairperson or a Member shall not be—

- (i) A Member of Parliament or a member of the Legislature of any State or Union territory;
- (ii) A person convicted of any offence involving moral turpitude;
- (iii) A person of less than forty-five years of age, on the date of assuming office as the Chairperson or Member, as the case may be;
- (iv) A member of any Panchayat or Municipality;
- (v) A person who has been removed or dismissed from the service of the Union or a State, and shall not hold any office of trust or profit (other than his office as the Chairperson or a Member) or be affiliated with any political party or carry on any business or practice any Profession and, accordingly, before he enters upon his office, a person appointed as the

Chairperson or a Member, as the case may be, shall, if—

- (a) He holds any office of trust or profit, resign from such office; or
- (b) He is carrying on any business, sever his connection with the conduct and management of such business; or
- (c) He is practicing any profession, cease to practice such profession.<sup>34</sup>

## **APPOINTMENT OF CHAIRPERSON AND MEMBERS OF LOKPAL**

The chairperson and the members of Lokpal shall be appointed by the president after obtaining the recommendation of Selection Committee.<sup>35</sup>

### **Selection Committee**

The selection committee will have five members

- (1) The Prime Minister—Chairperson;
- (2) The Speaker of the House of the People—Member;
- (3) The Leader of Opposition in the House of the People—Member;
- (4) The Chief Justice of India or a Judge of the Supreme Court nominated by Him—Member;
- (5) One eminent jurist, as recommended by the Chairperson and Members referred to in clauses (a) to (d) above, to be nominated by the President—Member

The Selection Committee will constitute a Search Committee of Seven Members for the selection of Chairperson and Members of Lokpal. Fifty percent of search committee members should belong to SC, ST, OBC, Women and minorities. The selection committee has the right to select anyone who is not recommended by Search committee.<sup>36</sup>

## **APPOINTMENT**

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The chairperson and members shall be appointed by the president on the recommendation of Selection Committee.<sup>37</sup>

## **TERM**

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The chairperson and every member will hold office for five years from the date on which he enters upon his office or until he attains the age of seventy-five, whichever is earlier.<sup>38</sup>

In order to check political interference and ensure impartiality in the functioning of Lokpal, the chairperson and every member shall be ineligible to be reappointed as the chairperson or a member of Lokpal. Secondly, he cannot be employed to any office of profit under the government of India or the government of the state. Thirdly, he cannot contest election of president or vice-president or member of either house of parliament or state legislature or municipality or panchayat within a period of five years from the date of relinquishing the post. Salary of Chairperson will be as that of the Chief Justice of India and members to that of the judges of Supreme Court.<sup>39</sup>

## **JURISDICTION**

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Prime minister is under the preview of Lokpal but cases of corruption against him can only be taken up when two-third of full bench of Lokpal approves it and the chairperson also approves it. The proceeding of such a complaint will be done under camera. If Lokpal dismisses the complaint than the report need not be published or shared.<sup>40</sup>

## **FUNCTIONING OF LOKPAL**

Lokpal will have under him Secretary, Director of Inquiry, and Director of Prosecution. The appointment of officers and other staff of the Lokpal shall be made by the chairperson or such member or officer of Lokpal as the chairperson may direct. Lokpal will have two different wings to carry on the investigation against the public servant. One is the inquiry wing headed by the Director of inquiry and the other one is the Prosecution wing headed by the Director of Prosecution for the purpose of prosecution of public servant in relation to any complaint by the Lokpal under this Act.<sup>41</sup>

After receiving the complaint, the Lokpal can initiate the inquiry either through his Director of inquiry wing or can engage CBI. The Lokpal can supervise the working of CBI only in those cases which have been referred to CBI by Lokpal. Lokpal can also ask for the progress report but cannot influence the direction of inquiry. The Lokpal shall also call the public official to explain his position on the complaint which has been filed against him so as to ascertain that whether there exists a prima facie case or not. The inquiry wing is supposed to submit its report to the Lokpal within a stipulated timeframe. If the inquiry wing finds that a prima-facie case exists then Lokpal can order prosecution wing to initiate prosecution in special courts. The website of Lokpal will display the status of all the complaints.<sup>42</sup>

## **SPECIAL COURTS**

The central government shall constitute such number of special courts as recommended by the Lokpal. The special courts are supposed to pronounce its verdict in one year. An extension of three months can be given with reasons of extension. In total, the time should not exceed two years which means that four extensions can be given with reasons specified by special courts.<sup>43</sup>

## **COMPLAINTS AGAINST THE CHAIRPERSON AND MEMBERS OF LOKPAL**

The Lokpal shall not inquire into any complaints against the chairperson or any member. President can remove chairperson or any member if there is a complaint which is given to him by 100 Member of Parliament and when the case is established by the Supreme Court. Till the time the case is pending in Supreme Court the president can order suspension of such member or chairman.<sup>44</sup>

## **FINANCE**

Finance for the maintenance and operation of Lokpal will come from consolidated fund of India and the accounts will be audited by CAG.<sup>45</sup>

## **DECLARATION OF ASSETS**

Each government official is supposed to declare his assets before 31 July. Along with it every government employee is supposed to file an annual return of such assets. Assets not declared in return will be presumed to be acquired through corruption.<sup>46</sup>

## **FALSE OR FRIVOLOUS COMPLAINT**

In this act there are also provisions to have a check on the filing of false and frivolous complaints. A person found guilty of filing false and frivolous complaint can be punished for one year or with a fine of one lakh. He is also liable to pay compensation to the public servant in addition to the legal expenses as decided by the special courts.<sup>47</sup>

## **ESTABLISHMENT OF THE LOKAYUKTA**

Every State shall establish a body to be known as the Lokayukta for the State, if not so established, constituted or appointed, by a law made by the State Legislature, to deal with complaints relating to corruption against certain public functionaries, within a period of one year from the date of commencement of this Act.<sup>48</sup>

## **THE LOKPAL AND LOKAYUKTAS AND OTHER RELATED LAW (AMENDED) BILL, 2014**

The Lokpal and Lokayuktas Act, 2013 provides for the establishment of a body of Lokpal for the Union and making enabling provision for establishment of Lokayukta for States to inquire into allegations of corruption against certain public functionaries, was enacted and brought into force with effect from 16 January, 2014. The Lokpal and Lokayuktas Act, 2013 (the Lokpal Act) provides for a Selection Committee for making recommendations to the President for appointment of the Chairperson and Members of the Lokpal. As per the existing provision, the Leader of Opposition in the House of the People is one of the Members of the said Selection Committee but the Act of 2013 does not contain any provision as to how the eminent jurist is to be recommended for nomination by the President or how the Search Committee shall be constituted by the Selection Committee when there is no Leader of Opposition recognised as such in the House of the People. Therefore, it is considered appropriate to amend clause of the Lokpal Act and make enabling provision for inclusion of the Leader of the single largest Opposition Party in the House of the People as a Member of the said Committee. Further, the 2013 Act does not specify any tenure for the eminent jurist. It is, therefore, proposed to insert a proviso so as to lay down that the eminent jurist shall be nominated for a period of three years and shall not be eligible for re-nomination.<sup>49</sup>

It is also proposed to amend sub-section (2) of section 4 so as to provide that no appointment of a Chairperson or a Member or the nomination of an eminent jurist shall be invalid merely by reason of any vacancy or absence of a Member in the Selection Committee, on the lines of the recent amendment made in the Delhi Special Police Establishment Act, 1946. Similarly, it is proposed to add a proviso to sub-section (3) of section 4 so as to provide that no appointment of a person in the Search Committee or the proceedings of the Search Committee shall be invalid merely by reason of any vacancy or absence of a Member in the Selection Committee or absence of a person in the Search Committee, as the case may be. 50

It is proposed to amend section 44, in regard to the way “public servant” is defined, which, inter alia, includes Prime Minister, Ministers and the Members of either House of Parliament. Section 44 of the Act makes provision for declaration of assets and liabilities by the public servants. In this regard, the Representation of the People Act, 1951 (43 of 1951) makes detailed provisions which provide for conduct of elections of the Members of Parliament, their qualifications and disqualifications for the membership of the Houses, corrupt practices and other offences, etc. The said Act and the rules framed thereunder make elaborate provisions for filing of affidavits giving full details of the movable and immovable property and the consequences of filing false affidavits, etc. In view of this, it is proposed to provide that the provisions of the Representation of the People Act should be applicable to them as regards the manner of filing of information regarding their assets and liabilities, instead of making a different provision under the Lokpal Act.<sup>51</sup>

### **LOKPAL AND LOKAYUKTA (AMENDMENT) BILL, 2016**

The parliament in July 2016 passed an amendment to the Lokpal and Lokayukta Act, 2013 to extend the deadline for filing asset declarations beyond 31 July for 50 lakh central government employees and NGOs receiving government funds. The amended Lokpal and Lokayukta Act 2013 is now called the Lokpal and Lokayukta (Amendment) Bill, 2016. This amendment is significant and controversial because it dilutes a provision in the Lokpal Act, 2013 which was one of the results of the India Against Corruption movement which had shaken the country in 2011 and 2012. This amendment affects only Section 44 of the Lokpal Act, which in turn deals with the declaration of assets and liabilities of the public servants and non-governmental organizations (NGOs) who come under the purview of the Act. The NGOs which receive over Rs 1 crore in government grants and donations above Rs 10 lakh come under the purview of the Act. Earlier, as per rules notified under the Lokpal and Lokayukta Act, 2013, every public servant was supposed to file declaration, information and annual returns pertaining to his or her assets and liabilities on 31 March every year or on or before 31 July of that year. For 2014, the last date for filing returns was 15 September of that year. It was first extended till

December 2014, then till 30 April, 2015. The third extension was up to 15 October. The date was then extended to 15 April this year for filing of returns for 2014 and 2015. But in April, the deadline was extended yet again till 31 July. With the latest amendment, the deadline for declaration has now gone beyond 31 July. Apart from the obvious problem that the deadline for declaration has been continuously extended since 2014, the amendment also does not provide any further details of when and how the public servants and NGOs will make their declaration.<sup>52</sup>

The amendment just states that the public servants will make a declaration in such form and manner “as may be prescribed”. The amendment also exempts the spouse and dependent children of public servants from declaring their assets, something which further reduces the transparency of the original Act. The amendment also came amid criticism that the government was diluting the transparency law by classifying NGO officials as public servants. The *TOI* report also said that the provisions which were affected by the amendment had been made part of the Act during UPA rule in the aftermath of the India Against Corruption movement led by Anna Hazare which had sought to bring about more transparency in governance. Because of yet another deadline extension and exemption of family members of public servants from declaration, the government was criticized for attempting to dilute the Lokpal Act after the amendment was passed in Lok Sabha.<sup>53</sup>

## **SHORTCOMINGS**

One of the major demands during India Against Corruption movement led by Anna Hazare was that the Whistleblower Protection clause should come under the ambit of the Lokpal. Whistleblower protection clause is missing from the Lokpal and Lokayukta Act according to which it should have been the responsibility of Lokpal to provide protection to whistleblowers, witnesses and victims of corruption. It should have been the responsibility of the Lokpal to ensure the safety and security of honest public officials who dare to expose the wrong doing within administration. The government didn't accept this proposal by justifying that there will be a separate bill to ensure whistleblower protection. The government did come up with a separate whistle blower act 2011 which received the assent of the President on the 9 May, 2014. The Act seeks to protect whistle blowers, i.e. persons making a public interest disclosure related to an act of corruption, misuse of power, or criminal offense by a public servant. Any public servant or any other person including a non-governmental organization may make such a disclosure to the Central or State Vigilance Commission. In order to ensure proper protection to the public servant it would have been wiser and prudent to bring it under the Lokpal or Lokayuktas rather than having it under a body like CVC which is under the direct control of centre government. Transferring of such a power to a separate entity like

CVC has created doubts about the efficacy of the whole proposal for the security of whistle blower.

The Lokpal established under the Lokpal and Lokayuktas Act, 2013, will have no role to play in the scheme of protection of Whistleblowers unless the Central and State Government notify them as competent authorities. Under the Lokpal Act, any person may make a complaint about an act of corruption allegedly committed by the Prime Minister to the Lokpal. However, the Whistleblower Bill does not say what will happen to an allegation of corruption against a Prime Minister if sent to the Central Vigilance Commission. Ideally, the Lokpal should also have been mentioned as a competent authority under the WBP Act for the purpose of receiving complaints. Further, under the Lokpal and Lokayuktas Act, complaints of corruption allegedly committed by officers of the three elite All India Services must be made to the Lokpal. The Central Vigilance Commission cannot inquire into such complaints without the direction of the Lokpal. Now the question arises how whistleblower complaints against officers of these elite services when made under the WBP Act must be clarified in the WBP Rules.<sup>54</sup>

Though the Lokpal and Lokayukta Act envisages that the Lokpal may use any agency it chooses to enquire or investigate complaints under its jurisdiction, in fact there are very few choices at the moment apart from the CBI. But, in order to ensure that such investigations, many of which might involve very senior and powerful members of the government, are fair and professional, the CBI must be functionally independent of the central government. The Act also envisages that the Lokpal will have powers of “superintendence” over the CBI. However, experience has shown that such powers are meaningless without instruments to ensure actual administrative control. The Act empowers the Lokpal with partial administrative control over the CBI as it states that transfer of CBI officers investigating cases referred by the Lokpal can be done only with the approval of the Lokpal. Unfortunately, all this is still not adequate to provide the required functional independence to the CBI. The central government still controls the budget of the CBI, appoints its officials, and is the receiving authority for the annual confidential reports of senior CBI officials, thereby making them vulnerable to pressure from the government. It would have been much better if the CBI had been brought under the comprehensive administrative and financial control of the Lokpal, whose own expenditure is chargeable to the consolidated fund of India. Or at the very least, the appointment and removal of senior CBI officers should have required the approval of the Lokpal and for officers working on cases referred by the Lokpal, the chairperson of the Lokpal should have been the receiving authority for the annual confidential reports.<sup>55</sup>

The biggest shortcoming of the Act is that while it makes it mandatory for Lokayuktas to be set up in each state within one year, state legislatures will be free to

determine the powers and jurisdiction of the Lokayukta. The apprehension is that this could result in very weak and ineffective Lokayuktas being set up in many of the states, with limited jurisdiction. As much of the corruption that affects the common person, especially the poor and marginalized, occurs under the jurisdiction of the state government, the absence of strong and effective state Lokayuktas would deny the majority of Indians, especially those who are most in need of relief, despite rampant corruption. The Act envisages that all the nearly 30 lakh groups C and D public servants, would be covered by the CVC. However, it does not specify how a CVC, located in Delhi, would receive complaints, conduct preliminary enquiries, and exercise superintendence and issue directions on investigations, against 1 lakhs of employees who are spread across thousands of post offices and manned railway crossings, for example, in the villages of India.<sup>56</sup>

Under the Lokpal and Lokayukta Act, parliamentarians conduct in the parliament cannot be questioned by the Lokpal. What parliamentarians speak, how they vote in parliament on crucial issues, is not covered in this act. This is evident from the fact that many of parliamentarians have faced allegations of receiving bribes for raising issues in legislative houses and voting in a particular manner for political or personal gains. Similarly, citizen charter, which was a essential demand during the Anna Hazare movement which talks of certain stands and time bound delivery of services is also missing. If the Lokpal and Lokayukta Act is properly implemented, it should provide a significant deterrent to corruption, especially the high level of corruption that seems to have become increasingly common in India. Of course, in order to achieve that, it has to be ensured that the right sorts of people are appointed to the Lokpal, that they and the agencies assisting them are provided adequate and appropriate human and financial resources, and that there is political will, especially among the top political and bureaucratic leadership, to make this institution succeed. But the true success of this bill can only be analyzed after its actual implementation and its capacity to initiate inquiry and convict corrupt officials.

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# Cultural Background of Indian Nationalism

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Jitendra Narayan\*

## Abstract

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Indian Nationalism has a strong and distinct cultural background responsible for the idea of *Vishal Bharat* (Greater India) which extended itself without defined borders in all directions, especially in the far south-east touching Bali and in the North-West Gandhar Desh and Avesthan (Iran). Feeling of oneness and identification with the national homeland, its culture and heritage underlined the idea of nationalism in ancient India. In fact, culture is associated with a country and not with a religion in calculation of the feeling of oneness and identification with the national homeland among the people of the vast land of Bharat had made it a nation from centuries.

**Keywords:** Culture, Nationalism, Bharat, Aryavart, Traditional-wisdom, Religion.

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Even Jawaharlal Nehru has conceded it in course of his Convocation Address and that too in Aligarh Muslim University in 1948. He said: "I have said that I am proud of our inheritance and our ancestors who gave an intellectual and cultural pre-eminence in India... we may adhere to different religious faith or event to none, but that does not take away from cultural inheritance that is ours as well as mine. The past holds us together, why should the present or future divide us in spirit?"<sup>1</sup> He also writes in *The Discovery of India* that "whatever the word we may use, Indian or Hindi or Hindustani, for our cultural tradition, we see in the past that some inner urge towards synthesis, derived essentially from the Indian philosophic outlook, was the dominant features of Indian cultural and even racial development. Each incursion of foreign elements was a challenge to this culture, but it was met successfully by a new synthesis and a process of absorption. This was also a process

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of rejuvenation and new blooms of culture arose out of it, the background and essential basis, however, remaining much the same.<sup>2</sup>

In fact, every nation presents its own breed of ideals and institutions; and Indian perception cannot be interpreted in rigid western angle. Ancient Indian philosophy of nationalism has its roots in Indian culture and tradition and was responsible for the creation of *Vishal Bharat*. Even Nehru has recorded that "...Journeys and visits of mine, with the background of my reading, gave me an insight into the past. To a somewhat bare intellectual understanding was added an emotional appreciation, and gradually a sense of reality begin to creep into my mental picture of India, and the land of-my forefathers became peopled with living beings, who laughed and wept, loved and suffered; and among them were men who seemed to know life and understand it, *and out of their wisdom they had built a structure which give India a cultural stability which lasted for thousands of years* (emphasis mine).<sup>3</sup>

What Vincent Smith has said in this context is also was worth noting. He said that "The political unity of India, all through never attended perfectly in fact, always was the idea of the people through centuries... The conception of universal sovereign as the Chakravarthi Raja runs through Sanskrit literature and is emphasised in scores of inscriptions. The story of the gathering of nations to the battlefield of Kurukshetra, as told in the Mahabharata, implies the belief that all the Indian people, including those of the extreme south were united by the real bonds and concerned in interests common to all. European writers, as a rule, have been more conscious of the diversity rather than unity of India. Joseph Cunningham, an author of unusually independent spirit, is an exception when describing the Sikh fears of British aggression in 1845, he recorded the acute and true observation that 'Hindustan' moreover from Caubul to the Valley of Assam, and as one of country, the dominion in it, associated in the minds of the people with one dominance of one monarch or one race. India, therefore, possesses always, has possessed for considerably more than two thousand years of ideal political unity.... India beyond all doubt possesses a deep underlying fundamental unity, for more profound than that produced either by geographical isolation or by political suzerainty. The unity transcends the innumerable diversities of blood, colour, language, dress, manners and sect."<sup>4</sup>

Indians in fact, had have developed cognitive symbolic and mental elements of culture for centuries which have worked as a cementing force of Indian nationalism. In fact, they have, over the course of many centuries developed a very ingenious system to keep the people of the vast country closely knit together as one nation even when the majority of them were, still are and likely to remain for many years to come, illiterate uneducated and unlettered. They have done this by inventing, popularising and rigorously following a programme of going around the pilgrimages. In the whole country, they have fixed four foremost places the four

*dhams* – one each of four extreme corners; one each of the eastern, western and southern sea coasts and one in high Himalayas in the north, each at the distance of over 1,500 miles from the others. All Hindus are expected to pine for, and millions do pay, a visit to all these four places. Next in importance to these four are the next seven, then the next twelve, the next sixteen, the next eighty four and so on. These places of pilgrimage are studded all over the country at important historical places, beauty spots, river banks, mountain tops, sea shores, confluences of rivers, important towns, ancient monasteries and well known temples. At all the different points of the compass a religious spot is earmarked, a temple is constructed, a shrine is put up or even a tree is idolized in order that people may be tempted to go there. Those who invented this method, were perhaps quite clear in their mind of the great advantages and infact of the essential need for undertaking such journey. This was the unique method of bringing together men and women of different and distant parts of the this vast country, to keep the interest of people in places of natural beauty, to maintain their love for outdoor life and *above all to forge a common link or at least common understanding between people of varieties of culture, climate and tongues who were destined to the citizens of the one country* (emphasis added)<sup>5</sup>.

All Hindus, Sikhs, Jain and Buddhist cherish a strong desire to go around to as many of these places of pilgrimage as possible, at least once in their lifetime and if fortune favours them, as many times as possible. Millions of Indians can be seen every day on the move for no other purpose other than that of going to places of pilgrimage. Even when Hindus are surrounded by problem, difficulties and miseries both at home and while travelling get millions of them seem always to be on the move<sup>6</sup>. It is also very important and interesting to note that Hindus of any part and every part of the country used to visit Gaya of Bihar state for performing Pindadan (very important and indispensable ritual) of their parents and also there *purwaj* (forefather) after their final departure from the earth.

Not only this but they (Hindus and Sikhs) still take a lot of troubles and even the risk of their lives to visit some places which are not the part of present India now but were the part of *Vishal Bharat* in ancient time. Mansarovar in China, Nankana Sahib Punja Sahib facts in Pakistan are some of the examples to be referred in this context. Fact as analysed above are the testimony of the fact that Hindus who form India from time immemorial share common cultural heritages and practices inspite of differences in language, food, habits, clothing and local practices. They use different languages and in many cases different scripts but for their religious purpose they still use Sanskrit as a language the *Vedas*, the *Purans*, *The Ramayana*, *The Mahabharata* and other religious books are their common, and holy books. *Lord Shiva* is worshiped by Hindus throughout the country irrespective of their caste class, creed, sex, age etc. *Shivalinga* is not only a symbol of worship and faith

of Hindus but it plays a key and permanent role in connecting the whole country and has in fact, proved a solid and powerful link between the people of India irrespective of their other differences of food habits, clothing and other practices.

India has remained a land of festivals and Hindus even share many common festivals all over the country. They observe many festivals in the same month all over India to express their happiness and also to express their gratitude to nature through in their own way. *Baisakhi* in Punjab, *Pongal* in South, and Rama Navami in Madhya Bharat are observed in the same month (April) to express their happiness after harvesting of Ravi food grains (wheat, gram). The reverence, respect and holiness that Hindus show is not limited to these two geographical phenomenon—the Himalayas and the Ganges. But Hindus have been grateful, sensitive and appreciative of natural gifts, therefore, the seven main rivers of India are not holy to them, but they are objects of beauty, reverence and admiration. The *Sapta Nandiyas* (the seven rivers) play an important part in commerce, agriculture, irrigation and transportation of the country, therefore, they also occupy an important place in literature, history and traditions of the nation. They are source of inspiration, noble thoughts, spiritual dedication and to lofty composition. Histories have been enacted and civilisation have been forged on the banks of these rivers of these rivers, which have been the scenes of establishment and running of great Universities, well known monasteries and centres of philosophy and learning.<sup>7</sup>

In fact, there are many things which every Indian especially Hindus all over the country share in common from centuries in spite of the fact that there also remained many small political boundaries in the past. For such people India has remained their motherland. This is what nationalism demands. Feeling of oneness and identification with national homeland, its culture and heritage underline the idea of nationalism.

Even the existential elements of Indian cultural was found congenial to the growth of nationalism in Ancient India. In the process of being human within the context of existential the dynamics of culture and symbolic life is involved. To enrich this process interactions between the symbolic and material aspects of life are found necessary. In this context it would be significant to place the observation of Marx and Engels which they had made about India before the arrival of British in India. Marx and Engels held the *age-old village system as the most distinctive characteristics of India* (emphasis mine). Indeed, the village community seems to have provided Marx with an important clue to the hidden dynamic of India's long distance history<sup>8</sup>.

The Indian villages have been called 'stereotyped primitive forms' as they preserved their ancient structure. As these village were held together by ties of consanguinities, so they were also labeled as 'Family Communities', by Marx and 'ancient Asiatic family communities' by Engels. There village communities had

‘stagnatory’ and ‘passive sort of extensive.’ This stagnancy was primarily due to the absence of private property, particular private ownership of land. Periodic changes in the political organisation of Indian society from dynastic struggle and military conquest could not bring about radical changes in economic organization. This was due to the fact that the ownership of the land an organisation of agricultural activities remained with the oriental state as real landlord.<sup>9</sup>

The static nature of Indian village communities was dependent on the coherence of the village system which, combining agriculture and handicrafts was economically self-sufficient. This domestic union of agricultural and manufacturing pursuits and unalterable decision of labour (besides possession in common of the land) became the basis of these self-sufficient village communities which existed with a given scale of low convenience, almost without intercourse with the given scale of low conveniences, almost without intercourse with other villages, without the desires and efforts indispensable to social advance. These communities were for geographical and climatic reasons, dependent on irrigation which required a centralised administrative apparatus to co-ordinate and develop large-scale hydraulic works. In his work *Capital*, volume one Marx underlined that it was the simplicity of the ‘natural economy’ of Asiatic villages communities which defined the essential feature of Asiatic stability, was the secret of the unchangingness of Asiatic Society. Asiatic society was a society where “the great split into and exploiting and exploited class have not occurred and as such Engles did not include its history among the epoch of civilisation. It is very significant to place on record that the characteristic for changelessness in Indian’s pre-colonial history was put in contrast by Marx and Engles to the rapidly changing states of historical development in European – slavery feudalism and modern capitalism.<sup>10</sup>

While underlying the significance of the study of rise and growth of Indian Nationalism what A.R. Desai has said is significant to note. He has said – that The process of the growth of Indian nationalism has been very complex and many sided. This is due to a number of reasons. *Pre-British Indian society had a social structure quite unique and perhaps without a parallel in the history.* (Emphasis added by me). It sharply differed in its economic base from the precapitalist mediaeval societies of European countries. Further, India was a vast country inhabited by a huge population, speaking many languages and professing different religions. Socially, the Hindus, comprising two-thirds of populations where almost atomized in various castes and sub-castes, a phenomenon peculiar to the Hindu society, Again, Hinduism itself was not a homogeneous religious but a conglomeration religious cults which divided the Hindu people into a number of sects. This extreme social and religious divisions of the Hindu in particular and the Indians in general presented a peculiar background to the growth of nationalism in India.<sup>11</sup>

Nationalism in other countries did not rise amidst such peculiarly powerful tradition and institutions. India's peculiar social, economic and political structure and religious history, together with its territorial vastness and teeming population, make the study of rise and growth of Indian nationalism more difficult, but more interesting and useful also. The self-preservative will of the past social, economic and cultural structure was stronger in India than in perhaps any country in the world. Another very striking thing about Indian nationalism is that it emerged under conditions of political subjection of the Indian people of the British during modern era of history. The advanced British nation for its own purpose, radically changed the economic structure of Indian society, established a centralised state and introduced modern education, modern means of communications and other institutions. This resulted in the growth of new social classes and the unleashing of a new social force unique in themselves. These social forces by their very nature came into conflict with British imperialism and became the basis of and provided motive power for the rise and development of Indian nationalism. Thus, Indian nationalism has grown and is developing in a complex and peculiar social background.<sup>12</sup>

In fact, what Desai has said and underlined in the context of Indian nationalism has enough to reveal the paramount significance and contribution of social and cultural factors in the rise and growth of nationalism in India and these have remained unique and unparalleled in the history.

Fact as analysed above reveals that Indian nationalism had, as its deep roots in its structure. Besides, cognitive, symbolic, mental elements of culture, the existential elements of Indian culture also having distinctive nature, helped to grow the feeling of oneness in Indian people and finally become responsible for the emergence of Indian nationalism centuries back. It has remained distinct as it was based on the principle of brotherhood, free from the element of exploitation of modern nature and had also deep relation with the nature and spiritualism. State boundaries, created for administrative purpose, did not dominate over the feeling of oneness among Indians. The concept of Chakravarti Raja and Rajsu Yagya could be examined in this context.

Distinctions between the concept of state and nation made by Sri Aurobindo is worth considering in this context. For him the state represents the transition of society from the infrastructural organic stage to the rotational stage. It attempts to bring about an organic unity of the aggregate people's political, social and economic life through centralised administration. The need for compactness, single mindedness and unfortunately to promote security and strengthen national defense is sought to be fulfilled by the state-idea. For Aurobindo, "the state has been most successful and efficient means of unification and has been best able to meet the various needs which the progressive aggregate life of societies has created

for itself and is still creating.<sup>13</sup>” The state is only an outward form, convenient machinery to enforce unity and uniformity. But on the other hand, it is the nation which is the living in unity of the aspirations and powers of its peoples. A common race origin, a common language, a common culture and geographical unity maybe its elements but, for Sri Aurobindo, it is basically a psychological unit with a soul of its own. Man by nature seeks the association of his fellow beings. The social life of individuals begins with in the family. After the family comes, in the evolutionary process, the tribe then the clan, the community and then the nation. But Sri Aurobindo believes that the nation idea is not the terminus of the march of the human civilization because there is a drive in Nature towards larger agglomerations and this drive can lead to the final establishment of the largest of all and the ultimate union of the world’s people.<sup>14</sup> But Sri Aurobindo makes it clear that the nation idea must be developed to its full before any possibility of formation of world union arises.<sup>15</sup>

Aurobindo has very well intertwined (Hindu) mysticism and Indian nationalism. In a speech at Bombay on 19th January, 1908 he argued that “nationalism is a religion by which we are trying to recognise the presence of God in the nation.<sup>16</sup>” He asked thus “Nationalism is not only a political programme...” If you must do it in a religious spirit... If you realised that (Almighty) then you are truly Nationalist<sup>17</sup> What he wrote in “Bande Mataram” on 2nd August, 1907 reveals the nature of cultural Nationalism of India. He wrote; “Politics and religion are interdependent. To talk to religion and politics as two unconnected departments of human affairs provokes laughter in India. Here everything that claims popular attention must have the sanction of religion. Neither does religion concern any other subject so intimately as politics”. He continues; “The Hindu shall help the realization of present national idea, not by ceasing to be Hindu... but by developing the higher features of his own culture and civilisation.<sup>19</sup> This kind of nationalism found its cumulative expression in the Swadeshi movement of 1905. M.A. Buch sketches that the nationalism in Bengal was observed to be metaphysical in idea. Worship of Mother cult in the form of ‘Kali’ was evident in the Swadeshi Movement. Valentine Chirol reported that the Swadeshists took their vows on the secret water of the Ganges is holding the “Tulsi” plant in the presence of Mahadev. He witnessed 50,000 people swearing before Kalighat temple of Calcutta. He also found in the literature of unrest frequent reference of the strongest juxtaposition of names of Hindu deities<sup>20</sup>.

Infact, every nation presents its own breed of ideas and institutions, therefore, Indian perception cannot be interpreted in rigid Western angle. Ancient civilization of India had an accommodating capacity and that in ancient India, the Acharyas, in founding certain places of pilgrimage, laid the basis for the evolution of an all-India concessionaires. Indian civilization was open to Non-Hindu ideas and values. Even

Gandhiji who has acknowledged some contribution of British raj in nation-building in modern times also recognised in clear terms the role of ancient sages in nation-building from centuries. While explaining the reason of pan-Indian pilgrimages sites Gandhiji believed that the Acharya has created geographical concessionaires about India. Gandhiji explained the reason for the pilgrimages sites by saying "Their (sages) intension in this regard, he claimed, were not so much religious as social religious as social. Religious worship did not require long distance travel. However, these "leading men" on these "far-seeing ancestors of ours", as he called them, thought otherwise. "They knew that worship of God could have been performed just as well as home". Yet they traveled throughout India" "either on foot or on bullock carts", and learnt one another's language. They did all this because "they saw India as one undivided land, so made by nature. They therefore, argued holy places various parts of India and fired the people with the idea of nationality in manner unknown in other parts of the world."<sup>21</sup>

Infact, Gandhi had deep faith in the Indian culture, the basis of Indian nationalism from ancient times. During ancient period Indian culture was obviously Hindu culture predominantly based on Hindu religion because other religions were absent in India during that period. But after the arrival of the other religions in India and their presence in a big way in modern times one question started capturing the debate that- If India were to be a nation based of Hinduism in pre-Islamic times, then has the coming of Islam unmade the Indian nation. Gandhi's answer to this was a clear no. For him Islam could not threaten the nation, rather it can be accommodated within, because India was an open civilization and as a nation it was not based on any one specific religion and any or all religions were welcome.

Indian culture was and still is open and assimilative in nature. It started as Hindu culture, it then assimilated elements of Buddhist, and Jain culture; later it assimilated elements of Islamic, Christian, Sikh and Parsi cultures and modern western culture itself, observed Anthony in his work, *Gandhiji's Philosophy and Quest for Harmony*. The "ideas of India", from the very beginning, has been the idea of the one and many. India was never one without being many. Gandhi believed in this with all his heart and mind. "India cannot cease to be one nation because people belonging to different religions live in it. The introduction of foreigners does not necessarily destroy the nation as they merge in it. A country is one Nation only when such a condition obtain in it. It has ever been such country."<sup>22</sup>

Gandhiji as well as Tilak felt that nationalism was essentially a psychological and spiritual conception. Hence both of them advocated the spiritual side of nationalism.<sup>23</sup>

Spiritual has remained an integral part of Indian philosophical as a whole and a exercise of Indian mind in this direction is responsible for producing many thing

distinct and different from the other parts of the world. The concept of Indian Nationalism is also not an exception to it. The vision of Indian nationalism and spiritualism is based on the ideas of patriotism, proceeds on the basis of love and brotherhood and it looks beyond the unity of Nations and envisages the ultimate unity of mankind. But it is a unity of brothers, equal and freemen we seek.<sup>24</sup> Vivekananda also believed that the spiritualism lies in India's greatness. The spirituality does not mean changing manners and customs but the idea of "oneness of all", the infinite idea of impersonal the wonderful idea of internal soul of man of unbroken continuity in the march of being and the infinity of universe.<sup>25</sup> This kind of faith in the spiritual purpose of human life has remained on of the most important foundations of Indian nationalism since centuries.

This is what Vedanta the earliest record of Indian thought and culture, taught us. Indian culture consists prominently of religion and mode of living called Hinduism. Hinduism is based upon the dictum of a set of books known as *Vedas*. At the end of these books philosophy is expounded in several books called the *Upanishada*. This is Vedanta philosophy.

Philosophical Foundation provided by Vedanta has remained successful in creating a beautiful place of Indian nationalism. The relationship of Indians with this land is not only of a state but it is their motherland, was the effect of the teaching of Vedanta.

माता भूमिः पुत्रो अहं पृथिव्याः अर्थवेद 12.1.12

Land (Country) is our mother and we are her sons ware her sons, *Atharv Veda*. 12.1.12

भूमे मातान्धिदि मा मद्रया सप्रतिष्ठतम, अर्थवेद 12.1.63

O, Motherland, maintain me with honour,  
*Atharv Veda*, 12.1.63

*Vedas* reveal that for unity, stability and progress of a state, the feeling of motherland among subjects is essential. *Vedas* were insistent on the concept of motherland. Until and unless the people love like their mother to that geographical piece of land where they live that piece of land can never be a state, *Vedas* claim. The concept of big and small states is also associated with this feeling. When we express our feelings with small geographical piece of land, small state is created and when this feeling is attached with a big geographical land is attached, a big state is created.<sup>26</sup> Therefore, it is feeling which is important in this process. So far as the relationship between a son and mother is concerned itself explanatory. However, love, respect and sacrifice are the only words which could explain the relationship between a son and a mother. This bond is natural and spiritual. It is

above all relations of the world since the very much existence of being is dependent on mother. This bond cannot be changed and challenged.

Slogans of *Bande Matram* and *Bharat mata ki jai* always create a sensation of nationalism and feeling of sons of one nation.

Even P.V. Kane who wrote that in ancient India did not make for deep seated and effective sentiment of nationhood or national unity from political stand point, considered that there was no doubt a great emotional regard for Bharat Varsha or Aryavarta as a unit for many centuries among all writers from religious point of view. He further accepted that the whole of Hindu India, there was no doubt a certain unity of religion, philosophy, literary forms and convention of art forms of worship and in reference of holy places.<sup>27</sup>

Most of the Ancient *Sutrakaras* and *Smiriti* try to lay down the limits of the holy land of Aryavarta and differentiate it from the land of *mlecchas*. The *Vishnu*, *Markandeya* and other *Puranas* wax eloquent over importance of *Bharat Varsha* and describe it as the land of action for those who want to secure heaven or final release or as the land where alone sign and religious merit were do we found. Manu manifests great pride in and love for holy countries of Brahmavatra, Kurukshetra, Matsya, Pancala and Surasena by glorifying the Brahmanas of these countries as those from whom all men on this broad earth should learn the actions and usages appropriate to them. *Vayas* also says the same. Sankha Likhta hold that the country of Aryavarta is endowed with high qualities, is ancient and holy. As however, the *Smrties* were composed at different times, embodied the usages of different provinces in India and as they provided for the observations of all those who followed the *Veda*, they do not generally lays emphasis on localities but rather on what they thought was common to all Aryas in India.<sup>28</sup> It is also very significant to note in this context that the difference between state and nation has not been underlined in Vedic literature however, in *Rig Vedas* the term state is used only once but the term nation finds repeated mention<sup>29</sup>. But the seeds of separate concept of state and nation had started germinating in *Atharv Veda* which said.

आ त्वा गन राष्ट्र सह वर्चसोदिदि प्राड्विशा  
प्रतिरेकराट त्वं विराज!  
सर्वास्त्वा राजन्द्रदिशो ह्यन्त्पसद्यो  
नमस्यो भवेह!!

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# ICT and Skill Development for Management of University Affairs: A Study of Constraints and Prospects

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**Rashmi Shekhar\***

## Abstract

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The purpose of this study is to highlight the challenges before the leaders and faculty members of higher education institutions, particularly in the use of information & communication technology (ICT) in skill development arena. It is an established fact that electronic database enhances the accessibility of data, effectiveness of management, transparency, flow of information, responsiveness in governance and conducive working conditions. Thus, it is high time for the human resources to be made compatible with the usage of ICT in enhancing the functionality of institutions of higher education or universities for administrative and financial management as well as for knowledge management. The present study, based on empirical enquiry, finds that though the people perceive the importance of database for efficient financial and administrative management yet on the other hand, the lack of efficient harnessing of the available resources (financial, material and human skills) has resulted into the inefficient performance of the Universities and colleges in Bihar.

**Keywords:** ICT, Skill-Development, Management. Universities, Colleges, Bihar.

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## INTRODUCTION

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Use of information and communication technology in management process has become the core value for any organisation, particularly for institutions of higher education for enhancing efficiency. It is required for the institutes to comprehend the technological changes with appropriate understanding and a vision; the traits of courage and decisiveness will influence the resources to generate desired results and optimum realisation of the potential. Despite such prevalence and importance,

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most of the higher education institutions are lacking in relation to the effective implementation of IT applications for administrative and financial management (Garrison and Kanuka, 2004). It is crucial for the leaders and staff of the institutes of higher education to substantiate the demands of prospective students and their consequent demands to attain credible and viable learning experiences. With the advent of globalisation and the development of 'global village', information technology and internet have advanced the dynamism in the society. Encoding the prevalent dynamics has great impact on the sector of higher education with the dawn of the 21st century.

ICT revolution, in the context of learning resources, has acquired a prime significance in teaching and learning process, particularly in favour of students (Williams, 2002). Furthering the notion, Hick, Reid and George (2001) attested that there are demands for universities to "provide for a larger and more diverse cross-section of the population, to cater for emerging patterns on educational involvement which facilitate lifelong learning and to include technology-based practices in the curriculum" (p. 143). However, there are severe challenges in substantiating such provisions with uniformity. One of the major challenges for the staff, members, administrators and policy makers of higher education institutions is to assimilate the significant and irreversible changes in the demands of the society, competition, technological innovations and the demography of the students. Thus, it is imperative for the human resources employed in the field of higher education to be able to conform to such changes and alter their working and perceptions accordingly. Such incorporation of changes involves the issue of the change in the mind-set of stakeholders and a firm commitment to reconstructing the institutes of higher education (Garrison and Kanuka, 2004).

To address this challenge, all the stakeholders of these institutions (faculty, administrators, staff, members, policy makers) must effectively embrace the latest technological innovations and their use to the best of its potential within the realm of furtherance of the efficiency of these institutions. Further, there is need of attitudinal change in and perceptions of the stakeholders about the way the educational enterprise is conducted. Thus, in such a manner, the human skills, not just in the implementation of information technology but for the overall functioning of the institutions, becomes the most acknowledged factor of good performance and governance. Successful adoption of the blended learning approach to augment the functionality of the institute requires the following, namely, the well designed framework that enhances the created potential, raising awareness among the stakeholders, the creation of appropriate institutional policies, ensuring quality and credible project management; investment in technological applications; evaluation of the success and satisfaction of teaching, learning, administration and technology of the new courses; generation of funds that aims at financial support and necessary

incentives for the faculty members; creation of tasks group to contemplate on the issues, challenges, opportunities and also in the communication of diverse direction in the community of the institutes (Garrison and Kanuka, 2004).

The required human skills in the management of these institutions is the major issue of interest and importance for both the business and educational organisations. The viable and credible administration of knowledge management, having situation of appropriate development, organisation and sharing of knowledge, can lead to sustainable competitive advantage (Hatch and Dyer, 2004). The generation of existing and new knowledge poses a formidable challenge as well as opportunity before different organisations aiming at competing with global issues. It is required by the human resources to acquire skills and fulfil the needs of an environment facilitated by technology. The educational institutes are also challenged consistently to keep measure with the changes in a technologically driven environment.

The expanded field of knowledge management has increased its significance in the business and educational realm which has been substantiated with the help of information technology in order to facilitate development of various strategies. According to Serban and Luan (2002), there are five reasons that have enhanced the importance of knowledge management, owing to the problems like information congestion, workforce mobility and turnover, competition, information and skill management along with specialisation and overload of information resulting to chaos. In community, a major economic role is played by educational institutes, as employers and source of information and human development. In the future, the human capital generate by such educational institutions will be the main source for sustaining competitive advantage (Moss, Kubacki, Hersh and Gunn, 2007). Thus, one of the most essential traits for knowledge management would be to create and maintain the competitive advantage with the help of effective human resources. It has also been postulated that the universities, which aim at meeting the requirement of an ever-changing environment, must focus on effective knowledge management with human resource strategies (Brewer and Brewer, 2010). The efficacy of human resources, apart from the resources availed to them, relies greatly on their skills to generate strategies that help in such upliftment. With this view in mind, human skills become a crucial component in the implementation and rightful usage of information technology that is employed to facilitate the academic and financial management of a higher education institutions.

It is important for the individuals, who are part of the administrative or financial management team, to be aware of using various IT applications with utmost efficiency. The concerned individuals must be trained to use the Big Data, analytics and different applications with proficiency. It is necessary for the database administrators to be experienced with the concept of warehousing and integrating data across multiple files and formats. Apart for the technical expertise required for

the development of the database, the faculty members must be able to comprehend and develop insights into the behaviour of the students. It is also important for the instructional researchers or the concerned group to be educated and aware in the context of statistics, strategy mapping to establish algorithms and predictive models, and decision trees. The college administrators must also invest in extensive professional development within their staff to develop required applications (Picciano, 2012).

### **ADVENT OF NEW TECHNOLOGIES**

Internet has become part and parcel of social system and commercial world and has altered the aspect of higher education as well. Online and blended learning has changed the way, instructions are given to students. Some of this technology found its way into classrooms, laboratories, and eventually administration.

By the 1960s, most American colleges employed technology for the appropriate and reliable maintenance of administrative records on students, personnel and finances. The earlier applications were fundamental, when compared to that of the present, using Hollerith (punched) cards, large mainframe computers for the collection and storage of data and sequential magnetic tape files. In the late 1960s and 1970s, various applications for administrations drifted to directly access the magnetic disk-storage technology that further facilitated the online recordkeeping. In the late 1970s and 1980s, with the advent of minicomputers and microcomputers, the sequence of events altered the applications in administrative operations; the processing transcended to smaller hardware than mainframes. Furthermore, it was in the 1990s, that internet altered the scope of administration yet again, as the applications moved towards a more varied and productive web-based interfaces and software technology. Now in the early part of the 21st century, the advent of social networking and mobile technology shifted the internet into a twenty-four hour operative on-demand companion. With time, the decision making in the context of administrative and financial management within higher education institutions was available from the integrated information system that could handle the query languages and decisions-support systems with the help of a reliable database (Picciano, 2012).

Bodies involved in the discussed realm of finances and administration in institutions demanded evidence of data, rational planning and processes of decision-making. Various colleges were able to meet the requirements and incorporate technological processes to achieve them. According to Picciano (2012), the academic administration, which in the past didn't involve the classrooms, now worked closely with the faculty members and instructional activities. The concept of big data and analytics can be a part of different administrative and instructional applications of the institutions, which can be inclusive of recruitment, admissions,

financial planning, donor tracking and student performance monitoring (Picciano, 2012).

Different technical resources which are dependable and transparent in nature are needed to signify that various intricacies of the institutions management, learning, administrative, financial, can be enhanced. This necessitates the presence of course management tools, which are update and are reliable and easy in terms of its application (Garrison and Kanuka, 2004).

According to Pocatilu, Alecu and Vetrici (2009), the concept of cloud computing provides various benefits to e-learning solutions with the provision of platform, infrastructure and educational services via the cloud providers and virtualisation, storage and facilities and centralised data for data access monitoring. Various Universities, like North Carolina State University, have ensured effectiveness with the use of the metrics system. By incorporating cloud services, North Carolina State University has achieved a substantial decrease in the expenses with the help of software licensing and have also reduced the IT staff of the campus from 15 to 3 employees working full time (Wyldd, 2009). The use of cloud computing has become a necessity rather than an option for Universities. This is due to various factors such as, students' success, performance of the institutions, sustainability of the competition, increase in costs and the pressure of such increased income (Sasikala and Prerna, 2011). Furthermore, according to Katz, Goldstein, Yanosky and Rushlo (2010), 70 per cent of IT leaders from higher education have considered enhancing the IT services as the most crucial aspect of decision-making.

Universities required a consistent review of the governance structure of IT in order to take stock of altering business and technological environment. COBIT 5 framework provides guidance in the context of IT-governance as it cannot be separated from other arenas (finance, marketing, etc.) and it reflects the principles, not only as part of IT management but the whole enterprise. IT governance is an aspect of the enterprise governance that which is perceived as arrangements, inclusive of various goals of the higher education institutions, to achieve efficiency. COBIT 5 provides a comprehensive framework that assists enterprises in achieving their objectives. In other words, it helps enterprises create optimal value from IT by maintaining a balance between realizing benefits and minimizing risk levels, optimizing resource use, and substantiating the aspects of management within the higher education institutes (Nugroho, 2014).

Big Data is responsible for altering the management of decision-making theory (Boyd and Crawford, 2012). It incorporates the research field of analysis which is of crucial importance in the field of education. According to Long and Siemen (2011), the Big Data necessitates and presents itself with dramatic framework that can utilise vast array of data and alter and shape the future of higher education. In the context of higher education, Big Data represents the interpretation of

administrative and operational data gathered processes that assess the institutional performance to highlight the performance of academic research, teaching, learning and programming (Hrabowski, Suess and Fritz, 2011). Big Data can also address the challenges associated with finding information at the right time when data are dispersed across several unlinked different data systems in the institutions. By identifying ways of aggregating data across systems, Big Data can help improve decision-making capability.

A report concluded by the U.S. Department of Education (2012) concluded that the rightful implementation of the Big Data in the higher education institutions would depend on the synergetic initiatives between various departments of the concerned institution. For instance, the involvement of IT services departments in planning for data collection and use is considered utmost important. Dringus (2012) suggested that the practice of learning analytics should be transparent and flexible to make it accessible to educators.

### **LACK OF IT IMPLEMENTATION IN THE UNIVERSITIES OF BIHAR**

There is a considerable challenge for the leaders and faculty members of a higher education institution in terms the aspect of implementation of IT. There is an urgent need for the human resources to be compatible with the usage of IT in enhancing the functionality of institutes or universities for administrative and financial management along with the aspect of knowledge management. The information technologies play a crucial role in the academic plans of higher education. It is required for the institutes to resort to the technological changes with utmost understanding and a vision; the traits of courage and decisiveness will influence the resources to generate desired results and optimum utilisation of the created potential. Despite perceiving its significance, most of the higher education institutions lack the effective implementation of IT applications for administrative and financial management (Garrison and Kanuka, 2004).

Adequate IT resources, both hard and soft, must be provided to facilitate the changes in an era of digitisation to maintain competitive edge and to deliver proficiency and adequacy when large amount of data is concerned. Due to the lack of IT, many institutions are lagging behind. There must be pressure on the academic staff in the context of different activities of academic managers and administrators to control, regulate and reorganise the academic staff and their apparent conditions (Trowler, 1998). Efficient management is required to overcome the challenges faced in the context of human resources (Deem, 1998). Proper checking and skills must be incorporated for administrators who handle the administrative and financial aspects. Further, strict regulation and monitoring over the appointment of any new member to avoid any mishap or negative publicity of the concerned institution.

Of late, the Tilka Manjhi Bhagalpur University (TMBU) administration lodged an FIR at the University police station against former Delhi Law Minister Jitendra Singh Tomar. A serious complaint was filed against the fake procurement of law degree from the University by the former Minister. It was concluded by the administration of TMBU that in accordance with the documentary evidence that emerged from the findings of a probe initiated by the University, the former Minister had committed fraud in order to fetch a fake degree from the University (Biswas, 2017). This incident, not only questions the importance of human and administrative skills of the University, but also the efficacy of university administration. Lack of IT equipped operation and database created such a situation that jeopardised the reputation of the University. In view of such instances, it makes an urgent imperative for the University administration to use IT and impart proper training to use IT among the concerned employees. Lack of data base in the universities is a common phenomenon in Bihar. Despite awareness of importance of database, there is an apparent lack eagerness to efficient use of database in the Universities of Bihar. Most of the interviewed respondents cited various reasons that leads to the above position so far universities of Bihar are concerned. Factors, expressed by the respondents, can be categorised as follows: lack of awareness, financial resources, facilities, interest in the context of database all; these responses indicate towards lack of database in the Universities. On the contrary, the employees take the alibi of presence of already enough databases for the support of administrative and financial management. This attitude causes the low usage of IT in the University administration. Thus, the presence of automated database that ensures transparency and checks corrupt practices.

For want of IT and electronic data base, T M B University had to face the wrath of students who agitated against the University on a rumour of university's inability to print adequate number of questions. Again in an another incident, 94 students of the University were deprived of writing their examination of Post Graduate in Hindi due to insufficient amount of printed question papers. Another incident for University's administrative relapses was when a degree part II exam was postponed by a year due to the delay in printing answer books (Khan, 2017).

Such kind of lapses in the administrative and financial departments of TMBU further justifies the importance of IT applications. According to the analysis of the present study, it was found that computer based IT is the sole choice for having effective and efficient database. With the advent of Digital India programme, the most of the respondents admitted the importance of computer based IT in management of the University and had perception of the computer based IT being efficient tool of administrative and financial management of the University.

## CONCLUSION

To cap it all, it established that people involved in university administration have perceived the importance of database in efficient financial and administrative management. The responses depict that the database enhances the accessibility, efficient functioning, assurance of transparency, free flow of information transparency to the flow of information, and resultant automation facilitates smooth working of organisational structure of the university.

On the contrary, there is acute shortage of IT infrastructure in the university which mars the enthusiasm of the university personnel. The above example of problems faced by university administration caused by inadequate IT infrastructure is the clear evidence of maladministration in the university. Whereas, the general digitisation and technological advances, as discussed above, have been proved to be the change agent, useful, productive and profitable. Despite its relevance and heightened results-yielding image, the lack of such application in the realm of Universities of Bihar is baffling. Thus, it is high time for the Universities to realise the need and resort to IT for efficient management of the institute along with providing support system to the students.

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# Ethics in Governance: Swami Vivekanand's Perspective

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Chandra Prakash\*

## Abstract

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Good governance is the call of the 21st century, particularly for developing countries like India. Good governance, in turn, has evolved several components and nuances developed by international organisations like World Bank, International Fund for Agricultural Development (IFAD), etc. Widely accepted components of it are – efficiency, responsiveness, accountability, transparency, rule of law, participation, equity and consensus orientation. Irony lies in the fact that all these parameters do not contain basic elements – happiness, environment and ethical values. The ethical values, needed for governance, are ingrained as core elements in Indian culture evident from the inscriptions of epics and ruling discourses right from ancient period. Kautilya in his Arthashastra has made “sukhe praja sukham ragyah” as a foundation of rule. Swami Vivekanand had been pleading for spiritual perfection and ethics in public life for a just social order. In the backdrop of this assumption, the present paper examines the issue of ethics in governance and concerned ideas of Swami Vivekanand. It finds that essence of good governance lies in happiness of the masses which can only be achieved by inculcation of ethical and moral values in governance and such values are suggested by Swami Vivekanand.

**Keywords:** Ethics, Probity, Good-governance, Vivekanand, Spiritualism, Vedanta.

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Ethics in governance is not a new idea of 21st century rather it has a long history dating back to ancient period. In modern times too, the Minnowbrook Conference in late 1960s has raised the issue of inclusion of ethics and values in public administration, that resulted into the concept of New Public Administration. So far India is concerned, the National Commission to Review the Working of

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Constitution (NCRC) has raised the issue of decline of probity in bureaucracy. The report says, "Probity in governance is an essential and vital requirement for an efficient and effective system of governance and for socio-economic development... Unfortunately for India, discipline is disappearing fast from public life and without discipline... Discipline implies inter alia public and private morality and a sense of honesty. Here, the mark of a person holding high position is the ease with which he can ignore the laws and regulations. We are being swamped by a culture of indiscipline and untruth; morality, both public and private.<sup>1</sup> The report indicates the necessity of ethics in governance. Further the second Administrative Reforms Commission in its fourth report has strongly recommended for ethical values in governance which says, "Public Service Values' towards which all public servants should aspire, should be defined and made applicable to all tiers of Government and organizations. Any transgression of these values should be treated as misconduct, inviting punishment... Also, serving officials should not be nominated on the Boards of Public undertakings."<sup>2</sup> In short, the present administrative system require the ethical values in governance badly. As such the present paper intends first, to examine the perspectives of ethics in governance and second, to examine the views of Swami Vivekanand on morality and ethics in public administration in India.

### **ETHICS IN GOVERNANCE: THE NEED OF THE HOUR**

The greatest challenge before us is loss of ethics and moral values. Values in turn are prime drivers of personal, professional and social choice. Values influence people's attitude, approach to life situation, relationship and interaction with others. Thus, values begins with definite conduct of human beings in participative activities under influence of one's perceptions. 'Values are nothing but the participation of human being in different dimensions of living. The unity and stability of society demands that ethical restraints must operate not only in respect of individuals but in every sphere of life particularly in political institutions, administration and even judiciary.'<sup>2</sup> As such values and ethics has acquired significance for governance process. Those who have been entrusted with guarding public interest and resources, need probity in discharge of their duties. People have trust in them. On the contrary, there has been declining trend of people's trust and confidence in governance system. One of the main factors leading to loss of people trust in governing process is conduct of powerful and influential people in public domain. People feel that politicians and civil servants often abuse their powers in the interest of self-aggrandizements. The conduct of powerful and influential people, in private and public domain, set a precedent for others to follow or to seek justification for their own self-seeking or even scandalous conducts.<sup>3</sup> It is argued that a system of laws and rules alone cannot provide, for all situations, the specifics of action of a public functionary legally accountable. The public servants, particularly of higher

echelons, have ambit of discretion in implementation of policies and at this point they misuse their official position. These are quite difficult to be regulated by laws, rules and executive orders only.<sup>4</sup> Only self restrain or introspection or conscience can regulate them. This situation makes an urgent imperative to strengthen ethical values in governing process.

Here a question arises – what are ethical values and how can these be strengthened in governance? Although laws and rules are equally binding on both the public and public servants, yet the public servants must have standard behaviour more stringent than those for an ordinary citizens. It requires establishment of not just a code of ethics but a code conduct too which stipulate a list of acceptable or unacceptable behaviour and actions. The ARC 2 has suggested inclusion of certain elements of ethical behaviour of a public servant such as – codifying ethical norms and practices, disclosing personal interest, mechanism to enforce relevant codes and codes for disqualifying or qualifying the public functionaries. As the decline of ethics in public life is a universal phenomenon, the identification of these ethical values have been attempted at various occasions in world. One such very significant attempt for codification of standards in public life has been outlining principles by Nolan Committee in United Kingdom. The committee suggested seven codes for public servants – namely, selflessness, integrity, objectivity, accountability, openness, honesty and leadership for promoting these codes.<sup>5</sup> Besides, there must be an infrastructure to ensure the strengthening of ethical values in governance. The following ethics elements of the ethics infrastructure have been suggested by Organisation for Economic Cooperation and Development (OECD) – political commitment, workable code of conduct, mechanisms of professional socialisation, creation of coordinating body, supportive public service conditions, effective legal framework, mechanism for ensuring efficient accountability and active civil society.<sup>6</sup> In case of India, several measures have been attempted, latest of which is Service Conduct Rules established in 2000 makes it mandatory for Central and All India Services are - effective and transparent system of governance, integrity in civil services, promoting a code of conduct on universal standards, regular training to civil servants according to the code of conduct and making them more professional and competent.<sup>7</sup>

### **ETHICS IN INDIAN TRADITIONS: SWAMI VIVEKANAND'S PERSPECTIVES**

India has a long history of ethical codes for rulers dating back to ancient period. The religious epics and Puranas, Upanishads, etc. and Kautilya's Arthashastra are the major examples of ancient India which prescribe ethical codes for civil servants including the king. In modern times, among states and social thinkers have also suggested measures for restraining public servants from wrong doings. Mahatma Gandhi, who dwelt upon to prescribe ethics for politicians and administrators,

describes the seven social sins – namely, politics without principles, wealth without work, knowledge without character, commerce without morality, science without humanity and worship without sacrifice.

Swami Vivekanand has viewed the humanity in contexts of individual, society and state. He advocates that each individual should have a sect for himself. Referring Vedanta philosophy, he said individual should march on not remain stagnate for which realisation of atma (soul) and budhi (wisdom) should be ensured particularly in context of amicable inter-personal relationship. It, further, requires evolution of moral, ethical, aesthetic and humanistic approach. Individual happiness is the happiness of the whole. He says, “When a man has no more self in him, no possession, nothing to call me or mine, has given himself up entirely, destroyed himself as it were in that man is God Himself, for him self-will is gone, crushed out, annihilated. That is the ideal man”<sup>8</sup> To him ‘an ideal society would be the one, in which would be synthesised the Indian idea of spiritual integrity and the Western idea of social progress.’<sup>9</sup> Swami viewed democracy not as merely a political ideal but a complete social philosophy. For true democracy, he advocates, the social barriers like caste, creed, race, sex, high and low, etc. should be dismantled. He believed in goodness of man which in turn lies in ingrained divinity, spirituality and solidarity. He pleaded that the source of all ethics is religion and writes, “we know that as knowledge comes, persons grows, morality is evolved and idea of non separateness begins. Whether men understand it or not, they are impelled by that power behind to become unselfish. That is the foundation of morality. It is the quintessence of all ethics, preached in any language, or any religion or by any prophet in world.”<sup>10</sup>

So far government is concerned, Swamiji favoured neither monarchy, nor socialist, nor mechanical democracy as these forms are only to exploit the weakers. Rather he advocated for self-government. He is of opinion that religion is not an isolated province of human endeavour rather is based on principles of reasoning, self consistency, spirituality of individuals, service and moral perfection. As such state is also not an instrument of utilitarianism, hedonism, etc. rather is of spiritual perfection. The character of state is determined by its purposes that hinge round the well being of the individuals and society. All members of a state should be provided with equal opportunity in the areas of health, wealth, education, material and eternal freedom for a perfect social order. To him spiritual freedom is the pre-requisite to social, political, economic or any other freedom. He strongly advocated to spiritualize politics as he believed in larger domain of morality and moral awareness among public affairs.<sup>11</sup> Among the important values, propounded by Swami, are the Social harmony or cooperation ( in the light of Vedantic principles of liberty), equality, justice, indiscrimination and love. Liberty, in Vivekananda’s philosophy, is identifiable with ‘self-realisation, salvation, truth and harmony’.<sup>11</sup> He exalted the role of Dhyan and Sadhna that helps sieve greed when indulged in

material world. Thus, Swamiji urges the youth to harness their goals with vivacity. Leaders are to be groomed with highest values, knowledge, awareness of the society and strong sense of purpose. Vivekananda's teachings imbue the inexorable truth of life. Inculcation of Para Vidya (wholesome learning) in today's youth and promises to enlighten them with values that are intensely needed in future leaders of India.<sup>12</sup>

To cap it all, strengthening of ethical values in governance is essential in Indian administrative system and among civil servants. Such values are related to probity, honesty, integrity, purposefulness, equity, social harmony, etc which need to be imbibed through creation of value infrastructure. Swami Vivekanand has pleaded for almost same values in social and public life. He argues that the values inculcated in individuals will serve the purpose of just social, economic and political life in India. The Vedanta principles should be followed strictly.

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# Socio-economic Conditions of Construction Workers: A Case Study of Patna

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Sanjay Kumar\*

## Abstract

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The construction and real estate sector of industry has been on rise since introduction of economic reforms and engaging a large number of workforce. The major portion of the workforce of construction industry in India consists of unskilled and semi-skilled workers. On the other hand their socio-economic conditions are miserable as they are not only low paid but face family problems also. In view of this situation the present study was undertaken by the author. The present study is based on empirical enquiry of construction workers of selected sites of state capital Patna town. The survey results depict that their socio-economic conditions are miserable and their family conditions are not even to the minimum level of living conditions, reflected by health hazards, malnutrition, unhygienic shelter and deprivation of education among their children.

**Keywords:** Construction workers, Socio Economic Status, Family Conditions, Job Availability.

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## INTRODUCTION

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Construction sector falls under unorganised sector of an economy. Unorganised labourers refer to those workers who have not been able to organize themselves in pursuit of their common interest owing to certain constraints like casual and uncertain nature of employment, ignorance and illiteracy, small and scattered size of establishment, etc. Various studies found that most of the construction workers are illiterate or literate and ignorant about market conditions and labour market variations. Skilled and unskilled construction workers work with low wages. The

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major problems are working for more number of hours, staying away from home, bad habits, absence of social security, misunderstanding, arguments with partners, stress, skin problems, sexual behavior & sexual health problem, and physical health problems.<sup>1</sup> They are working under unsecured environment or work culture.

A study finds that industrialization with the introduction of newly developed technologies plays an important role for development of a country. Building construction is the basic of industrial developments. It has wide range of activities with employment of a substantial number of workers. They are mainly working in informal/unorganised sector. In India about 340 million (92%) workers are in unorganized sector and about half of them are in construction industry. Government of India and State governments promulgated/framed Acts and Rules for regulation of working conditions and workers in the industry. Social welfare measures have also been included in some Acts, specially the social security schemes framed by different governments. As per National Commission for Enterprises in the Unorganised Sector (NCEUS), workers are victims of adverse working environmental conditions and subjected to health hazards of occupational origin. These workers are poor and vulnerable. Their employment is totally temporary in nature. The socio-economic stresses are one of the major outcomes of their occupation. Security measures are not being provided or adopted by them while working. They are being exploited by the contractors. There is no specified time limit/frame of work for them. They had to work on an average for about 10 hours/day. Mostly they are migratory workers. At times, they are prone to injuries and accidents.<sup>2</sup>

India's construction industry is large and visible, engaging 3.2 crore workers nationwide. For most of these workers, the construction industry is their "principal" source of employment. Thus the construction workers come under the unorganised sector. The term unorganised sector has been defined as those areas which has no proper means and ways of doing works in a systematic way or in organized way. The unorganised sector workers suffer from the cycle of excessive seasonal employment; there is no formal employer and employee relationship; because there is also lack of social security and protection. Unorganised industry workers in India include:-small and marginal farmers, landless agricultural labourers, share croppers, fishermen, and those engaged in animal husbandry, beedi rolling, labeling packing, building and construction workers, leather worker, weavers, workers in bricks kilns and stone quarries, workers in saw mills and oil mills etc. and so on. Construction is the sector which has registered a large increased in employment in the post reform decade. In construction, an estimated 10.7 milion construction workers, accounting for 83 per cent of all construction workers in India in that year, were employed through contractors and did not receive minimum employment protection and benefits whatsoever.<sup>3</sup>

With advent of globalisation, a bloom in construction and real estate took place, especially after economic reforms in India. As such, the construction sector plays a major role in Indian economy. On the contrary, the socio-economic conditions of the construction workers are pitiable whereas the builders and developers are in beneficial position. The construction workers face many problems in their day-to-day life. Two decades ago, the government via two historic legislations – The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996 and the Building and Other Construction Workers Cess Act, 1996 – had attempted to transform the lives of construction workers. The former led to the creation of an organisation named the Building and Other Construction Workers' Welfare Board in every state to ensure the welfare of construction workers. The latter ensured financial sustainability and independence of these boards by mandating levy of cess of 1 per cent of the estimated cost of construction projects above Rs 20 lakh.<sup>4</sup>

But these measures could not improve the socio-economic conditions of the construction workers. With this view in mind the researcher undertook the present study. It is an empirical study, purely based on primary sources of data collection. A survey of construction workers was conducted in three sites of construction, located in three different areas of Patna municipal corporation, namely Dujra, Rajapur and Krishnapuri. All together 82 construction workers were sampled for interview. 12 per cent of sampled respondents belonged to women category, 78 percent belonged to the age group of 27-35 and 17.1 percent to young age group and merely 4.9 per cent to old age group. Further, the sampled respondents fell in different caste categories, namely, 30.5 per cent in SC, 63.5 per cent in OBC and merely 6 percent in general caste categories. It is interesting to note that nearly 25 per cent of our respondents were from educated category up to matric level and 27 per cent above matric level and merely 18.3 per cent were illiterate.

### **EMPLOYMENT SITUATION OF THE CONSTRUCTION WORKERS**

The present study is mainly concerned with the socio-economic conditions of the construction workers. Merely income does not reveal the real picture of their economic conditions, rather it is essential to find out the person-days (man-days) employment, employment status of the other family members, size of the family depending on the given income and working position of children (in order trace the status of child labour among the construction workers). These indicators have examined by the present study.

Most of the construction workers do not get employment throughout the month and they have to cater to their needs on the income generated during whatever the working days. Table 1 depicts the real picture. The respondents were put into three categories-first, 'Very Low' (those workers who have employment up

to 10 days a month on an average of the year), second 'Low' (those workers who have employment up to 15 days a month on a month on an average of the year) and 'Medium' (those who get employment of nearly 20 days a month on an average of the year). It to be noted that sometimes they continuous work for two-three months together and sometimes they have to remain unemployed. This dependon the conditions of contacts. Those who are regular in contact of the labour contractors get more person days of employment but they are paid a bit lower wages than others who are not in contact with the labour contractors. Table 8 below reveals that most of the respondents (63.5%) got the job for 20 man-days a month, whereas 30.5 percent of the respondents got merely 10 man-days of the working in a month. A very low percentage of our respondents fell in the category of low employment situation (6% of the total respondents got 15 man-days of employment in a month). The ratio of getting job in a month by construction workers is inadequate in Patna town but good if compared to the rural areas. In other words, majority of the construction workers get job for 20 days a month and rest 10 days of the month they have to rest on the income of the working days.

**Table 1.** Employment Ratio of Respondents

| S. No. | Employment Status  | Nos. | Percentage |
|--------|--------------------|------|------------|
| 1.     | Very low (10 days) | 25   | 30.5       |
| 2.     | Low (15 days)      | 05   | 6.0        |
| 3.     | Medium (20 days)   | 52   | 63.0       |
| 4.     | Total              | 82   | 100.0      |

## **SUPPORT FROM OTHER FAMILY MEMBERS**

It is also important to note that whether the construction workers is supported by his family members in meeting the needs of the family. It is in this sense, it was attempted to know the employment status of the family members of the interviewed construction workers. The respondents were given five options-namely, wage earners (wife or son), self employed (wife/son/brother), Service and driving rickshw/thela/authorickshaw/or paldari). But the respondents were only in three categories: 1. Wage earning, 2. Self employment and 3. Pulling rickshaw. Thels. So for a category of rickshaw puller is concerned, they take hire a rickshaw from the rickshaw owners and pay a fix amount of Rs 40/- per day to the owner or a thela for carrying goods from shop to residence of the buyers. In this case also one had to pay a daily rent to the thela owners. Table 2 depicts that majority of the respondents (54.9%) had not support from his/her family members, 40.3 per cent had support from wage earning by other family members, a meager of 2.4 per cent each had self employment family members and richshaw. Thela pullers. The data, in terms of employment status of family members of the construction workers, depicts that construction workers are supported by the wage earning by his/her family members.

**Table 2.** Employment Status of Other Family Members

| S. No. | Employment             | Nos. | Percentage |
|--------|------------------------|------|------------|
| 1.     | Waze earner            | 33   | 40.3       |
| 2.     | Self employment        | 02   | 2.4        |
| 3.     | Govt. service          | 00   | 00         |
| 4.     | Driving Rickshaw+Thela | 02   | 2.         |
| 5.     | House wife(None)       | 45   | 54.9       |
| 6.     | Total                  | 82   | 100.0      |

## **FAMILY BURDEN**

It is also very important to note that what a family size to cater to their needs by the wage earning of a construction worker. There were three categories of responses-first small having family members below five in number, medium having family member five to seven in number and large more than seven family members. The Table 3 shows that 30.5 per cent of respondents had small family size. In other words, majority of the construction workers have medium size family and they have to provide the nutritional and fulfill the other needs of the five to seven members per day from their earnings. Very few of have small size of family. In this context it is also significant to note that how many of the other members of family are earners in the family of the construction workers. There were three categories in this context-only self-earning, two persons earning and three persons earning. The table 4 shows clear picture. Majority of the families of the construction workers (69.5%) dependent only on the earning of the single member, 18.3 per cent of the respondents had two earning members to meet the needs of the family and merely 12.2 per cent had three earning members. The date depicts that merely of the family. It was very significant to highlight that whether the construction workers practice child labour for the support of the family. Table 12 shows that 6 per cent of the respondents had their children working and rest 94 per cent did not.

**Table 3.** Size of family of Respondents

| S. No. | Standard of living | Nos. | Percentage |
|--------|--------------------|------|------------|
| 1.     | Small              | 25   | 30.6       |
| 2.     | Medium             | 45   | 55.0       |
| 3.     | Large              | 12   | 14.65      |
| 4.     | Total              | 82   | 100.0      |

**Table 4.** Earning Support from the Family

| S. No. | Family earners | Nos. | Percentage |
|--------|----------------|------|------------|
| 1.     | Self           | 57   | 69.5       |
| 2.     | Two            | 15   | 18.3       |
| 3.     | Three          | 10   | 12.2       |
| 4.     | Total          | 82   | 100.0      |

## **LIVING CONDITIONS OF THE CONSTRUCTION WORKERS**

The living conditions can be judged by various indicators such as shelter (accommodation available and ownership over the accommodation), hygienic and other conditions of the locality in which they reside, and amenities and facilities for sleeping at nights, source of drinking water and lavatory facilities. Our survey attempted to know the conditions in which the construction workers lived. The respondents had three categories of available accommodation to them-one room accommodation, two room accommodation and two rooms with lavatory facilities. Table 13 below reveals that most of the respondents (69.5%) had one room shelter for the entire family as compared to 18.3 percent with two room's accommodation. Merely 12.2 percent of our respondents had two rooms with lavatory and bathroom facilities. Inadequate space at the shelter can be tolerated or said to be better if that is under ownership of the occupant. Our respondents had to live in the rented shelter. Table 14 reveals that nearly two thirds (61 percent) had rented residence and rest 39 percent had their own shelter. In short we find that construction workers are more likely to spend their life in inadequate accommodation without any other hygienic facilities. Besides, whatever the accommodation was available to them that were mostly rented; not owned.

The whole gamut of discussion reveals that the socio-economic conditions of the construction workers in Patna are quite pitiable and no support from the government agencies or the builders or employers. The educational status of the construction workers was found better from the general assumption but they do not raise voice for protection of their grievances.

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# Indian Culture vs. Neo-Liberalism (An Analysis in Modern Context)

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Purnima Singh\*

## Abstract

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In last few years, people have realised that traditional Indian wisdom and values can facilitate the better quality of life in India. High human values, spiritualism, integral humanism, universalism, etc., are fundamental tenets of Indian culture, on the contrary, neo-liberalists advocate for 'self centred individualism' and 'materialistic view of human life'. In turn, the neo-liberal materialistic beliefs and ideals pose challenges before the Indian culture and intend to weaken the belief of the people in Indian philosophy of human life. Neo-liberalism, with its basic value of materialistic prosperity of human life, ignore the holistic approach to human life as against that of Indian culture. Thus, it is high time to look into the intricacies of both the philosophies from the angle of enrichment and sustenance of Indian culture. This makes an urgent imperative to examine and analyse the Indian culture in context of neo-liberal ideals. Under the influence of the above dichotomy, present paper analyses the Indian culture in context of present socio-economic and political conditions and neo-liberalist beliefs.

**Keywords:** Indian Culture, Neo-liberalism, Integral Humanism, Dharma, Materialism, Spiritualism.

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## INTRODUCTION

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In the recent few decades, there has been fast degeneration of values in Indian society that has resulted into violent social relations, arrogance in social behaviour, intolerance, rise in social crimes. The quest of human values and sustaining them is the basic pre-requisite of Indian culture which must be preserved to counter the neo liberal ideals and materialistic approach to life. The quest for human values'

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is the core of Indian culture whereas 'materialistic prosperity at the cost of even human values' is the centre of neo-liberalism which is a matter of deep concern.

## **BASIC TENETS OF INDIAN CULTURE**

Indian culture is holistic in nature. It believes in the philosophy of 'Integral Humanism', 'cultural nationalism', '*vasudhaiva kutumbakam*', '*sarve bhawantu sukhina sarve santu niramayah*' and 'universal peace and brotherhood'. The main goal of Idea of India is giving regard to indigenous wisdom and thoughts and as such preserving and maintaining the Indian culture. To have an in-depth understanding of Indian culture, it is pertinent to examine and analyse the ethos of Indian culture in broader and holistic perspectives. Sukumar Dutt as expressed in his masterly study 'Problem of Indian Nationality'(Calcutta, 1926) is of the firm view that "A mind free from western conception of nationality is absolutely necessary to comprehend the problems of Indian Nationality." (p. 18) Because it is difficult for a western mind to grasp the order of the ideas, unknown in European history, which has evolved this unique conception of the spiritual unity of India." (Problem of Indian Nationality, Calcutta, p. 17). Thus the devotion to the mother land is not confined to its physical or material aspects only. The unique characteristics of Indian culture are not only applicable to India rather are universally applicable. Vivekanand has rightly observed that 'for a complete civilization the world is waiting, waiting for the treasures to come out of India, waiting for the marvellous spiritual inheritance of the race, which through decades of degradation and misery, the nation has still clothed to her breast. The world is waiting for that treasure; he said, little do you know how much hunger and of thirst there is outside of India for these wonderful treasures of our forefathers. We talk here, we quarrel with each other; we laugh at and ridicule everything holy. Little do we understand the heart pangs of millions waiting outside the walls; stretching forth their hands for a little sip of that nectar wishes our forefathers have preserved in this land of India.' Vivekanand was very conscious for future of India and he wanted to keep intact her cultural heritage and cultural glory. He was also very critical to the book learning based present system of education. He advocated that the true education must have development of faculty, life-building, man- making, character-making and assimilation of ideas. He said that the only condition of national life, of awakened and vigorous national life, is the conquest of the world by Indian thought. Indian thought, philosophical and spiritual must once more go over to conquer the world.

Bharat is the land of *rishis*, *munis* (saints, sages) and philosophers. We all are children of the *rishis*, known as *gotra*. In this context, it is high time to awaken our inner self to realise the root of our culture. The modern Indian thinkers and statesmen like Raman Maharshi, Sri Aurobindo and Swami Vivekanand, Vinoba Bhave etc. have taught us to follow our conscience and self- realization which are

the integral parts of Indian philosophy of life. I have no hesitation to say that these values are relevant to the entire world. Thus, India needs to revive her cultural glory for humanity, national resurgence and cultural renaissance.

Another stream of thought about Indian culture is led by Pandit Deendayal Upadhyaya who said that the first characteristic of *Bharatiya* culture is that it looks upon life as an integrated whole. That is why the progress of individual-self lies in simultaneous progress of the body, mind, intellect and soul of man. These four build up an integrated individual. The confusion that has arisen in the West is due to the fact that they have treated each of the above aspects of a human being separately and without any relations *inter se*. Indian culture believes in the life as integrated whole not only in the case of collective or social life but also in the individual life. Darwin considered the principle of survival of the fittest as the sole basis of life. But we, in this country, perceived the basic unity of these aspects of life. Unity in diversity and the expression of unity in various forms have remained the central thought of *Bharatiya* culture. If this truth is wholeheartedly accepted, then there will not be any conflict among people and powers. Conflict is not a sign of culture or nature; rather it is a symptom of perversion. We have recognised desire, anger, etc., among the six lower tendencies of human nature, but we did not use them as the foundation or the basis of civilised life or culture. Cooperation also obtains in abundance just as conflict and competition in this world. Natural vegetation and animal life make each other survive. We get our oxygen supply with the help of vegetation, whereas we provide carbon dioxide, so essential for the growth of plants and natural vegetation. This kind of dependence *inter se* sustains life on this earth.

In recent times, Mahatma Gandhi dreamt of *Ram-rajya* in India as Ruskin dreamt of 'Kingdom of God' on earth. Ruskin and Gandhi both established the supremacy of man over machine and soul over matter. The manufacturer of good souls was the most profitable profession, the world should realize, they maintained. The wealth of a nation does not consist in figures and bank accounts, it consist 'in the producing as many as possible full-breathed, bright-eyed and the happy-hearted human creatures'. Gandhi was influenced by the text entitled **Unto This Last** and maintained that 'man is the first consideration' so the 'character-building' is the first requirement of education.

Ruskin in **Unto This Last**, pointed out the necessity of those persons who resolve to seek 'not greater wealth, but simpler pleasure; not higher fortune, but deeper felicity; making the first of possessions; and honouring themselves in the harmless pride and calm pursuits of peace'. He repeatedly urged the people to curb their ambitions and not to strive for future advancements. Contentment, he said, is the main thing. Gandhi did also maintain that happiness does not consist in the multiplication of wants but in the voluntary restriction of desires: "Man's

happiness really lies in contentment". To him, contentment is the best of riches and self possession, the best of possessions. (Hasan:, p.116)

Thus it is the *dharma* that sustains India and source of values of Indian culture, which needs its inculcation among people for the benefit of the whole mankind.

## **OF LIBERALISM AND NEO-LIBERALISM**

Neo-liberalism which seeks to store *laissez faire* individualism believes in the primacy of the 'spontaneous order' of human relationships as exemplified by free markets which is in sharp contrast to Indian culture. In the era of neo-liberalism there is danger of not only draining out wealth but also the human values and prosperity. We need to rejuvenate our cultural heritage for the sake of humanity.

The imperialistic era of thought propelled the leadership in West that witnessed symbolic relationship between politics, trade, evangelicalism and philosophy. It was only the proportion of each element that varied from one individual to another. The tragedy of Indian Social Sciences is also reflected in its non-comprehensive understanding of the Western epistemology and philosophers. Many western political thinkers, who have been quoted and studied in their progressive ideas, civil society, polity and individual's rights in the text books of social sciences, had in mind the despotic rulers, with underlying commercial interests in colonialism. Interestingly, they have greatly influenced the formative ideas of students of social sciences. Bhikhu Parekh highlights two representative thinkers John Locke and J. S. Mills who are considered champions of liberalism and democracy. John Locke (1632-1704) was of course relatively progressive than Thomas Hobbes (1588-1679), another English philosopher, who justified despotism. But relative and contextual progressiveness does not qualify him enough to be taught as a prophet of universal liberalism. His biographer, Maurice Cranston has revealed Locke's zeal for commercial imperialism with reference to his patroniser Earl of Shaftesbury who had strong financial interest in the New World, i.e. North American colonies. Locke provided the most articulated and philosophical justification of colonisation. He argued that Indians were not entitled for territorial integrity which, on the other hand was held ideal and respected by 'Other' West in this case. For him Indians were 'wild' and 'savage', lacking the capacity to raise themselves to the level of 'civilised part of the mankind' if unaided.

J.S. Mill, who spent the greatest part of his career (from 1813 to 1858) as an officer in East India Company, authored 'Liberty and Representative Government', argued that man's liberty and elected government could not be applied to India because they were by civilisation inferior to that of westerners. He propounded that India was incapable of self- development and only westerners could regenerate them since he regarded Indians as backward people, similar to children who

justifiably face parental despotism. In the line of thought, Bhikhu Parekh explains the phenomena as “liberals stressed the virtues of individuality, autonomy and moral self development, but they vigorously supported the 19th century capitalism that made these virtues unrealisable for masses of men and women and they often resisted the attempts by the state to regulate evils capitalism produced.” He further opined, “Liberals thought and practice have revealed similar paradoxes and contradictions” even in recent times they were both sectarian and liberals according to their respective contexts. The cherished ideas of liberty, equality and freedom were held essential as per the context, which liberals regarded fit to be spaced into affirming the colonised by the superior breed of western entities. Their universalism was deterred by their own presumption of perennial inequality based on race, civilisation, nature and pattern of human beings which naturally, according to them, divided the world community into superior and inferior races or nationalities.

The end of colonial rule has not obliterated the Western ills that are repackaged as ‘modernity’. Their hegemony has still not ended. There are two primary reasons for this: One, the economic inequality between the West and the rest of the world. Colonialism was a system to drain wealth from the colonies, which ruined one set of nations whereas it strengthened the material foundations of a few. In the post-colonial era, this economic imbalance gave positional superiority to the ex-colonialists and their civilisational fraternity. They created international institutions to mask their hegemony from direct contestations. Their earlier paradigm of ‘civilising mission’ was transformed into ‘developing mission’. Earlier justification as ‘White Men’s burden’ was supplanted by ‘West’s responsibilities and duties for backward nations.’ (Sinha, Rakesh : pp. 2-4)

## **EPILOGUE**

To cap it all, the liberals and neo-liberals emphasized on materialistic components of life and capitalist ethos in social life. They disregard the Indian values like spiritualism, universalism and introspection as the source of happiness. Thus it is high time to revive our traditional wisdom and cultural philosophy of human life in order to make ourselves the contented mankind. Thus, Indian culture should get rid of the threats of neo-liberalism and revolutionize the idea of ‘*swaraj*’ in real sense and decolonise the Indian mind.

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# **Thought Provoking Notes Section**

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## Is Legal Person Status to Rivers Sufficient?

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**Vijay Kumar Choudhary\***

Some recent incidents of conferring status of legal person on the rivers attract our attention towards the examination of its viability and feasibility. The Narmada river has been decided to be given the status of a corporate body or legal person by the Legislative Assembly of Madhya Pradesh. The Hon'ble High Court of Uttrakhand has, in its one of the historic verdicts, passed the order to confer the status of legal person on the Ganga and Yamuna rivers. It is also significant to be noted that earlier the Wanganui river has been provided with the same status by the Parliament of New Zealand. Of course it will satisfy quest of the environment-activists and environmentalists, but the question is - will the step of conferring the status of 'legal person' on rivers really be worth in achieving the goal of clean and continuous flow of rivers?

The Maori tribe of New Zealand are the primitive inhabitants of forests like that of Indian tribes. They do also love and worship the natural environment like forests, mountains and rivers on which they depend. The tribes have been struggling for protection of their natural environment for almost a century. As result, the legislature of New Zealand provides the appointment of two Guardians from among the tribe to represent rivers in the Parliament. In India, in addition to Madhya Pradesh legislature's decision, the Hon'ble High Court of Uttrakhand has, in its historic judgment, appointed three authorities namely, the Chief Secretary

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\* Hon'ble Speaker, Bihar Legislative Assembly, Patna

*Note:* In view of the inventiveness and relevance of the author's idea on the subject, it was decided by the editorial board to publish the present article in translated form in the present issue of BJPA. The write-up on the issue is a translated version of the views of the author written earlier in Hindi. The Editor has the privilege to have consent of the author to publish it in the present issue of the BJPA.

of Uttarakhand Government, the Director of Namami Ganga Project and Advocate General of Uttarakhand High court as the Guardians (human representatives of the rivers) in order to protect, preserve and clean the Ganga and Yamuna rivers along with their tributaries. Here, it is quite pertinent to underline the rights and duties of the rivers vis-a-vis obligations of citizens for the purpose.

The rights of the rivers can be perceived only as allowing clean and continuous flow of water in natural way in the rivers. We know that a river, in its course, performs three functions – erosion, transportation and deposition. In the early course, it cuts the rocks with the high speed current of water and carry the particles of rocks with it towards lower course and lastly deposits them as silt when its current slows down. In the course of a river, the garbage, poisonous industrial wastes and sanitation wastes are added to the flowing water by anthropogenic activities, making it polluted and contaminated. This makes rivers deposit its substances as silts earlier than the natural course and as result, the deposition process gets faster. Besides, the dams, bandhs and other such structures over the rivers make their natural flow hindered. As if, the respiration system of the rivers are jeopardized. This results into frequent floods, for example the Farrakka barrage on the Ganga river has caused a huge deposition of silt resulting into frequent floods in the upper course of the river.

Thus, it is high time to take steps urgently to manage the silts by process of de-silting of the river beds. Despite several preventive laws and schemes to check the river water pollution, the pollution of river water has been on rise. Getting back to the issue of sufficiency of legal person status of rivers in terms of keeping rivers clean and continuous, the dominant assumption that a legal person has duties along with the rights needs to be examined. For ensuring both the rights and duties of the rivers, the nominated guardians or human representatives of the rivers can only be held responsible. Here, another question arises – are the appointed guardians capable enough to do their duties on behalf of rivers? Can they really mitigate the adverse effects of polluted river water and compensate the losses? The answer is no. These functionaries, nominated as guardians, are inadequately equipped to take substantial steps. Thus, it is quite impractical to confer the duties on the rivers. As such, the status of legal person of the rivers confines to protection of their rights only. There are already laws to protect the rivers from being polluted, such as, Water (Prevention and Control of Pollution) Act 1974 and Environment (Protection) Act 1986. Besides, the sections 430 and 432 of Indian Penal Code have the punitive provisions for misdeeds like damaging the water resources. These legal provisions have so far been used to protect the rivers.

No doubt, some positive result will come out with the grant of corporate body status to the rivers but in abstract. For protecting the rights of the rivers, the nominated guardians would have to take the obligation of going to the law and the

courts, if the rights of the rivers are encroached. The political boundaries of the authorities create jurisdictional problems. For example, the Ganga originates in Uttrakhand and travels through UP, Bihar, Jharkhand and West Bengal whereas the jurisdiction of the nominated guardians of rivers of Uttrakhand are confined to jurisdiction of their respective state government. All these are practical hurdles that need to be sort out carefully. Simply making the rivers as legal persons cannot get rid of the menace. To cap it all, there is urgent imperative to address the issue of silt management and creating awareness among people to be sensitive to the protection of the rivers. Although the public interest litigations (PILs) have proved to be effective tool of protecting rivers owing to growing awareness of environmental protection among the people, yet the onus lies ultimately on the governmental authorities and the people themselves. Both the government and the citizen will have to work hand in hand. Let us hope for the best.



## An Impressionistic Note on **Cause of the Tribes in Bihar: Need of the Tribal Advisory Council**

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**Anand Vardhan Sinha\***

After carving out of Jharkhand from Bihar in year 2000, a sizeable chunk of tribal population (Scheduled Tribe population) remained in almost all over Bihar, especially in the districts bordering Jharkhand and also the district of West Champaran. There are two Assembly Constituencies reserved for STs e.g. 1. Katoria in Banka district and 2. Manihari in Katihar district which were among 29 Assembly constituencies reserved for STs prior to the bifurcation of the State. It is worth mentioning here that in undivided Bihar, there were 29 Assembly Constituencies reserved for STs out of which 27 are now part of Jharkhand state. Similarly there were some 3 or 4 Lok Sabha Constituencies reserved for STs. But now there is no Lok Sabha Constituency reserved for STs in Bihar. Ironically, it is a fact that as per the provision of Second Part of Clause (1) of section 4 of the fifth Schedule to the Constitution of India, the State of Bihar has now no Scheduled Area. Another fact is that ST population is spread over all the State and has no concentration in any particular area or district. On the basis of my experiences gained during my service in various capacities including serving at field levels, I have witnessed that they face immense difficulties and problems in the areas of development, education, health, livelihood and preserving their traditional wisdom and culture. But their cause and interests are not served on political level owing to the above conditions unfavourable to them.

The tribal population according to 2011 Census is below 1 per cent but the tribal population in Bihar is at present, on the basis of annual population growth rate, estimated to be over 20 (twenty) lakhs, amounting to over 2 percent of total

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\* IAS Retd (1978 batch), Former Chairman, Board of Revenue, Bihar and Secretary, Bihar Human Rights Commission

population of Bihar. The Tharu population, concentrated mostly in West Champaran, have been accorded ST status, for whose special care and development, the State Government has constituted the Tharuhat Development Authority. There is also a full-fledged and separate Scheduled Tribe Commission for Bihar to look after STs' cause. Despite these provisions, they have least been benefited and the quality of life of tribals has least been improved. Rather, they are dwindling.

However, in spite of various existing factors mentioned above and sincere and painstaking work done by both the politicians and government officials (including me till my superannuation from IAS on July 31st 2016 after putting in 38 years and 20 days in the cadre w.e.f. 12 July 1978), the issues, concerns and problems of the tribal brothers and sisters still need a high level body, well equipped with constitutional and politico-administrative arrangements. Their problems could easily be solved, if Bihar puts in place a Tribal Advisory Council (TAC) as mentioned by the basic, fundamental and highest law of the land. It will not be out of place to mention that there was Tribal Advisory Council in undivided Bihar used to be headed by The Chief Minister and Welfare Minister as his deputy besides, other Ministers, MLAs and senior officials like Chief Secretary/Development Commissioner etc as members.

To cap it all, it is my humble suggestion that as per pattern of undivided Bihar, the TAC should be formed with Chief Minister as Chairman, Deputy Chief Minister as Vice-Chairman, Ministers of SC/ST and Welfare Department, Finance Department, Planning Development Department as members apart from the two MLAs representing ST reserved constituencies and Chairman of the ST Commission of Bihar as ex-officio members. I appeal the Hon'ble Chief Minister to take up the issue urgently, only then we can have fruits and yield the positive results in favour of languishing and dwindling tribes.



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Hindi Section

हिन्दी प्रभाग

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## इक्कीसवीं शताब्दी के प्रशासनिक सुधार : ज्वलंत मुद्दों की एक समीक्षा

शशि प्रताप शाही\*

### सारांश

प्रस्तुत आलेख भारत में प्रशासनिक सुधार के महत्वपूर्ण मुद्दों के विवेचन एवं समीक्षा हेतु एक लघु प्रयास है। पिछले दो दशकों में प्रशासनिक सुधार के कुछ अत्यंत महत्वपूर्ण मुद्दे जैसे शासन में नैतिक मूल्यों का समावेश, लोक-केन्द्रित शासन, शासन में सूचना प्रौद्योगिकी का प्रयोग (ई-गवर्नेंस) तथा समवर्ती प्रवेश (लैटरल इन्ट्री) आदि प्रकाश में आए हैं जिन पर प्रशासनशास्त्रियों का ध्यान आकर्षित होता है। समीक्षोपरान्त प्रथम दृष्टया यह प्रतीत होता है कि इन लक्ष्यों की प्राप्ति हेतु न केवल नियमों और कानूनों में परिवर्तन करने होंगे अपितु नौकरशाहों की प्रवृत्ति और नागरिकों की समझ में परिवर्तन की दिशा में भी कदम उठाने की आवश्यकता है। नौकरशाही की प्रवृत्ति में परिवर्तन एक अत्यंत कठिन समस्या है वहीं नौकरशाहों तथा नागरिकों में सूचना प्रौद्योगिकी का व्यापक प्रयोग के लिए तत्परता (ई-रेडिनेस) को बढ़ाना एक बड़ी समस्या है। जहां तक नौकरशाही में विशिष्टता लाने हेतु समवर्ती प्रवेश का प्रश्न है, यह एक नाजुक विषय है जिसमें राजनीतिक दुरुपयोग की आशंका होती है। इन सभी मूल्यों की प्रतिपूर्ति राजनीतिक ईच्छा और निष्ठा पर निर्भर है। अतः कुछ कानूनों एवं नियमों में परिवर्तन तथा नौकरशाहों में मनोवृत्ति परिवर्तन हेतु एक निश्चित अंतराल पर लोकसेवकों हेतु पुनश्चर्या कार्यक्रमों को चलाया जाना आवश्यक प्रतीत होता है।

**विषय-सूचक शब्द:** प्रशासनिक-सुधार, नैतिक-मूल्य, ई-गवर्नेंस, लोक-केन्द्रित, लैटरल-इन्ट्री।

### पृष्ठभूमि

स्वतंत्र भारत के शासकों ने प्रशासन में आमूलचूल परिवर्तन की मंसा व्यक्त की परन्तु कुछ अपरिहार्य कारणों जैसे आंतरिक सुरक्षा तथा सामाजिक-आर्थिक परिस्थितियों के चलते वांछित परिवर्तन नहीं किए जा सके और तत्कालीन नौकरशाही के स्वरूप को बरकरार रखा गया। प्रारंभ में नौकरशाही के परिवर्तन हेतु 1950 की दशक में कई प्रयास किए गए जिसमें अयंगर समिति एवं गोरवाला समिति की अनुसंशाओं सहित पॉल एच. एपेल्बी का अनुभवपरक अध्ययन के आधार पर प्रेषित अनुसंशाओं पर प्रशासनिक सुधार किए गए। जिसमें शासन में सुधार हेतु

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अनवरत शोध एवं प्रशिक्षण के लिए भारतीय लोक प्रशासन संस्थान जैसे कई संस्थान भी खोले गए। पुनः 1966 में प्रथम प्रशासनिक सुधार आयोग का गठन किया गया जिसने पांच सौ से अधिक अनुसंशाएं कीं। परन्तु नौकरशाही का साम्राज्यवादी स्वरूप में उल्लेखनीय परिवर्तन नहीं आया। काल एवं आंतरिक एवं वैश्विक परिस्थितियों ने नए सुधारों के लिए प्रेरित किया। फलस्वरूप द्वितीय प्रशासनिक सुधार आयोग का गठन 2005 में किया गया जिसने पन्द्रह मुद्दों पर अलग-अलग प्रतिवेदन दिए। स्वाभाविक है कि सभी अनुसंशाओं का कार्यान्वयन संभव नहीं था परन्तु उनमें से अधिकांश अनुसंशाओं पर भारत सरकार ने अमल करने का प्रयास किया। फिर भी भूमण्डलीकरण की परिस्थितियों और देश की वास्तविक आवश्यकताओं के अनुरूप प्रशासन के स्वरूप में परिवर्तन नहीं लाए जा सके हैं जिससे देश का विकास भी प्रभावित हो रहा है। इसी वैचारिक पृष्ठभूमि में प्रस्तुत आलेख प्रशासनिक सुधार के कुछ ज्वलंत मुद्दों का अनुशीलन कर कुछ उपाय सुझाने का प्रयास करता है।

### शासन में नैतिक मूल्यों का समावेश

लोक प्रशासन में नैतिक मूल्यों का समावेश कोई नई बात नहीं है। 1960 की दशक में मीनोब्रुक कन्वेंशन ने लोक प्रशासन में नैतिक मूल्यों के समावेश की बात उठाई थी जिसके आधार पर अग्रणी प्रशासनशास्त्री ड्वार्डट वाल्डो ने नवीन लोक प्रशासन की अवधारणा का प्रतिपादन किया। भारत में संविधान के कार्यकरण की समीक्षा हेतु राष्ट्रीय आयोग (NCRWC) ने भी अपने रिपोर्ट छठे अध्याय में शासन में नैतिकता और निष्ठा (प्रॉबिटी) में गिरावट की बात की है तथा उसके अनुरूप प्रशासनिक सुधार की अनुसंशाएं की हैं। द्वितीय प्रशासनिक सुधार आयोग ने अपने चौथे प्रतिवेदन में प्रशासन और नौकरशाही में नैतिक मूल्यों को सबल बनाने हेतु उपाय सुझाए हैं जिसमें नौकरशाह-मंत्री के स्वस्थ संबंधों के लिए आचार संहिता बनाने तथा सरकार के सभी स्तरों पर पब्लिक सर्विस वैल्यु को चिन्हित करने तथा उनकी अवहेलना पर दण्डात्मक कार्रवाई करने के नियम बनाने की सलाह दी।<sup>1</sup> लोकसेवकों के संवैधानिक उन्मुक्तियों के प्रावधानों में परिवर्तन लाने की अनुसंशा की जिसमें उन्हें अभियोजित करने हेतु पूर्वानुमति के प्रावधान को खत्म करने, संविधान की धारा 310, 311 तथा 309 में भी इसके अनुरूप संशोधन करने तथा उनमें स्वार्थहीनता, विश्वसनीयता, निष्पक्षता, उत्तरदायित्व, पारदर्शिता, ईमानदारी तथा नेतृत्व के गुणों के समावेश के लिए अनवरत पुनश्चर्या प्रशिक्षण देने<sup>2</sup> की बात कही गई। इसके अतिरिक्त नौकरशाहों की नियुक्ति, प्रोन्नति तथा स्थानांतरण आदि के वर्तमान तरीकों के कारण नौकरशाहों में मंत्रियों के प्रति निष्ठा रखने की प्रवृत्ति घट कर जाती है। इसलिए आयोग ने पदस्थापन, प्रोन्नति, स्थानांतरण आदि के लिए स्वतंत्र नियामक बोर्ड इस हेतु निश्चित परिनियम बनाने की अनुसंशा की। एक अनुभवी प्रशासक ने यहां तक कहा कि अप्रासंगिक हो चुके सिविल सर्विस (कन्डक्ट) रूल्स 1964 को कचड़े में फेंक देना चाहिए और आज की परिस्थितियों के अनुरूप नए रूल्स बनाने चाहिए। 2006 में इंग्लैण्ड में बने कोड ऑफ इथिक्स का हवाला देते हुए कहा है कि नौकरशाही के बीच निष्ठा, ईमानदारी, निष्पक्षता तथा वस्तुनिष्ठता जैसे गुणों के विकास के लिए कानून बनाने की आवश्यकता है।<sup>3</sup> 3 फरवरी 2004 को पी.सी. होटा की अध्यक्षता

में कमिटि ऑन सिविल सर्विस रिफॉर्म्स का गठन किया गया जिसने 64 अनुसंशाएं कीं जिनमें नौकरशाहों की उपलब्धियों की कठोर समीक्षा, सर्विस डेलीवरी में लोकोन्मुखता, लोकसेवकों का गैर सरकारी संगठनों तथा शैक्षणिक संस्थानों से अंतःक्रिया, वार्षिक संपत्ति रिटर्न भरना, धारा 311 में संशोधन, उनके कार्यकरण का स्वतंत्र संगठनों द्वारा मूल्यांकन, अच्छे काम करने वालों के लिए पुरस्कार तथा नैतिक संहिता को लागू करना प्रमुख है।<sup>4</sup>

### भ्रष्टाचार निवारण

इसके अतिरिक्त गंभीर रूप से व्याप्त भ्रष्टाचार का निवारण भी आवश्यक है। ट्रांसपेरेंसी इन्टरनेशनल नामक संस्था के हाल ही में भ्रष्टाचार पर किए गए 99 देशों के एक सर्वेक्षण में भारत को 73वां स्थान मिला है।<sup>5</sup> कहा गया है कि भ्रष्टाचार और अनुशासनहीनता एक दूसरे के पोषक हैं।<sup>6</sup> भारतीय शासन व्यवस्था में भ्रष्टाचार पर नियंत्रण पाने के उपाय बहुत पहले से किए जाते रहे हैं परन्तु ईक्कीसवीं सदी में किए गए कुछ उपायों में सेंट्रल विजिलेंस कमीशन एक्ट 2003 तथा भ्रष्टाचार के विरुद्ध संयुक्त राष्ट्र संघ के सम्मेलन (2005) के आलोक में विहिसल ब्लोअर्स प्रोटेक्सन विधेयक 2011 (जिसे राष्ट्रपति का अनुमोदन 2014 में प्राप्त हुआ) उल्लेखनीय हैं। इस कानून के तहत लोकसेवकों पर भ्रष्टाचार के आरोपों एवं अपने शक्ति का दुरुपयोग करने का अनुसंधान करने तथा भ्रष्टाचार को उजागर करने वाले को संरक्षण देना है। दूसरी ओर भारत सरकार के उप-सचिवीय स्तर के नौकरशाहों पर कारवाई करने हेतु पूर्वानुमति के प्रवधान को हटाने संबंधी निर्देश को सर्वोच्च न्यायालय ने खारिज कर दिया।<sup>7</sup> इसके अलावा नागरिक समाज द्वारा उठाए गए कदम उल्लेखनीय हैं जिसमें अन्ना हजारे का आन्दोलन प्रमुख है। इसके प्रभाव में तत्कालीन सरकार ने 'लोकपाल' (भारतीय अम्बुड्समैन) की स्थापना की घोषण तो कर दी गई परन्तु आज तक (2018 तक) इस दिशा में कोई ठोस कार्रवाई नहीं हुई। दूसरी ओर जांच एजेंसियों के माध्यम से राजनीतिक लाभ लेने की प्रवृत्ति की आशंका बनी रहती है।<sup>8</sup>

### सूचना प्रौद्योगिकी का उपयोग (ई-गवर्नेंस)

सूचना प्रौद्योगिकी आंदोलन, भ्रष्टाचार एवं वैश्वीकरण के बढ़ते प्रभाव ने शासन में सूचना प्रौद्योगिकी के उपयोग की आवश्यकता को बढ़ा दिया है। इसके लिए प्रत्येक सरकारी संगठन में मैनेजमेंट इन्फार्मेशन सिस्टम (एम.आइ.एस.) को स्थापित कर लोकसेवकों के इसके उपयोग के प्रति तत्पर रखना आवश्यक है। इसके लिए सूचना एकत्र करना, नई सूनाचएं निर्मित करना, संग्रहित करना, सभी के लिए इन तक पहुंच सुनिश्चित करना, आधुनिक तकनीकों का समावेश करना तथा सूचना का निर्वाध निस्सरण करना आवश्यक है।<sup>9</sup> यों तो इसके उपयोग की शुरुआत तत्कालीन प्रधानमंत्री राजीव गांधी ने 1980 के दशक में ही कर दी थी परन्तु वह व्यापक नहीं था। पुनः सन् 2000 में आई.टी. पॉलिसी का निर्माण हुआ जो 2006 में नेशनल ई-गवर्नेंस प्लान के रूप में देशव्यापी बनाया गया। इसके तहत लोकसेवा को जनोन्मुखी बनाने के उपाय किए गए। द्वितीय प्रशासनिक सुधार आयोग ने अपने ग्यारहवें प्रतिवेदन में 'प्रोमोटिंग ई-गवर्नेंस : द स्मार्ट वे फारवर्ड' नीति द्वारा इसको व्यापक रूप से लागू करने की अनुसंशा की जिसके

आधार पर नेशनल ई-गवर्नेंस प्लान की नीति बनी।<sup>10</sup> 2014 के आम चुनावों के बाद नई सरकार ने 'डिजिटल इण्डिया कार्यक्रम' के तहत इस पर अधिक बल दिया। इस कार्यक्रम में देशव्यापी योजनाएं बनीं जैसे ई-क्रांति (नेशनल ई-गवर्नेंस प्लान 2) जिसके तहत ओपेन सोर्स साफ्टवेयर, ई-मेल नीति, सूचना प्रौद्योगिकी का व्यापक प्रयोग, कॉलाबोरेटिव एप्लीकेशन डेवलपमेंट, रीइन्जिनियरिंग ऑफ क्लाउड रेडी एप्लीकेशन, आदि प्रमुख हैं। इसके तहत सभी केन्द्रीय तथा राज्य सरकारों एवं केन्द्रशासित राज्यों में मूलभूत संरचनाओं के निर्माण तथा इसके लिए नए बिजिनेस मॉडल बनाने के प्रावधान हैं ताकि पारदर्शी तरीके से जनोन्मुख सर्विस डेलीवरी को सुनिश्चित किया जा सके।<sup>11</sup> इसका कानूनी पक्ष भी है जो United Nation Commission on Internal Trade Law (UNCITRAL) से प्रेरित है। परन्तु भारत में इसके लिए कोई ठोस कानूनी प्रवधान का अभाव है। आई.टी. पॉलिसी 2000 में कानूनी प्रवधान किए गए थे परन्तु वो बाध्यकारक नहीं थे। यद्यपि 2008 में भारत सरकार ने तकनीक को निष्पक्ष बनाने के लिए 'डिजिटल सिग्नेचर' हेतु नियम बनाए गए पर वे अंतर्राष्ट्रीय मानक पर पर्याप्त नहीं हैं।<sup>12</sup>

जो भी हो डिजिटल इण्डिया कार्यक्रम के तहत शासन को टाइमबाउण्ड और मितव्ययी, पारदर्शी, स्वविवेक के उपयोग का अवसर कम करने, सेवीवर्गोन्मुख, लोकशिकायतों का निवारण करने की दिशा में एक महत्वपूर्ण कदम है। इसे देशव्यापी बनाने के लिए ग्रामीण स्तर के शासन तक ले जाने की कवायद आज से एक दशक पहले से चल रही है। इसे विकास के एक प्रभावकारी उपकरण के रूप में स्वीकार कर लिया गया है। 2009 के पूर्व ही भारत में ई-पंचायत कार्यक्रम के तहत व्यापक रूप से इसे लागू किया गया था जिसमें पश्चिम बंगाल, कर्नाटक तथा आंध्र प्रदेश अग्रणी रहे हैं। ग्रामीण स्तर पर स्वपोषी क्रियोस्क भी शुरू किए गए थे। परन्तु विडम्बना यह रही कि लोगों और सरकारी महकमों में ई-रेडीनेस की कमी आज भी पाई जा रही है जिसके चलते इस मूलभूत संरचना का पर्याप्त उपयोग नहीं हो पा रहा है।<sup>13</sup>

### समवर्ती भर्ती या लैटरल इन्ट्री

सामान्य बनाम विशेषज्ञ का विवाद काफी पहले से चल रहा है। धारणा है कि प्रशासनिक सेवा के पदाधिकारी मुख्यतः समाज विज्ञान एवं मानवीकीय से आते हैं जिसके चलते उनमें तकनीकी मामलों में निर्णय लेने में कठिनाई होती है इसलिए विशेषज्ञों को सीधे प्रशासनिक सेवा में ले लेना चाहिए। भारत में इस प्रकार के कई प्रयोग सफल हुए हैं परन्तु बड़े पैमाने पर ऐसा करने में कई समस्याएं खड़ी हो सकती हैं। प्रथम प्रशासनिक सुधार आयोग द्वारा भी इसकी अनुसंशा की गई थी और द्वितीय आयोग द्वारा भी संयुक्त सचिव स्तर पर लैटरल प्रवेश की वकालत की गई है। कुछ विद्वानों का मानना है कि लैटरल प्रवेश लाभकारी ही होगा जिसका प्रमाण डॉ. मनमोहन सिंह, एम.एस. अहलुवालिया, राकेश मोहन, जयराम रमेश आदि का सफल योगदान है। परन्तु ऐसा करने के लिए वर्तमान नियमों और परिनियमों में आवश्यक परिवर्तन होना पूर्वशर्त है।<sup>14</sup> परन्तु दूसरी विचारधारा यह है कि इसके फायदे कम और नुकसान ज्यादा हैं। कुछ ऐसी परिस्थितियां आन खड़ी होती हैं जिससे शासकों में समवर्ती प्रवेश का राजनीतिक लाभ लेने की प्रवृत्ति बढ़ सकती है। विद्वानों की आशंका है कि इस विधि से सत्तासीन राजनीतिज्ञों द्वारा अपने समर्थकों

को प्रशासनिक सेवा में प्रवेश कराने का प्रयास किया जा सकता है। इसलिए इसे लागू करने के पूर्व, कानूनों, नियमों एवं परिनियमों में सावधानीपूर्वक परिवर्तन करने की आवश्यकता है।<sup>15</sup>

### निष्कर्ष

हम कह सकते हैं कि बदली हुई परिस्थितियों में वैश्विक मांगों एवं देश की आवश्यकताओं के आलोक में नौकरशाही तथा प्रशासनिक संरचनाओं, कानूनों, नियमों एवं परिनियमों आदि में परिवर्तन की आवश्यकता है। साम्राज्यवादी विरासत वाली प्रशासनिक व्यवस्था को मूलरूप से परिवर्तित करना ही श्रेयस्कर है। इक्कीसवीं सदी के प्रशासनिक सुधार इस दिशा में मुड़े हुए तो लगते हैं परन्तु पुरानी व्यवस्था के फ्रेम में ही बदलाव लाना चाहते हैं। साथ ही नौकरशाहों में मनोवृत्ति परिवर्तन हेतु एक निश्चित अंतराल पर लोकसेवकों हेतु पुनश्चर्या कार्यक्रम आयोजित किए जाने चाहिए। इतना ही पर्याप्त नहीं होगा बल्कि प्रशासनिक व्यवस्था में आमूलचूल परिवर्तन की ओर आगे बढ़ना होगा, तभी हम भारत के सर्वांगीन विकास के लक्ष्य को प्राप्त कर सकेंगे।

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## जलवायु परिवर्तन और भारत पर्यावरणीय राजनीति के संदर्भ में एक अध्ययन

गांधीजी राय\*

### सारांश

पर्यावरणीय हास आज पृथ्वी के मानव सहित सभी जीवों और वनस्पतियों के लिए खतरा बन गया है। इतना ही नहीं हमारी अगली पीढ़ी उन प्राकृतिक संसाधनों से वंचित हो जाएगी जिसका हम उपभोग करते रहे हैं। भूमण्डल का बढ़ता तापमान, दिनोंदिन सघन होता प्रदूषण तथा प्रकृति का क्षरण पर्यावरणीय असंतुलन बढ़ने के प्रमाण हैं। पर्यावरणीय असंतुलन के फलस्वरूप जलवायु में तेजी से परिवर्तन आ रहा है। इसका कुप्रभाव न केवल कृषि पर अपितु जल संपदा, भूमिगत जलस्तर में गिरावट तथा प्राकृतिक आपदाओं की बारम्बारता में वृद्धि के रूप में स्पष्ट दिख रहा है। इन सभी कुप्रभावों के लिए मानव की पर्यावरण-विरोधी गतिविधियां जिम्मेवार हैं। यह सत्य है कि प्राकृतिक कारणों से हुए पर्यावरण हास की भरपाई प्रकृति स्वयं कर लेती है परन्तु मानवीय गतिविधियों के कारण हुए असीमित हास की भरपाई प्रकृति नहीं कर पाती। इन मानवीय गतिविधियों को पर्यावरण संरक्षा की दृष्टि से नियमित करना राज्य की जिम्मेवारी है। इस प्रकार यह राजनीति विज्ञान का महत्वपूर्ण विषय बन गया है। 1970 की दशक से विद्वानों ने इसे पर्यावरणीय राजनीति विषय के रूप में चिन्हित करना शुरू कर दिया। इसी वैचारिक पृष्ठभूमि में प्रस्तुत आलेख भारत में पर्यावरणीय हास और जलवायु परिवर्तन के पड़ने वाले कुप्रभावों का पर्यावरणीय राजनीति की अवधारणात्मक परिधि में अध्ययन का एक प्रयास है। पर्यावरण संरक्षा हेतु बनी नीतियों की अपर्याप्तता, अप्रभावकारी कार्यान्वयन तथा लोगों की पर्यावरण विरोधी प्रवृत्तियों के कारण हमारा पर्यावरण दिनोंदिन खराब होता जा रहा है। आज लोगों में केवल जागरूकता की ही आवश्यकता नहीं बल्कि नागरिक समाज को अपने स्तर पर सचेत, सचेष्ट तथा अगली पीढ़ी के लिए संवेदनशील होना होगा।

**विषय-सूचक शब्द :** पर्यावरणीय-राजनीति, जलवायु-परिवर्तन, प्रदूषण, पर्यावरण-संरक्षा, नीति।

### भूमिका

आज पर्यावरणीय असंतुलन तथा हास से समस्त विश्व ग्रसित है। सैकड़ों राष्ट्रीय तथा अंतर्राष्ट्रीय वैधानिक और नीतिगत उपकरण के बावजूद पर्यावरण दिन पर दिन प्रदूषित हो रहा है। प्रश्न उठता है कि - जल, वायु तथा भूमि प्रदूषण से उत्पन्न जलवायु परिवर्तन का स्वरूप क्या है

\* प्रोफेसर (अ.प्रा.), राजनीतिशास्त्र विभाग, वीर कुँवर सिंह विश्वविद्यालय, आरा (बिहार)

तथा भारत पर इसका क्या कुप्रभाव पड़ रहा है? तेजी से हो रहे हास और जलवायु परिवर्तन के पीछे कौन जिम्मेवार है? आज हम देख रहे हैं कि वायुमंडल में कार्बन डाईऑक्साइड (CO<sub>2</sub>) सहित ग्रीन हाऊस गैसों (GHGs) की मात्रा निरंतर बढ़ने से भूमंडलीय तापन का संकट छा गया है। आशंका प्रकट की जा रही है कि इन गैसों के अंधाधुंध उत्सर्जन से वायुमंडल के 1,000 भाग में CO<sub>2</sub> की मात्रा सात भाग हो जाएगी, जो फिलहाल तीन भाग के करीब है। इसका दुष्परिणाम यह होगा कि पृथ्वी का तापमान 21वीं सदी के अंत तक साढ़े तीन डिग्री सेल्सियस बढ़ जाएगा तथा 2025 तक समुद्री जलस्तर में 200 सेमी तक की वृद्धि हो जाएगी। संभव है कि बांग्लादेश और मालदीव जैसे अनेक राष्ट्रों का अस्तित्व ही मिट जाए। प्रारंभ में औद्योगिक दृष्टि से संपन्न राज्यों द्वारा इन प्राकृतिक संपदाओं का अंधाधुंध उपयोग किया गया, जिसका दुष्प्रभाव विकासशील राज्यों पर अधिक पड़ने लगा क्योंकि ये आर्थिक विपन्नता और जनसंख्या की भार से ग्रसित हैं। इसी कारण से खासकर क्योटो प्रोटोकॉल 1997 से एक सामान्य मान्यता विकसित हुई कि प्राकृतिक संपदा विश्व की साझी विरासत मानी जाए और पर्यावरणीय हास से निपटने के लिए सम्पन्न देश विकासशील देशों को आर्थिक सहायता दें।

### पर्यावरणीय राजनीति की अवधारणा

इस पद का सर्वप्रथम प्रयोग 1970 की दशक में यूरोपीय देशों में पर्यावरण संबंधी नीतियों तथा उनके कार्यान्वयन के संदर्भ में किया गया।<sup>1</sup> वर्ल्ड कमीशन ऑन इन्वॉयर्न्मेन्ट एण्ड डेवलपमेंट ने 1987 में विकास के प्रयासों में भविष्य की पीढ़ी के लिए पर्यावरण बचाकर रखने के उपायों को पर्यावरणीय राजनीति का विषय माना।<sup>2</sup> हेउड ने इसे मानव और पर्यावरण के बीच अंतःक्रिया के रूप में स्थापित किया है।<sup>3</sup> यदि हम विषय की प्रकृति पर दृष्टि डालें तो पाते हैं कि इसके दो महत्वपूर्ण पक्ष हैं – पहला पर्यावरणीय परिवर्तनों द्वारा राजनीतिक प्रक्रिया का प्रभावित होना तथा दूसरा राजनीतिक निर्णयों से पर्यावरण का प्रभावित होना। गार्नर ने स्पष्ट लिखा, “We must also seek to explain why it is that the environment has become a political issue, what impact political decisions have had on environment, why some decisions were taken rather than others and finally what political structures are best able to protect the environment.”<sup>4</sup> ड्राइजेक और स्कॉलजबर्ग ने कहा कि यह विषय देखता है कि किस प्रकार मानव समाज अपने को प्रकृति से संबंधित रखता है और उसकी संरक्षा करता है।<sup>5</sup> पर्यावरणीय राजनीति आज प्रकृति से लोगों को जोड़े रखने संबंधी विभिन्न राजनीतिक, सामाजिक और आर्थिक कारकों, संकटों, नैतिकताओं आदि के विवेचनों को अपने अंदर समेट लेता है।

पर्यावरणीय राजनीति एक व्यापक विषय बन गया है। पर्यावरण का लोक संदर्भ और राजनीतिक संस्थाओं की संवेदनशीलता के मुद्दे भी इसकी परिधि में आते हैं। राजनीतिक कार्यकर्ताओं द्वारा पर्यावरण की व्यापक चिंता मात्रा यह सुनिश्चित नहीं करता कि सकारात्मक और सतत् कदम उठेंगे ही। अतः इसके तहत सरकारी पहल में पर्यावरणीय प्रभाव को चिन्हित किया जाता है। पर्यावरणीय नीतियों की प्रकृति राजनीतिक प्रक्रिया की ही देन होती है। अतः इसके अंतर्गत सतत् विकास की राह में आने वाले रोड़े की पहचान की जाती है। पर्यावरण के

प्रति राजनीतिक कार्यकर्ताओं की प्रवृत्ति, नीति निर्माण, नीतियों का कार्यान्वयन, लोगों की प्रवृत्ति, कानूनों की प्रकृति सहित आर्थिक विकास तथा गरीबी और पर्यावरण संरक्षा के बीच टकराव आदि अनेक विषय इसकी परिधि में आते हैं।<sup>6</sup> इस अवधारणा में पर्यावरण से प्रभावित और पर्यावरण पर पड़ने वाले प्रभावों से संबंधित अंतर्राष्ट्रीय राजनीति का अध्ययन भी सम्मिलित है जिसके तहत पर्यावरण-आधारित विदेश-नीति निर्धारण, अंतर्राष्ट्रीय संबंधों, वैश्विक समझौतों और उपकरणों, क्षेत्रीय अंतर्राष्ट्रीय संगठनों, महाशक्तियों के रूख<sup>7</sup> आदि अनेक विषय आते हैं। इसके अतिरिक्त, पर्यावरणीय कानूनों एवं न्यायालयों की प्रकृति का विवेचन इसी के तहत आता है।<sup>8</sup> वास्तविकता यह है कि ज्यों-ज्यों पर्यावरण की चिंता बढ़ती गई त्यों-त्यों पर्यावरणीय साहित्य का विस्तार होता गया और विकसित देशों से होते हुए विकासशील देशों तक घर कर गया। आज पर्यावरणीय राजनीति एक महत्वपूर्ण और व्यापक विषय बन गया है।

### जलवायु परिवर्तन : एक वैश्विक चिंता

भारत में पर्यावरणीय राजनीति एवं प्रशासन की समीक्षा के पूर्व यह आवश्यक है कि पर्यावरण के क्षरण के स्वरूप का आकलन किया जाए। एंड्रयू मार्शल के अनुसार जलवायु परिवर्तन से वातावरण में अचानक आनेवाले परिवर्तनों से पूरे विश्व में अफरा-तफरी मच सकती है। रिपोर्ट के प्रमुख लेखकों रेंडाल व पीटर स्वार्ट्ज के विचार में इन बदलावों पर 'तत्काल प्रभाव से' विचार करना आवश्यक है क्योंकि ऐसा न होने से विश्व के देशों के बीच संघर्ष बढ़ेगा और युद्ध का खतरा निरंतर मंडराने लगेगा।<sup>9</sup> रिपोर्ट में निम्नलिखित भयावह राजनीतिक स्थितियों की ओर ध्यान आकर्षित किया गया है, यथा - 1. सागरतल के बढ़ते स्तर के कारण जिन लोगों के घर बर्बाद होंगे, वे अमेरिका और यूरोप की ओर रुख करेंगे। ऐसी हालत में यूरोप और अमेरिका को किलेबंदी करनी पड़ सकती है। 2. वर्ष 2020 तक पेयजल और बिजली की कमी से संघर्षों और युद्धों का सिलसिला भी प्रारंभ हो सकता है। 3. लेखकों का मानना है कि ऐसा कभी भी, किसी समय शुरू हो सकता है। इसमें पर्यावरण से संबंधित कुछ अन्य मुद्दे भी समकालीन विश्व में विचारणीय विषय हो गए हैं, जैसे - मौजूदा उपजाऊ भूमि के एक बड़े भाग की उर्वरता कम हो रही है। बढ़ते प्रदूषण के चलते चारागाहों के चारे समापन की ओर हैं, मत्स्य-भंडार में कमी आ रही है, विश्व के विभिन्न जलाशयों की जलराशि में बड़ी तेजी से कमी हो रही है और खाद्य उत्पादन प्रभावित हो रहा है।

संयुक्त राष्ट्र के विश्व विकास प्रतिवेदन (2006) के अनुसार, विश्व के विकासशील देशों के एक अरब बीस करोड़ लोगों को पीने के लिए साफ पानी उपलब्ध नहीं होता। इसके साथ ही, यहाँ की दो अरब साठ करोड़ आबादी साफ-सफाई की सुविधाओं से वंचित हैं जिसके चलते 30 लाख से ज्यादा शिशुओं का हर साल देहांत हो जाता है। 2017-18 में इस संख्या में बड़े पैमाने पर वृद्धि हुई है। 2018 की रिपोर्ट में चेतावनी दी गई कि पानी की किल्लत झेल रहे लोगों की संख्या 2050 तक 5.7 अरब तक पहुँच सकती है।<sup>10</sup> वनों की हर रोज हो रही कटाई से लाखों लोग विस्थापित हो रहे हैं। वायुमंडल में ओजोन परत में छेद हो जाने से पारिस्थितिक

तंत्र के साथ-साथ व्यक्ति के स्वास्थ्य पर भी खतरा मंडरा रहा है। समुद्र तटीय इलाकों में बढ़ रही लोगों की सघन आबादी से समुद्री पर्यावरण की गुणवत्ता में भारी गिरावट आ रही है।

अंटार्कटिका में पानी के अंदर की बर्फ पिघलने की दर प्रत्येक 20 वर्षों में दोगुनी हो रही है और समुद्र तल के बढ़ने का शीघ्र ही यह सबसे बड़ा स्रोत बन सकता है। 'नेचर जियोसाइंस' में प्रकाशित एक रिपोर्ट में वैज्ञानिकों ने बताया है कि समुद्री जल का तापमान बढ़ने के चलते वर्ष 2010 से 2016 तक के बीच दक्षिणी ध्रुव के निकट बर्फ की सतह प्रभावित होने से इस क्षेत्र में करीब 1,463 वर्ग किमी. तक बर्फ का आधार सिकुड़ गया है। 'यूनिवर्सिटी ऑफ लीड्स' के 'यूके सेंटर फॉर पोलर ऑब्जर्वेशन एवं मॉडलिंग' द्वारा किए गए शोध में दर्शाया गया है कि जलवायु परिवर्तन का असर अंटार्कटिका पर इसके पूर्व आकलनों से कहीं अधिक हुआ है, और समुद्र का स्तर संभवतः वैश्विक अनुमान से कहीं ज्यादा बढ़ सकता है।<sup>11</sup> एंड्रयू शेफर्ड का कहना है, "अंटार्कटिका में आधार तल पिघल रहा है। हम इसे देख नहीं सकते, क्योंकि यह समुद्र की सतह से काफी भीतर हो रहा है। इस अध्ययन में करीब 16,000 किमी. समुद्रतट को शामिल किया गया है।"<sup>12</sup>

अमेरिका के पर्यावरण सुरक्षा एजेंसी का आकलन है कि सौ सालों में समुद्री जलस्तर छह से आठ इंच (15 से 20 सेंटीमीटर) बढ़ा है। अंटार्कटिका के पाइन आईलैंड बे इलाके के दो ग्लेशियर यदि पिघल जाएंगे तो दुनिया के समुद्रों का जलस्तर 11 फीट तक उठ सकता है। इसका मतलब यह हुआ कि समुद्र के किनारे बसे धरती के सभी शहर डूब जाएंगे। ये ग्लेशियर कब तक पिघलेंगे, यह समय के सबसे बड़े सवाल में एक है। इसका आकलन लगाने के लिए वैज्ञानिक 11 हजार साल पूर्व के अंतिम हिमयुग के अध्ययन में लगे हैं। अबतक के सबूत इंगित करते हैं कि उस समय पाइन आईलैंड बे के ग्लेशियर बहुत तेजी से टूटे थे और विश्व भर के तटीय इलाकों में बाढ़ आई थी। अंटार्कटिका के इस हिस्से के केंद्र की ओर सामुद्रिक सतह गहरी होती जाती है। इसके चलते जब भी कोई नया आइसबर्ग टूटता है तब टूटने की खाई बड़ी होती है। बर्फ के भार को सहना इन खाइयों के लिए असंभव हो जाता है। ऐसी स्थिति में यदि टूटने की प्रक्रिया तेज हो जाती है तो इसे रोका नहीं जा सकता। वैज्ञानिक इसी प्रक्रिया की गति का अनुमान लगाने की कोशिश में जुटे हैं।<sup>13</sup>

वैज्ञानिकों के विचार में टॉटेन ग्लेशियर अंटार्कटिका में सबसे तेज तैरनेवाला और सबसे बड़ा ग्लेशियर है।<sup>14</sup> सेंट्रल वाशिंगटन यूनिवर्सिटी के प्रोफेसर पॉल विनबेरी का कहना है कि इसका मतलब यह भी है कि टॉटेन भविष्य में जलवायु में होनेवाले बदलावों के लिहाज से अधिक संवेदनशील है। नासा की एक रिपोर्ट के अनुसार, वर्ष 2002 से 2016 के बीच अंटार्कटिका में प्रतिवर्ष 125 गीगाटन बर्फ पिघली। इसके परिणामस्वरूप दुनियाभर में समुद्र स्तर सालाना 0.35 मिलीमीटर बढ़ गया है। उपर्युक्त तथ्यों के विश्लेषण से सभी वैज्ञानिक इस बात से सहमत हैं कि वैश्विक तापन के चलते दोनों ध्रुवों की बर्फ पिघल रही है।

पिछले कई सालों से इस पर शोर मचाने के बावजूद दुनिया के शक्तिशाली देश इस संबंध में कोई बड़ी पहल नहीं कर रहे हैं। 2016 में नासा के वैज्ञानिक पीयर्स सेलर्स ने ग्रीनलैंड का दौरा कर जो कुछ देखा, वह भविष्य के लिए बड़े खतरे का संकेत है। ग्रीनलैंड में प्रतिवर्ष करीब

287 बिलियन मैट्रिक टन बर्फ पिघल रही है। अमेरिका से प्रकाशित न्यूयॉर्कर ने उनसे बातचीत के आधार पर एक लंबी रिपोर्ट छपी है।<sup>14</sup> पीयर्स सेलर्स का कहना है कि उत्तरी ध्रुव के सबसे ठंडे इलाके के रूप में चिन्हित आर्कटिक तेजी से गरम हो रही है जिससे वहाँ तेजी से बर्फ पिघल रही है। नासा के सैटेलाइट्स और दूसरे हवाई अभियानों से जानकारी मिल रही है कि ग्रीनलैंड की तस्वीर तेजी से बदल रही है। यह बदलाव विश्व में भयंकर सूखा, तटीय इलाकों में भयंकर बाढ़ और समाज के सामने खाद्यान्न में कमी की नई चुनौतियों को बढ़ावा दे सकते हैं, जिनसे निबटने के लिए विश्व के शक्तिशाली देश भी अभी तैयार नहीं हैं। जलवायु परिवर्तन के चलते आर्कटिक और अंटार्कटिक में पिघलते बर्फ से तटीय शहरों में आने वाली संभावित बाढ़ से भारत के कोलकाता और मुंबई सहित करीब एक अरब लोगों की जिंदगी प्रभावित होने का अनुमान है।

संयुक्त राष्ट्र के जलवायु परिवर्तन पर अंतर-सरकारी पैनल-आईपीसीसी द्वारा 309 वैज्ञानिकों की समिति द्वारा 2014 में जारी रिपोर्ट में कहा गया कि जलवायु परिवर्तन आज व्यापक रूप ले चुका है और इसके नतीजे दिखने लगे हैं।<sup>15</sup> ऐसी स्थिति में यदि हम सचेत नहीं हुए तो प्रकृति हमें दूसरा मौका नहीं देने वाली है। इंटरनेशनल ऑर्गेनाइजेशन फॉर माइग्रेशन का अनुमान है कि वर्ष 2050 तक करीब 20 करोड़ लोगों का पलायन इस वजह से होगा, जबकि उस समय दुनिया की मौजूदा लगभग सवा छह अरब की आबादी 9 अरब तक पहुँच जाएगी।<sup>16</sup>

### जलवायु परिवर्तन : भारतीय संदर्भ

इस प्रकार जलवायु परिवर्तन पर संयुक्त राष्ट्र की रिपोर्ट (2014) में दुनियाभर में पर्यावरणीय बदलाव के स्पष्ट संकेत दिखाई दिए हैं। कहीं जरूरत से अधिक वर्षा तो कहीं भीषण गर्मी का कहर रहा है। भारत के संबंध में भी यह रिपोर्ट चिंताजनक इसलिए है, क्योंकि इसमें भारत को सबसे ज्यादा जोखिम वाले देशों में रखा गया है। देश की राजधानी दिल्ली आज टोक्यो और शंघाई के बाद विश्व के तीसरे सबसे बड़े प्रदूषित शहरों में से एक है। 9 अप्रैल 2018 को पटना के श्रीकृष्ण विज्ञान केंद्र में 7वें साइंस ऑन ए स्फीयर का उद्घाटन करते समय बिहार के मुख्यमंत्री नीतिश कुमार ने बताया कि “लालच ही पर्यावरण को नष्ट कर रहा है। पर्यावरण के प्रति यदि हम जागरूक नहीं हुए तो संकट के दौर से गुजरेगी पृथ्वी। हम सभी प्रकृति के ऊपर हैं। अगर हमारा व्यवहार प्रकृति के साथ ठीक नहीं होगा तो प्रकृति हमें नष्ट कर देगी।”<sup>17</sup>

भारत में ग्लोबल वार्मिंग का प्रभाव स्पष्ट नजर आने लगा है। वर्ष 2015 में हुई बेमौसम बरसात, बर्फबारी एवं अनेक संक्रामक बीमारियों ने मौसम वैज्ञानिकों को चिंतित कर दिया है। 2015 से उत्तरी एवं मध्य भारत में मौसम का मिजाज तमाम पूर्वानुमानों के विपरीत एक नई दिशा में जा रहा है। इसके चलते कहीं बेमौसम बरसात हो रही है तो कहीं भारी बर्फबारी। उदाहरण के तौर पर बेमौसम बरसात और बर्फबारी से खड़ी फसलें तबाह हो रही है।<sup>18</sup> ग्लोबल वार्मिंग का प्रत्यक्ष प्रभाव भारत के सुंदरवन क्षेत्र में बहुत पहले ही दिखाई देने लगा था। इसने सुंदरवन के मेग्रोव वनों पर भी अपना प्रभाव डाला है। इससे सिर्फ फसल और फसल चक्र के

ही नुकसान होने का खतरा नहीं है, बल्कि इसका दूरगामी प्रभाव संपत्ति के नुकसान के रूप में भी पड़ेगा। लंदन स्कूल ऑफ इकोनॉमिक्स के प्रोफेसर सिमोन डेज ने इंग्लैंड के अखबार *द गार्जियन* को बताया कि लंबे समय के लिए निवेश करने वालों को सुझाव है कि वे कम कार्बन उत्सर्जन करने वाले क्षेत्रों में ही पैसा निवेश करें। उल्लेखनीय है कि 'लंदन स्कूल ऑफ इकोनॉमिक्स' का अध्ययन नेचर क्लाइमेट चेंज ने प्रकाशित किया है।<sup>19</sup> वरुण गाँधी का मानना है कि "जलवायु परिवर्तन हमारी पूरी खाद्य उत्पादन श्रृंखला और खाद्यान्न सुरक्षा को प्रभावित करेगा। इससे मवेशियों के चारे में भी कमी आएगी। आने वाले दिनों में देश की आबादी बढ़ने से अलग-अलग फसलों की माँग बढ़ेगी, मगर जलवायु परिवर्तन इस राह में मुश्किलें पैदा करेगा। लिहाजा कृषि में निवेश के साथ ही सिंचाई, बुनियादी ढाँचे की बेहतर और ग्रामीण संस्थानों को उन्नत बनाने की जरूरत है। तभी हम खाद्यान्न असुरक्षा जैसे संकटों से जूझ सकते हैं।"<sup>20</sup>

### भारत में वस्तुस्थिति और नीतिगत मुद्दे

विश्व स्वास्थ्य संगठन द्वारा अप्रैल 2018 में जारी 2016 की रिपोर्ट के अनुसार दिल्ली समेत भारत के अन्य 14 शहर विश्व के 15 सर्वाधिक प्रदूषित शहरों में शामिल हैं।<sup>21</sup> पर्यावरण पर 'स्टेट ऑफ ग्लोबल एयर 2017' के आँकड़े के अनुसार भारत विश्व में अस्वाभाविक या समय से पहले होने वाली मौतों के मामले में कई रिकॉर्ड तोड़ता दिखा है। *द लैन्सेट* में प्रकाशित अध्ययन भी बता रहा है कि भारत इस मामले में चीन से आगे निकल गया है और जिस हवा में हम सांस ले रहे हैं, वह दिनोंदिन इतनी जहरीली होती जा रही है कि हर दिन कम-से-कम दो मौतें महज वायु प्रदूषण से हो रही हैं।<sup>22</sup> रिपोर्ट के अनुसार भारतीय पर्यावरण का प्रदूषण सौ सालों में पहली बार चीन से आगे गया है। ग्रीनपीस की रिपोर्ट कहती है कि चीन ने अपने यहाँ इंतजाम कर अपनी आबोहवा को थोड़ा सुधार लिया, लेकिन भारत का प्रदूषण स्तर बीते एक दशक में खतरनाक दिशा में बढ़ता गया है। ग्रीनपीस इंडिया ने अपनी वार्षिक रिपोर्ट (14 फरवरी 2018 'एअरपोक्लिपस' (Airpocalypse) में 280 शहरों के एक साल में पीएम 10 के औसत स्तर का विश्लेषण किया है। ग्रीनपीस की राष्ट्रीय वायु गुणवत्ता सूचकांक रैंकिंग रिपोर्ट में भारत के राष्ट्रीय वायु गुणवत्ता वाले 17 शहरों का प्रदूषण स्तर भारतीय मानकों से भी कहीं ज्यादा है। ये आँकड़े कहीं न कहीं हमारी कार्यशील प्रणालियों की विसंगतियों की ओर भी इशारा करते हैं। सही स्थिति यह है कि भारत में प्रदूषण का स्तर संभालने से लेकर स्वास्थ्य सेवाओं तक उतना वैज्ञानिक तरीके से काम नहीं हुआ, जैसा कि होना चाहिए था। भारत के अन्य शहरों के साथ-साथ दिल्ली में प्रदूषण का स्तर अभी भी उतना ही है, जितना कि सर्दियों में धुंध के दौरान हुआ करता था। इस समय की हवा ज्यादा जहरीली व जानलेवा है। इस हवा को खराब करने में गाड़ियों से निकलने वाले धुएँ से 17 फीसदी पैटकांक जैसे पेट्रो-ईंधन की 16 प्रतिशत भागीदारी है। कूड़ा जलाना व परागण जैसे कारण भी हैं। सीएसआइआर और केंद्रीय सड़क अनुसंधान संस्थान द्वारा 2018 के आरंभ में किए एक गहन सर्वे से पता चलता है कि दिल्ली की सड़कों पर लगातार जाम व वाहनों के रेंगने से गाड़ियाँ डेढ़ गुना ज्यादा ईंधन पी रही हैं। इससे जहरीला धुआँ यहाँ की हवा में शामिल हो रहा है। इन दिनों राजधानी के परिवेश में इतना

जहर घुल रहा है कि हालात बीते 17 सालों में सबसे बुरे स्तर पर हैं। दिल्ली में वायु प्रदूषण का बड़ा कारण यहाँ बढ़ रहे वाहन, ट्राफिक जाम और राजधानी से सटे जिलों में पर्यावरण के प्रति बरती जा रही कोताही है।<sup>23</sup>

अमेरिका के स्वास्थ्य प्रभाव संस्थान (एचईआई) 'स्टेट ऑफ ग्लोबल रिपोर्ट' में दावा किया गया है कि दुनिया की 95 प्रतिशत आबादी प्रदूषित हवा में सांस ले रही है। वायु प्रदूषण से साल 2016 में दुनियाभर में 61 लाख लोगों की मौतें हुईं।<sup>24</sup> इनमें से आधी से ज्यादा मौतें अकेले भारत में 25 प्रतिशत (11 लाख) और चीन में 26 प्रतिशत हुईं। वर्ष 2016 के लिए इंस्टीट्यूट फॉर हेल्थ मेट्रिक्स एंड इवेल्यूएशन द्वारा जारी आंकड़ों के अनुसार वैश्विक स्तर पर वायु प्रदूषण से होनेवाली मौतों के मामले में भारत पहले स्थान पर है। इस संबंध में शीर्ष 10 देशों में छह देश बड़ी आबादी वाले हैं।<sup>25</sup>

| क्र.सं. | देश        | वायु प्रदूषण से होनेवाली मौतें |
|---------|------------|--------------------------------|
| 1.      | भारत       | 16,14,620                      |
| 2.      | चीन        | 15,76,593                      |
| 3.      | इंडोनेशिया | 1,32,436                       |
| 4.      | अमेरिका    | 1,05,083                       |
| 5.      | मिस्र      | 68,520                         |
| 6.      | ब्राजील    | 59,467                         |
| 7.      | यूक्रेन    | 58,364                         |
| 8.      | जापान      | 47,703                         |
| 9.      | जर्मनी     | 39,536                         |
| 10.     | मेक्सिको   | 31,141                         |

### नीतियां, चुनौतियां एवं सुझाव

जहां तक पर्यावरण संरक्षा हेतु बनी नीतियों का प्रश्न है, हमारे संविधान निर्माता इसके प्रति प्रारंभ से ही चिंतित रहे हैं और इसके लिए संविधान में ही कई प्रावधान बनाए गए। भारतीय संविधान के 47वें अनुच्छेद में पर्यावरण के संबंध में प्रावधान है। 42वें संवैधानिक संशोधन द्वारा पर्यावरण संरक्षण के लिए अधिनियम पारित करके संविधान के भाग iv में राज्य के नीति निदेशक तत्वों एवं मूल कर्तव्यों (धारा 51 ए.) में पर्यावरण संरक्षण को महत्वपूर्ण स्थान दिया गया है। भारत के प्रत्येक नागरिक का यह कर्तव्य होगा कि वह प्राकृतिक पर्यावरण की रक्षा और उसका संवर्द्धन करे तथा प्राणी मात्र के प्रति दयाभाव रखे। इसके अतिरिक्त, भारत में पर्यावरण संरक्षण के लिए लगभग 200 अधिनियम एवं नियम बनाए गए हैं जिनमें वन जीवन संरक्षण अधिनियम 1972, जल (प्रदूषण निवारण एवं नियंत्रण) अधिनियम 1974 तथा 1977, वन संरक्षण अधिनियम 1980, स्टॉकहोम सम्मेलन के बाद वायु (प्रदूषण एवं नियंत्रण) अधिनियम 1981 ध्वनि प्रदूषण नियंत्रण कानून, पर्यावरण संरक्षण अधिनियम 1986, जैव-विविधता संरक्षण अधिनियम 2002, राष्ट्रीय जल नीति 2002, राष्ट्रीय पर्यावरण नीति 2006, राष्ट्रीय जल नीति 2012 तथा पर्यावरण संरक्षा घोषणा 2014 प्रमुख हैं। पर्यावरण संरक्षण संबंधी अधिनियमों की समीक्षा के लिए 29

अगस्त 2014 को पूर्व कैबिनेट सचिव टी.एस.आर. सुब्रमण्यम की अध्यक्षता में नरेंद्र मोदी सरकार द्वारा एक उच्च स्तरीय समिति गठित की गई। नेशनल एक्सन प्लान के तहत जलवायु परिवर्तन के कुप्रभावों पर ठोस प्रहार के उपाय किए गए हैं।<sup>26</sup> उल्लेखनीय है कि इस समिति ने पर्यावरण सुधार के लिए अनेक सिफारिशों की हैं।

उपर्युक्त प्रयासों और अधिनियमों के बावजूद भारत में पर्यावरण की स्थिति काफी गंभीर होती जा रही है जो इस तथ्य से सिद्ध होता है कि 2018 में पर्यावरण के मामले में वैश्विक स्तर पर भारत की रैंकिंग 180 देशों में 177वीं है, जबकि 2016 में यह रैंकिंग 141 थी।<sup>27</sup> इससे स्पष्ट है कि भारत का बढ़ता प्रदूषण कमजोर पर्यावरण नीति का परिणाम है। विश्व स्वास्थ्य संगठन की रिपोर्ट में वर्ष 2010 में वैश्विक स्तर पर सबसे अधिक जहरीली हवा में सांस ले रहे शहरों में सिर्फ दिल्ली और आगरा का नाम था, वहाँ 2018 में जारी 2016 की रिपोर्ट के अनुसार विश्व के सबसे ज्यादा वायु प्रदूषण से प्रभावित 15 शहरों में 14 भारत में हैं। ये शहर कानपुर, फरीदाबाद, वाराणसी, गया, पटना, दिल्ली, लखनऊ, आगरा, श्रीनगर, गुरुग्राम, जयपुर, पटियाला तथा जोधपुर हैं।<sup>28</sup> नाले, नदियाँ तथा झीलें औद्योगिक कचरों से भरी हुई हैं। दिल्ली में यमुना नदी एक नाला बन कर रह गई है। वन क्षेत्र में कटाव लगातार बढ़ता जा रहा है जिसका परिणाम बिहार सहित अन्य राज्यों में आई भीषण बाढ़ के रूप में देखने को मिल रहा है। भारत में जिस प्रकार से पर्यावरण अधिनियमों को लागू किया जा रहा है, उसे देखते हुए ऐसा प्रतीत होता है कि इन कानूनों के महत्व को अभी तक समझा ही नहीं गया है। देशांतरगत दिनोंदिन बढ़ रहे वायु और जल प्रदूषण ने पर्यावरण को बड़े पैमाने पर प्रभावित किया है। शिमला सहित आज (जून 2018) पूरे भारत में पानी संकट भायवह रूप लेता जा रहा है। भूमि प्रदूषण ने भूमि की उर्वरा शक्ति घटाने के साथ-साथ अनेक रोगों को उत्पन्न किया है। इसी तरह खनन, बाँधों एवं जलाशयों ने भी पर्यावरण को काफी प्रभावित किया है। बीते तीन दशकों में करीब 24 हजार औद्योगिक, रक्षा और जल-विद्युत परियोजनाओं के कारण 14 हजार वर्ग किलोमीटर वन क्षेत्र समाप्त हो चुके हैं। 15 हजार किलोमीटर वन क्षेत्र अतिक्रमण के चलते नष्ट हो गए हैं। देश के 21.34 फीसदी हिस्से में अर्थात् सात लाख वर्ग किलोमीटर से कुछ अधिक में वन बचे हैं। करीब 250 वर्ग किलोमीटर वन क्षेत्र को हर साल अन्य गतिविधियों के लिए दे दिया जाता है। विश्व स्वास्थ्य संगठन की रिपोर्ट से जाहिर है कि राजस्थान और काश्मीर घाटी के साथ गंगा के मैदानी इलाकों की हवा दुनिया में सबसे खराब है। दिल्ली, आगरा और कानपुर तो पहले से ही वायु प्रदूषण की जद में हैं, लेकिन भारत के अन्य 11 शहरों में वैश्विक स्तर पर बढ़ा प्रदूषण पर्यावरण संरक्षण के मामले में हमारी लापरवाही जाहिर करते हैं। इस स्थिति को यदि नदियों में प्रदूषण, प्राकृतिक आपदाओं के बढ़ते कहर, जल एवं वायु प्रदूषण, ऊर्जा की बढ़ती खपत जैसी समस्याओं के साथ जोड़कर देखें, तो यह समझना मुश्किल नहीं होगा कि पर्यावरण की रक्षा कितनी आवश्यक है।<sup>29</sup> जलवायु परिवर्तन तथा भारत की वास्तविक समस्या का आकलन सुप्रसिद्ध वैज्ञानिक तथा हरित क्रांति के जनक डॉ. एम.एस. स्वामीनाथन ने किया है। उनके विचार में भारत में किसी भी पर्यावरण संबंधी समस्या का निदान ग्रामवासियों के सक्रिय सहयोग के बिना संभव नहीं है। उनके विचार में गाँवों के लोगों को समुचित वैज्ञानिक जानकारी देकर ही

मानसूनी वर्षा की कमी से उत्पन्न समस्याओं से निपटा जा सकता है। उन्होंने सुझाव दिया है कि प्रत्येक पंचायत में दो युवकों तथा युवतियों को जलवायु प्रबंधक नियुक्त किया जाए जो गाँव के लोगों को जलवायु तथा कृषि संबंधी जानकारी देंगे। देश में बढ़ते पानी संकट के संबंध में भारत के उपराष्ट्रपति एम. वेंकैया नायडू ने विश्व जल दिवस पर देश को सचेत किया कि पानी संकट को लेकर अब उदासीन नहीं रहा जा सकता। उनके विचार में “हमें तत्काल सामूहिक प्रयास शुरू कर देना होगा। तालाबों, पोखरों व जल संचयन की अन्य संरचनाओं को पुनर्जीवित व सुरक्षित करना होगा। खेती में पानी के कुशल उपयोग को बढ़ावा देना होगा। शहरी और ग्रामीण दोनों क्षेत्रों की तमाम इमारतों में वर्षा जल संचयन की व्यवस्था अनिवार्य बनानी होगी। एक-एक बूंद पानी बचाने की हर व्यवस्था को बढ़ावा देना होगा।”<sup>30</sup>

देशांतर्गत दिनोंदिन बढ़ते प्रदूषण तथा कम होते जल देश के लिए एक बड़ी चुनौती है। प्रसिद्ध पर्यावरणविद अनिल प्रकाश जोशी ने इस संबंध में सर्वप्रथम जल पर एक राष्ट्रीय कानून बनाने की सिफारिश की है। उनके अनुसार ‘ऐसे कई देश हैं, जहाँ जल कानूनों ने जल दुरुपयोग पर बड़ा अंकुश लगाया है। इजरायल और आस्ट्रेलिया जैसे देश जल कानून बनाकर उन पर अमल करते हैं।’ अपने देश का 65-70 फीसदी जल खेती में लगा दिया जाता है। इस संबंध में उनके अनुसार इजरायल जैसे देशों से खेती में जल का बेहतर उपयोग सीखने की आवश्यकता है। भारत में हर वर्ष लगभग 4,000 अरब क्यूबिक पानी उपलब्ध होता है, जिसका मात्र 15 फीसदी ही हम संरक्षित कर पाते हैं। इस दिशा में एक बड़ी पहल की आवश्यकता है। उनके विचार में, “हमें रास्ते तैयार करने होंगे, वह चाहे हरेक नागरिक से जुड़ा उपाय हो या कॉरपोरेट घरानों से, हमें पानी को जोड़ने के लिए हर तरह की कोशिश करनी पड़ेगी।” ऐसा नहीं होने पर स्थिति काफी भयावह होगी जिसकी हम कल्पना नहीं कर सकते। अनिल प्रकाश जोशी का यह कहना सही है कि इस तरह के संकटों में समझदारी और दायित्व मात्र सरकार के जिम्मे नहीं छोड़ा जा सकता। हमारी सामूहिक जागरूकता भी इसके लिए आवश्यक है। जल के प्रति लापरवाही को यदि हम नहीं सुधार पाए तो आने वाले दिनों में हम प्यासे मरेंगे। संयुक्त राष्ट्र ने अपनी वार्षिक ‘विश्व जल विकास प्रतिवेदन’ में कहा है, “तथ्य यह है कि दुनिया की जरूरतें पूरी करने के लिए पर्याप्त पानी है, लेकिन पानी इस्तेमाल करने के तरीकों में अभूतपूर्व बदलाव किए बिना, उनका प्रबंधन और उन्हें साझा किए बिना वर्ष 2030 तक दुनिया के सामने वैश्विक जल संकट होगा।”<sup>31</sup> पर्यावरण कार्यकर्ता ज्ञानेन्द्र रावत ने अपने आलेख में बताया है कि संकट से गुजर रही पृथ्वी को बचाने की मुहिम शुरू करने का समय आ गया है।<sup>32</sup> उल्लेखनीय है कि जलवायु परिवर्तन से पृथ्वी को बचाने के लिए 30 नवंबर से 12 दिसंबर 2015 तक पेरिस शिखर सम्मेलन संपन्न हुआ। पेरिस समझौते के अनुसार 21वीं सदी के औसत तापमान में औद्योगिकीकरण के पूर्व में वैश्विक तापमान के स्तर की तुलना में 2 डिग्री सेल्सियस से अधिक की वृद्धि नहीं होने दी जाएगी। इसके साथ ही, सदस्यों द्वारा यह प्रयास किया जाएगा कि वैश्विक औसत तापमान में वृद्धि को 1.5 डिग्री सेल्सियस तक सीमित रखा जाए। पेरिस सम्मेलन में हुए समझौते के मार्ग की कठिनाइयों तथा अमेरिका के असहयोगात्मक रवैये के आलोक में भारत में बीबीसी के ब्यूरो प्रमुख मार्क टली ने यह उम्मीद जतायी है कि यदि पेरिस का सम्मेलन नाकाम रहेगा तो यह

नाकामी हमें लोगों में यह संदेश देने का अनूठा मौका देगी कि हमें प्रदूषक तत्वों के उत्सर्जन पर बहस करने से ज्यादा कुछ करने की जरूरत है। हमें 'जीवन की ऐसी योजना विकसित करने होगी, जो टिकाऊ साबित हो।'<sup>33</sup>

स्पष्ट है कि विश्वभर के साझे प्रयास और कोशिश से धरती को बचाया जा सकता है। इसकी जो शुरुआत अमेरिका के सेनेटर गेलॉर्ड नेल्सन ने वर्ष 1970 में की, उसका दीप जलते रहना चाहिए। 1970 से लेकर आज तक प्रत्येक वर्ष 22 अप्रैल को पृथ्वी दिवस मनाया जाता है जिसका उद्देश्य धरती को हरी-भरी, स्वच्छ एवं सुंदर बनाए रखने में योगदान करना है। अपने साथ पूरी मानवता को जागरूक करके ही हम धरती को बचाए रख सकते हैं। पृथ्वी को आज सबसे अधिक खतरा प्लास्टिक से है। ज्ञानेन्द्र रावत का मानना है कि प्लास्टिक कचरे ने समुद्री जीवों के लिए मुसीबत खड़ी कर दी है। इस मामले में हमारा देश बांग्लादेश, आस्ट्रेलिया और आयरलैंड से बहुत पीछे है। बांग्लादेश ने तो अपने यहाँ 2002 में ही प्लास्टिक पर प्रतिबंध लगा दिया था। आयरलैंड ने भी प्लास्टिक बैग के इस्तेमाल पर अपने यहाँ 90 फीसदी तक टैक्स लगा दिया। प्लास्टिक के चलते आज पूरा पर्यावरण गंभीर संकट में है और इससे मानव स्वास्थ्य पर दुष्प्रभाव पड़ रहा है। एक शोध के अनुसार 2050 में सागर में प्लास्टिक की तुलना में मछलियाँ कम होंगी। आर्कटिक में अभी 1200 टन प्लास्टिक हो सकता है जो विभिन्न धाराओं के जरिए इसमें जमा हुआ है।<sup>34</sup> ऐसी भयावह स्थिति में यदि पर्यावरण को बचाना है तो प्लास्टिक को तोबा करने के साथ ही बोटल बंद पानी से दूरी बनानी होगी।

वायु एवं जल की भाँति ध्वनि प्रदूषण भी आज पर्यावरण की ज्वलंत समस्या है। बताया गया है कि 75 डेसीबल के ऊपर शोर होने से देश के लोगों में बहरापन, तनाव, चिड़चिड़ापन, हृदय रोग में वृद्धि एवं सोचने की क्षमता में कमी आ रही है। ध्वनि प्रदूषण के चलते आज देश के प्रायः सारे शहर परेशान हैं। अनेक बार न्यायालयों ने भी इसके लिए सरकार से रिपोर्ट माँगी है। पटना हाइकोर्ट ने ध्वनि प्रदूषण की खतरनाक स्थिति पर राज्य सरकार और बिहार राज्य प्रदूषण नियंत्रण बोर्ड से नाराजगी जताते हुए 17 अप्रैल 2018 को राज्य सरकार से चार सप्ताह में रिपोर्ट देने को कहा।<sup>35</sup> उल्लेखनीय है कि हाइकोर्ट ने पिछले दो सालों में अनेक बार ध्वनि और वायु प्रदूषण पर चिंता जताकर सरकार से रिपोर्ट माँगकर ध्वनि प्रदूषण को रोकने के लिए निर्देश दिए हैं। इस संदर्भ में केंद्र और राज्य सरकारों को ध्वनि प्रदूषण नियंत्रण के लिए एक ऐसा प्रभावी तंत्र बनाना चाहिए जो पूरे वर्ष रात-दिन प्रदूषण नियंत्रण और पर्यावरण जागरूकता के बारे में काम करे। जलवायु परिवर्तन और प्रदूषण के बढ़ते खतरे को देखते हुए पर्यावरण संरक्षण आज अहम मुद्दा है, लेकिन बड़े दुर्भाग्य की बात है कि हमारी सरकारों एवं संबद्ध विभागों में लापरवाही का आलम है। इस संबंध में सर्वोच्च न्यायालय ने 10 अप्रैल 2018 को एक सुनवाई के दौरान अपनी नाराजगी व्यक्त की और कहा कि विधायिका अदालत को बेवकूफ बना रही है और पर्यावरण संरक्षण के लिए जमा राशि को अन्य मद्दों में खर्च किया जा रहा है।<sup>36</sup> इसी तरह 13 नवंबर 2017 को सर्वोच्च न्यायालय ने दिल्ली एनसीआर में प्रदूषण को लेकर केंद्र सरकार के साथ दिल्ली, उत्तर प्रदेश, पंजाब और हरियाणा सरकारों को नोटिस जारी करते हुए पराली जलाने और सड़कों की धूल से होनेवाले प्रदूषण पर अंकुश के निर्देश देने के लिए इन सभी

सरकारों से स्पष्टीकरण मांगा<sup>55</sup> उपर्युक्त तथ्य स्पष्ट करते हैं कि विषैली हवाओं और धुंध की चादर में लिपटी राष्ट्रीय राजधानी दिल्ली समेत पूरे उत्तर भारत में सामुदायिक स्वास्थ्य के लिए आपात जैसी स्थिति उत्पन्न हो गई है। पीएम- 2.5 सहित विभिन्न अतिसूक्ष्म कणों और जहरीली गैसों से निर्मित स्मॉग से लोगों को साँस लेने में तकलीफें हो रही हैं। वर्षों से लगातार बिगड़ती स्थिति तस्दीक करती है कि अब तक अलग-अलग स्तरों पर हुआ हर प्रयास नाकाफी रहा है।

ऐसे में तत्काल वायु गुणवत्ता सुधार और सर्दियों में आ खड़ी होनेवाली इस विकराल समस्या के स्थायी समाधान के लिए बड़े स्तरों पर प्रयास की आवश्यकता है। इसके लिए आवश्यक है कि - 1. सार्वजनिक परिवहन में व्यापक बढ़ोतरी हो। 2. प्रदूषित करने वाले इंधन पर पाबंदी हो। 'इसके लिए दिल्ली प्रशासन को एक अधिसूचना जारी कर यह स्पष्ट करना चाहिए कि कौन से इंधन प्रदूषित करने वाले हैं। अन्य राज्यों को भी ऐसे कदम उठाने चाहिए।' 3. फसल अवशिष्ट को जलाने पर रोक होनी चाहिए। दिल्ली-एनसीआर में इनके द्वारा प्रदूषण फैलाने पर ज्यादा निगरानी, जुर्माने, सिलसिलेवार समाधान तथा विनियमों को सख्ती से लागू करने की आवश्यकता है। येल और कोलंबिया यूनिवर्सिटी द्वारा विश्व आर्थिक मंच के साथ मिलकर तैयार की गई द्विवार्षिक रिपोर्ट के अनुसार, 'ठोस ईंधन, कोयला और वाहनों से निकले धुएँ ने लाखों भारतीयों के लिए हवा की गुणवत्ता बहुत गिरा दी है।' समय-समय पर न्यायपालिका द्वारा इस संबंध में दिए गए निर्देशों का भी अनुपालन भलीभाँति नहीं हो रहा है।<sup>37</sup> ऐसी भयावह स्थिति को देखते हुए ही उपराष्ट्रपति एम. वेंकैया नायडू ने कहा है, "अब सरकार के लिए जरूरी है कि वह पर्यावरण कानूनों का उल्लंघन करने पर सख्त कार्रवाई करे।"<sup>38</sup>

## निष्कर्ष

अतः स्पष्ट है कि जलवायु परिवर्तन और वैश्विक तापमान का मुद्दा अंतर्राष्ट्रीय समुदाय के सार्थक एवं नैतिक पहल से ही सुलझाया जा सकता है। भूमण्डल का बढ़ता तापमान, दिनोंदिन सघन होता प्रदूषण तथा प्रकृति का क्षरण पर्यावरणीय असंतुलन बढ़ने के प्रमाण हैं। पर्यावरणीय असंतुलन के फलस्वरूप जलवायु में तेजी से परिवर्तन आ रहा है। इसका कुप्रभाव न केवल कृषि पर अपितु जल संपदा, भूमिगत जलस्तर में गिरावट तथा प्रकृतिक आपदाओं की बारम्बारता में वृद्धि के रूप में स्पष्ट दिख रहा है। इन सभी कुप्रभावों के लिए मानव की पर्यावरण-विरोधी गतिविधियाँ जिम्मेवार हैं। यह सत्य है कि प्राकृतिक कारणों से हुए पर्यावरण हास की भरपाई प्रकृति स्वयं कर लेती है परन्तु मानवीय गतिविधियों के कारण हुए असीमित हास की भरपाई प्रकृति नहीं कर पाती। इन मानवीय गतिविधियों को पर्यावरण संरक्षा की दृष्टि से नियमित करना राज्य की जिम्मेवारी है। वैश्विक स्तर पर पहल करते हुए प्लास्टिक पर रोक लगाकर भारत प्लास्टिक निरोधक राष्ट्र के रूप में अपनी छवि निखार सकता है। उपरोक्त विवेचन से ज्ञात होता है कि पर्यावरण संरक्षा हेतु बनी नीतियों की अपर्याप्तता, बनी नीतियों का अप्रभावकारी कार्यान्वयन तथा लोगों की पर्यावरण विरोधी प्रवृत्तियों के कारण हमारा पर्यावरण दिनोंदिन खराब होता जा रहा है। आज लोगों के बीच मात्र जागरूकता की ही आवश्यकता नहीं बल्कि नागरिक समाज को अपने स्तर पर सचेत, सचेष्ट तथा अगली पीढ़ी के लिए संवेदनशील करने की आवश्यकता है।

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## भारतीय समाजवादी चिन्तकों की प्रासंगिकता

ममता कुमारी\*

### सारांश

प्रस्तुत आलेख में डॉ. राम मनोहर लोहिया, जयप्रकाश नारायण, आचार्य नरेन्द्र देव तथा पं. जवाहर लाल नेहरू के समाजवादी या लोकतांत्रिक समाजवादी विचारों की वर्तमान परिस्थितियों में प्रासंगिकता का परीक्षण करता है। ऐसा प्रतीत होता है कि भूमण्डलीकरण और 2008 के आर्थिक मंदी ने आर्थिक वृद्धि और पूंजीवादी व्यवस्था पर लोगों का विश्वास दृढ़ कर दिया है। ऐसे में प्रस्तुत आलेख भारतीय समाजवादी राजनीतिक विचारों का भारत की वर्तमान परिस्थितियों के आलोक में एक संक्षिप्त विवेचन करता है। प्रथम दृष्ट्या ऐसा प्रतीत होता है कि आधुनिक काल के भारतीय समाजवादी चिंतकों के विचारों की प्रासंगिकता बाजार व्यवस्था के प्रभाव के कारण भले ही कम तो हुई है परन्तु भारत में इन विचारों के अनुसार शासन की आवश्यकता आज भी है।

**की-वर्ड्स** : समाजवादी चिंतक, लोहिया, नेहरू, नरेन्द्र देव, जे.पी।

### भूमिका

इक्कीसवीं सदी में दक्षिणपंथी राजनीति एक वैश्विक परिघटना के रूप में उभरी है। विगत कुछ वर्षों में फ्रांस, अमेरिका, ब्रिटेन आदि देशों में दक्षिणपंथी विचारधारा वाले राजनीतिक दलों को चुनावों में सफलता मिली है। इसके अतिरिक्त एशियाई देशों में भी समाजवादी प्रवृत्ति का हास होता दिख रहा है। ऐसा प्रतीत होता है कि यह स्थिति भूमण्डलीकरण और 2008 के आर्थिक मंदी से निपटने की कवायद के कारण आई है। भारत भी इस परिघटना से अछूता नहीं रहा जो 2014 के लोक सभा चुनावी नतीजों से स्पष्ट हो गया है। ऐसे में प्रश्न उठता है कि क्या समाजवाद या लोकतांत्रिक समाजवाद भारत के लिए अप्रासंगिक हो गया है? इसी प्रश्न के आलोक में भारतीय समाजवादी चिंतकों की वर्तमान समय में प्रासंगिकता का परीक्षण समीचीन प्रतीत होता है।

\* रिसर्च स्कॉलर, राजनीति विज्ञान विभाग, बीर कुंवर सिंह विश्वविद्यालय, आरा, बिहार

## समाजवाद एवं भारतीय समाजवादी

समाजवाद मानवीय समानता का विचार है। इसका सीधा संबंध जीवन दर्शन से है। समाजवाद शोषण-मुक्त समाज की ऐसी संकल्पना है जिसमें दासता, अमानवीयता, असहिष्णुता, चरित्रहीनता, भेदभावात्मकता आदि आमांगलिक दोषों से मानव जीवन को बचाया जा सकता है। यह विश्व की स्वतंत्रता के लिए एक सशक्त विचार है। इस विचारधारा के अंतर्गत समाज की स्थापना के लिए राज्य या समाज को अधिक महत्व देने की योजना है।<sup>1</sup>

भारत के संदर्भ में समाजवाद का अर्थ सभी लोगों के बीच समान आर्थिक तथा सामाजिक विकास रहा है। भारतीय समाजवाद पाश्चात्य समाजवाद या साम्यवाद से सर्वथा भिन्न है। यह तथ्य जयप्रकाश नारायण के निम्न कथन से सिद्ध हो जाता है, “गाँधीजी द्वारा दरिद्रता की प्रशंसा किए जाने से वामपंथी विचारधारा के लोग और भी उत्तेजित हो उठे।”<sup>2</sup> मई 1931 में बिहार में इस सशक्त विचारधारा को कार्य रूप में परिणत किया गया था। 1933 आते-आते बम्बई प्रेसीडेंसी कांग्रेस पार्टी की स्थापना हुई। समाजवादियों की मान्यता थी कि राजनीतिक स्वतंत्रता के साथ समाज की आर्थिक नींव का पुनर्निर्माण करना भी आवश्यक है तथा ऐसी व्यवस्था कायम की जानी चाहिए जिसमें मानव द्वारा मानव का शोषण समाप्त हो जाए और उन्नति के लिए भौतिक संसाधनों का उपयोग सब लोग समान रूप से कर सकें।<sup>3</sup>

भारतीय समाजवाद के विकास के लिए डॉ. लोहिया और जयप्रकाश नारायण का पूरा-पूरा सहयोग था। इन दोनों नेताओं ने मजदूरों और किसानों को स्वतंत्रता तथा समाजवाद की उपलब्धि के लिए जमींदारी प्रथा का उन्मूलन, किसानों से भूमि का पूर्णवितरण, धर्म, जाति, लिंग के आधार पर भेदभाव न किया जाना चाहिए। राम मनोहर लोहिया ने इकोनॉमिक मैन के अलावा नैतिकता पर जोर दिया था।<sup>4</sup> यहां हम भारतीय समाजवादी विचारकों में डॉ. राम मनोहर लोहिया, आचार्य नरेन्द्र देव, जवाहरलाल नेहरू तथा जयप्रकाश नारायण के विचारों का अनुशीलन करेंगे।

### डॉ. राम मनोहर लोहिया

लोहिया समाजिक, आर्थिक, चिन्तन तथा व्यवहार को समाजोन्मुखी बनाने के पक्षधर थे और उनके समाजीकरण के सिद्धान्त में विकेन्द्रीकरण का काफी महत्व था। लोहिया का समाजवाद कभी मानव की अवहेलना में विश्वास नहीं करता था। वे सदा मानववाद को ही समाजवाद की कसौटी मानते रहे। लोहिया ने समाजवाद का गहन अध्ययन किया था। वे आर्थिक, सांस्कृतिक, भाषिक आदि सभी क्रान्तिकारी परिवर्तनों की अपरिहार्यता की अनुभूति करते थे और स्वस्थ और वर्गहीन समाज की स्थापना पर जोर देते थे। वे अंदर से आने वाले परिवर्तन पर विशेष बल देते थे।

लोहिया ने समाजवाद का प्रतिपादन व्यापक विश्व के संदर्भ में किया है। राष्ट्र और विश्व के स्तर पर लोहिया ने अनेक क्रान्तियों की कल्पना की है। उनके अनुसार समाजवाद और जनतंत्र दोनों के लिए आर्थिक और राजनीतिक विकेन्द्रीकरण आवश्यक है। इनके बिना समस्याओं का वास्तविक समाधान संभव नहीं है। लोहिया का अटूट विश्वास वर्गहीन, जातिहीन, धर्मविहीन,

भेदभाव रहित और गुटविहीन लोकतांत्रिक व्यवस्था में था। वे मानव को सर्वोपरि महत्व देते थे। लोहिया का समाजवाद के साथ लोकतंत्र में पूर्ण आस्था थी। लोकतंत्र को मजबूत करने के उद्देश्य से उन्होंने संसदीय शासन प्रणाली के विकल्प के रूप में चौखम्भा राज्य की योजना प्रस्तुत की। वे शक्तियों के विकेन्द्रीकरण के पक्षधर थे। जिससे जनता की स्वभाविक रूप से सत्ता में भागीदारी हो सके।<sup>5</sup>

### आचार्य नरेन्द्र देव

भारत में समाजवादी विचारधारा के प्रमुख प्रवर्तकों में आचार्य नरेन्द्र देव हैं। समाजवादी आन्दोलन एवं समाजवादी विचारधारा की व्याख्या प्रस्तुत की, समाजवादी आन्दोलन एवं समाजवादी दल को संगठित करने में योगदान किया। समाजवाद जैसे वामपंथी तथा प्रगतिशील विचारधारा से जुड़ने के बावजूद उन्होंने अपने को प्राचीन आदर्शों एवं मान्यताओं से अलग नहीं रखा। वे अच्छी परम्पराओं के साथ आधुनिकता की स्थापना के पक्षधर थे।<sup>6</sup>

शोषितों के वर्ग संघर्ष का समर्थन करते हुए नरेन्द्र देव मजदूरों का आर्थिक, सामाजिक, राजनीतिक तथा नैतिक प्रशिक्षण आवश्यक समझते थे। नरेन्द्र देव ने भी समाजवादी की व्याख्या के क्रम में भारतीय स्थिति का ध्यान रखा।<sup>7</sup>

### जवाहरलाल नेहरू

जवाहरलाल नेहरू के लिए समाजवाद केवल आर्थिक प्रणाली नहीं थी वह एक जीवन दर्शन था। उनके अनुसार समाजवाद न केवल भारत से कंगाली, बेरोजगारी, निरक्षरता, बीमारी और गंदगी मिटाने के लिए ही जरूरी था वरना मानव व्यक्तित्व को विकसित करने के लिए भी जरूरी था। स्वाधीनता के पश्चात् नेहरू ने अपनी पूरी शक्ति से लोकतांत्रिक समाजवाद के आधार पर भारत के निर्माण का कार्य आरम्भ किया। अपने समाजवादी विचारों को क्रियान्वित करने के लिए उन्होंने नियोजन का सहारा लिया। उनके अनुसार नियोजन का उद्देश्य समाजवादी समाज की स्थापना करना था। नेहरू मार्क्स के सामाजिक तथा आर्थिक दर्शन को वैज्ञानिक मानते थे परन्तु नेहरू मार्क्सवाद से पूर्ण सहमत नहीं थे। मार्क्सवाद को इंग्लैण्ड की औद्योगिक क्रांति का प्रतिफल मानते थे। नेहरू का मत है मार्क्सवादी दर्शन में उन्होंने लोकतांत्रिक उपायों का प्रतिपादन किया है।<sup>8</sup>

### जयप्रकाश नारायण

भारत के समाजवादी विचारकों में जयप्रकाश नारायण का नाम प्रमुखता के साथ लिया जाता है। उनकी विचार यात्रा मार्क्सवाद से लेकर सर्वोदय तक की रही है। भारतीय स्वतंत्रता संग्राम में गाँधीजी के अनुयायी समाजवादी पार्टी के गठन एवं संचालन तथा समाजवादी पार्टी छोड़कर सर्वोदय के जीवनदायी बनने पुनः भारत में लोकतंत्र की पुनर्स्थापना हेतु 1974-77 के आन्दोलन का नेतृत्व को एक लम्बे दास्तान के रूप में देखा जा सकता है। जयप्रकाश नारायण की विचारधारा में गति है और एक निश्चित दिशा भी। 1936 में प्रकाशित उनकी पुस्तक *हाई*

सोशलिज्म में जयप्रकाश नारायण ने अपने आरंभिक जीवन में मार्क्सवादी का गहन अध्ययन किया और आर्थिक समानता और शोषणमुक्त समाज की कल्पना सदा से करते आए। जयप्रकाश के विचार का सार नेहरू को उनके लिखे पत्र से स्पष्ट है “हम सभी एक ऐसे नए समाज का निर्माण करना चाहते हैं जिसमें शोषण न हो, जिसमें आर्थिक और सामाजिक समानता हो, जिसमें सबके लिए स्वतंत्रता और सबका कल्याण हो।”<sup>9</sup>

### निष्कर्ष

उपर्युक्त विवेचनाओं के आधार पर यह कहा जा सकता है कि यद्यपि सभी के विचारों में समानता है फिर भी भारतीय समाजवादी विचारकों ने अपने-अपने ढंग से भारतीय समाज को विकसित करने संबंधी विचार दिए। एक ओर जहाँ महात्मा गाँधी ने समाजवाद को अहिंसक पद्धति के रूप में अपनाया है वहीं जयप्रकाश नारायण ने नैतिक मूल्य के रूप में, राम मनोहर लोहिया ने संसाधनों के समान वितरण के रूप में तथा जवाहरलाल नेहरू ने नियोजित विकास द्वारा समानता के रूप में समाजवाद की व्याख्या की है। इस प्रकार हम देखते हैं कि भारतीय समाजवादी चिंतकों के विचार वर्तमान समय की समस्याओं के निवारण में सहायक हैं। भारत अभी पूरी तरह विश्व बाजार से स्पृद्धा करने में अक्षम है क्योंकि यहां घोर असमानता अभी भी विद्यमान है। असमानता के अलावे आज भारतीय समाज में असहिष्णुता, विद्वेष तथा हिंसक प्रवृत्ति घर कर गई है। ऐसे में भारतीय समाजवादी चिंतकों के विचारों का हमें अनुसरण करना चाहिए।

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